Staff

Editors-In-Chief
Mandee Grote
Katelyn Steinke

Editorial Board
Brian Acton
Daniel Barroga
Joshua Borland
Theodore Burkhardt
Kayla Garry
Gary Gasse
Caroline Harakal
Jonathan Hiner
Julia Mulqueen
Sara Reams
Siobhan Riley
Andrew Vink

Faculty Advisors
Dr. David Cloutier
Dr. Thane Naberhaus
Dr. John Schwenkler
# Table of Contents

Editors’ Note ........................................................................................................... 5

Contributors ............................................................................................................. 6

Lokhay Warkawal
Brenna McDonnell ................................................................................................. 7

*In caritas, in amor: Orthodox–Catholic Dialogue and Marriage as a Sacrament of Love and Communion*
Siobhan Riley ........................................................................................................ 21

The Contemplative Philosophy and Theology of St. Bernard of Clairvaux
Kayla Garry ............................................................................................................ 28

Gift and Accounting: Exploring *Caritas in Veritate* and Accounting
Brian Acton ............................................................................................................. 49

Mar(i)e Theology in Medieval England
Christina Condyles, Samantha Maticka, Siobhan Riley ..................................... 57

The Determination of Death
Chijioke G. Ogbuka ............................................................................................... 67

Modernity and the Catholic University
Kayla Garry ............................................................................................................ 94

Living in Brotherhood: Matthew 5:21–26
Siobhan Riley ....................................................................................................... 102
Why “Tolle Lege”? 

The title of this journal is a reference to an extraordinary moment of conversion in the life of St. Augustine, the great philosopher and theologian of the early medieval period. The story begins with St. Augustine sitting beneath a fig tree, weeping in distress over his inability to leave behind his life of sin and follow God faithfully. Amidst his tears he hears the distant voice of a child chanting the words “Tolle, lege!” or “Take up and read!” Aroused from his pitiable state and taking this as a sign from God, he goes to his house, picks up the first book he finds, and reads the first chapter. The book contained the letters of St. Paul, and the verse that Augustine read spoke to his heart with such force that he was convinced beyond any doubt of the truth of God; he was converted on the spot.

This journal of philosophy and theology is meant to embody a spirit of truth-seeking—on the part of both the contributors and you, the reader. Like St. Augustine, we are all faced with the choice between complacency and continual conversion toward truth. We hope that this journal will serve as an aid in the discovery of truth, and thus we exhort you in all earnestness to “Take up and read!”
Editors’ Note

Our journal is now in its fourth year of publication, and students at the Mount continue to impress us with their profound and creative ideas on matters of all types. Our attempt, as always, is to do our students justice by showcasing the best recent work in philosophy and theology done at the Mount. It is a large undertaking, and enormous time and effort on the part of the contributors, editors, and faculty advisors have gone into the creation of the volume you now hold in your hands.

*Tolle Lege* accepts submissions from the entire Mount St. Mary’s student body, including undergraduate, graduate and seminary students. Since we are an undergraduate journal, however, our editorial board consists entirely of undergraduates, who carry out the various editorial tasks with the help of our faculty advisors. The editors evaluated the essays submitted through a blind review process, considering each essay’s writing quality, scholarship and originality.

We received an unprecedented *eighty* submissions this year—another record. The diversity of topics—from death to scripture to accounting—was striking. This year, Brenna McDonnell’s essay “Lokhay Warkawal” was selected for our prize for best submission. The essay examines the code of ethics held by the Pashtu people and was chosen, in part, for its creative engagement in cross-cultural reflection on a topic of immense public relevance in today’s world.

We would like to thank all those who submitted essays for consideration, congratulate those whose essays were selected, and encourage all Mount students to continue producing outstanding work in philosophy and theology—and submitting their work to us! We give special thanks to our faculty advisors, Drs. David Cloutier, Thane Naberhaus and John Schwenkler, for their continual support and guidance. We also thank Ms. Fawn O’Hara of the Mount’s Communication Office, who did her usual excellent job in shepherding the project into print. Finally, we are grateful to the university provost Dr. David Rehm, the dean of the College of Liberal Arts Dr. Joshua Hochschild, and the chairs of the Theology and Philosophy Departments Fr. Jim Donohue and Dr. Richard Buck for their financial support, without which this journal would not exist.

Mandee Grote and Katelyn Steinke  
Co-Editors-in-Chief
Contributors

**Brian Acton** is a 2010 graduate of the Mount, where he studied theology and accounting. He is currently working with a public accounting firm as an auditor of not-for-profit companies while preparing for the CPA exam.

**Christina Condyles** is 2010 Mount graduate with a Bachelor of Arts degree in theology and music. She is currently serving a year with the Jesuit Volunteer Corps Northwest in Spokane, Washington, where she works with the L’Arche community. Christy plans to attend the Master of Liturgical Studies program at St. John’s University’s School of Theology after finishing her placement with JVC Northwest.

**Kayla Garry** graduated magna cum laude from Mount St. Mary’s in 2010 with a degree in philosophy and a minor in theology. She is currently working as the director of faith formation at a Catholic parish in Portland, Oregon, and she plans to enter the order of the Servants of the Lord and the Virgin of Matara in the near future.

**Samantha Maticka** is a junior theology major with a concentration in youth ministry. After graduation she plans to work for the John Paul II Adventure Institute in Colorado, teaching the Catholic faith through outdoor-adventure programs for high-school students.

**Brenna McDonnell** is a senior at the Mount, where she is enrolled in the bio-nursing program. As part of this program she is currently studying to complete her nursing degree at the Johns Hopkins University School of Nursing. She lives in Baltimore, but her heart still lives at the Mount with the family she made there.

**Chijioke Ogbuka**, a Mount alum from the class of 2010, has a background in moral theology and biomedical ethics. He recently served as a bioethics consultant to Prometric Testing Corporation. Chiji enjoys ethical consultation in clinical-practice settings as well as promoting ethical integrity and regulatory compliance in biomedical research.

**Siobhan Riley** is currently a first-year master’s student in theology at Villanova University. She graduated from Mount St. Mary’s in 2010 with a degree in history and theology.
*** PRIZE ESSAY ***

Lokhay Warkawal

Brenna McDonnell

How far would you go to protect a loved one? Would you kill for them? Would you die for them? How about for a neighbor—would the answers be the same? What then, would you do for strangers? How far would you go to protect them? In Afghanistan and Pakistan, there lives a group of people called the Pashtun who live by a code of conduct called Pashtunwali—an ethical mandate that dictates a type of absolute hospitality that is unique to their culture. Only when we can understand the conditions under which the Pashtuns live, where they came from and how this fits in with the strict morality that the Pashtunwali demands, will we begin to see how exceptional their views on hospitality are and what that could mean for a community.

I. A Look at the Pashtunwali

In June of 2005, a Navy SEAL named Marcus Luttrell experienced this hospitality firsthand. During a covert operation, Luttrell and a team of four other SEALs were ambushed in the Hindu Kush Mountains by a contingent of Taliban soldiers. The resulting firefight killed Luttrell’s four companions and left him grievously wounded. When Luttrell was found by an elder in a nearby Pashtun community, a decision was made that would not only save Luttrell’s life, but would put the lives of those in the community at risk. The elder decided to implement an aspect of Pashtunwali—the lokhay warkawal, literally “the sharing of the pot”—that guaranteed Luttrell safety and asylum against the pursuing Taliban for as long as he remained in their community.1 After his experience in Afghanistan, Luttrell wrote a detailed account of his time there. In a stirring passage, he spoke of the implications that the elder’s decision would have had for the rest of the community: “Lokhay [Warkawal] means not only providing care and shelter; it

means an unbreakable commitment to defend that wounded man to the death. And not just the death of the principal tribesmen or family . . . it means the whole damned village.”

What is this practice of *Pashtunwali* and where does it originate? One scholar said that this ethical code “is so essential to the identity of the Pashtun that there is no distinction between practicing *Pashtunwali* and being Pashtun.” This union of culture and ethics saved the life of Marcus Luttrell, but what does an obligation to the *Pashtunwali* mean for the Afghan people? To the Pashtun, following the *Pashtunwali* is as natural as following the *Shari’ah*, the Islamic law. In the mind of the Afghan, however, the two sets of guidelines function for different purposes. “The *Shari’ah* represents God’s will for humanity on earth and is practiced . . . whereas *Pashtunwali* is seen as a matter of honor, which to a Pashtun is defined by a person’s integrity in upholding and practicing the concepts that make up *Pashtunwali*.”

The *Pashtunwali* originated in a time when communities had to depend on one another rather than upon law or government for protection and sustenance—“when to refuse someone hospitality was equivalent to murder,” and when survival was a matter of trusting one’s neighbor. The *Pashtunwali* is described by Palwasha Kakar as “the way of the Pashtuns” and she explains it as such:

> By adhering to *Pashtunwali* a Pashtun possesses honor (*izzat*); without honor he or she is no longer considered a Pashtun, and is not given the rights, protection, and support of the Pashtun community. *Pashtunwali’s* honor-based society is governed by the concepts of chivalry (or bravery, courage) (*ghayrat* or *nang*), hospitality (*melmastia*), gender boundaries (*pardab* or *namus*) and council (*jirga*).

For a Pashtun it is not only a matter of honor, but a matter of survival for one to adhere to the *Pashtunwali*. In this paper, I will be looking closely at the aspects of *Pashtunwali* concerned with hospitality (*melmastia*) and the ambiguous ethical problems that it

---

2 Ibid., 327.
5 Kakar, *Tribal Law of Pashtunwali and Women’s Legislative Authority*, 2.
6 Ibid., 3.
8 Kakar, *Tribal Law of Pashtunwali and Women’s Legislative Authority*, 3.
presents, especially as that hospitality is concerned with the practice of *Lokhay Warkawal* and its subsequent effects on a community. I will examine risk in terms of virtuous magnanimity, determining which actions are morally obligatory, and if they are worth the possible risk to family and community. These factors will determine my argument regarding the morality of the *Pashtunwali*.

II. The History of the Pashtun and Examination of the *Pashtunwali: Lokhay Warkawal*

Before a moral practice such as this can truly be considered, one must be familiar with the culture in which it is practiced. The ethical code of *Pashtunwali* is so engrained into the identity of the Pashtun community that to neglect their history would be to ignore the origin of the practice. Anthropological information is essential for understanding the Pashtun, the *Pashtunwali*, and, subsequently, the *Lokhay Warkawal*.

The Pashtun are an ancient people who are now located primarily in Afghanistan and parts of Pakistan. Historically, there has been a lot of discussion concerning the geographical origin of the Pashtun. Scholars now tend to agree that they probably moved into the Afghanistan-Pakistan border area approximately 1000 years ago. This remains a point of contention, however, because the Pashtun community is so ancient that the beginning of their oral tradition has been largely forgotten. We do know, however, that Afghanistan was established by the Pashtuns in 1747 and that Pashtuns have consistently represented the ethnic majority in the country. Today, the CIA Factbook states that Pashtuns make up 42% of the Afghan population and 16% of the population of Pakistan. Unfortunately as there is no census in either country (because of the strict privacy rules placed upon the women), these numbers are rough estimates.

When looking at the Pashtun as a people, it is necessary to look not only at where they live, but the conditions in which they

---

live, or, in other words, the topography and overall livability that these locations present. The land that Afghanistan and Pakistan share has been described as a “forbidding landscape of towering mountain ranges, narrow valleys, desert plains, and rocky, barren wasteland.” Needless to say, it presents a challenge in terms of forming a stable community. In light of this, it is easy to see why many of the early Pashtuns had their roots in a nomadic state of society—they were forced to travel in order to maintain their livelihood. When this is considered, one can see why many important characteristics of the Pashtun people were cultivated, including the Pashtunwali.

The life of an ancient nomad was hard. There was no form of centralized government, and the land they inhabited was close to inhospitable. Therefore, a member of a community was almost entirely dependent on his immediate relations, friends, or even strangers for protection and help. It was in this context that the Pashtunwali was formed, and I believe that it is its practicality in these circumstances that has allowed it to endure. It was created as a moral code—a code for people who needed to know that they could rely on those around them not only for help, but for survival. This focus becomes an important consideration when looking at the possible implications of the implementation of the Lokhay Warkawal on a family or community.

The Pashtuns as a people are numerous, but they are broken up in a hierarchal manner based almost entirely on patrilineal heritage. In Afghanistan, the Pashtuns are divided into “30 tribes, each of which is subdivided into clans” and in turn, villages. Each village is then “divided into families and blocks of related families, and is headed by the patriarch of the most influential family, whose authority is shared with the other village elders.” Understanding the nature of this type of societal hierarchical structure is necessary if one seeks to comprehend the implications that the Pashtunwali and Lokhay Warkawal can have on a community. One thing that must be realized is that if the leader of the community makes a decision, it is the honor-based responsibility of the community to support it and deal with the repercussions. I would also argue that this structure is

13 Johnson, “No Sign until the Burst of Fire,” 43.
14 Pike, “Pashtunwali.”
necessary for the successful practice of the *Pashtunwali*, especially in regard to the *Lokhay Warkawal*.

As previously noted, I believe that to really understand what the *Pashtunwali* means for a people, we have to understand the Pashtun as a people. Now that it is understood broadly where they come from and how their society is organized, it is possible to look at a Pashtun as an individual with an identity. There are three major characteristics that distinguish a Pashtun from other Afghans or Pakistanis: first is that they speak Pashto; second is that they are Muslim; and third, and most importantly, is that they live according to the *Pashtunwali*. The speaking of Pashto, although a distinguishing characteristic, is the least important, even to the Pashtuns: “The Pashtuns do not seem to have emphasized their language, Pashto, as much as the ideal of *Pashtunwali* as an ethnic identity-marker.”

How then does their Muslim identity play a part in this morality? Islam “is not a matter separable from daily life” for its followers, and yet they hold the *Pashtunwali* in higher regard. The Islamic religion is based upon their declaration of faith which states that “there is no God but Allah and Muhammad is his prophet,” their adherence to the word of God revealed to them through the Koran and the following of a “cumulative set of guiding rules for Muslims” known as the Shari’a. So, even though all Pashtuns are Muslims, we find that when the Shari’a and the *Pashtunwali* clash, the *Pashtunwali* “takes precedence in these instances, although they do not consider themselves any less Muslim for it” (as you can see). By adhering to the *Pashtunwali*, the Pashtun identify with both their Islamic and Pashtun tradition, living seemingly without contradiction. It is simply how they have learned to adapt and their practice of hospitality fits comfortably in with both traditions. Another concept that we must also raise, however, is that although hospitality is the focus, it is the importance of honor to a Pashtun that makes the act of hospitality both possible and necessary.

---

19 Ibid., 44.
To the Pashtuns, the *Pashtunwali* “is seen as a matter of honor, which to a Pashtun is defined by a person’s integrity in upholding and practicing the concepts that make up *Pashtunwali*.“22 Without the honor that is gained from adhering to the *Pashtunwali*, the Pashtun would no longer be considered a part of the community and would be stripped of all of the benefits (such as protection, rights and support) that inclusion in the community promises.23 Honor is inarguably the most important condition of the *Pashtunwali* because it is honor that makes a Pashtun qualified to be a Pashtun. In his book, Roy Anderson even stated that “hospitality...was the measure of a group’s willingness and ability to protect its interests...and was thus a reflection on its honor.”24 So, only if a Pashtun has honor will he have the necessary moral character to practice the type of hospitality that the *Pashtunwali* demands.

The practice of hospitality is fundamental to the Pashtun’s way of life in accord with the *Pashtunwali*. Their idea of hospitality goes far beyond any Western concept of the virtue associated with this idea. The word for hospitality in Pashto is *Melmastia* and although it is translated into the English word hospitality, it means so much more in the Pashtun tradition. To a typical American, being hospitable or acting in a hospitable way, would entail being a good host or hostess, being polite, or even just welcoming someone graciously into one’s home. The focus of this Western hospitality is on welcoming a guest. In other words, the guest is the variable in this situation and the host (or agent of hospitality) determines his actions based upon this. With Pashtun hospitality, however, the focus is turned away from the guest onto the agent of the action. Pashtun hospitality depends on the honor of the agent rather than the status of the guest. The *Pashtunwali* dictates that a Pashtun host “must provide shelter, food and water for his guests, no matter how long they stay”25 and also includes “gift giving and defending the guest,” never once mentioning the character state of the guest.26 Rather, these are actions to be done by a Pashtun not for a guest, and it is here that I believe the greatest differences lie.

---

22 Ibid., 3.
23 Ibid.
One especially unique difference between the Western and Pashtun ideals of hospitality is that a Pashtun is not only required to provide asylum to a guest, but he is also obligated to defend the guest. This, I believe, is the most foreign aspect of the *Pashtunwali* for Westerners. Even this hospitality becomes exceptional when this hospitality is extended to someone who has the potential to put an entire community at risk. This was so in the case of Navy SEAL Marcus Luttrell. When he recognized the implications of his acceptance into the community, he realized that the elder who invited him in “was doing it not for personal gain, but out of a sense of honor that reached back down the generations, two thousand years of *Pashtunwali* tradition: You will defend your guest to the death.”

What the elder did when he provided sanctuary for Luttrell was to invoke the practice of *Lokhay Warkawal*, “the sharing of the pot,” which not only saved Marcus Luttrell but simultaneously placed the entire community at risk. When the elder of a Pashtun community makes the decision to invoke *Lokhay*, because of the structure of the Pashtun society, all those under his authority are then devoted to the protection of their guest. In some circumstances, this is done at great risk. When one considers the importance that the Pashtun place on family and kin, it is strange to see a leader placing the needs of a guest *above* those of his family. This is where the importance of honor can truly be seen: the elder will endanger everything that is most important in order to maintain his honor and to preserve his status as a Pashtun. In some circumstances, this hospitality can even dictate that a Pashtun protect a guest whom, like Luttrell, could be considered a liability.

So in terms of morality, where does the *Lokhay Warkawal* fall? Should we consider it a moral act to protect a guest such as Luttrell, or should we condemn the practice as a risk too great for moral praise? I would like to argue that the Pashtun practice of *Lokhay Warkawal*, upholds Pashtun honor in a morally commendable way that is consistent with their moral code, serving to exemplify the virtues of magnanimity and bravery outlined by Aristotle in his *Nicomachean Ethics*.

**III. A Defense of the *Lokhay Warkawal***

As a product of the Western tradition, I found this practice very challenging to categorize on a moral spectrum. It was a foreign

---

practice, but even more so than that, it was based upon a two-thousand year old tradition that I did not understand. What was interesting, however, was that although I did not understand the practice at first, and although I know I could never make this practice a part of my moral pursuit, I found that I had a profound admiration for these Pashtun people who took SEAL Marcus Luttrell into their community. This admiration was what prompted me to understand the Pashtun and their moral and honor code, the Pashtunwali. Now that I have done so, I feel confident asserting my claim that the Pashtun practice of Lokhay Warkawal, as illustrated by the community that rescued Marcus Luttrell, acts with such commendable honor in accord with the expectations of their honor code, as to exemplify the virtues of magnanimity and bravery outlined by Aristotle in his Nicomachean Ethics—justifying my admiration of the Lokhay Warkawal as a moral practice.

It is the overarching obligation to maintain honor as a Pashtun that characterizes the hinge concept in the consideration of the morality of this practice. I have spoken previously of the importance of honor to the Pashtun community and indeed, “From anthropological studies of the Middle East . . . one gains the impression that honor, above all other considerations, is what guides and propels men in the conduct of their lives. It is the one supreme value to which all their actions should attest.”28 In this case, the granting of Lokhay Warkawal is one of the actions that must happen to uphold Pashtun honor even in circumstances of grave communal risk.

We know that the Pashtun are honor-bound to follow the dictates of their moral code. We also know that the Pashtunwali emphasizes the importance of hospitality in many different situations. Ipso facto, because of the importance of honor for a Pashtun community, members would be morally obligated to extend Lokhay Warkawal to an injured and helpless person, even if doing so would put the entire community at great risk. If any Pashtun were to read this, I am sure that they would say “there is nothing special about this; it is just what we do as a people.” My moral admiration of this mindset and the practice which it produces is rooted in my conviction that they embody Aristotle’s virtues of bravery and magnanimity.

Aristotle’s ethics are virtue based. This means that he believes that all actions, if they are to be considered moral, should entail the practice of specific virtues such as bravery, generosity, temperance, and magnanimity. Aristotle maintains that the telos (goal) of the human being is the state of eudaimonia, or that of human flourishing, and he asserts that this can only be obtained by the practice of the virtues in accord with what he calls phronesis, or practical wisdom. In essence, he is saying that the only way a human being can live a moral life is by striving towards the state of human flourishing that is made possible by living according to the virtues in conjunction with reason.

In his book, *The Nicomachean Ethics*, Aristotle spends a lot of time explicating the qualities of each particular virtue. There are two, however, that I believe are exemplified in the Pashtun peoples and their vigilant practice of the Pashtunwali. Let us remember that honor represents the core virtue of the Pashtun, without which virtuous acts could not be achieved and the identity of the Pashtun could not be maintained. Therefore, it is the honor dictated by the Pashtunwali that creates situations which call for the practice of virtuous bravery and magnanimity. Even though Aristotle distinguishes all of the virtues and explains them as such, they all depend very much upon one another. Considering bravery and magnanimity specifically, it would be impossible to succeed in one without the guidance of the other. So too the honor of the Pashtun requires the practice of these two virtues under the guidance of the Pashtunwali.

According to Aristotle, magnanimity is “concerned with great things” and in terms of the Pashtun, it is concerned with “one who thinks himself worthy of great things and is really worthy of them.”29 This virtue is problematic in a couple ways in the general application to life. It requires that the person have an honest view of his or her character and what they are worth because it is only then that they can know what they deserve. In essence, this virtue requires one to be magnanimous in order to act magnanimously. Aristotle describes magnanimity as “an adornment of the virtues; for it makes them greater, and it does not arise without them,” yet deep understanding of oneself is necessary in order to practice this virtue.30 Only when one has a settled character based on

30 Ibid., 1124a.
uncompromised moral guidelines can one be magnanimous. The *Pashtunwali* provides this foundation for those who practice it.

The reason that magnanimity is mentioned first is because being virtuously magnanimous is essential for the virtuous practice of bravery. Aristotle defines a brave person as “whoever stands firm against the right things and fears the right things, for the right end, in the right way, at the right time, and is correspondingly confident; . . . for the brave person’s actions and feelings *accord with what something is worth.*”31 Essentially, he is saying that in order to be brave, you need to know if whatever you are about to do appropriately promotes and protects what is of worth. For example, if a person has virtuous magnanimity, it would be non-virtuous for said person to throw away his or her life for a cause that was *not* of true worth. If this were the case, the person would not be considered brave—rather, they would be considered rash—and they would act in a state of vice.

So, what do these virtues have to do with the *Pashtunwali*’s emphasis on an honor-based life? As previously mentioned, honor is the principal virtue upon which all Pashtun base their actions—the violation of this honor code is punishable by exile from a community and loss of the Pashtun identity. It is the driving force in their life, or as Aristotle would say, their *telos.* After much research and discussion, I think I have begun to understand just what it would mean for a Pashtun to do something that would damage his or her honor—it would mean revoking everything that made them a Pashtun with dignity. It would violate everything that they as a people, as followers of the *Pashtunwali,* stand for. With that comes an absolute loss of meaning in life and alienation from the Pashtun identity. Therefore, the protection of honor is not only their core virtue, but without it, no other virtuous act is possible. One cannot violate the honor of an individual without violating the identity of the individual, and one cannot violate the identity of the individual, in the case of a Pashtun, without violating the almost sacred nature of the *Pashtunwali* upon which the moral practices of an entire society rests. Honor is *what is centrally important.* This is why the hierarchal structure of an Afghani society is such a crucial factor in determining the morality of this situation. If the elder of the village were to besmirch his honor, he would also taint the honor of the entire community that he represents. In order to preserve this honor, he

31 Ibid., 1115b.
must strive to be magnanimous, and to do so he is called to great bravery.

Without the centrality of honor in the Pashtun culture, there would not be any morality to begin with. Therefore, any study done of the arguable morality of any type of practice that falls under the *Pashtunwali* must be done through the lens of honor (either the violation or protection of it). Surprisingly, this emphasis on honor is not foreign to Aristotle. In the sections of his ethics on both bravery and magnanimity, honor is given great emphasis.

He says that “honor is the prize of virtue, and is awarded to good people.”\(^{32}\) In terms of magnanimity specifically, he says that “magnanimous people are concerned with honor; for the great think themselves worthy of honor . . . in accord with their worth.”\(^{33}\) In being honorable, a Pashtun has a great amount of worth and without it, a Pashtun would not believe that he or she had worth at all, therefore making it impossible for them to be brave virtuously. Essentially, being honorable is central to the Pashtun identity and this calls them to be magnanimous, which in turn requires bravery in situations where being honorable entails great risk. For a Pashtun, to be honorable is to offer hospitality to a person, even when this person presents a great risk to their community. This brave facing of risk is magnanimous (worthy) and honorable because it upholds the *Pashtunwali*, the foundation upon which their identity rests.

When observing the practice of *Lokhay Warkawal*, we see a situation in which one person was forced to make a decision that would not only affect their entire community in a potentially negative way, but will also either promote or destroy the honor of that person. I believe that the elder who made the decision to extend *Lokhay Warkawal* to Marcus Luttrell made the only decision he could have made while still preserving his honor. Even though he did this at great risk to himself and the rest of his community, he also protected exactly what gave his community an identity. The *Pashtunwali* demands that “the powerful have obligations and responsibilities to protect and care for the weak” and although the weak, in this case, happened to be a threat to his community, the elder could not refuse him *Lokhay* at the threat of violating his honor.\(^{34}\)

---

\(^{32}\) Ibid. 1123b.  
\(^{33}\) Ibid.  
The elder was providing a very powerful example of Aristotle’s virtues of magnanimity and bravery. Honor is a central component in the Pashtun’s understanding of human flourishing. I would argue that living in a state of the highest honor is what the Pashtun would consider the epitome of human flourishing. This being said, if virtues are meant to promote human flourishing, then bravery and magnanimity, as well as the practice of Lokhay, in the Pashtun culture work to promote honor—the ultimate telos of the Pashtun.

Aristotle claims that “the brave person . . . stands firm against what is and appears to be frightening to a human being; he does this because it is fine [honorable] to stand firm and shameful to fail.”35 In the context of the extension of the Lokhay Warkawal, we can see that this is true. I would assume that fear would have influenced many people to reject Luttrell because of the potential risk, but in the pursuit of honor, not extending Lokhay would have diminished this elder’s honor and so, although there was fear, the gift was extended because it would have been shameful not to do so. This is not the only way that this situation embodies the virtue of bravery, however. In another passage, Aristotle says that “someone is called fully brave if he is intrepid in facing a fine death and the immediate dangers that bring death.”36 There is no question that in this situation, the elder and the rest of his community were willing to risk death in order to provide hospitality to Marcus Luttrell. In other words, under the circumstances and in accord with honor, this elder and the rest of his community were unquestionably brave according to Aristotle’s definition.

The Pashtun in this village were acting magnanimously as well. Aristotle says that the magnanimous person “is no lover of danger. But he faces dangers in great cause, and whenever he faces them he is unsparing of his life, since he does not think life at all costs is worth living”, in the Pashtun’s case, without honor.37 Essentially, Pashtuns were to forsake their honor by denying a guest the hospitality dictated by the Pashtumwali (or in other words, a “great cause”). So, the Pashtun knew their worth as a people and acted in such a way as to preserve their worth, so as to uphold their most esteemed ideal. To do so was truly magnanimous.

35 Nicomachean Ethics, 1117a.
36 Ibid., 1115a.
37 Ibid., 1124b.
In this scenario, the Pashtun acted in a way that exemplifies the Aristotelian virtues of magnanimity and bravery. They bravely and magnanimously accepted Marcus Luttrell and offered him hospitality at great risk to their community but in pursuit of honor, which they hold in the highest esteem. In light of this, I believe that the practice of Lokhay Warkawal is a moral act when pursued for the sake of honor, as understood in the Middle East.

IV. Possible Counter-Arguments

Although I believe that my claim is solid, there is room for reasonable people to disagree with me. I believe that this difference of opinion would hinge on the individual’s conception of the importance of preserving honor versus the emphasis he or she puts on protecting human life. I believe some could argue with a Utilitarian approach—to let Luttrell die rather than put the lives of the entire community at risk.

While I agree that the preservation of human life is of the upmost importance, I would argue that the Pashtun would agree as well. Their adherence to the Pashtunwali does not ignore the dignity of a human life; rather, I believe that it stresses the value of human life. The Pashtunwali as a moral code was created to help the Pashtun survive. It dictates that a person goes to the extreme in any circumstance to protect vulnerable life, as is the case with the Lokhay. Although in this case its practice puts others in danger, it is a danger that the community was willing to embrace. A Pashtun would find it horribly dishonorable if one suggested that they deny someone hospitality simply because they were fearful that other lives were being put at risk. This would violate their honor-based moral code so much so that I find it hard to imagine that they would take this objection seriously. To do so would demonstrate a failure to understand the Pashtun.

The preservation of honor is intrinsic to the Pashtun culture: more important even than life. One must understand that they would rather die than forsake their honor. Denying hospitality because of fear would directly conflict with the dictates of the Pashtunwali, and a divergence from the Pashtunwali would result in a loss of honor. Therefore, not offering hospitality, even at great risk to a community, would necessitate a loss of honor which, to a Pashtun, would be worse than death. By extending Lokhay, these people are accepting risk while simultaneously preserving and promoting their honor. In this case, it is not a question of saving one life at the expense of
many simply because it is not in utility that the hinge of this practice lies. It is a matter of honor and integrity and, to them, there is nothing more important.

The philosopher Bernard Williams writes against Utilitarianism, focusing specifically on human integrity as the center of his critique.\textsuperscript{38} He argues that if a person has a project or conviction based upon a deep commitment—a commitment on which one’s entire life is based—than it would be absurd to discontinue that practice simply because the Utilitarian calculus might require it.\textsuperscript{39} It would necessarily result in a loss of identity, without which a person would cease to be an individual with any internal moral compass. What a Utilitarian lacks is the ability to draw a line of morality permanently. Because of this, there is no action that a Utilitarian would refuse to do if the calculus required it, and it is here that Williams and the Pashtun would find a problem. Both, I believe, would agree that without any inalienable moral structure, moral integrity would cease to exist. For the Pashtun, moral integrity is directly associated with their honor: there are just some things that they would \textit{not} do. Deviating from the guidelines of the \textit{Pashtunwali} is one of these things.

By adhering to the \textit{Pashtunwali}, however, the Pashtun are promoting their \textit{telos}. They know who they are and where their identity is rooted—therefore their actions in accord with this are magnanimous and, in this situation, brave. They are in many ways preserving their integrity while simultaneously living in an honorable way. By living according to the \textit{Pashtunwali} and providing \textit{Lokhay} to any guest in need, they are protecting this honor and promoting a state which is, for them, the ultimate of human flourishing.\textsuperscript{40}

\textsuperscript{38} Bernard Williams, \textit{Against Utilitarianism} (Oxford: Oxford University Press, 2000), 259–60.
\textsuperscript{39} Ibid., 259.
\textsuperscript{40} Special thanks to Drs. Trudy Conway and Kristen Urban for their assistance on this essay.
The tragic schism between the Eastern and Western Church, compounded by misguided crusaders and various holy thefts, exists as an ever-worsening sore in the visible church. Time and inner-Church events caused theological perceptions and nuances to grow more and more distinct. Although the Orthodox and Catholic Churches are close sisters in nearly everything, the historical wrongs long held the two from healing dialogue. In the revealed tragedies of the post-World War II world, longings for Christian unity stirred the hearts of many faithful, and in the subsequent midst of Vatican II, Catholics especially rejuvenated an ecumenical spirit. The United States, with its great ethnic and religious plurality, fostered a particularly urgent spirit of ecumenism as Orthodox and Catholics of great faith fell in love and sought marriage. American plurality thus provided an impetus toward unity between the Orthodox and Catholic Church, striving to pastorally confront theological differences in the sacrament of marriage—for they acknowledged the family as the foundation of the church itself.

Aside from the obvious differences between East and West like the *filioque* and papal supremacy, many smaller but important theological points divide the church. This essay focuses on the sacrament of marriage and therefore addresses only those issues of the marriage rite itself and family life, necessarily including reference to broader events in the Orthodox–Catholic ecumenical dialogue, particularly in the United States.

On September 9, 1965 in Worchester, Massachusetts, the Ecumenical Commission of the Standing Conference of Orthodox Bishops of the Americas (a subcommittee of the SCOBA, Standing Conference of Canonical Orthodox Bishops of America) and the Roman Catholic Bishops’ Commission for Ecumenical Affairs (a subcommittee of the then NCCB, now USCCB, United States Conference of Catholic Bishops) “met in a day of exploratory
discussions . . . the first such meeting between the two bodies on a national level.”\(^1\) The dialogue fell in line with other Roman Catholic discussions with Lutherans, Episcopalians, and United Presbyterians in the United States. At the time of the meeting, the Orthodox were also in ecumenical dialogue with the Episcopalians. More important than the Protestant dialogues was the increasingly friendly relationship between the Orthodox and Catholic hierarchies. Pope Paul VI had met with the Orthodox Patriarch Athenagoras of Constantinople during his pilgrimage to Jerusalem in January of 1964. Athenagoras, president of the Rhodes Conferences,\(^2\) sent two envoys to Pope Paul to alert him of the Rhodes Conferences; Paul received the envoys graciously, through them returning some precious relics to the Orthodox Church in Greece.\(^3\) It was at the most recent Rhodes Conference that the Orthodox Church decided to encourage the national branches of the Orthodox Church to arrange theological discussions with local Roman Catholic leaders; the 1965 meeting in Worcester was therefore one among many. The Catholics, about to enter into the fourth session of Vatican II, had already issued several documents concerning the Orthodox including the *Decree on Ecumenism* and *Decree on the Catholic Churches of the Eastern Rite*.\(^4\)

That first meeting in 1965 planned for further Orthodox–Catholic discussion in America, resolving to meet twice a year in order to foster ecumenical relations and confront theological disharmony under the auspices of the newly formed North American Orthodox–Catholic Theological Consultation, later the U.S. Theological Consultation. In regards to marriage, the U.S. Theological Consultation issued *An Agreed Statement on Mixed Marriages* in 1971, and *Joint Recommendations on the Spiritual Formation of Children of Marriages Between Orthodox and Roman Catholics* in 1980. The *Recommendations on Spiritual Formation* concluded with the exhortation, “we [the U.S. Theological Consultation] would urge our respective


\(^2\) The Rhodes Conferences were “a consultative assembly of Orthodox bishops from all over the world under the presidency of Patriarch Athenagoras” roughly concurrent with Vatican II (ibid., 2).

\(^3\) Ibid.

\(^4\) Ibid.
hierarchies to consider ways of reformulating legislation and pastoral guidelines,” as described in the Recommendations.5

In 1990, the Joint Committee of Orthodox and Catholic Bishops issued *A Pastoral Statement on Orthodox/Roman Catholic Marriages*, which borrowed verbatim from earlier documents issued by the Theological Consultation. By 1995, the national dialogue of the American Orthodox and Roman Catholic Churches reached international prestige. Ecumenical Patriarch Bartholomew I invited the Joint Committee of Orthodox and Catholic Bishops to meet in Istanbul to discuss family and marriage issues. In October of 2000, the Joint Committee acknowledged the importance of the United States Orthodox and Catholic theologians in the intercommunion dialogue.

This dialogue is by no means complete. Indeed, one of the most pressing differences between East and West regarding marriage is the role of minister during a wedding liturgy, for proper ministry determines the sacramentality of a marriage. In *A Pastoral Statement on Orthodox/Roman Catholic Marriages*, the Joint Committee says, “We share a common faith and conviction that, for Christians in both the Orthodox and Roman Catholic Churches, marriage is a sacrament of Jesus Christ” and “it is Christ who unites the spouses in a life of mutual love.”6 Both Orthodox and Catholics maintain a sacramental marriage requires “the mutual consent of believing Christian partners and God’s blessing imparted through the official ministry of the Church.”7 For the Orthodox, official ministry refers to the sanctified Christian liturgy performed by an Orthodox priest or bishop. Catholics, who maintain that a marriage is administered not by the priest but by the bride and bridegroom, require that a bishop, priest, or deacon witness the marriage. With this conflicting understanding of ministry in mind, the 1971 *Agreed Statement on Mixed Marriages* recommended that “the Catholic Church, as a normative practice, allow the Catholic party of a proposed marriage with an Orthodox to be married with the Orthodox priest officiating … after consultation

---


7 Ibid.
by the partners with both pastors.” Although this solution incorporates both understandings of who administers the sacrament, it fails to make a definite claim, therefore permitting two contrary theologies to exist side by side in a single wedding. The 1990 statement, therefore, makes no precise judgment as to how a Catholic/Orthodox wedding ought to be celebrated. Because both Orthodox and Catholic theologies agree “that ecclesial context is constitutive of the Christian sacrament of marriage,” and because both theologies are supported by different historical presentations of sacramental theology, it is difficult to declare one form as the normative. “History has shown,” the document admits, “various possibilities so that no one particular form of expressing this ecclesial context may be considered absolutely normative in all circumstances for both churches.” Although the Pastoral Statement acknowledges the “seriousness of these differences in practice and theological explanation,” it makes the important move to humbly state, “In our judgment, our present differences of practice and theology concerning the required ecclesial context for marriage pertain to the level of secondary theological reflection rather than to the level of dogma;” this difference, then, is one of nuance rather than dogma, of discussion rather than division.

It is in the context of marriage, of real and actual marriages between Orthodox and Catholic people, that this discussion must occur, and it is for this reason that the document issued is titled a pastoral statement. The union of man and woman in what Catholics refer to as the “Domestic Church” fosters faith life in the home. By no means is that faith life reduced or diminished in the union of a Catholic and Orthodox, and it is therefore imperative that the sacramentality of marriage be preserved in such mixed unions, building up a Domestic Church that spans the Orthodox-Catholic schism.

By uniting people of both churches in a single unit of the Domestic Church, marriage fosters the reunion of East and West as a single sacramental church, particularly in regards to their children. Though Orthodox and Catholics are able to regard each other as

---


9 JCOCB, Pastoral Statement.

10 Ibid.
church, as visible signs of the invisible communion between men and women and God through Jesus Christ and the Holy Spirit, because of their closely related doctrine and practices, they do both reserve the right to raise the children of any mixed marriage in their own communion. This means that in an Orthodox/Catholic marriage, both the Orthodox and Catholic Churches insist that the children be raised in the Orthodox or Catholic Church exclusively. Because it is inadvisable to maintain membership to two separate communions, especially for children, the various ecumenical boards have made various and largely noncommittal determinations on the matter of children’s spirituality in mixed marriage situations. “Marriage partners have a responsibility for the building up of the church;” and conversely, the church community has a responsibility “to each Christian family to foster its life of faith,” particularly in the spiritual formation of children.

Recommendations on Spiritual Formation writes, and is affirmed verbatim by A Pastoral Statement, that “[d]ecisions, including the initial and very important one of the children’s church membership, rest with both husband and wife.” While each church claims that membership in their communion is in the “best interests of the child’s spiritual welfare,” prudence proves the best guide in such a situation. Pastors of both churches should council parents against spiritual indifference, and both parents should take an active role in their children’s spiritual life, agreeing to “pray, study, discuss, and seek unity in Christ” with one another. A final decision of church membership, however, should be made. This decision ought to rest firstly with the good of the children, accounting for “the strength of the religious convictions of the parents and other relatives, the demands of their consciences, the unity and stability of the family, and other aspects of the specific context.” The document clarifies further by stating “when it appears certain that only one of the partners will fulfill his or her responsibility [to the spiritual life of the child], it seems clear that the children should be raised in that partner’s church.” In other words, if the Catholic mother has a great devotion to her faith and the Orthodox father is only mildly religious, the children ought to be raised Catholic, and vice versa. This, however, is in no way envisioned as the norm.

11 U.S. Theological Consultation, Recommendations on Spiritual Formation.
12 Ibid.
13 Ibid. Other citations in this paragraph are from this document.
Pastoral Statement writes almost in passing, “since unity in Christ through the Holy Spirit is the ultimate goal of family life, all family members should be willing in a spirit of love, trust and freedom, to learn more about their Christian faith.” The significant part of the above statement is the defined ultimate goal of family life: unity in Christ through the Holy Spirit. The family, the Domestic Church, seeks unity in Christ, not tolerant coexistence. Families who foster interfaith dialogue, who legitimately, intelligently, lovingly and charitably seek spiritual lives filled with the Holy Spirit, work towards not only the unity of the family in Christ, but also through them towards the unity of the communions they call their own. In the case of two very faithful spouses, the Pastoral Statement charitably and hopefully claims that:

We are convinced that it is possible to make this decision [regarding children’s church membership] in good conscience because of the proximity of our churches’ doctrine and practice which enables each, to a high degree, to see the other precisely as Church, as the locus for the communion of the faithful with God and with each other through Jesus Christ in the Holy Spirit. Knowing that the true Church dwells within both the Orthodox and Catholic Churches encourages a reunion through the Domestic Church which upholds both. If the communion of the True Church is drawn closer together on the family level, it will necessarily draw the greater hierarchy closer together as well. This is dramatically illustrated by the 1971 An Agreed Statement on Mixed Marriage, which begins with a reminder of the theological divisions between East and West and the decisive exhortation, “Because of these difficulties both of our churches discourage mixed marriages.” The heavy 1971 exhortation contrasts sharply with the tone of the 1990 Pastoral Statement which opens with the glowing words, “A growing trust and a spirit of cooperation have developed between the Orthodox Church and the Roman Catholic Church during the last twenty-five years,” not merely permitting the idea of mixed marriages but welcoming them. Marriage and family life provide an opportunity for intercommunion dialogue while encouraging personal spirituality deeply rooted in both the Orthodox and Catholic faiths. Children

14 JOCOB, Pastoral Statement.
15 Ibid.
16 U.S. Theological Consultation, Agreed Statement on Mixed Marriage.
17 JOCOB, Pastoral Statement.
raised in faith-filled families of Orthodox and Catholic parents are able and encouraged “to draw deeply from the spiritual wealth of both churches.” The Pastoral Statement cautions against absorbing one partner into the other’s faith or trivializing the divisions between the two churches, but a tone of hopeful unity pervades the document.

Divisions between Orthodox and Catholic perceptions of marriage reach beyond the wedding liturgy and the raising of children to include one of the grim realities of our fallen world: divorce. Though both churches affirm the permanence of marriage, they address the possibility of failed marriages through a pastoral acknowledgment of sin. The Orthodox discourage divorce but based on Matthew 19:9 tolerate it in the case of adultery, secret abortion, endangering the life of the spouse, forcing the spouse to prostitution, and similar cases of abuse. The Catholic Church, however, never permits divorce, allowing only for the investigation of the original marriage covenant which, if proved flawed, can allow for a declaration of nullity. Also in contrast, the Orthodox Church frowns on remarriage of divorced persons and widows and widowers, for they believe that marriage continues in heaven. Catholics, remembering the woman with seven husbands, freely permit remarriage of those who have lost their spouse through death or annulment. Although the theological viewpoints of divorce and the accompanying interpretations of the permanence of marriage pose important divisions between Orthodox and Catholics, it is important to note that while divorce will never be a uniting factor between churches, marriage will be.

Marriage, the communion of love between a man and woman and subsequently with their children provides the foundation of the Domestic Church. The Domestic Church, a home for the Sacramental Church in which subsists the True Church, provides an opportunity for growth in love and communion not only for the family but for the churches each family member represents, drawing the hierarchical church together with the sacramental unity of the individuals.

---

18 Ibid.
19 “Whoever divorces his wife except for unchastity, and marries another, commits adultery.”
20 JCOCB, Pastoral Statement.
21 Ibid.
The Contemplative Philosophy and Theology of St. Bernard of Clairvaux

Kayla Garry

To the mystics of the twelfth century, love was not only to be experienced; it was also to be set in order.  

—Bernard McGinn

For St. Bernard and his contemporaries, the problem of love was the greatest preoccupation of their writings and really, of their entire lives. The Cistercian way of life was to be a schola dilectionis; a school of love. Therefore it would be only proper that their entire philosophical and theological focus be on the question of love.

It is impossible to begin to speak of this Cistercian ordinatio caritatis without immediately calling to mind the great Christian philosopher of the fourth century, St. Augustine of Hippo. The influence of this great thinker on St. Bernard cannot be overstated. In fact, this paper will argue that St. Bernard took St. Augustine’s thought as foundational to his philosophy and theology of love, developing St. Augustine’s ideas into a fuller and more comprehensive system.

There is however, a major obstacle that stands in the way of such an assertion. In On Loving God, St. Bernard’s system of love begins with love of self (carnal or egotistical love) and progresses to a disinterested and pure love of God. Although heavily influenced by St. Augustine’s thought, it appears that the starting point of St. Bernard’s contemplative theology of love is directly contradictory to that of St. Augustine who is known to emphasize the fact that the total initiative in the life of grace rests with God and not with man.

Further it would seem that St. Bernard’s system as a whole constitutes a contradiction. How does one reconcile the starting point of love and its goal? That is, how does one come to a pure and

disinterested love out of a love that which is, by its very nature, interested?

To answer these questions, one must consider St. Bernard’s thought in its whole. Carnal or egotistical love is incontestably the starting point of his system of love, as found in On Loving God. However, On Grace and Free Choice, another work by St. Bernard, contemporary of On Loving God, constitutes an essential element to his over-all thought. In fact, one might even go so far as to state that this work is the dogmatic foundation from which his contemplative philosophy and theology of love is based.²

What is this dogmatic base found in On Grace and Free Choice? It is a philosophical and theological anthropology of man centered upon the nature of the will, more specifically, that of free choice. This treatment, guided by St. Augustine, constitutes the first question that St. Bernard seeks to answer in his system of love, his real starting point: the question of what love out to be. By beginning with this question, he establishes that love of God is indeed first by right.

St. Bernard’s Anthropology: Made in the Image and Likeness of God

St. Bernard’s contemplative philosophy of love can only be fully understood when considered in light of his philosophical and theological anthropology. Although he never wrote a treatise focusing solely upon the anthropology of man, as his fellow early Cistercian writers did (St. Aelred, William of St. Thierry, and Isaac of Stella all wrote essays on anthropology)³, St. Bernard did write extensively on the theme in both On Grace and Free Choice and toward the end of Sermons on the Song of Songs. Reflections concerning the nature of man and his destiny are scattered amidst his other works as well. Despite the assertion of being underdeveloped, St. Bernard’s anthropology is in many ways foundational to all of his thought on love. Thus it is necessary to understand the doctrine he puts forth in On Grace and Free Choice, along with the philosophical influences of that same doctrine, in order to have a proper basis for understanding his contemplative philosophy and theology of love.

Bernard bases his anthropology upon the Genesis account of the creation of man. It reads:

² This point is noted by McGinn in his Commentary on St. Bernard’s “On Grace and Free Choice,” 3.
Then God said, “Let us make man in our image, after our likeness; and let them have dominion over the fish of the sea, and over the birds of the air, and over the cattle, and over all the earth, and over every creeping thing that creeps upon the earth.”

St. Bernard’s doctrine focuses on man being made in the image and the likeness of God. In fact, these two defining characteristics of man are absolutely essential to understanding who man is and what he is ultimately made for.

Prior to the fall of Adam and Eve, man stood in right relation to God. Made in the image and likeness of God, his loves were properly ordered. Truly man was able to love God for His own sake. But according to Bernard man lost his likeness to God (although the image of God remained intact) when he first sinned. This devastating loss exiled man, destroying his ability to remain in right relation with God and to love Him above all other things.

In order to fully understand what exactly Bernard means by the terms image and likeness of God and the implications of man losing this likeness, we must begin where he begins: with the problem of free choice.

In an introduction to On Grace and Free Choice, Bernard McGinn offers important historical background to the medieval problem of free choice that will be helpful in tracing the philosophical underpinnings to the Abbot of Claivaux’s treatment of the subject. He notes that this particular problem, which dates back even to the pagan philosophers of old, can be distinguished into two related, although slightly different, complexes. The first is the abstract complex which deals with the reconciliation of divine foreknowledge and predestination with the contingency of human actions. It explores the dilemma that arises when one considers God’s foreknowledge and man’s freedom to act: If God truly foreknows all things, including man’s actions, can man be said to be truly free? Or does God’s foreknowledge indicate a necessity which limits man’s freedom? This he terms the “providence-predestination-contingency” complex.

---

4. Genesis 1:26
5. In On Loving God St. Bernard states that “God himself is the reason why he is to be loved.” Cf. William of St. Thierry: “Love is due to God only, and for no other reason than God himself” (The Nature and Dignity of Love).
Working within the more general and abstract complex is the “sin-grace-freedom” complex, which deals more specifically with the relation of man’s free choice and states of sin and the workings of grace. Considered generally, St. Bernard’s system falls into this category of the “sin-grace-freedom” complex, as does much of the medieval and patristic thought on free choice, including St. Augustine. However, as McGinn notes, “The early twelfth-century context within which Bernard wrote his treatise was open to influences from both the abstract as well as the concrete complex.”7 After all, the early sixth-century Christian philosopher Boethius and his work *Consolation of Philosophy* was primarily concerned with the abstract schema of “providence-predestination-contingency.” There is evidence that St. Bernard would have been familiar with the thinking of Boethius, which we will establish at a later point.

While generally speaking, the abstract complex lends itself toward a more philosophical than theological stance, both complexes are grounded in philosophical systems, particularly that of Aristotle.8 Of particular interest is the contribution of St. Augustine concerning the problem of free choice. Even such a preliminary look at the historical background of the problem of free choice is helpful in understanding the context in which St. Bernard wrote his treatise. Clearly he is not the first to address the relationship between grace and free choice, nor is he free from the influences of those who wrote prior to him. While it is unfair to claim that St. Bernard merely recapitulated the traditional Augustinian views, the influence of St. Augustine is significant enough that it can safely be said that St. Bernard took St. Augustine as basis from which he could build an enriched system that reflected his own originality.

Let us turn, then, to what St. Bernard has to say in *On Grace and Free Choice* about the faculty of free choice and the relation it has to the grace of God.

It is the will, and even more specifically, it is free choice which raises man above the state of the animals. In *On Loving God*, St. Bernard calls it a *dignitas* or dignity of man.9 It is a two-fold dignity that, as we have said, raises man above irrational animals, but it is also a power of domination: the ability to rule over the beasts of the earth. St. Bernard also calls this *dignitas* by another name: voluntary

---

7 Ibid., 11.
8 Ibid., 7.
9 *On Loving God*, II:2: “Man’s dignity is his free will, by which he is superior to the beasts and even dominates them.”
consent or free choice. In his first chapter of *On Grace and Free Choice*, St. Bernard states that “it is voluntary consent, as I say, that distinguishes us from this last [natural appetite] which we share with the animals.”

So we see that for St. Bernard it is free choice that is indeed distinctive of man. The exact definition that St. Bernard gives for voluntary consent or free choice is: “A self-determining habit of the soul.” This definition differs slightly from traditional definitions. Boethius defines it as “the free judgment concerning the will;” St. Augustine as “the power of doing good or evil;” and Anselm as “the faculty of preserving uprightness for its own sake.”

Not only is free choice distinctive of man, it also the faculty by which man is made just or unjust. It is the faculty that enables him to be happy or unhappy. For if man had not the power to consent to one thing or another, he could not be held accountable for misdeeds, nor could he be elated for good deeds. Gilson explains this aspect of the doctrine, “Now to be happy we have to enjoy; in order to enjoy we require a will; this will enjoys only by laying hold of its object by an act of consent; and to consent is to be free.” Thus we see the necessary relationship between the act of consenting and the potential for happiness. Without the faculty of free choice man could neither merit any reward nor be condemned for his own actions.

St. Bernard is very clear, then, that man is indeed free is so by virtue of his faculty of free choice. Of it he states, “But as to the will, since it is impossible for it not to obey itself—not one does not will what he wills, or wills what he does not will—so is it impossible for it to be deprived of its freedom.” There is no circumstance in which man is coerced into consenting; it remains intact despite the external situations imposed upon man. The sinner who chooses evil and the angel who eternally chooses good both invoke the same gift of free choice by their consent. We will come to find later that this

---

10 In chapter three of *On Grace and Free Choice*, Bernard equates voluntary consent with free choice: “That is why we defined earlier on—and not unsuitably I think—such voluntary and free consent, on which every act of judgment, as we have seen, depends, as ‘free choice.’” He also concludes his definition of voluntary consent in chapter one with the following: “And this is what I understand by the term ‘free choice.’”
12 Ibid.
indubitable freedom forms an essential aspect in St. Bernard’s anthropological foundation in his contemplative theology of love.

Imbedded in this question of freedom are major difficulties regarding the doctrine of original sin and man’s inability to choose the good or to avoid sin. If man is truly free, how is it that he seems compelled to sin? And further, if we take into consideration the doctrine of grace, how is it that man remains free if he is influenced by the grace of God to choose the good? These questions ought to sound familiar, for they are indicative of the “sin-grace-freedom” complex we spoke of earlier.

St. Bernard responds to these objections by distinguishing three different states of freedom: of nature, of grace, and of glory. This three-fold distinction hardly originates with St. St. Bernard, but his particular formation seems to be original. The first we are already familiar with, for it is the freedom of voluntary consent which we have previously discussed. In Chapter 3 of On Grace and Free Choice, St. Bernard renames the freedom of voluntary consent as freedom from necessity (libertas a necessitate). This is a freedom that we have by nature and, as stated before, it is the source of our dignity and honor.

The second state of freedom is freedom from sin (libertas a peccato). This freedom was lost by man in the Fall of Adam and Eve and can only be restored again by the grace of Christ. Before the fall, Adam had the capability to not sin. After the fall, man is incapable of not sinning. However, the freedom from necessity still remains, even if man does not have freedom from sin.

The third state of freedom is freedom from sorrow (libertas a miseria). This freedom “establishes the will in the good and makes it impossible for it to be in any way disturbed or unhappy.” With this freedom, man is able to live without suffering, to enjoy perfect beatitude. However, this freedom is not available to man while on this earth, but is rather reserved for him in heaven.

It seems prudent to here answer a few objections and make a few clarifications. One might rightly ask, “How is it that free choice remains if man cannot not sin?” Yet St. Bernard is quite confident that free choice remains and that man is held responsible for his actions on account of this free choice. How can this be?

---

17 McGinn, Mysticism of the Twelfth Century, 169.
In chapter 8 of *On Grace and Free Choice*, St. Bernard tackles this problem. He says, “Free choice, consequently, still remains, even after man’s sin, tinged with sorrow but intact. And the fact that he can in no way extricate himself either from sin or sorrow signifies, not the destruction of free choice, but the privation of the other two freedoms.”  

Earlier in the treatise he also says, “To will lies in our power indeed as a result of free choice, but not to carry out what we will. I am not saying to will the good or to will the bad, but simply to will. For to will the good indicates an achievement; and to will the bad, a defect; whereas simply to will denotes the subject itself which does either the achieving or the failing.”

The faculty of free choice itself remains, even if it itself seems captive. This freedom is an absence of external coercion. McGinn is quick to note, however, that it “is not the pure autonomy of an individual who creates his or her own meaning, as in the case of some modern existentialist philosophies.” It is simply the freedom to choose, the freedom to consent.

Even those who might quote St. Paul and say that they will the good, but cannot do it, prove by their very statement that they have a will and that it is free. Rather, what they refer to is their lacking of the freedom from sin. Hence St. Bernard says, “But if we are unable to do what we will, we feel that freedom itself is somehow captive to sin, or that it is unhappy, not that it is lost.” The freedom of consenting is not lost, nor even is the ability to judge our own will lost, but what is lacking is his ability to do the good he wills.

St. Bernard was not the first theologian to attempt to explain how man could be prone to sin and yet at the same time retain freedom of choice. Nor was he the first to distinguish between different sorts of liberty within the will. Gilson points to St. Augustine as providing the original answer to this difficulty, “Already St. Augustine found himself at grips with the multiplicity of meanings which the word ‘liberty’ may convey to the Christian mind. Sometimes it means simply ‘freedom of the will,’ sometimes liberty as opposed to servitude, and since servitude may be servitude to sin or servitude to death, we can call ‘liberty’ either the sanctity that delivers us from the one, or the resurrection that rescues us from the

---

18 *On Grace and Free Choice*, 81.
19 Ibid., 72.
other.”

We can see clearly the correlation between these three senses of liberty and those which St. Bernard names *libertas a necessitate, libertas a peccato*, and *libertas a miseria*.

Let us look more closely on the distinctions that St. Augustine reveals in his own writings. In one of his anti-Pelagian writings, *The Spirit and the Letter* describes exactly this distinction, although not in the same language as St. Bernard. Rather, St. Augustine distinguishes between will and power. It is worth a more lengthy quotation:

> Willing is one thing, ability another; willing does not necessarily imply ability, nor ability willing: we sometimes will what we are not able to do and sometimes are able to do what we do not will. The Latin words make it plain that will (*voluntas*) is derived from *velle*, power (*potestas*) from *posse*: he who wills has *voluntas*, he who is able has *potestas*. But will must be present for power to be operative: we do not call an unwilling act the operation of power. Yet on a closer analysis, it appears that even if you do a thing under compulsion, unwillingly, you do it by your will if you do it at all: you are said to do it against your will, that is unwilling, because you would prefer to act differently. You are compelled to act because of some evil, which it is your will to avoid or remove; and so you act under compulsion. If your will were strong enough to prefer the suffering of the evil to the doing of the act, you would of course resist the compulsion and refuse the act. Thus if you act, though it may not be with full or free will, it can never be without willing; and since the willing is carried into effect, we cannot say that the actor was powerless. If in yielding to compulsion you willed an act which you could not perform, we should say that the will was present, albeit forced, but the power lacking. But when you do not act because you will not, the power is there but the will is lacking, so long as your resistance to compulsion withholds the act. That is why, in the employment either of compulsion or of persuasion,

---

it may be said: ‘Why not do what you have in your power, in order to escape this evil?’ And one who is altogether unable to do that may reply with the excuse: ‘I would do it if it were in my power.’ We have then a sufficient definition of power in the union of will with the capacity to act. We say that any man has in his power that which he does if he wills and does not if he wills not. 23

Thus we see in St. Augustine that there is the freedom of the will to consent, and that must always be present, but that there might be lacking the power to do it. In other words, when it comes to the problem of sin, one might say that freedom of choice remains, but that there is lacking a freedom from sin. What then is the link between these two? Grace. It is grace that frees the will from its captivity to sin, as St. Augustine writes, “Do we then ‘make void’ freedom of choice through grace? Freedom of choice is not made void but established by grace.” 24

This passage can cause some confusion, for St. Augustine is rather careless in his use of the expression liberum arbitrium or “free choice.” In this passage he maintains that liberum arbitrium is conferred by grace, which heals the soul and gives it the power to do the good. Yet, later in this work, St. Augustine states that faith in God (which is a precursor to receiving the liberum arbitrium by grace) must be a voluntary act. In other words, a free choice of the will. It would seem consistent with St. Augustine’s thought to identify the first use of liberum arbitrium more with the liberty won by grace, that is, freedom to avoid sin. 25

Of course, St. Augustine’s writings aren’t the most clearly articulated on the subject, and his seemingly careless interchanging of terms indicates that he was not intending to give a definitive word. On the Spirit and the Letter was written as a response to the Pelagian heresy that denied the Christian doctrine of original sin, and so his purpose in writing was to refute these errors, thus reactionary in nature, rather than to establish a perfect doctrine. Nonetheless, it is important to note that this sort of thought in St. Augustine was

24 The Spirit and the Letter, 236.
25 For more on this subject see John Burnaby’s Introduction to The Spirit and the Letter in Augustine: Later Writings, 182–92.
heavily influential in St. Bernard’s formulation of the three-fold liberties.

The first, freedom from necessity, is bestowed by nature and consists in the faculty of free choice (our ability to consent and to bear judgment upon our own will through reason). It raises man above irrational animals and is the source for his dignity. The second, freedom from sin, was lost by Adam and is restored by Christ, through grace. For Adam it was the ability not to sin, for fallen man it is the inability to avoid sin, and for the graced man it is the ability to avoid sin. The third freedom, freedom from sorrow, was once enjoyed by Adam and lost by fallen man. It will be given again in glory. It is the ability to not be disturbed. According to St. Bernard, this particular freedom, although fully given in heaven, can be experienced briefly in mystical experiences.

Let us now return to where we started in our examination of St. Bernard’s theological anthropology of man: being made in the image and likeness of God. He begins Chapter Nine of *On Grace and Free Choice* saying,

I believe that in these three freedoms there is contained the image and likeness of the Creator in which we were made; that in the freedom of choice lies the image, and in the other two is contained a certain twofold likeness. Therefore, the reason why free choice alone suffers no lessening or falling away, is that in it, more than in the others, there seems to be imprinted some substantial image of the eternal and immutable deity.\(^{26}\)

It is in his distinction of a three-fold freedom that he places the image (*imago Dei*) and the likeness (*similitudo Dei*). The freedom from necessity is found in man’s being made in the image of God, and the other two freedoms, freedom from sin and freedom from sorrow, are found in man’s being made in the likeness of God. The *imago Dei* is never lost in man, but through sin the *similitudo Dei* is lost. This then is the first inversion of proper order. The disfigured soul has lost desire for Divine things and has instead subjected itself to earthly substitutes.

This is the problem which St. Bernard sets out to solve with his entire contemplative philosophy of love: How does one restore the Divine likeness, the *similitudo Dei*, to man? Christ alone can

\(^{26}\) *On Grace and Free Choice*, 84.
accomplish it. It is through his grace that the similitudo Dei is restored. But in what way is all of this achieved? The answer is very simple: Charity. It is in contemplative life of love that the soul is taken up to God and restored to what it was always meant to be, a creature made in the image and likeness of its Creator.

**The Inversion of Order: Man is Lost in a “Land of Unlikeness”**

Of course, when it comes to loving God, man is faced with a major difficulty: He is lost in a land of dissimilarity. St. Augustine spoke of such a region, lamenting his sinful state, “I found myself to be far from you in a region of unlikeness.” Man, made in the image and likeness of God, lost this likeness through sin. Exiled into a foreign land, he suffers greatly, unable to love God with all of his heart, all of his soul, and all of his might.

Yet, in *On Loving God*, St. St. Bernard is very clear that God “deserves to be loved for his own sake even by the infidel who, although he is ignorant of Christ yet knows himself.” The first half of his treatise deals with the duty even of fallen man to know and love God above all things, “for an innate justice, not unknown to reason, cries interiorly to him that he ought to love with his whole being the one to whom he owes all that he is.” He teaches that if man truly knows himself, he will by necessity raise his eyes to his Creator and offer Him worship and love.

St. Bernard posits that there are three noble gifts at man’s disposal, all to be found in his soul: Dignity, knowledge, and virtue. His dignity, as we noted earlier, is his power of free choice which gives him dominion over the beasts and animals. His knowledge is his acknowledgement of his unique dignity and that this dignity was not achieved by his own power but given to him. And his virtue is that by which man seeks his Maker and upon finding Him, adhered to Him with all of his might. St. Bernard goes on to comment that “dignity without knowledge is unprofitable, without virtue it can be an obstacle.” There is no profit in having dominion if one does not

---

27 In chapter four of *The Mystical Theology of St. Bernard*, Gilson notes the connection to St. Augustine’s use of the term in his *Confessions*.
29 Deuteronomy 6:5.
31 Ibid., II:6.
32 Ibid., II:2.
33 Ibid.
34 Ibid.
know that he has such power (in fact, to do be ignorant of such a fact would render man just like any other animal) and even if one acknowledged this power, but boasted that it was of his own making, it would be but mere vainglory. Thus St. Bernard says, “There are two facts that you should know: first, what you are; secondly, that you are not that by your own power, lest you fail to boast at all or do so in vain.”

In this argument, St. Bernard proposes that if man sincerely looks inside of himself he will recognize his own dignity; he will recognize that it is not of his own making, and he will then seek the Creator who gave him such a dignity. Of course, this would be an easy feat were it not for concupiscence. Instead, St. Bernard acknowledges that it “is difficult, impossible for a man, by his own power of free choice, once he has received all things from God, to turn wholly to the will of God and not rather to his own will and keep these gifts for himself as his own.” So it is that we see man engrossed in this predicament of foraging in a land of dissimilarity, a land of sin. But St. Bernard is adamant that although the infidel “loves less him whom he knows less,” (speaking of course of Christ) “even he is aware he owes him all whom he knows is the maker of all his being.”

St. Bernard is thus convinced that man ought to be able to come to the knowledge of God and therefore also to love Him above all things. And without being defaced by sin, man truly would love God first, as he is compelled to do. Love of God is first by right. Or, in rather Aristotelian language (which will be discussed in more depth shortly), St. Bernard says, “I said above that God is the reason for loving God . . . That is right, for he is the efficient and final cause of our love.”

Yet, once again, we must with St. Bernard acknowledge the very simple fact that man does not love God as he ought. Defaced by sin he is unable to. However, there remains in man still an innate desire to love and possess God—how can there not if God is the final cause of all love? Often this desire is not perfectly perceived. But St. Bernard proposes that “every rational being naturally desires always what satisfies more its mind and will.” Of course only God can

---

35 Ibid.
36 Ibid.
37 Ibid., V:14.
38 Ibid., VII:22.
39 Ibid., VII:18.
perfectly satisfy man’s longing. Still, man always desires objects that he thinks will satisfy him and finds that he “is never satisfied with something which lacks the qualities he thinks it should have.”40 He strives to achieve more, to possess more, always seeking for something better than what he already has. This circle continues ceaselessly, for there is no single possession which can be held to be the highest or best.

Thus St. Bernard says, “The wicked, therefore, walk around in circles, naturally wanting whatever will satisfy their desires, yet foolishly rejecting that which would lead them to their true end, which not in the consumption but in consummation.”41 The natural order of love is turned inside out. Rather than loving God first, by which man would be fulfilled, he loves the passing things of these worlds. He loves and desires them to an inordinate extent, which is what St. Augustine defines as cupidity.42

There is a very striking similarity in thought on this concept between St. Augustine and St. Bernard. In Book I of On the Free Choice of the Will, St. Augustine teaches that the mind is in control of man’s desires and that “he cannot be made a slave to inordinate desire by anything equal or superior to it [the mind]… just one possibility remains: only its own will and free choice can make the mind a companion of cupidity.”43 This passage is summed up by St. Bernard in a single sentence, “The mind looks ahead for the senses and these must not pursue their desires unless the mind gives its consent.”44

St. Augustine continues in Book I to say, “Surely the very fact that inordinate desire rules the mind is itself no small punishment. Stripped by opposing forces of the splendid wealth of virtue, the mind is dragged by inordinate desire into ruin and poverty.”45 St. Bernard says as much as well, “Thus the restless mind, running to and fro among the pleasures of this life, is tired out but never satisfied . . . . [T]hus man craves continually for what is missing with no less fear than he possesses with joy what is in front of him.”46

40 Ibid.
41 Ibid., VII:19.
43 Ibid., 1:11.
45 Augustine, On the Free Choice of the Will, 1:11.
Gilson seems to see this similarity of thought as well, noting, “In full accord with St. Augustine, St. Bernard places the image of God in the mind of man: mens.”\textsuperscript{47} But most importantly, we see the concept of order and more specifically, the \textit{inversion of order} in fallen man, being passed from St. Augustine to St. Bernard. St. Bernard also makes use of this principle in \textit{On Grace and Free Choice} when he is emphasizing man’s true freedom of choice, saying, “Freedom of choice thus continues to exist, even where the mind is captive, as full in the bad as in the good, yet more orderly in the good: and as complete in its own way in the creature as in the Creator, yet more powerfully in the Creator.”\textsuperscript{48}

The concept of order is a critical philosophical principle that shapes the entirety of St. Bernard’s thought, from his anthropology to his philosophy of love and it is one that St. Bernard clearly inherits from St. Augustine. It is the foundational principle in St. Bernard’s work. We can also see that it is the concept of order is that which explains man’s fall from right relationship with God and how it is that man is to return to right relationship with God. It is the principle that explains sin and redemption. It is also the principle on which he builds his progression of love, by which man attains to pure love of God.

**The ordinatio caritatis**

We left our narrative with man lost in a ‘land of unlikeness,’ a \textit{regio dissimilitudinis}. Estranged from his Creator, image intact but likeness lost in sin, man finds himself in total disarray. Made to love God above all things and find his fulfillment in Him, he instead loves himself first, for his own sake. What is first in right (that is, love of God) has been usurped by what is now first in fact (carnal or self-love). The proper ordering of love has been inverted and man is in need of restoration—he needs something to help him put this love back into proper order. The task seems daunting and near impossible to achieve. How can one rise from carnal love to a pure, disinterested love of God? St. Bernard’s answer is very simple: the grace of Jesus Christ, who is Charity.\textsuperscript{49}

According to St. Bernard there is a four-step progression of love which, through the grace of God, will restore this divine

\textsuperscript{47} Gilson, \textit{The Mystical Theology of St. Bernard}, 46.
\textsuperscript{48} \textit{On Grace and Free Choice}, 9.
\textsuperscript{49} 1 John 4:8.
likeness. He begins with carnal love where “man loves himself above all for his own sake.”\textsuperscript{50} The First Degree of Love, found so evidently in nature (for who hates his own flesh?), flows by virtue of God’s Divine Providence into the Second Degree, where man loves God for his own benefit. St. Bernard writes, “The creator wills that man be disciplined by tribulations so that when man fails and God comes to his help, man, saved by God, will render God the honor due him.”\textsuperscript{51} Faced with difficulties, man frequently turns to God and is frequently helped by God’s grace. And this frequent recourse to God eventually leads to the Third Degree of Love: Man loves God for God’s sake. Of this state, St. Bernard writes, “Man’s frequent needs oblige him to invoke God more often and approach him more frequently. This intimacy moves man to taste and discover how sweet the Lord is. Tasting God’s sweetness entices us more to pure love than does the urgency of our own needs.”\textsuperscript{52} The fourth and final degree of love is where man loves himself only for the sake of God—and this stage is brought to completion at the Resurrection of the Body.

Let us return momentarily to \textit{On Grace and Free Choice}, where St. St. Bernard offers keen insight about this saving power of grace and its relation to the will. He writes, “God is the author of salvation, the free willing faculty merely capable of receiving it… Consequently, \textit{free choice is said to co-operate with operating grace in its act of consent}.”\textsuperscript{53} What is the importance of returning once again to the faculty of free choice? It is because freedom is a necessary condition for man to love God—as we said before, freedom is the mark of the image of God. Thomas Merton, in his tribute to St. Bernard of Clairvaux, accurately grasps the implications of this point. He writes, “In order to love God with disinterested charity he must first be free. His whole ascent to divine union is a progress in liberty. Our basic freedom, freedom of choice, is only the beginning of the ascent.”\textsuperscript{54}

The freedom of choice is the beginning of the ascent to union with God, to a pure and disinterested love of God. So it is that St. Bernard teaches that it is this faculty through which grace raises man and sets his loves in order. But it is important to note that of

\textsuperscript{50} \textit{On Loving God}, VII:23.
\textsuperscript{51} Ibid., VIII:25.
\textsuperscript{52} Ibid., IX:26.
\textsuperscript{53} \textit{On Grace and Free Choice}, 54 (emphasis added).
these two, grace and free choice, one is an operative principle and the other is the object of the work being done, merely consenting to the power of grace.

Here we see another important philosophical principle at work, this time stemming from the Aristotelian tradition: namely, the relationship between act and potency. Refreshing our memory of Aristotelian Metaphysics, we might recall that Aristotle distinguishes between two senses of potentiality, naming them passive potency and active potency. First, Aristotle defines potency as “a principle of change in another thing or in the thing itself qua other.”\(^55\) Thus, active potency resides in the agent (or that which acts) and is the potency to be the principle of change. On the other hand, passive potency resides in the thing being acted upon and is defined as “a principle of change by being acted upon by another or by itself qua other.”\(^56\) It is this sense of potency with which we are most concerned.

Aristotle also defines actuality: “actuality is the existence of a thing, not in the way in which we say that something potentially exists.”\(^57\) We recall that in order for a thing to change from potentiality to actuality it must be acted upon by something else. This change is primarily concerned with the efficient and final causes.

This philosophical principle as a whole appears to be underlying St. Bernard’s theology of grace, particularly in relation to the progression of loves by which man ascends to a pure and disinterested love of God. As we noted earlier, man’s ascent begins with free choice. But it is grace, yes, even charity as a gift from God himself that sets free choice free from its own captivity. Listen to the words of the Mellifluous Doctor of the Church:

All the same, let nobody think I hold charity to be a quality or a kind of accident in God. Otherwise, I would be saying, and be it far from me, that there is something in God which is not God. Charity is the divine substance. I am saying nothing new or unusual, just what St. John says: “God is love.” Therefore it is rightly said, charity is God, and the gift of God. Thus charity gives charity; substantial charity produces the quality of charity. Where it signifies the giver, it

\(^{56}\) Ibid.
\(^{57}\) Ibid., 151.
takes the name of substance; where it means the gift, it is called a quality.58

What is this quality of charity? It is the grace by which God elevates and liberates man, as we have before stated.59 It is a free gift from God with which free choice cooperates so as to do good actions and to be saved. This is what St. Bernard means when he writes, “Charity converts souls because it makes them act willingly.”60

St. John says, “God is love” and St. Bernard accurately establishes Love as the divine substance. Now, substance is actuality.61 Free choice, on the other hand, has passive potency for being acted upon by this divine substance. When Charity gives charity, it moves free choice in such a way that, in giving its consent, it is raised and freed to not only to choose, but to choose the good. Thus St. Bernard writes, “Free choice, accordingly, constitutes us willers; grace, willers of the good. Because of our willing faculty, we are able to will; but because of grace, to will the good.”62 This is an important point. Without grace man cannot will the good. Free choice enables us to will; grace elevates free choice so that we may will the good. Indeed, it is divine love, God himself, who in his gift of love moves man to love him. Just as St. Augustine says that grace precedes and makes possible human freedom, so also St. Bernard says that God’s love precedes and makes possible human love. Thus it is God’s grace, God’s love, which reduces human potency to divine act.

We can see this principle present in St. Augustine, too, as emphasizes the action of grace in his Reconsiderations, saying, “Unless the will is liberated by grace from its bondage to sin... [and] unless the divine grace by which the will is freed preceded the act of the will, it would not be grace at all.”63 That is to say, it is grace which precedes and frees the will so that it might will the good. Grace acts upon the faculty of free choice, which receives this divine action and is itself moved to act.

Invoking once more the explicitly Aristotelian categories of causality, St. Bernard writes, “God is the efficient and final cause of

58 On Loving God, 37.
59 In his fallen state, man retains the libertas a necessitate (which is the image of God) but no longer possesses the libertas a peccado or the libertas a miseria (both of which constitute the likeness of God). St. Bernard’s work is to explain how, through charity, man is restored to the likeness of God.
60 On Loving God, 36.
61 Aristotle, De Anima, 412a21.
62 On Grace and Free Choice, 72.
63 Augustine, Reconsiderations (On Free Choice of the Will), chap. 4.
our love. He offers the opportunity, creates the affection, and consummates the desire.”

Every step in man’s progression of love is inspired and moved by God’s grace. God’s action is always prior to man’s actions, and as we have seen, man cannot even begin to love God save for God’s grace freeing man’s free choice, reestablishing, little by little, the divine likeness. The primacy of God’s saving action is evident from the principle of the priority of actuality over potentiality, which Aristotle argues in the Metaphysics.

Another aspect of St. Bernard’s thought which appears distinctly Aristotelian in nature is his conception of the dignity of man. In both On Grace and Free Choice and in On Loving God, St. Bernard distinguishes man from the animals by virtue of his power of free choice. This is reminiscent of Aristotle’s metaphysical biology which he puts forth in Book I, Chapter 13 of the Nicomachean Ethics. There he distinguishes the rational soul from the nutritive and sensitive souls. In On Grace and Free Choice, St. Bernard writes, “It is voluntary consent, as I say, that distinguishes us from this last [natural appetite] which we share with the animals.” He also writes, “That is why the animal spirit does not receive this salvation: it lacks the power of voluntary consent.” We can see also the Aristotelian method, as found in his Categories, of distinguishing substances (genus + differentiae = substance).

It is one thing to identify philosophical principles through the analysis of a philosophical text; it is another thing to establish exactly how an author learned of those principles. This is particularly true in the contemplative theology of St. Bernard of Clairvaux. The Mellifluous Doctor of the Church was hardly one to embrace secular philosophy. Rather, he attempted to distance himself from secular philosophy so as to immerse himself in the school of love. Gilson notes the predicament in which St. Bernard found himself, “for in renouncing the world to enter at Citeaux, St. Bernard renounced this

---

64 On Loving God, 24.
65 Found in Book 0 of the Metaphysics. He argues that actuality is prior to potentiality by virtue of intelligibility, time, and substance.
66 On Grace and Free Choice, 55.
67 Ibid.
68 Aristotle, Categories, chap. 3: “When one thing is predicated of another, all that which is predicable of the predicate will be predicable also of the subject. Thus, if ‘man’ is predicated of the individual man; the ‘animal’ is predicated of ‘man’; it will, therefore, be predicable of the individual man also: for the individual man is both ‘man’ and ‘animal.’ If genera are different and co-ordinate, their differentiae are themselves different in kind … but where one genus is subordinate to another, there is nothing to prevent their having the same differentiae.”
Latin culture along with the rest—too late no doubt, in a sense, since he was already posses of it.”\textsuperscript{69} Indeed, far too late, as we have seen. He had inherited both the style and the ideas of those great authors he had read as a young student. He could not rid himself of these; they were with him until the end.

We are now faced with the question as to how St. Bernard would have inherited these aforementioned philosophical principles and whether or not he was employing them implicitly or explicitly. G. R. Evans informs us that before his entry into the monastery, St. Bernard received an education from a school at Chatillon-sur-Seine, ran by the canons of St. Vorles.\textsuperscript{70} There he would have studies “the elementary textbooks of logic, Porphyry’s \textit{Isagoge}, Aristotle’s \textit{Categories} with Boethius’ commentary, and Aristotle’s \textit{De Interpretatione} with Boethius’ two commentaries.”\textsuperscript{71} The school also introduced him to the Rule of St. Augustine.\textsuperscript{72}

There is no doubt of St. Bernard’s of familiarity with Platonic philosophy as derived from the writings of St. Augustine and Boethius. The twelfth century library at Clairvaux itself included over 50 works of St. Augustine, of which St. Bernard would have been familiar.

St. Augustinewas also familiar with Aristotle, bragging in the \textit{Confessions} of how he had read and understood the \textit{Categories} at twenty-years of age.\textsuperscript{73} And Cicero made his appearance in the life of St. Augustine as well; he credited Cicero’s \textit{Hortensius} for inspiring his love for philosophy.\textsuperscript{74}

St. Bernard was also familiar firsthand with the writings of Cicero. Gilson hails the great Roman master of rhetoric as perhaps the most important person of influence in St. Bernard’s writings, saying “Without denying that other influences might have been operative, even in the full assurance that they were so, we must admit it to be highly probable that none could compare in importance with that of the \textit{De Amicitia} of Cicero.”\textsuperscript{75} Watkins Williams confirms that

\begin{itemize}
\item \textsuperscript{69} Gilson, \textit{The Mystical Theology of St. Bernard}, 8.
\item \textsuperscript{70} G. R. Evans, \textit{The Mind of St. Bernard of Clairvaux} (New York: Oxford UP, 1983), 37.
\item \textsuperscript{72} Watkins Williams, \textit{St. Bernard of Clairvaux} (Oxford: Oxford University Press, 1935), 4.
\item \textsuperscript{73} Augustine, \textit{Confessions}, bk. IV, chap. 16.
\item \textsuperscript{74} Ibid., bk. III, chap. 4.
\item \textsuperscript{75} Gilson, \textit{The Mystical Theology of St. Bernard}, 10.
\end{itemize}
St. Bernard had read some of Cicero’s works and was impacted both in style and structure by his writings.\textsuperscript{76}

Cicero was heavily influenced by peripatetic thought.\textsuperscript{77} The scholarship connecting him to Theophrastus and Aristotle varies concerning exactly how much of each of these authors he read first hand, but all are in agreement that he was familiar with at least some of their works and had read many second-hand texts, giving him a substantial grasp of their main ideas. One author links Aristotle to thirty-two major passages in Cicero.\textsuperscript{78}

St. Bernard would have also inherited Aristotelian principles through his own study. As mentioned before, he would have read Porphyry’s Isagoge, Aristotle’s Categories with Boethius’ commentary, and Aristotle’s De Interpretatione with Boethius’ two commentaries.\textsuperscript{79} While most of Aristotle was still lost to St. Bernard and his contemporaries, by the beginning of the twelfth century, Western schools were already in possession of several of his works in Latin.\textsuperscript{80}

Thus we have traced philosophical principles of Aristotle through the peripatetic tradition to Cicero and from Cicero both directly and through St. Augustine to St. Bernard. There are enough legitimate avenues through which St. Bernard could have inherited these philosophical principles to safely acknowledge their significant presence in his contemplative theology of love.

Conclusion

In this paper I have attempted to carefully discern the philosophical thought implicit in the contemplative theology of love in St. Bernard of Clairvaux. I have shown many underlying philosophical principles present in his theology of love—three of which include St. Augustine’s principle of order in the will, Aristotle’s act-potency relationship, and Aristotle’s metaphysical biology. I have also briefly sketched a provenance of these ideas,

\textsuperscript{76} “Speaking generally, one would perhaps say that St. Bernard’s vocabulary and structure are Classical, certainly in the treatises. He had evidently read Cicero’s works, some of them at any rate, without discrimination.” Williams, \textit{St. Bernard of Clairvaux}, 371.

\textsuperscript{77} See William Fortenbaugh’s Cicero’s Knowledge of the Peripatos and Peripatetic Rhetoric after Aristotle for further information concerning exactly how much Cicero knew of Peripatetic thought.


\textsuperscript{79} Evans, \textit{The Mind of St. Bernard}, 37.

\textsuperscript{80} Williams, \textit{St. Bernard of Clairvaux}, 290.
linking the *Mellifluous Doctor* to Aristotle via Cicero and Boethius’
inheritance of Peripatetic thought.

St. Bernard’s contemplative theology of love narrates the
story of man’s fall and redemption. He begins with man before the
fall and establishes what love ought to be and was in fact. Then he
offers a diagnosis of man’s state after the fall. But most importantly,
St. Bernard establishes a theology of love that, through the grace of
God, restores the Divine Likeness to man and raises him once more
into an intimate union of love with his Creator. Implicit in this
narrative are important philosophical principles which silently guide
St. Bernard’s thinking. Recognizing these principles at work helps us
to better understand the entirety of St. Bernard’s thought. It is a
project that stands on the brink of philosophy and theology: two
distinct, but intimately related fields that together lead us to Truth.
Gift and Accounting: Exploring *Caritas in Veritate* and Accounting

Brian Acton

In his latest Encyclical, *Caritas in Veritate*, Pope Benedict XVI states, “in commercial relationships the principle of gratuitousness and the logic of gift as an expression of fraternity can and must find their place within normal economic activity”.¹ This raises two questions from the point of view of an accountant: first, what does the Pope mean by the “logic of the gift” and second, what would this mean for the accounting profession? This paper shall address these questions as follows: it will explain what the Pope means by giving a gift and show that giving a gift is indeed possible, though not from the perspective of a normal economic give-get transaction. This will be explained with reference to the philosopher Gabriel Marcel. Secondly, the ethical impact of the gift shall be examined according to the role of the accountant in the business. This will show that for Benedict’s conception of the gift to be possible for the accountant there must be an increased role for the American Institute of Certified Public Accountants to facilitate conditions of communion and reciprocity versus a heroic selflessness. However, before these issues can be addressed it is necessary to define just what is meant by the term accounting and this concept of gift furthered by Benedict.

Accounting represents a body of technical knowledge whose practice and implementation create an information system that functions to provide an accurate financial picture of a company’s economic transactions and in turn accurately depicts its financial state. This picture and its accuracy serve as the empirical evidence to support the value of the company and are thereby depended on by the company itself, creditors, investors, the government, and the general population for this support. If these pictures are misleading

---

or fail to be created at all, basic economic foundations are undermined and society is in effect harmed by the very institutions it created for its benefit. The effects of such misrepresentation have been demonstrated in their full gravity time and again in each economic and financial catastrophe. The results of these scandals and disasters have been to undermine the trust in the accounting profession and thus, \textit{ipso facto}, served to erode the trust that is vital to promoting healthy market transactions and growth.

The mere application of accounting’s technical knowledge alone it seems is inadequate to ensure the foundational trust that upholds market transactions, the veritable glue that preserves and enables the subsistence of our society. However, it cannot be said that it is this knowledge of accounting principles and techniques that are maleficent \textit{per se}. More rightly, it is how this knowledge is applied according to the end it serves that determines and colors its affect. This question of application emphasizes and holds accountable the individual in the practice of accounting, not the theory itself. It is in light of this function of accounting within society, its attempt to facilitate trust in the market and the emphasis of the individual accountant in applying its principles that the theological concept of gift can find its role in accounting.

But first, what is a gift? To the modern mind, or arguably the historical “embeddedness” and socio-political structures that we have inherited, a gift is typically seen to be something freely given. Further, a gift transcends the bounds of contractual exchange insofar as a gift requires no return; in fact, it is what some philosophers have termed “the expenditure without return”.\textsuperscript{2} However, is this the notion of gift described by Pope Benedict in \textit{Caritas in Veritate}? Likely, it is not. Benedict goes to great length to foster a notion of gift that informs the market prior to and through its exchange.\textsuperscript{3} It would be overly idealistic for him to describe a gifted based economy wherein gift was conceived of without any kind of reciprocity: an economy wherein we all freely give to one another without any concern for gratitude and can magically cover everyone’s needs, without concern for one’s own wellbeing. Is gift then just another name for economic exchange, or a certain way of looking at the give-get transaction? This is not any more likely of a conception of gift

\textsuperscript{3} Benedict, \textit{Caritas in Veritate}, 36.
furthered by the Pope than the modern notion of “the expenditure without return.” To truly understand the Pope one must extract from one’s mind the modern myth of the pre-social individual, or that man exists somehow unmediated by community.

Following a correct conception of man as communal, gift cannot be conceived in a manner other than the act of bringing into communion those who are separated.4 As such, gift has as a necessary component the concept of reciprocity, or gratitude. Further, the notion of gift as that which is freely given, breaks down under this more accurate conception of man, insofar as it is not the intention of the giver that should be weighed, but the gift itself, or its “receivability.” A gift under this conception of man-in-community is not a gift if it is not received and reciprocated; however, it is not to be subsumed under economic exchange because it does not demand equivalent value or timeliness of return; a gift is fundamentally a human exchange that is not technical or objectifying, but expresses the communal relationship or “with” that can only be maintained in hope and fidelity. This is all very abstract and can be seen more concretely in the philosophy of Gabriel Marcel.

For Gabriel Marcel, man’s flourishing in relationship with other men can be characterized by three terms: handiness, with, and reciprocity.5 The term handiness describes the availability or openness of one’s spiritual, material, emotional, and intellectual resources to another. My handiness describes my disposition toward the other in terms of having my resources available for their disposal. This is an acknowledgment of the second characteristic of Marcelian communal man or “with.” It acknowledges the fact that my experience of another subject is an experience of being with them insofar as we share experiences; we experience things together. This is unlike the relationship between tables and chairs, as Marcel points out: they go together, but one does not quite say that the table is with the chair since their togetherness has no impact on them.6 Further, the notion of being “with” casts the position of handiness more imperatively since if one is unhandy to another, or does not

---

have their diverse resources available for the other they treat them as an object, as if they do not share experiences together. Thus, it can be seen that to ideally express the “with” in the encounter with another there must be a complete handiness on both sides. This connects with the last aspect of human relationships characterized by Marcel, reciprocity. It is not to be understood that reciprocation is demanded by the handiness of another, but one’s availability is completed only in faithful hoping, “a being awaiting a gift or favor from another being but only on the grounds of his liberality, and that he is the first to protest that the favor he is asking is a grace, that is to say the exact opposite of an obligation.” It is according to this explication of gift with man’s communal relationship that the accountant’s role can be determined.

As mentioned, the application of accounting principles emphasizes and holds accountable the practitioner for his professional judgments. Here it may be seen that the accountant enters into the economy of gift—he gives of himself. This can be seen in the objectivity called for in the AICPA code that is in conflict with the professional judgment required in the application of accounting principles. The accountant is asked to bring in the context of the business in order to apply the principles free from distortion, however, he is asked to remove himself from this context, of which he is necessarily a part. This follows based upon the role of accounting as defined above, to provide an accurate or unbiased picture of the financial standing of a company. Further, when the accountant gives of himself to fulfill this role, this gift serves to foster a condition of mutual trust within market transactions that Pope Benedict calls for in his Encyclical, Caritas in Veritate. When the accountant gives himself to the profession, he avoids the ethical dilemmas facing each practitioner: tyranny of knowledge, justice toward financial statement users in their plurality, being paid by the client, etc. To be clear these issues must be examined further.

Specifically, technical issues in accounting have not been examined because there is some fault in or a lack of merit in the pursuit of a theoretical evaluation of accounting principles, but rather this has been avoided because such activities evolve the body of accounting theory, as is necessary and fundamental to the accounting body in general, they serve to undermine the ethical end of that

---

body: the more dynamic that the body of technical accounting knowledge becomes, the more the gulf increases between the knowledge of the practitioner and the lay person, so to speak. This directly impacts the ability of the information communicated by the accountant to fulfill its own purpose—depicting the financial standing and transactions of a company. Is a picture that fails to communicate effectively, a picture at all? The area, then, that unites the accounting professional and the lay-business person, or the general public is in the ethical application of this technical knowledge insofar as it provides a useful, understandable picture.

Because of this disparity in knowledge and its impairment of accounting’s ability to attain toward its end, it seems that it is of the most basic ethical concern for the accountant to be aware of this disparity and let this awareness take the form of both care and understanding that pervades the practitioner’s application of its principles. In acting with care and understanding toward the non-practitioner users of accounting information, the practitioner becomes concerned with most accurately depicting the financial activities and the state of the business institution with whom they are involved; after all, an inaccurate portrayal would be taking advantage of this discrepancy in knowledge. This notion of responsibility within the asymmetrical relationship regarding the knowledge of the accounting practitioner and those that they serve is then seen to open up the possibility of both abuse and gift itself.

Following this relationship, the accuracy of the portrayal seems to become intertwined and colored by the plurality of the users of the information and by this fact its uses—owners, management, employees, investors, creditors, and government and other regulatory bodies. Thus, the accountant becomes concerned with justice in terms of what is owed to the various stakeholders or users of accounting information. However, any modern application of moral or social justice is ill equipped to aid the accountant aiming to order the needs of his constituents if it is based on any concept of the common good as fairness to the parties involved or what is best for the group. This follows since what is actually owed to the users of accounting information is an unbiased application of accounting principles—a consideration of what is owed to accounting’s constituents that is incorporated in the application of accounting principles, especially an amalgam of the collective best for the group, can only amount to a perversion of the application of accounting principles since a change of principle based on a necessity for a
desired effect to be more useful to a particular group amounts to a bias towards that group. Further, since providing a picture to suit the needs of one group, even the best for the group as a whole, could not consider all possible users; therefore there necessarily exists the possibility of unforeseen users. It can be seen more rightly however, that if the accountant extricates himself from the business situation and turns instead to the principles themselves, he finds what is owed to society: the accurate depiction of the financial state and activities of business entities through the classification and recordation of economic activities for the particular period and over time.

If an accountant holds his duty to the justification of the profession and its principles, it will be found that this most accurately depicts a company financially and thus he finds in this a reasonable way of resolving the ethical dilemmas involved in the technical judgment calls of accounting-within-business, being paid by those whom he serves, the plurality of constituents served, informed consent, amount of disclosure, etc.8 This is because such issues occur from a constrained financial focus that has reduced the role of the accountant to that of a business—the managerial and financial accountant has become too intertwined with and focused on the profit motives of the business, while the public accountant has become too concerned with their function as a business. These ethical dilemmas facing the accounting profession seem to stem from a view that can be termed as “profit maximization,” which can be typified as a focus on “foundational goods”—goods that are used to obtain excellent goods, such as the function of money is to serve as a means for achieving greater goals.9 However, by extricating the accountant’s concerns from the means and aiming them toward serving only accounting proper, the accountant is able to most truly create the financial picture of a company, free from bias. Thus, the accountant provides his best service to the stakeholders, whether it is management, employees, investors, creditors, a client, or the general public.

This, however, is no new thought in accounting or to accountants; rather, it is a restatement of what is required by the accounting principles, “The Principles call for an unswerving

8 Ronald F. Duska and Brenda Shay, Accounting Ethics (Malden: Blackwell Publishers, 2003), 7–23.
9 S. A. Alford and Michael Naughton, Rethinking the Purpose of Business: Interdisciplinary Essays from the Catholic Social Tradition (South Bend: University of Notre Dame, 2002), 36.
commitment to honorable behavior, even at the sacrifice of personal advantage.”\(^1\) While it can be shown that through a shifting of focus to this principled existence originally called for by the code, the accountant extricates himself from the typical ethical dilemmas facing the industry as a profession through a reordering of goods and thus fully and most rightly granting what it owes as a business-for-society, this seems to be a far cry from what the Pope means by the logic of gift.

As exposited above, the gift the Pope speaks of is not the “expenditure without return.” This sort of heroic giving of self follows only from an incomplete conception of man as pre-social and ahistorical. This sort of thinking like Charles Taylor says is an ideal and not how man comes to find himself in the world, in a particular historical situation, context, and community. In order for it to be recognized for the idealized fiction that it is and not the norm, it should be recognized as a gift. Gift, as such, for man-as-communal-historical, for the reasons exposited above requires reciprocity. This then raises the question, how should the gift of the accountant be reciprocated? The code promulgated by the AICPA offers a possible solution to this dilemma presented by the Pope’s charge of living gift: it calls itself to this role of reciprocity “devoted to the advancements of the social obligations of the group.”\(^1\)

For example, as charged by Donald and Brenda Duska, “If performing auditing and consulting services for the same company stands in the way of being objective, then the AICPA has a responsibility to promote ways that will allow the accountant to meet her or his obligations.”\(^1\) Similarly, this action would serve to acknowledge the human situation in which the accountant finds himself and is called to order his view above, the demands of serving the common good “even at the sacrifice of personal advantage.”\(^1\) What Benedict’s logic of gift then calls for is more adequate involvement of the AICPA as regards its professionals, given its code. The gift the accounting professional gives in removing himself from the context that he must include in his professional judgment does not hinder his objectivity, rather, unlike most situations it is the very cause of his objectivity. However, this objectivity itself is an impossible gift. Accountants are often placed in precarious situations

---

\(^{10}\) AICPA Code 50.02.
\(^{11}\) Duska and Shay, *Accounting Ethics*, 70.
\(^{12}\) Ibid.
\(^{13}\) AICPA Code 50.02.
when in their professional judgment they must differ from that of management or even their own higher ups in an accounting firm. This is a sacrifice; this is a gift. Under the logic of gift it must be reciprocated. A gift is not the expenditure without return. A gift contrarily is made in faithful hope. This trust must be upheld by the very organization that requires it of the individual and of itself.

At the beginning of this essay accounting was defined as the art of portraying the financial standing of a company. Like many post-moderns the authoring of this picture requires the sacrifice of its author. This sacrificial gift extricates the accountant or author from the moral dilemmas facing him in depicting a company, however, according to the logic of gift as articulated by Pope Benedict this is an inhuman sacrifice. As man is communal, a gift must be reciprocated or it is not really a gift at all. According to this it follows that it is the role of the AICPA to reciprocate this gift, according to its own code that calls the accountant to this sacrifice. This is a step closer to creating the conditions by which mutual giving can inform the market prior to and through its transactions called for by Benedict XVI in Caritas in Veritate.
The growing distance between lay people and the clergy in Medieval Europe is an oft-told story. Definitions of religious and lay life accentuated while the language of the Church remained a learned and inaccessible Latin. Though the Bible and the mass grew steadily more distant from the vernacular-speaking lay people, the Church did not. Clerics labored to make the word of God accessible to even those who could not read the Gospels themselves, preaching and teaching outside the mass and creating clever, enjoyable ways to communicate the stories of Christianity.

The best known popular Christian literature of the Middle Ages is the *Golden Legend* or *Lives of the Saints*, compiled in 1275 by the Archbishop of Genoa, Jacobus de Voragine. Originally intended as daily spiritual or background reading for pastors, the *Golden Legend* is arranged by date and feast day, so that September 8, the Nativity of the Blessed Virgin, contains many of the legends and traditions surrounding Mary. Though designed as a sort of manual for preaching, the *Golden Legend* was an immediate smash hit, translated into several vernaculars and vastly popular amongst the lay people.

With the *Golden Legend* in hand, clerics were inspired to create their own accessible stories about Christianity. Cycle plays, short though elaborate plays based on Biblical stories, rose from this tradition. Usually performed intimately within the community, cycle plays provided people of all ranks and education an accessible way to understand both Biblical passages and theological concepts, from the prefiguring in the story of Abraham and Isaac to the holy relationship between man and wife. Through popular cycle plays, clerics were able to explicate the unsatisfactory Biblical account of Mary and Joseph’s relationship into a practical marriage theology for the lay people of Medieval England.¹

Marriage theology, in the past as today, is ever evolving. In the New Testament, Jesus presents a positive view of marriage and

¹ *Marie* is Middle English for “to wed” or “to be married”; *Mare* is the name “Mary,” as in “Mary, mother of God.”
family life. Looking back on the idea of covenant and blessing as described by the Genesis account, “God created man in his image; / in the divine image he created him; / male and female he created them,” Christ claims that “what God has joined together, no human being must separate.” Thus, the “mystery of the relating of the sexes in marriage is inscribed by the Creator into the very fabric of humanity.” This understanding of marriage renders divorce a sacrilegious tearing of the God-man-woman tapestry that is marriage. For the first three centuries after the resurrection of Christ, Christian marriage proceeded as Jesus had taught. Following the Roman tradition of mutual consent and legal contraction, Christians added the requirement of a bishop’s permission, for they considered marriage an entering into union in Christ.

With the legalization of Christianity in the fourth century A.D., marriage became more ceremonial and was incorporated into the liturgy. Veils in the Latin West and crowns in the Greek East heightened the festive aspects of the sacrament, while exchange of rings and betrothal became more binding. In the Middle Ages, social and political unrest made public banns and marriages necessary. A public exchange of consent, a priest’s investigation of the woman’s free assent, and witnesses at the door of the church ensured the holiness of the marriage, while the exchange of rings moved from the betrothal to the ceremony in a physical indication of the covenant.

Not everyone in the Church, of course, was wed. St. Jerome, in fact, believed that “sex and piety were incompatible,” a view used by the celibate clergy to assert their superiority over the lay. Many 12th century theologians held this view, which St. Augustine combated through his understanding of Joseph’s marriage to the Virgin Mary. “[I]t was not held allowable to consider [Joseph] dissociated from the married state . . . on the ground that [Mary]...
gave birth to Christ, not as the wedded wife of Joseph, but as a virgin,” Augustine asserts; and therefore it is necessary to hold that a married couple who “by common consent . . . maintain their continence . . . will still remain [in relationship], and can still be called that of wedlock” for “although there is a connection between the sexes of the body, there is the keeping of the affections of the mind.”

Marriage, then, exemplified in Mary and Joseph, is a spiritual practice not defined by sex.

Cycle plays entered into this tradition of marriage theology only after the evolution of drama itself. The fall of the Roman Empire brought about a decline in the arts which revived briefly during the Carolingian Renaissance, but drama did not return to the West until the famous nun-playwright Hrotsvit composed several plays, epics, and poems to be performed by and for the sisters at Abbey of Gandersheim. Hrotsvit’s plays, known as saints or martyrs plays for their contents, were both didactic and boisterous, combining ancient Roman comedy with serious Christian themes.

The English Cycle Plays (Chester, York, Wakefield/Townley, and N-Town), composed between 1325 and 1475, however, focused primarily on Biblical themes, making them “mystery plays.” Begun as simple vernacular presentations for the Corpus Christi festival, as time went on the cycle plays incorporated Old and New Testament apocrypha and improved their poetic quality. The Chester Plays, probably composed circa 1325, consisted of thirteen plays presented over three days for the festival of Corpus Christi. Performed by local guilds and trading companies, the Chester Plays were so important that a public announcement was made stating that there would be no disturbances of the peace while the plays were performed. The York Plays, less Biblically precise than the Chester plays, emerged sometime in the 1300s, and were appropriated, probably through some sort of legal means, by the nearby town of Wakefield in the late 1300s. The Wakefield Plays, also known as the Townely Plays for the long-time owner of their best surviving manuscript, reflect a literary brilliance unseen in the

10 Augustine, De Consensu Evangelistarum, quoted in Lipton, “Performing Reform,” in Affections of the Mind, 105.
11 The Carolingian Renaissance took place under the Holy Roman Emperors Charlemagne and Louis the Pious in the eighth and ninth centuries. Hrotsvit wrote during the tenth century.
12 Hardin Craig, English Religious Drama of the Middle Ages (Westport: Greenwood Press, 1960), 155, 158, 163.
13 Ibid., 170, 168.
York and Chester Cycles. The N-Town plays, thus named (most likely) for their transient nature, were roughly contemporary with Julian of Norwich and Margery Kempe of Lynn in the second half of the fifteenth century.\(^\text{14}\)

Each of these sequences, the Chester, York, Wakefield/Townely, and N-Town, contains different lengths and styles of play, as well as somewhat varied content. In an effort to explore marriage theology in Medieval England, this paper focuses on a play—or part of a play—which occurs in each of the sequences. “Joseph’s Doubt,” so-called in the N-Town Plays, is a small segment of “The Nativity” in the Chester Plays, paralleled by the entirety of “Joseph’s Trouble about Mary” in the York Plays, and part of “The Annunciation” in the Wakefield Plays. The basic plot of each of these plays or segments is that St. Joseph and Mary have been separated for a few months, either because Mary was visiting her cousin Elizabeth or Joseph had gone into the world to eke out a living, and when they are reunited Joseph is astounded to see his “virgin” bride pregnant. The cycle plays, with varying adherence to scripture or popular traditions like those in *Golden Legend*, describe his reaction to Mary’s seeming cuckoldry and the resolution of that difficulty. Although scholars like Hardin Craig have argued that the humorous, didactic, and narrative changes to the cycle plays indicate a direction toward secularity,\(^\text{15}\) in the case of the “Joseph’s Doubt” plays, at least, this is not the case. As time and narrative changes went on, the cycle plays dealing with Joseph’s doubt developed a more mature theology of marriage based on Mary and Joseph’s relationship in the context of a great conflict.

Before we examine the cycle plays themselves, it is pertinent to review their Biblical source in its entirety. “Now this is how the birth of Jesus Christ came about,” the Gospel of Matthew relates:

> When his mother Mary was betrothed to Joseph, but before they lived together, she was found with child through the holy Spirit. Joseph her husband, since he was a righteous man, yet unwilling to expose her to shame, decided to divorce her quietly. Such was his intention when, behold, the

\(^{14}\) Stanley J. Kahrl, “Untitled Review,” *Medieval Academy of America* 65, No. 3 (July 1990), 729. N-Town would indicate Nomen, as in, the name of whichever town currently being performed in; the actor introducing the play would insert the name of the town when greeting the audience.

\(^{15}\) Craig, *English Religious Drama of the Middle Ages*, 163.
angel of the Lord appeared to him in a dream and said, “Joseph, son of David, do not be afraid to take Mary your wife into your home. For it is through the holy Spirit that this child has been conceived in her. She will bear a son and you are to name him Jesus, because he will save his people from their sins.” All this took place to fulfill what the Lord had said through the prophet:

“Behold, the virgin shall be with child and bear a son, and they shall name him Emmanuel,”

which means, “God is with us.” When Joseph awoke, he did as the angel of the Lord had commanded him and took his wife into his home.16

These seven verses are sufficient for the Gospels to encapsulate a dry account of Joseph, “a righteous man,” discovering that his wife has made him a cuckold; choosing, for the sake of her reputation, “to divorce her quietly;” and learning from God that his pregnant wife is still a virgin, and that he will be expected to rear the child, to be named “God is with us.” Seven verses may have been sufficient for the Gospel writer, who admittedly had other things on his mind, but was not nearly enough for Medieval English Christians concerned with everyday situations of more corporeal cuckoldry and marriage.

The Chester Play closely follows Matthew’s Gospel, nestling the story of Joseph’s doubt in the larger context of the Nativity. The playwright is indeed so concerned with scriptural accuracy that he has helpfully provided Latin commentary and scriptural quotations to the side of the text. Joseph opens this section of the Nativity with the lugubrious exclamation, “Alas, alas! And woee is mee! / Who hath made her with childe?”17 His outburst is certainly more realistic than the glossing-over of the situation in Matthew, indicating a fleshing-out of the Biblical story to make it more accessible. Later on in the same lament, Joseph articulates the traditional belief that he was beyond parenting age when he wed Mary, saying, “I am both old and colde, / this XXX wynter, though I wold, / I might not plaie no

16 Matt 1:18–25.
Despite Mary’s obvious infidelity, Joseph remarks to himself that he is loathe to hurt her, so he decides “to leave her privelie. . . / that no man know this case” (the author helpfully cites Matthew 1:19 here). Upset at his misfortune, he lays down to sleep a while before setting out to bid Mary farewell, throwing up the genuine prayer, “lord, on her thou haue mercye / for her misdeede today.”

Joseph’s prayer, like most of ours, is answered in a way he does not expect. An angel appears and reprimands him for his “feble thought;” for Mary’s pregnancy is “Gods will.” Joseph, the saint that he is, immediately accepts the angel’s word and declares, “it is soe, / I will, no man be her foe, / but while I may on earthe goe / with her I will be,” effectively ending the “Joseph’s doubt” section of the play after two pages. The playwright has made two theological moves in terms of marriage here. He has asserted the power of prayer in understanding the spouse, and the husband’s obligation to serve as the protector of the wife. In the larger context of the Chester Plays, however, Joseph is soon written out, much as he is in the Gospels, and when he does appear, he is subservient to Mary.

The York Play, “Joseph’s Trouble about Mary,” portrays gender roles more familiar to those of us in the twenty first century. Composed only a decade or two later than the Chester Plays, the York version of Joseph’s doubt is far longer and more involved. The author of the York Play strays from the Gospel into legend, causing Joseph to rehearse how he and Mary came to be wed. One day Joseph went to temple where he was instructed to stand in a line with all the other unmarried men and hold “a drye wande / on heght … in his hand, and I ne wist what it ment. All the young men’s wands remained bare, but his “florisshed faire, and floures on sprede, / And thay saide to me forthy / That with a wife I sulde be wedde.” Mary and Joseph’s undesired betrothal thus provides a context for their traditional age difference.

---

18 Ibid., 134–36. “I am both old and cold / this winter [] even had I wished to, / I could play at neither games nor sex.” This translation, and all provided forthwith when necessary, provided by Siobhan Riley.
19 Ibid., 143–44. The Gospel text reports that Joseph decided “to leave her secretly / so that no man would know what had happened.”
20 Ibid., 159–60.
21 Ibid., 161, 164.
22 Ibid., 169–72. “This it will be/ I [say], no one will oppose her / for while I am alive / I will be at her side.”
Unlike the Chester Play, in York Joseph and Mary are portrayed in dialogue. When Joseph first approaches her, Mary greets him warmly after his long absence, saying, “Joseph my spouse, welcome er yhe.”24 Genuinely distressed by her infidelity, Joseph begins to upbraid Mary in earnest, soon resorting to name-calling and repetitively demanding, “Whose ist Marie?”—as any normal man would after discovering his wife’s apparent trespasses. Mary and her two servants, however, defend her purity steadfastly until Joseph, fed up with the circular argument, mannishly declares, “The soth fra me gif that thou layne, The childe-bering may thou noyot hyde; But sitte stille here tille I come agayne, / Me bus an errand here beside.”25 As soon as Joseph leaves her, Mary offers a prayer for him to God, just as Joseph, about to go to sleep, offers his own prayer. The angel Gabriel appears and orders Joseph to go home and take care of Mary. Joseph, tired from his argument, bids the angel to leave him, but eventually realizes the import of Gabriel’s message and returns to Mary. “Saie Marie, wife, how fares thou?” he asks sheepishly, and she answers, “The bettir, sir, for yhou.”26 Joseph asks forgiveness, which Mary jokingly denies, and all of a sudden their roles are back in place, and Joseph orders Mary to pack a bag for their journey to Bethlehem.

The York Play is theologically distinct from the Chester in that Mary and Joseph’s interactions are taken as important, their relationships with one another significant to God’s plan, rather than relying on disjointed angelic messages to move the plot forward. Joseph, the good husband, realizes when he has erred and asks for forgiveness, which Mary gracefully extends, stepping seamlessly back into her role as obedient wife. The York Play thus presents a theology of marriage in which the husband has dominion over his wife—the right to question her and order her about—but is also

wand/stick / in the air . . . in each man’s hand / but I did not know what it meant.”
“Flourished beautifully, and the flowers spread open, / And they said to me immediately that I should marry a wife.” The “wand” Joseph has used could refer to any number of things, from an erection to a literal tree-branch. Although the double entendre is clearly intended, given the description of this tale in the Golden Legend, there titled “The Miracle of Joseph’s Rod,” it is more likely the player in this instance would wield an actual wand or stick devised in some way to bloom flowers, probably lilies. This legend, indeed, is the source tradition for St. Joseph’s iconic imagery of bearing lilies.

24 Ibid., 91.
25 Ibid., 126–29. “You may hide the truth of your sleeping around from me / but your child-bearing you will not hide; / Stay there until I come back / I have an errand to run.”
26 Ibid., 290–91.
answerable to her. If the husband does a wrong, he must admit it and seek forgiveness.

The Wakefield section of Joseph’s doubt is contained within the play “The Annunciation.”27 Again, Mary greets Joseph graciously when she first sees him, “What chere with the?” Joseph asks, “The better, sir, for you,” she answers.28 As in the York Play, Joseph angrily questions Mary about her pregnancy, storming off somewhat sooner to give way to a somewhat longer complaint against her. Mulling over whether or not she might actually have conceived God’s son, and whether he should turn her adultery over to the local bishops for punishment, he is unsurprised when an angel appears to him and explains that Mary “has consauyed the holy gast, / and she shall bere godys son.”29 With the angel’s reassurance, Joseph hurries back to Mary with an apology, which she grants, saying, “Now all that euer ye sayde me to, / God forgys you, and I do, / With all the myght I may.”30 Overjoyed at her acceptance, Joseph prays for the grace to be a good husband.

Not much separated from the York Plays in time or subject matter, the Wakefield production of Joseph’s doubt does not really add much to the dramatic expression of marriage theology. The significant addition to the York Play is that in the Wakefield Joseph’s need for Mary’s forgiveness is more heart wrenching, his reliance on his wife’s goodness more apparent, and, beyond that, there is his prayer of thanksgiving and supplication, where he asks to be a better husband than before. A holy marriage, than, is one where the husband knows he must continually strive to do better and must humble himself before his wife appropriately.

In the York, and Wakefield Cycles, Joseph’s doubt centers around his insecurity and Mary’s forgiveness, both aided by the intervention of an angel. The N-Town Plays, the latest-written of the cycles, show a much more balanced view. Not only are Mary and

---

27 As mentioned previously, the York and Wakefield Cycles are intimately related. Some scholars have hypothesized that the Wakefield Plays are actually more similar to early editions of the York Plays than the current York manuscripts, but in the case of Joseph’s doubt, at least, the development of theology and language between the York and Wakefield Plays seems to indicate a later composition of the Wakefield segment.


29 Ibid., 333–34. “has conceived by the Holy Ghost / and will bear God’s Son.”

30 Ibid., 359–61. “Now everything you ever said against me / God forgives, and I do too, / with all the strength I have.”
Joseph shown in dialogue with one another, but they are on equal footing. Joseph rants at Mary and Mary rants back. “Alas, dame, why dedyst thu so? / For this synne that thu hast do, / I thee forsake and from thee go / For onys evry and ay!” he exclaims, Mary answering in exasperation, “. . .Alas, dere hosbund, amend your mod! / It is no man, but swete Jhesus! / He whyll be clad in flesch and blood, / and of youre wyff be born!” When the two part, both Mary and Joseph pray earnestly for one another, and God sends down an angel to explain the situation to poor Joseph. Joseph, distraught by his plight, at first tells the angel to leave him be that he might “wepe my fylle,” but the angel chides him for yelling at God in his prayers and hurting Mary’s feelings. Joseph, converted by the angel’s words, rises up and, praising God, not only runs to Mary for forgiveness but offers to kiss her feet. Mary, his wife, lovingly exclaims, “Nay, lett be my fete, not tho ye take! / My mowthe ye may kys, iwys, / And welcom onto me!” Joseph, delighted, surprised, and truly in love, lets out a series of exclamations, “Gramercy, myn owyn swete wyff! / Gramercy, myn hert, my love, my lyff! / Shal I nevyr more make suche stryff Betwyx me and thee!” Reunited in body (with the kiss) and heart (with forgiveness), Joseph asks Mary for her story—he wants to know how she came to be the mother of God. After she explains her story, both Mary and Joseph offer up praise and thanksgiving to God.

The marriage theology in the N-Town play is the most significant of all the cycle plays dealing with Joseph’s doubt. Both Mary and Joseph are deeply troubled by the rift between them, both seek out God for help, and both over-deliver what is due to the other. Joseph ought to give Mary an apology, but he goes down on his knees to kiss her feet; Mary ought to forgive Joseph, but offers her lips to seal the covenant rather than mere words. The open, honest, truthful, and requested exchange of information at the very end, though, is the important part. A healthy marriage is not about sexual intercourse, but about love and trust, about caring for your spouse.

31 “Joseph’s Doubt,” in N-Town Plays, ed. Stephen Spector. (New York: Oxford University Press, 1991), 61–69. “Alas, woman, what did you do / Because of your sin / I forsake and abandon you / for once and for all!” “Alas, dear husband, get a grip! / It is no man, but sweet Jesus! / He will be clad in flesh and blood, / and of your wife be born!”
32 Ibid., 152.
33 Ibid., 189–91. “No, leave my feet be, don’t take those! / You may kiss my mouth, surely, / Welcomed by me!”
34 Ibid., 192–94.
The Joseph’s doubt portions of the Cycle Plays of Medieval England provide helpful insight into marriage theology as portrayed and promulgated to the common people performing and watching these dramatic re-tellings of Biblical stories. Over time, the authors of the cycle plays added more extra-Biblical content both to flesh out the story of Joseph and Mary’s relationship and to make it more believable while supplying a venue for describing what it means to be a good husband or wife.
The Determination of Death
Chijioke G.Ogbuka

To state the question quite plainly: Is a person diagnosed to be brain-dead really dead? By brain death, I mean the permanent cessation of all mental and physiological functions of the entire human brain, including the brainstem, as a result of complete and irremediable damage to it. An objective and unanimous consensus on this debate is quite far-fetched. Nevertheless, as I will discuss in this work, the facts are clearly obvious: that when the human brain suffers a massive and irreparable damage to all its intricate sub-systems, systems, and parts— in the forebrain, midbrain, and hindbrain—such that all its integrating functions permanently cease, the individual invariably ‘shuts down’ and death is a given. How can this be the case?

At stake in this discourse is not precisely a definition or determination of death—it includes some of both, no doubt. Rather, this work is an investigation of the sufficiency of brain-death as the measurably definitive standard for death. The task of this determination is precisely a medical diagnostic one because it involves a vital, and probably the most indispensable, organ of the human being—the brain and its functions. Yet, it falls within the discipline and task of ethics to examine this criterion, as well as the medico-moral issues that ensue: issues that range from withdrawal of life-support to organ donation; issues that bear on the very meaning of human life, human knowledge, and human experience; issues that are so central to the very reality of human existence—that all humans are persons from the instant of conception until natural death and are deserving of the dignity, equality, and fundamental rights accordable to human persons as such.

Consisting of five major sections, this study is principally an analysis in bioethical perspectives. It incorporates elements of medicine and human physiology, as well as philosophical and theological insights. Section I briefly exposes the reality of death and traces the need, over time, for criteria to determine it with precision. Section II studies the nature of the human brain and its principal functions in relation to the heart and lungs. Section III explores the
concept of human personhood in anthropological perspectives relevant to the brain-death debate. Section IV looks at the brain-death debate in its most pertinent ramifications. Section V examines the sufficiency of this neurological diagnosis of death as the medical and ethical standard for the determination of death.

I. The phenomenon of death

Death is an event that occurs at a particular moment, given the loss of the unifying vital (of life) force. It is not a process say of dying or becoming dead that could last for days, weeks, and even months. In fact, death occurs at a precise instant. It is that critical and inevitable moment when a human being ceases to “function as a specific, unified, homeostatic being and becomes instead a disorganized collection of heterogeneous chemical substances.”

And so, since the human being comprises organs, tissues, and cells—all living parts—death of the human organism as an integral whole must be distinguished from death of the whole organism. In the former scenario, the central and unifying force of life is absent—death has in fact, truly occurred; in the latter, all its living parts are dead—a process that may span days, and weeks, and even months as the case may be. Of necessity therefore, death is that moment when the unifying life force (the soul) ceases to inform the body regardless of whether some cells or organs continue to briefly function in isolation. In short, death is the absence of unified life.

Certainly, from antiquity, some specific indications of human death were easy to detect. The onset of putrefaction was a clear sign of an irreversibly lifeless state even to non-physicians. A person found lying still in an unconscious state would be tested for any signs of life—the presence of a pulse and of heartbeat, the activity of breathing, signs of nasal condensation tested with a

---

3 Ibid. It is medically known that the heart can continue to beat for a while, even when separated from the body. Certain human cells and tissues as well, can continue to demonstrate some residual life when properly nourished in the right solution. Also, the technology of therapeutic cloning, which of course, is still being perfected, makes this latter point all the more tenable.
4 Ibid., 131.
mirror, and the movement or dilation of the pupils etc. Though these techniques were oftentimes less than conclusive, as was the case with premature interments (live burials) and near-death experiences, they generally were effective as death-determinative criteria.

Over the last three centuries, mainly in the eighteenth and nineteenth century, the advent of accurate medical equipment like the stethoscope and particularly the electrocardiograph (ECG), which is more sensitive and exact in detecting cardiac functions, has heightened medical diagnosis of these signs making them more accurate. Even the faintest of cardiac pulsations can be easily detected with an ECG. Moreover, the possibility of reviving the heart and lungs by cardiopulmonary resuscitation (CPR) or defibrillation underscores the fact that the cardio-circulatory and respiratory functions are vital for the continued existence of the human being. An irreversible termination of these functions, despite resuscitation efforts, was clear evidence, subsequently, of the occurrence of death. Thus, cessation of the natural and spontaneous functions of the heart and lungs came to be regarded as the traditional and foundational clinical criteria for the determination of death.⁶

In recent times, however, the situation has considerably metamorphosed. While death still remains a cessation of life and the traditional criteria for determining death still hold in certain cases, the exigency for a new set of medical criteria has arisen in the wake of tremendous advances in the fields of biomedical technology and clinical neurology, particularly with life-prolonging technologies and brain diagnostic procedures.⁷ Two major developments are responsible for this.

First is the invention of ventilators, mechanical aids, and life-support systems to sustain and aid heart and lung functions non-naturally. When heart and lung functions are artificially maintained in a comatose person—one in a state of heightened unconsciousness—the vital functions of circulation and respiration, respectively associated with both organs, continue. It is however virtually

---

⁶ O’Rourke and Brodeur, Medical Ethics, 131.
⁷ The concept of brain death as a criterion for certifying the death of the human being was first proposed in 1968 by the Ad Hoc Committee of the Harvard Medical School to Examine the Definition of Brain Death.
impossible, given this mechanically induced condition, to verify
death or even rule it out on the sole basis of the traditional criteria—
since heart and lung functions can well be sustained, at least
temporarily, even if the central unifying vital force of the human
being were to be observably absent.  

A second medical development is in the area of organ
transfer or transplant surgery—a clinical procedure that is
increasingly being perfected. Technically called organ transplantation,
from the perspective of the physician(s), or donation, from the
perspective of the organ donor at least before death, organ transfer
involves the removal or retrieval of a vital and functioning human
organ e.g. the kidney, liver, heart, etc. in order to meet the medical or
vital emergency of an organ-needy patient. I refrain from using the
terminology of harvesting, because it tends to conjure up an activity
performed on a vegetative entity. The cadaver is lifeless—
supposedly; nevertheless, vegetative falls short of the right adjective to
qualify it. For transplant surgery to be successful, at least in the case
of a dead donor, the organ ought to be removed in a timely
manner—right after death—, while oxygenation and circulation are
still in process. Ischemia and postmortem transmutations in some
organs and somatic biochemical elements like creatine phosphate
occur rather quickly. As such, in most if not all cases of organ
transfer following the neurological criteria, oxygenation and circulation are
sustained by means of an artificial aid. The organ
donor, at this point, is technically dead. How can this possibly be the
case?

The necessity for a more precise and definitive criteria than
the aforementioned, still looms large. If life-support systems could
keep the heart and lungs in function making the traditional criteria,
strictly speaking, virtually inapplicable, and a person had to be dead
before organ transfer could properly be undertaken, what kind of
death will this constitute, and how should it be determined clinically?
Kevin O’Rourke and Dennis Brodeur offer a rather compelling and
articulate set of answers to solve this puzzle:

---

8 Ibid., 132.
9 Even though, with regard to this topic, the human person is neurologically speaking, dead,
before organ transplantation can be correctly undertaken, the cadaver, once part of what
was the human person, is still to be accorded some degree of respect, at minimum, in
language and terminology.
10 Moraczewski and Showalter, Determination of Death, 12.
Brain death criteria may be employed because brain function (my emphasis) is an even more fundamental sign that the unifying life source is present than is the function of heart and lungs. We can posit the continuing life of a person if the heart and lung functions are temporarily supplied by machines, as happens in open heart surgery, if the brain is still able to function. But if the brain cannot function and this condition is irreversible, then there is no way we can reverse the disintegration of the brain and no way we can posit that the principle of unity, the life-giving force (the soul), is still present. Medical research demonstrates that if the brain has ceased to function irreversibly, then it is being destroyed because blood is not circulating effectively, even though the brain may not have lost all signs of cellular activity.\footnote{O’Rourke and Brodeur, Medical Ethics, 132. See also Gaetano Molinari, M.D., “Review of Clinical Criteria of Brain Death,” in Brain Death: Interrelated Medical and Social Issues (New York: New York Academy of Sciences, 1978), 62–70. Note as well that more pertinent and up-to-date medical research has been undertaken since this latter work by Molinari was written. O’Rourke and Brodeur nonetheless conclude that total and irreversible loss of brain functions is the clinical basis for brain death—and the death of the person.}

To better understand the centrality and complexity of brain function, therefore, it is of paramount importance to examine the human brain, in its principal parts and functions, relative to the vital activities of the heart and lungs.

II. The human brain

The human brain is a single unified organ made up of a multiplicity of components functioning in a collaborative and orderly fashion to produce human thought and behavior. It is probably the “most complex structure in the known universe; complex enough to coordinate the fingers of a concert pianist or to create a three-dimensional landscape from light that falls on a two-dimensional retina.”\footnote{Department of Physics at Syracuse University, Mind and Machine: Biology of the Brain, http://physics.syr.edu/courses/modules/MM/brain/large/large.html (accessed December 20, 2009).} All mental and cognitive processes—memories, behaviors, beliefs, thoughts, emotions, and moods—arise and are coordinated
within the brain. Likewise, all physiological processes of human biology—circulation, digestion, respiration, etc.—are also regulated by the human brain. The brain controls the human being’s ability to see, taste, hear, touch and smell; the brain reviews and interprets all stimuli both external and internal; the brain is responsible for the changes to mood, alertness, and levels of consciousness. In fact, as neurologists have come to understand, no computer or mechanical system has yet to parallel the extraordinary sophistication of the human brain.13

Together with the spinal cord, the human brain makes up the central nervous system—an extraordinarily multifaceted network responsible for the inter-communication and transmission of neural impulses necessary for the integrated functioning of the human being. Billions of electrically charged units called neurons or nerve cells make this communication and transmission process possible. As such, all brain activity results from impulses generated by these electrical units.14 These impulses are transmitted along nerve fibers—“pathways between nerve cells and body parts.”15 As pathways, nerve fibers run from the reticular activating system (RAS)16 down to the spinal cord and up through the thalamus—that central processing unit in the brain, much like the CPU of a computer, which receives and directs neural information to the brain’s respective processing centers. Approximately all neural messages entering and exiting the brain pass through the thalamus. It is the central “relay station” of the human brain located right above the brainstem and underneath the cerebrum.17

The human brain consists of three principal components: the cerebrum, the brainstem, and the cerebellum.

- Cerebrum. This is the largest part of the brain made up of thick and intricate tissue masses, and accounting for two-thirds of the brain’s weight. Located in the forebrain, it is outer-layered by a gray matter called the cerebral cortex under which is a white

14 Ibid.
16 RAS, the reticular activating system, is “a pencil-shaped structure in the brainstem, situated between the medulla and the pons; it arouses the cortex to keep the brain alert and to attend to new stimulation.” See Philip G. Zimbardo, Ann L. Weber and Robert L. Johnson, Psychology: Core Concepts, 4th ed. (Boston: Allyn and Bacon, 2003), 62.
17 Ibid., 63.
matter of nerve fibers. Complex mental processes of thought and perception, typical of intelligence, are located in the cerebral cortex.\textsuperscript{18} The cerebrum is split into two nearly symmetrical halves (hemispheres) bridged by a unified bundle of nerve fibers called the \textit{corpus callosum}. Each hemisphere is further partitioned into frontal, parietal, occipital, and temporal lobes. These lobes account for an array of cognitive and emotional functions ranging from speech and language control, motor skills, sensory stimuli interpretation and vision processing, to the generation of long-term memory, emotions, and auditory processes. Also buried within the cerebrum is a network of nerve fibers called the \textit{limbic system}, which connects the hypothalamus with the frontal and temporal lobes, as well as the hippocampus and amygdala. This system monitors experience, emotions, and the automatic body functions.\textsuperscript{19} In essence, the cerebrum is the “seat of higher cognitive functioning.”\textsuperscript{20}

- \textit{Brain Stem}. Located in the lower part of the brain, the brainstem is structurally continuous with the spinal cord. It connects the spinal cord to the cerebral hemispheres (forebrain). It is made up of the medulla (which regulates breathing), pons, and a system of nerve fibers called the reticular activating system. These form part of the hindbrain.\textsuperscript{21} The midbrain, on the other hand, is part of the brainstem. Though occupying a rather small portion of the brain, the brainstem is intrinsically important because the motor and sensory neural impulses from the other parts of the brain pass through it to the rest of the body. It is the brain’s vital link to the body. It regulates alertness, sleep cycles, and levels of consciousness or wakefulness. It is critical and indispensable for monitoring the involuntary cardiac and respiratory functions of breathing as well as blood pressure, posture, swallowing and some sensory-motor processes. Neuroscientists also agree that some aspects of higher brain functions are connected to the brainstem.\textsuperscript{22}

\textsuperscript{18} Ibid., 65.\\textsuperscript{19} Ibid.\\textsuperscript{20} Ibid.\\textsuperscript{21} Optic Nerve Hypoplasia (ONH) Consulting, \textit{Glossary}.\\textsuperscript{22} Zimbardo, Weber and Johnson, \textit{Psychology}, 64. Also, see The Merck Manuals Online Medical Library, \textit{Brain}.
• Cerebellum. Often called the “little brain”, the cerebellum is attached to the brainstem at the back of the skull and connected to the cerebrum as well. It is responsible for the body’s coordinated movements, e.g. walking, dancing, and running, and its sense of balance and equilibrium. Recent studies have also proved that certain forms of conditioned learning like salivating at the sound of the lunch bell or exiting buildings at the sound of the fire alarm are controlled by the cerebellum. Together with the brainstem, it regulates life’s most basic functions most times reflexively and automatically.\(^{23}\)

In all, the human brain is the radical center of cognitive mental and physiological unity. Despite its obvious sophistication however, it cannot function solely and independently without external assistance. It needs to be steadily nourished; it needs constant oxygenation and energy. It depends on these vital supplies from the heart and lungs.

The mutual interdependence of brain, heart, and lung functions. The human brain needs about 20% of oxygenated blood flow from the heart for its proper functioning and continued vitality. A depletion of this supply could bring about a loss of consciousness. Death will subsequently follow if blood supply ceases permanently. Likewise, an abnormally low level of oxygen and sugar in the blood can cause severe damage to the brain. The brain, however, has an inbuilt mechanism whereby it signals the heart to palpitate and pump blood more rapidly in the event of a decrease in its blood supply. The same is the case with a decrease in blood sugar levels—more adrenaline is secreted to stimulate the liver for the release of stored sugar.\(^{24}\)

As mentioned above, respiratory functions are regulated in the brainstem precisely by the medulla oblongata—a pyramidal structure located in the lowermost portion of the brainstem. Air fills and leaves the lungs when nerve impulses from the medulla prompt the intercostals and diaphragm to constrict and relax. Normally, the pace of breathing is monitored by the respiratory centers in the medulla; however, in situations when the body exerts more energy, e.g. when coughing, exercising, or working, other areas regulate the functions of these centers, and can even briefly take control over these functions. If the medulla suffers an injury such that its

\(^{23}\) Ibid., 63.
\(^{24}\) Ibid.
respiratory centers are severely damaged, it causes complications for the lungs, and the heart suffers as well from lack of adequate oxygen in the blood.\textsuperscript{25}

The case is somewhat different with respect to the heart and its ability to \textit{pump} blood unaided by any external principle or stimuli. By this it is meant that though neural impulses “modulate the inherent rate and force of the heartbeat” and can speed it up or slow it down, say during intense activity, the heart palpitates of its own accord reflexively, at a simply functional level that is adequate.\textsuperscript{26} As such, with induced ventilation and a medically well-regulated blood pressure and plasma component in the body, a healthy heart will beat continuously, even in the absence of brain functions.\textsuperscript{27} Does this make the heart a mere \textit{pump} or \textit{machine}, disconnected from the very vitality of life? Of course not! For without the heart and its vital functions of pumping and circulating oxygenated blood and nutrients to all parts of the body including the brain and the lungs, as well as expelling carbon dioxide and waste, the human being cannot live.

The human heart is not responsible for the body’s production of blood, and neither does it oxygenate the blood system. Essentially, the human heart is an involuntary muscular organ that contracts rhythmically to propel oxygen-rich blood into the aorta to other parts of the body, and to propel oxygen-low blood into the pulmonary artery to the lungs for re-oxygenation. It is precisely this function of circulating blood around the body that makes the heart central as an organ. For every living cell, tissue, or organ in the human body thrives on a steady supply of blood rich in oxygen and nutrients. Here lies the tripartite relationship: the heart pumps and circulates blood; the lungs oxygenate the blood from the heart; and the respiratory centers in the brain’s medulla stimulate the intercostal muscles and diaphragm to contract and fill the lungs with oxygen. And though the heart’s muscular function of palpitation does not directly depend on the brain, it depends on oxygen-rich blood and nutrients to survive for this primary function. A network of blood vessels known as coronary arteries makes this possible, encircling the

\begin{thebibliography}{27}
\bibitem{26} Ibid.
\bibitem{27} Ibid.
\end{thebibliography}
heart like a crown, and nourishing its cardiac muscle cells with about 5% of oxygenated blood and nutrients flowing through the aorta.28

Just like the brain, therefore, the heart and lungs need a steady supply of blood to keep healthy and functional. If the functions of the intercostal muscles and diaphragm are hampered as a result of damage to the brains respiratory centers or direct injury to these muscles, spontaneous respiration ceases and the blood runs short of oxygen; and subsequently the heart ceases to function—death is inevitable given the absence of the traditional signs of life. Likewise, when the heart or a major blood vessel like the aorta is severely injured resulting in a disruption of the circulation process, the brain is deprived of oxygen and suffers severe damage as a result losing some or all of its functions. At least temporarily, say for about two to ten days, a healthy heart can continue to function, when artificial life support systems provide requisite oxygenation and medical processes regulate blood pressure and plasma constitution. Nevertheless, given a complete and irreversible loss of all brain functions, the human being loses the unifying source of all its psycho-physiological functions and dies.29

Brain damage and loss of intracranial functions. Injury sustained by the brain, as a whole or in its parts, can cause a variety of brain dysfunctions ranging from an impairment of specific brain functions to a complete loss of consciousness and even death. Since specific bodily functions owe their source to the brain, the nature, extent of spread, location and severity of any form of brain damage are crucial for understanding the loss of brain functions that result, which could be fatal or not. Usually, neurologists identify forms of damage by careful examination of the patient for specific brain functions. Computerized Tomography (CT) scans and Magnetic Resonance Imaging (MRI) are also used to diagnose the causes of brain damage.30

Brain dysfunction can either be diffused—affecting a large portion of the brain—or localized—relative to a specific area. Some major causes of brain disorders include:31

29 Steinbock, Arras and London, Ethical Issues in Modern Medicine, 260–61.
31 For these causes, see: Biology Online, Types and Causes of Brain Damage, http://www.biology-online.org/8/4_brain_damage.htm (accessed January 22, 2010); Brain
• **Genetics.** This is the case when a hereditary gene that is dysfunctional is passed on from parent to offspring resulting in an under-development of the brain.

• **Severe head injuries.** A severe blow or injury from an accident or gunshot wound to the head can result in structural damage to the cranium causing swelling, fluid accumulation, or intracranial pressure on large parts of the brain. This condition is called cerebral edema.

• **Tumors.** Cancerous growths, depending on the rapidity of diffusion, also cause severe structural damage to the brain.

• **Metabolic Abnormalities.** Low levels of oxygenated blood (from a heart or lung disorder) and/or glucose (from hypoglycemia) can damage the brain severely, causing very high or low blood pressure, as well as cerebral infarction or a stroke.

• **Infections.** Some infections like meningitis (inflammation of the meninges—layers of tissue surrounding brain—caused by bacteria or virus), encephalitis (inflammation of brain substance), and parasitic infections, etc.

• **Cell Degeneration.** Mainly due to aging, certain disorders like Alzheimer’s disease, Huntington’s disease, or Parkinson’s disease may result from brain cell degeneration.

Because the human brain is intricately networked, a variety of brain functions are controlled by several areas working in unison rather than a single area. As such, depending on the rapidity and severity of brain disorder or injury, loss of functions due to damage of a particular area may be rewired, switched or compensated for by a healthy area, pending recovery. Three cerebral hallmarks account for this: **redundancy** (more than one portion carries out the same function), **plasticity** (certain nerve cells transmute to perform an entirely different function), and **adaptation** (as is the case with areas whose functions somewhat coincide). That is why a person that suffers a loss of sight generally develops a better sensitivity for touch, smell, or hearing. This amazing ability unfortunately diminishes with the onset of aging.

However, in spite of the brain’s flexible capacity for cerebral compensation, certain forms of damage bring about permanent and irreversible cessation of all intracranial functions. This is most times

---

*Dysfunction and Biology of the Nervous System* from the Merck Manuals Online Medical Library.

the case with severe damage to the principal parts of the brain like the cortex, the lower cerebral structures, the cerebellum, the brainstem, or a combination of these. At minimum, brain neurons begin to cease to function when deprived of the required oxygen and glucose supplies for barely a few minutes. A deprivation of these essentials for up to about six minutes damages the cerebral cortex (responsible for higher cognitive functions) permanently. And if a lack of blood supply to the higher and lower parts of the brain, including the brainstem, lasts for at least 10 to 15 minutes, the human brain will cease to function permanently. Consciousness is irreversibly lost; all impulses regulated by the brainstem including affective, cognitive, and integrating functions are no longer present; spontaneous or unaided respiration and circulation terminate; the human person ceases to exist.35

But since the brain is merely an organic part of the human anatomy, how can the loss of just one organ possibly equate to the death of the human person? Most critics of whole brain death, which I will elaborately discuss in section IV, bring up this counteracting argument. A simple answer hinges on the nature and specific functions of individual human organs. To amputate one’s limb as a medical necessity for survival is radically different from say, an amputation of the human head, or properly speaking, a decapitation. Both limb and head are organs, no doubt; yet to “amputate” one’s head constitutes a directly fatal procedure that is grossly incongruous with respect to the ambit of a medical necessity for survival. To squarely counter their position, nonetheless, a balanced anthropological perspective of the human person must be examined.

III. Human personhood vis-à-vis brain death

By definition, all human beings are persons—human persons—from the very moment of conception until the moment of natural death. As such, all processes of nature as well as nurture—growth, human development, maturation and even injury or malady, whether mental or physical, etc.—that occur within this time-frame from womb to tomb, in no way augment or diminish the nature of the human being as a person. It is a stable state of being defined primarily by qualities of essence and not merely existence. In effect, all human beings, whether in an embryonic or zygotic state, or a state of terminal illness or persistent mental incapacitation, are human 33

Steinbock, Arras, and London, Ethical Issues in Modern Medicine, 261.
persons by virtue of their humanity and not by any degree of utility or functional value, and are deserving of the dignity, equality, respect, and fundamental human rights accordable to human persons.

As a person. Man is a finite intelligent being—rational, relational, unrepeatable and distinct from others, self-conscious, self-reflective, autonomous, and self-transcendent. These are qualities that stand out in the anthropological study of the nature of the human being. Rationality—the power to reason, to think, to reflect etc.—defines the human person and sets man apart from other living beings—animals. The individual’s relational quality, on the other hand, underscores the human ability to interact with others, with his environment, and even beyond in a transcendental way. Man is an individual subject endowed with intellect and free will, and as such is capable of knowledge and voluntary acts through which he realizes his full being and potential as a human person. As an intelligent being, the human person possesses a moral conscience—the inborn perception of right and wrong through which man is able to discern moral truths and guide his or her actions.

Furthermore, every human person is composed of matter and spirit—a unity of body and soul, an ensouled body or an embodied spirit. By this, every human person is a substantial unity and not a dualistic entity. In and through the bodily dimension, real contact is made with the person in his substantial reality. The body is a “constitutive part of the person who manifests and expresses himself or herself through it.” Man’s organic and biological functions—of circulation, brain and nervous functions, respiration, digestion etc.—are chiefly in his bodily dimension. Nevertheless, the soul is the “substantial form of the body”—the principle and unifying life force of the human bodily functions. As the form of the body, it “determines or actuates the human body to a specific substantial nature or essence.”

According to Aquinas, “since the soul is united to the body as its form, it, of necessity, is present in the whole body as well as in

---

34 The usage of this word in this discourse is generic referring to both the male and female of the human species.
As such, the soul, technically speaking, cannot rightly be located in a particular part or organ of the human body, say in the brain, the heart, the lungs, or any tissue or organ. It subsists in the body as an integral whole informing it as a determinate and distinct entity, and moving the human person in a self-realizing and self-transcendent way. Though studies in neurology demonstrate that the seat of human intelligence, free will, and consciousness is in the brain, nevertheless, to locate the soul solely in the human brain misses the crucial point of distinction according to nature. As a matter of fact, it is to reduce the soul to a mere material substance. How the fusion of body and soul subsists as the human person still remains a medical mystery, a philosophical fact, and an existential marvel.

This being the case, the substantial unity of body and soul in man is essential for grasping the nature of the human person; it is the foundation for the existential understanding of the human being. Without this unity, the human person cannot exist. As a result, a separation of body and soul is the decisive factor for the philosophical definition and determination of death. The precise moment of this separation is not at once empirically demonstrable. Yet, death of the human person is a clear indication of it. It becomes even more obvious with the onset of rigor mortis: what once was an animate human being is now a decaying and disintegrating cadaver—its vital and substantial principle is absent.

In sum, a balanced philosophical anthropology should view the human being as a “finite embodied spirit in search of the infinite, in social solidarity with fellow human beings, on an historical journey through this material cosmos towards his or her final trans-worldly goal.” That autonomous and conscious subject is radically undifferentiated from the living human being. In keeping with this substantial unity, the human person can thus attain a realization of

---

38 *Summa Theologiae* I, q. 76, a. 8. Thomas argues that the soul is the form and act of the whole body, and of the body’s parts. His proof of this is that, on the separation of the soul from the body (at death), the body disintegrates—no part of it retains its functions. He further explicates in the third paragraph of this answer that the soul is in every part of the body by totality of perfection and essence; it is in the whole body primarily and essentially perfecting it; it is in the parts of the body secondarily, as they are ordered and related to the whole. His reply to objection five about the hierarchy of the powers of bodily organs sheds light on the character of the brain, as an indispensable organ for the integrated functioning of the human being.

self as an integrated and *united totality* and not a mere conglomeration of cells, tissues, organs, and functions—in his bodily dimensions.\(^40\)

Christian anthropology, particularly from the Catholic anthropological tradition, conceives the human person in the light of faith, as a being created by God in his *image* and *likeness*, and entrusted with a distinct responsibility of governance and authority.\(^41\) It is an identity that both establishes man’s initial relationship with God and sets man apart from the rest of the created order. Christian anthropology also views the human person from the perspective of redemption. Wounded and broken by original sin, man is alienated from God and his integral harmony of self is gravely disrupted. This state of affairs would have been horrendous if not for the redemptive act of Christ—his incarnation and paschal self-giving in agony, death, and resurrection. Christ, the God-man, is the only-begotten son of the eternal God, who became *human* in his nature to free fallen man from the brokenness of sin. Through Christ’s redemption, man’s relationship with God is eminently restored—a consequence of which is the supernatural reality of an elevation through grace, to participate in God’s own divine life and love. Of necessity, an anthropology grounded in Christian faith thus informs and ennobles the dignity and integrity of the human person—*created by God, graced and redeemed, sacred and inviolable*, and eminently transcendent as a *being in search of eternal communion with God*.

Based on these anthropological underpinnings, human beings have a critical responsibility to respect and protect life, and to preserve it by all means—*appropriate* and *proportionate*.\(^42\) To declare a human person dead before the real occurrence of death, irrespective of the person’s terminal health conditions, is a grave medical oversight. Precautionary measures ought to be taken to avoid this and reasonable misgivings ought to be resolved in favor of life—at least until death is diagnosed and determined to have occurred. On the other hand, if death has in fact occurred, then it is grossly illogical and inconsistent with medical practice, and indeed unfair to the family or next of kin, to administer medical treatment to the cadaver as if it were a living human person.\(^43\) In essence,

\(^{40}\) O’Rourke and Boyle, *Medical Ethics*, 265.

\(^{41}\) Genesis 1:26–30.

\(^{42}\) *Appropriate* means are not medically futile or unnecessary because of their direct usefulness to the patient; *proportionate* means do not impose a great risk of insurmountable burden to the patient, proxy, or next of kin.

\(^{43}\) Moraczewski and Showalter, *Determination of Death*, 10.
anthropological theories like some forms of Darwinism, Cartesian dualism, and relativistic naturalism, which fail to coherently grasp these above facts of human existence, are gravely deficient. Of themselves, evolution, thought, and natural causes fall short of an adequate anthropology for understanding the human person. In fact, these theories run the risk of reducing the dignity of the human person to a merely fatalistic, functional, and use-based value.

For a Christian, death is not absolutely final. The body-spirit separation, no doubt, is a philosophical given. Nevertheless, the person is transformed to a new state of being. The Christian belief in the resurrection of the body and the supernatural reality of eternity transfigures the meaning and apparent finality of death. By resurrection of the body, Christian theology holds that “the body in some way will share in the new life of Jesus Christ.” In the light of this, the phenomenon of death, brain-death, from a Christian perspective entails a wider spectrum than a purely medical diagnosis. The latter, of course, furnishes the required diagnostic verdict, since it concerns the human brain; yet, an authentic anthropological vision of the human person provides the raison d’être for a correct methodology to the question of brain-death and the determination of an appropriate standard for verifying it.

IV. The brain-death debate

Brain-death formulations. In the course of the brain-death debate, three critical formulations have prevalently emerged: the first is the “whole brain” standard; the second, the “higher brain” functions; and the third, the so-called “lower brain” formulations.

- “Whole brain.” Strongly vouched for by the President’s Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, this position comprises two major perspectives:

  That of the integrated functions of all organic processes of the human being—particularly of the heart, lungs, and brain—the brain functions, nonetheless, as the systemic integrator. On this perspective, “death is that moment at which the body’s physiological system ceases to constitute an integrated whole. Even if life continues in individual cells or organs, life of the organism as a whole requires complex integration and without

---

44 Ibid.
45 Ibid.
the latter, a person cannot properly be regarded as alive.” On the other hand is that of the brain as the primary organ. According to this view, “the heart and lungs are not important as basic prerequisites to continued life but rather because the irreversible cessation of their functions shows that the brain had ceased functioning. Other signs customarily employed by physicians in diagnosing death, such as unresponsiveness and absence of pupillary light response, are also indicative of loss of the functions of the whole brain.” Most of the discussion in this work is structured on these principal foundations of the indispensable organic status of the human brain as the synchronizing and integrating source and center of vital unity in the human being.

Various criticisms have been levied against this formulation. First, as hinted in section II, is the vital necessity of other human organs like the skin (conserves body fluids), the blood (transports oxygen and nutrients around the body, and waste away from the body), the liver (detoxifies the blood), etc. Of course, these organs, just like the lungs and heart, are necessary for human life. Nevertheless, the brain and its nervous system regulate the functioning of the skin, the production of blood in the bone marrow, the function of the liver, as well as that of the lungs and heart (somewhat indirectly) in an overarching fashion. And though the functions of some of these other organs can be supplied for artificially in a limited time span, they cannot replace the summative and integrative functions of the human brain—both cognitive and physiological.

A second criticism is about the existence of cellular level activity when isolated nests of neural cells are perfused or continue to show vital signs, despite the cessation of integrated super-cellular brain processes. These critics fail to accede that life at the cellular level critically depends on life at the integrated super-cellular level. The same reason why the heart

---

46 The President’s Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, Defining Death. This statement by the commission is gotten from Bonnie Steinbock, John D. Arras, & Alex John London, Ethical Issues in Modern Medicine, 6th ed. (New York: McGraw-Hill Companies, 2003), 263.
47 Ibid.
48 Ibid., 263–64.
and lungs could be mechanically engineered is the same reason why isolation of nerve cells or neural electric charges could be perfused or exhibit signs of life. Given the permanent and irreversible absence of brain functions however, they grossly fall short of a measure or an indicator for the presence of human life. Recent discoveries in the field of neurogenesis, after all, reveal that in the presence of integrated brain functions, neural cells die and are regenerated\textsuperscript{50}—their death, however, does not constitute the death of the human person.

- “Higher brain.” Also called the \textit{neocortical} position, it hinges on the so-called cognitive functions of the cerebrum or the \textit{higher brain}: mental or psychological functions which, principally account for consciousness, thought, and emotions—though not exclusively since both the thalamus and some functions of the brainstem regulate consciousness and wakefulness respectively.\textsuperscript{51} The underlying premise for this formulation, however, is that the irreversible arrest of cerebral functions, particularly that of the neocortex, brings about the loss of cognitive and psychological functions—the loss of those functions that characterize human personhood. In the complete and non-restorable absence of cerebral functions even given the vital activity of the brainstem and cerebellum, the human person ceases to exist. Adherents of this formulation subscribe to the “whole brain” standards since death of the whole brain invariably includes a complete loss of neocortical functions.\textsuperscript{52}

This formulation is chiefly flawed in its definition and understanding of personhood. As clearly discussed above, personal identity is founded not merely on material existential qualities but on characteristics of essence as well—hallmarks that are substantially corporeal and spiritual. For intelligence and rationality are irreducible to material categories. And though a definition of personhood is non-unanimous amongst different ideological traditions, to reduce the human person to an anatomical substrate of consciousness or neocortical functions is to gravely miss the point. In fact, it runs the risk

of denying personal identity to patients who are severely senile, mentally ill-developed or incapacitated. Persons such as those in a prolonged or permanent comatose state (PVS), as well as anencephalic infants, are considered dead according to this view, even though the traditional indications of unaided cardio-pulmonary functions of heart and lungs are verifiably extant.\textsuperscript{53} The celebrated cases of Karen Quinlan, and more recently Terry Schiavo, demonstrate that the loss of higher brain functions alone (due to irreversible cerebral damage) cannot constitute death of the human person. Karen lived on for almost a decade without any life surrogate support; Terry only died because she was denied artificial nutrition and hydration—basic vital necessities that do not constitute induced life support.\textsuperscript{54} Both were not motionless heart-beating cadavers as the name goes; they were human persons.

- "Lower brain." The lower brain concept is based on the brainstem functions (regulates spontaneous heartbeat and respiration). Also called brainstem death, it was proposed by the Royal Colleges of British Physicians and Surgeons. On this view, a permanent and irreversible cessation of brainstem functions or reflexes constitutes death of the human being. It also implies the non-necessity on the part of the attending clinician to diagnose the complete arrest of cerebral functions in order to determine death.\textsuperscript{55} As such, a person supported artificially by respiratory aids as a result of complete brainstem damage, but whose mental and cognitive functions are still intact, is considered dead. This scenario is per se hypothetical, however, since the brainstem is the doorway to the forebrain. A complete halt to brainstem functions due to irreversible damage to its parts will bring about a cessation of higher brain functions as well. As studies have shown, the brainstem is probably the most resilient part of the entire brain.\textsuperscript{56} Proponents of this position hold fast to it as well, since it is more in tune with the traditional criteria for death given that

\textsuperscript{53} Chadwick, ed., \textit{The Concise Encyclopedia of the Ethics of New Technologies}, 47. These patients have a forebrain (responsible for cognitive, mental, and emotional functions) that is severely or totally damaged or ill-developed, and as such is more or less non-functional.

\textsuperscript{54} Steinbock, Arras and London, \textit{Ethical Issues in Modern Medicine}, 266.

\textsuperscript{55} Chadwick, ed., \textit{The Concise Encyclopedia of the Ethics of New Technologies}, 43.

the loss of brainstem functions brings about a cessation of the functions of the heart and lungs. However sufficient this criterion appears to be, it tends to reduce the complexity of the entire human brain to merely brainstem functions or reflexes.

Careful consideration ought to be given to the so called Locked-In Syndrome. It is a “rare neurological disorder caused by a primary vascular or traumatic injury to the brainstem; it is characterized by complete paralysis of voluntary muscles in all parts of the body except for those that control eye movement.”57 For a patient in this state, consciousness is extant and intelligent communication is only possible through eye blinking. The patient is literally locked within his body, conscious of the environment, yet severely handicapped to interact with it.58 Strictly speaking, such a patient is not brain-dead.

Summarily, other positions have been advanced beyond the mere reach of medical and rational analysis to the affective, sentimental, inter-relational, and social dimension of the human person. In Chapter 1 of her book Brain Dead Person, Masahiro Morioka argues for a broader spectrum of locus for brain-death in the realm of human relationships relative to the person.59 Martyn Evans and Michael Potts, on the other hand, argue for a case against brain-death based on narrative, giving attention to human sentiments and attitudes.60 Without a doubt, therefore, “a person’s death represents a tearing of a large web of social relationships.”61 As such, what constitutes death for the medical and legal community must find its way into the heart and veins of society. Death by the traditional criteria? Death by the neurological criteria? Death has to be gotten right, for society’s good is at stake. For the common good of society, a common definition of death will certainly be quite appropriate.

61 Ibid., 22.
Brain life vis-à-vis brain death. A symmetrical argument has been proposed regarding the beginning of life with brain-life complementary to the end of life with brain-death; in other words, human life begins at the inception of brain activity. This was first used by Goldenring.\(^{62}\) It is indeed, quite difficult to ascertain since the precise boundary of brain activity or emergence of consciousness during embryonic formation is somewhat obscure given the complex genetically controlled process of fetal development. However, scientific evidence shows that from the very primordial moment of embryonic development, the human embryo “has the active potentiality or radical capacity to develop, from within its own resources, all it needs to exercise the property or set of properties characteristic of adult members of the human species.”\(^{63}\) In my view, the center of radical unity in the embryo located in the zygotic cellular nucleus from which cell division occurs is reasonable indication of the center of integrating functions necessary for the developmental process of the human being evident even before the human brain differentiates as a distinct organ. In any case, brain life and brain-death are two diametrically different phenomena of human biology and a support for the neurological measure for death does not call into question the very inception of human life at conception.

Total brain failure: A diagnostic procedure. To establish death by the clinical neurologic criteria, neurologists typically and carefully ought to run through a given checklist of standard tests or procedures. The aim of this test, of course, is not to examine every particularly neuron in the brain but to verify irreversibility in the nature of damage done and the complete loss of brain functions. Together with the verification of death, this examination also includes “the establishment of the cause of coma, the ascertainment of irreversibility, the resolution of any misleading clinical neurologic signs, the recognition of possible confounding factors, the interpretation of the findings on neuro-imaging, and the performance of any confirmatory laboratory tests that are deemed necessary.”\(^{64}\) In reality, the diagnostic criteria are ultra-precise; only a minute collectivity of the severely brain-damaged are diagnosed to be

permanently and *irreversibly* lifeless. This certainly helps to exclude all forms of misdiagnosis on patients in varying degrees of a comatose state, patients in a *locked-in* state, as well as patients who are terminally ill yet retain consciousness.

For the diagnosis to be exact, the following prerequisites are indispensable: “the ruling out of complicated medical conditions that may confound the clinical assessment, particularly severe electrolyte, acid-base, or endocrine disturbances; the absence of severe hypothermia, defined as a core temperature of 32° C or lower; hypotension; and the absence of evidence of drug intoxication, poisoning, or neuromuscular blocking agents.”65 This is necessary because some of these conditions if present could mimic the indicators of total brain failure. A concise review of the patient’s medical history is also strongly recommendable.

The diagnosis: Three basic findings characterize the determination process. They include: coma, absence of brainstem reflexes, and apnea.

- **Coma.** A test for coma or unresponsiveness is conducted to establish no cerebral motor responses to pain in all ramifications (supraorbital pressure and nail-bed pressure);66

- **Brainstem reflexes.** A test for the absence of brainstem reflexes is done in order to establish the degree of damage done both to the brainstem and to all other parts of the higher brain. This is appropriate given the central function of the brainstem. The test involves an examination of:
  - The pupils;
  - Eye movements;
  - Facial sensation and facial motor response;
  - Pharyngeal and tracheal reflexes.67

- **Apnea.** Technically called the *inability to breathe*, the objective of this diagnostic test for brain-death is to demonstrate the absence of a drive to bring air into the body even when the brainstem sensors receive unambiguous breathing signals. The brainstem sensors help to trigger muscular respiratory movements on detecting high amounts of carbon dioxide in blood. As such, this test is carried out in the absence of any

---

65 Ibid., 1216.
67 Ibid.
mechanical life support.\textsuperscript{68} If the apnea test is negative despite repeats, the patient is not dead.

\textit{Addendums:}

- A repeat clinical examination of the above is undertaken after a designated pause (2–24 hrs.) to ensure clinical precision.\textsuperscript{69}
- A series of additional confirmatory laboratory and imaging tests are highly recommended (mostly for infants) in other to obviate a misdiagnosis due to any false indicators or interference. Of themselves, these confirmatory tests do not suffice for a diagnosis of total brain failure given the fact that they may give similar results in patients with very severe brain damage who do not strictly meet the above clinical criteria.\textsuperscript{70} According to their order of sensitivity, several testing options include:
  - \textit{Cerebral Angiography}. It is carried out with an injection in the aortic arch to measure both posterior and anterior circulation.
  - \textit{Electroencephalography (EEG)}. Being so widespread and reliable, it is one of the most sensitive and accurate confirmatory tests.
  - \textit{Transcranial Doppler Ultrasonography}. This test confirms the absence of the diastolic flow caused by artery contraction in brain-dead bodies.
  - \textit{Cerebral Scintigraphy}. A form of nuclear imaging for brain scan.
  - \textit{Somatosensory Evoked Potential}.\textsuperscript{71}

In all, the overriding characteristic of the diagnostic test should be a determination of permanence in damage, and irreversibility in the cessation of total brain integrated processes. Only a trained physician or neurologist competent in the above should conduct the diagnosis.

\textsuperscript{68} The President’s Council on Bioethics, \textit{Controversies in the Determination of Death}, 33–34.
\textsuperscript{69} Ibid.
\textsuperscript{70} American Academy of Neurology, \textit{Practice Parameters: Determining Brain Death in Adults}.
\textsuperscript{71} Ibid.; see also, Wijdicks, “The Diagnosis of Brain Death.” The above constitutes a brief outline of the diagnostic tests. For a more detailed and a specific set of clinical protocols, consult \textit{Practice Parameters} and Wijdicks.
V. Sufficiency of the neurological criteria

Irreversibility. Irreversibility is not a term that is solely applicable in the definition of death. In fact, various processes in physics and economics admit of a law of irreversibility. For example, in thermodynamics, a system is said to be irreversible, if it cannot be reproducibly restored to its original state by infinitesimal changes in its systemic properties, without the loss of energy.72

It is somewhat similar with the situation of death. Given the fact that death is that point of no return for the human being, the notion of irreversibility needs to be construed and defined in both biological and philosophical perspectives. That which is irreversible, philosophically speaking, cannot return or be returned to its prior state of existence. If it is, it never was irreversible in the first place. The fact of irreversibility is built into our nature as contingent beings subject to change and the conditions of space and time. We are conceived, we are born, we live, and we die—moments and processes all in time; processes that in no way can be reversed. In human physiology, on the other hand, irreversibility is understood with respect to the functioning of those organs that are critical for the unified life of a human being. Various positions have been proposed as to the best possible and workable definition of the term. David Coles argues that the term is mired in ambiguity. It could mean: a) the absence of a logical possibility of restoring the organic function presently or in the future; b) that present biomedical technology cannot restore the organic function; and c) making an ethically arguable decision not to restore the function despite technological possibilities.73 “Should it be limited to the human being’s ability to restart itself after vital organs have ceased to function?”74 As such, a controversy of meaning still largely remains unresolved and problematic in the definition of death.

To get to the very knot of this enigma, an understanding of death at the cellular level is of paramount import. Organs consist of tissues and tissues themselves are made up of cells, basic functional and structural units of a human. Cells thrive on a steady supply of oxygen-rich blood and nutrients and their survival in the absence of

these vary widely. Skin or tissue cells may survive for several hours. Neural cells survive for roughly five to eight minutes. Death of neurons in the midbrain and medulla destroys the brain center that regulates breathing; neural loss in the cerebral cortex destroys intellectual capacity. Cellular death thus involves the collapse of metabolic processes which bring about a complete non-functionality at the cellular level. It is an irreversible process of disintegration in the body's organs and systems.\textsuperscript{75}

Given the varying survival potential of human cells, it is obvious that a complete cellular death of the human being cannot be the accurate measure for death since it occurs in a process rather than at a moment. As Veatch argues, there is a necessity for a “locus of death”\textsuperscript{76} such that permanent damage to the basic structural and functional units of this locus resulting in an irreversible loss of its organic functions constitutes death—even if the arrest of other cellular functions has yet to occur. Irreversibility therefore, cannot be functional or relative—merely dependent on the prowess of scientific and biotechnological advancement. For a definition of death, irreversibility must be localized and viewed in respect of the integrating center and fundamental source of unity for the entire human entity.

\textit{A definitive standard.} At this juncture, we are familiar with the two criteria for determining death: the traditional criteria based on asystole and loss of lung functions, and the neurological criteria based on total brain damage and irreversible collapse of all brain functions. Of the two, which is the more reasonably adequate criterion for which death is that point of no return?

Clearly, the cardiopulmonary standard seems sufficient for determining death in a vast majority of circumstances since an irreversible arrest of cardiac and pulmonary functions will ultimately bring about a termination of life. However, the medical possibilities of cardio-pulmonary resuscitation as well as mechanical ventilation call into question the notion of irreversibility with respect to this standard. How can death be certified if heart and lung functions (even given the reality of damage to these organs) are reversible artificially? Maybe the heart is not dead in the first place; maybe it just needs another physiological environment to survive. The situation is

\textsuperscript{75} Lynne Ann DeSpelder and Albert Lee Strickland, \textit{The Last Dance: Encountering Death and Dying}, 8\textsuperscript{th} ed. (Boston: McGraw Hill, 2009), 212.
even all the more complicated if the patient has sustained neither total damage to the brain nor loss of its integrating functions. Some patients who use pacemakers or mobile respiratory aids somewhat fall into this latter category. Given the presence of that radical and integrating center of unity, death by the cardiopulmonary criteria almost certainly falls apart.

For all intents and purposes, a neurological standard seems to me the more appropriate and definitive criterion for ascertaining death. With massive damage to the entire brain and a permanent loss of all its vital and integrated functions, the human person ceases to exist. Mechanical ventilation cannot suffice for the presence of life since that radical and integrating core of vitality is absent. Of course, the qualifying character of this condition is irreversibility. To use a rather grotesque analogy, a decapitated body maintained by artificial ventilation, say to keep the organs viable for transplant, is not and cannot be a human person. Loss of the human head, then, is tantamount to a completely damaged brain and a loss of all its integrating functions.

If there comes a moment in the future, however, when total cerebral and brainstem damage, and permanent loss of their functions can be medically or artificially remedied, restored, or replaced, the rationale and foundation for a set of neurological criteria instantly falls apart. Such futuristic possibilities are not out of question. I tend to want to believe this, given the reality of huge medical strides in the fields of adult neurogenesis and neural stem cell engineering. One even wonders about a future scientific possibility of replacing the human head with a prosthetic, artificial, or robotic one.

By and large, having laid out the fundamental and interdependent relationship shared by the brain, heart, and lungs, it is obvious that both traditional and neurological standards are intrinsically connected. It is fair to say that both should be clinically considered and applied in the determination of death. Given the diagnostic protocols, the urgency for organ transplantation or the decision to discontinue life support ought not to mitigate any of both criteria.

VI. Conclusion

In sum, human life is not a random jumble of independent cells, tissues, and organs functioning in a disjointed rhythm; human life is not a mere combination of cognitive, physiological, and
metabolic processes. Human life, rather, is the coordinated unity of vital organs and processes functioning integratively to constitute life. A complete and irreversible loss of this radical core constitutes death. As a sufficient condition, the routine diagnostic tests together with their supplemental confirmatory options seek to establish totality and irreversibility in apnea and the loss of consciousness.

As such, brain-death is not irreversible coma, nor does it equate with the so-called persistent vegetative state since brain-stem reflexes are evident in these latter states. Brain-death is not a mere medical construct by physicians faced with a burning need for viable and transplantable organs. Brain-death constitutes death of the human person by the neurological criteria even if some organs might still survive in another physiological or technological environment. There are no different kinds or degrees of death. Death continues to remain what it is—a moment, an event in time, an irreversible termination of life. The aforesaid criteria, both traditional and neurological, only afford medicine the tool to determine the cause and exact instant of a singular end-point, death, with more clinical precision.

In effect, one can lay to rest any fear of a medical homicide or premature interment of a heart-beating cadaver (aided by life-support apparatus). Difficult as it is at the level of a relationship with the previously living person together with the obvious sign of a mechanically induced cardiac palpitation, the heart-beating cadaver is not a human person given the complete damage to the entire brain and the irreversible arrest of all its vital functions. The integrating core and radical center of unity in the human person is no more. All things being equal, the neurological criteria more definitively settle the question of the determination of death—at least for the time being.
Catholic universities in the United States have been undergoing what many consider an ‘identity crisis’ in the face of rising secularism and efforts to remain competitive with secular schools. This crisis revolves mainly around the questions: What does it mean for a university to call itself Catholic in today’s world? Are ‘Catholic’ and ‘University’ even compatible concepts? Across the nation, historically Catholic institutions of higher education are attempting to grapple with these questions and to affirm their standing as important contributors to higher education. I shall argue that in order for a Catholic university to truly understand its distinct role in higher education, it must first recognize the profound influence of modernity on the conception of universities in general, and then it must also decide how it will respond to the various problems of modernity. Given our historical embeddedness, I shall also argue that Catholic universities cannot simply identify themselves in the same way as they always have, but must instead understand their Catholic identity in the stand-understand schema that Cardinal Joseph Ratzinger proposes in his *Introduction to Christianity*.

What do I mean by “modernity”? Different authors define modernity differently and different authors emphasize different aspects of modernity. There are six characteristics that more or less exemplify modernity as a whole: instrumental rationality, autonomous rationality, methodological thinking, individualism, the triumph of negative liberty, and the challenging of teleology. While all of these are in some way or another present in the university setting, I would like to focus on what I consider the three most instrumental characteristics at play in the field of higher education. *Instrumental rationality, the challenging of teleology, and methodological thinking* have permeated the mindset of society as a whole, but even more particularly they have radically reshaped the vision of the university.

*Instrumental rationality* can be captured by the famous phrase penned by Francis Bacon almost five-hundred years ago, “Knowledge is power.” Grounded in the scientific revolution, this
major characteristic of modernity emphasizes the manipulation and domination of nature, including human beings and the self. It has the tendency to reduce all of reality to what can be known through empirical means. It is Giambattista Vico, as Ratzinger notes, who boldly takes Bacon’s thought to the next logical step and proclaims that “the true is the made.” This of course, is intimately related the second characteristic of modernity, the challenging of the telos. Ratzinger writes, “It seems to me that this formula [verum quia factum or ‘the true is the made’] denotes the real end of the old metaphysics and the beginning of the specifically modern attitude of mind.” He argues that this transition into instrumental rationality marks, in a sense, the end of traditional teleology. By reducing knowledge to that which is known empirically, the final and formal causes are essentially thrown out of consideration, considered to be mostly subjective opinion, leaving only the material and efficient causes as capable of being known.

These two aspects of modern thought are very much present in higher education, although their tendency is to remain hidden, influencing academia in an implicit rather than explicit manner. There is a prominent attitude in academia that scoffs at considering theology or even natural law based philosophies as legitimate fields of study. As James L. Heft acutely observes, “For the most part, the secular academy remains indifferent, if not openly hostile, to traditional religion.” Religion might be studied as a component of history or sociology, but rarely will you see it being studied as a way of knowing the truth. Even most philosophy departments refuse to teach more than a single course, if that, in medieval philosophy, exploring man’s telos. In fact, Stanford’s philosophy department offers the following as reason to study philosophy

Students of almost any discipline can find something in philosophy that is relevant to their own specialties. In the sciences, it provides a framework within which the foundations and scope of

1 Ratzinger, Introduction to Christianity (San Francisco: Ignatius Press, 2004), 59.
2 Heft, “Distinctively Catholic: Keeping the Faith in Higher Education,” Commonweal 137, no. 6 (March 26, 2010), 9–13.
3 I had heard this claim from a few friends of mine who studied philosophy at secular universities. I decided to check out a few different schools to see what sorts of classes were offered in philosophy. Interestingly enough, I found that most secular philosophy departments do not tend to take medieval philosophy seriously at all. Washington State University’s philosophy department offers one course in the history of “Ancient and Medieval Philosophy” and the University of Maryland does not require the study of either Ancient or Medieval Philosophy for a major. NYU offers a course in the “Philosophy of the Middle Ages” once every other year. None of these schools offer more than the one course.
scientific theory can be studied, and it may even suggest directions for future development. Since philosophical ideas have had an important influence on human endeavors of all kinds, including artistic, political, and economical, students of humanities should find their understanding deepened by acquaintance with philosophy.4

No consideration of grappling with the “big questions” of why we’re here or what is the meaning of life. There is simply a practical element, a tool for better manipulating the world at large. And this attitude is extended even toward the humanities in general. In an essay titled “Science and the Decline of the Liberal Arts,” Patrick J. Deneen asserts, “The humanities today seem to be waning in presence and power in the modern university in large part because of their solipsistic irrelevance, which has predictably increased students’ uninterest in them.”5 This is characteristic of the instrumental rationality and the challenging teleology mindsets of modernity, where studying so as to understand is replaced by study so as to transform.

The third characteristic of modernity, methodological thinking, is perhaps the most obvious to see in higher education. Each field of study has adopted its own methodology for scholarship which tends to restrict scholarship to a single discipline and even within a particular discipline, restrict scholarship to questions that can be answered within the pre-established methodology. Denys Turner writes on this problem, saying, “They reverse the traffic between questions and answers so as to permit only such questions to be asked as we already possess predetermined methodologies for answering, cutting the agenda of questions down to the shape and size of our given routines for answering them.”6 This sort of restriction is evident (and I would say detrimental) not only within particular disciplines, but it also creates a rather stifling fragmentation of knowledge where meaningful dialogue between disciplines becomes nearly impossible because of the various and incommensurable methodologies established and strictly adhered to by each.

These three characteristics of modernity (instrumental rationality, the challenging teleology, and methodological thinking), present in

6 Quoted by Heft in “Distinctively Catholic.”
higher education in general, create a grave tension when encountered in the context of a specifically Catholic university. Why is this? It is because there seems to be a direct contradiction between these three characteristics and the mission of a Catholic university. John Paul II, in *Ex corde ecclesiae*, writes, “A Catholic university’s privileged task is to unite existentially by intellectual effort two orders of reality that too frequently tend to be placed in opposition as though they were antithetical: the search for truth, and the certainty of already knowing the fount of truth.” Inherent in a Catholic university is the acknowledgement of truth and the search for that truth in an integral manner that enables and fosters holistic human flourishing. It boldly proclaims a mission rejected as non-sense by those who have rejected the metaphysical: To freely search “for the whole truth about nature, man and God.” It rejects the fragmentation of knowledge typical of modernity and instead encourages a unity of truth. This is a point that Pope Benedict XVI, in his meeting with Catholic educators in 2008, stressed. He said, “Set against personal struggles, moral confusion, and fragmentation of knowledge, the noble goals of scholarship and education, *founded on the unity of truth* and in service of the person and the community, become an especially powerful instrument of hope.” Of course, the influences and stresses of modernity manifest themselves in subtle ways as well. There is a temptation amongst Catholic universities to severely cut or even eliminate completely long established core curricula to allow for greater specialization. And then there are the economic concerns: How does a Catholic university remain loyal to its intellectual tradition when society as a whole values what modernity has to offer? The pressures to balance a budget can create a tension between offering what society wants and staying true to its unique identity as a Catholic university.

There is a great deal of debate as to how Catholic universities ought to respond to the difficulties that modernity poses. Some seem to accept defeat and concede that there is no way for a university to remain distinctively Catholic and continue to be a serious competitor in the world of academia. Thus their Catholic identity is restricted to Campus Ministry programs and possibly

---

7 John Paul II, *Ex corde ecclesiae*, no. 1.
8 Ibid., no. 4.
theology departments (which, as Heft notes, are “often seen not as producers of new knowledge but as trainers of students entering the ministry”\textsuperscript{10}), acquiescing to the modern tendency of fragmentation and compartmentalization. On the other hand, there are some Catholic universities that react strongly against the forces of modernity and seek to firmly reestablish a traditional conception of Catholic identity. These schools attempt to integrate their faith into every aspect of the university and tend to exclusively favor medieval thinkers such as the Angelic Doctor, St. Thomas Aquinas.\textsuperscript{11}

Neither of these responses to modernity is adequate or appropriate. The first sacrifices the opportunity to truly evangelize the world through the search for authentic and integrated truth. It ignores and at time even denies the truth proclaimed by \textit{Fides et ratio}, “God’s desire to make himself known and the innate desire of all human beings to know the truth provide the context for human inquiry into the meaning of life.”\textsuperscript{12} Human inquiry, for a Catholic institution of higher education, must be founded on the truth, not simply utility of man’s ability to manipulate nature and the objects of the world.

The full-out rejection of modernity is similarly inappropriate. It is inadequate in our age for an institution of higher education to retreat to the conception of a university as it was seen in medieval times; to do so ignores our historical embeddedness in a particular place and time. There is a sense in which it is impossible to escape from the pulls of modernity: Whether we like it or not, we are all shaped by the scientific attitude. In fact, as Ratzinger argues, this historical embeddedness even transforms what it means to say “I believe.” Responding to the question of what it means to believe, he writes, “In view of our historical consciousness, which has become a part of our self-consciousness, of our basic understanding of the human situation, it can only be posed in the form, ‘What is the meaning and significance of the Christian profession ‘I believe’ \textit{today}, in the context of our present existence and our present attitude to reality as a whole?’”\textsuperscript{13} Modernity does shape our general attitude

\textsuperscript{10} Heft, “Distinctively Catholic.”
\textsuperscript{11} Although I do have a few particular universities in mind as I create these two categories, I do not think it would be fair to name them without being more specific about the nature of these two categories. I think, however, these general categories can be recognized as genuine reactions of various Catholic universities in the United States.
\textsuperscript{12} \textit{Fides et ratio}, no. 31.
\textsuperscript{13} Ratzinger, \textit{Introduction to Christianity}, 47.
toward reality and it is detrimental to our very being to staunchly ignore its influences. The same is true for the Catholic university. Ignoring the pulls and influences of modernity will severely limit its ability to make meaningful contributions in academia and will stunt substantial growth of both the university as a whole and its students.

What, then, does this mean for the Catholic university in the modern world? Clearly modernity is causing a tension that requires an immediate and innovative response. As we have seen, both succumbing whole-heartedly to the pressures of modernity and completely rejecting them are inadequate responses. Both fail to secure a meaningful understanding of a university’s Catholic identity and its special role as a unique institution in the mainly secular field of higher education. What is needed is a proper understanding of how the Catholic faith, today, in relationship with the modern attitude, shapes the comprehensive search for truth which is the mission of an authentically Catholic university. The best way to achieve this is in Ratzinger’s stand-understand schema as found in his book, *Introduction to Christianity*.

During his elucidation of the very meaning of belief, Ratzinger argues that there are two basic modes by which man accesses reality: practical knowledge and belief. Ultimately he argues that each must be accepted, but that they must be restricted to their respective realms, without imposing their own conditions onto the other. The first mode, what Ratzinger calls ‘practical knowledge,’ is essentially the modern attitude that we have been discussing thus far. It is real and it must be accepted as having profound influence on our mindsets as modern people and on the modern Catholic university. However, it is by no means the only mode of accessing reality. In fact, to reduce reality to only this mode or attitude would be extremely harmful to the unity of the human person.

Instead, Ratzinger proposes a second mode of accessing reality, not unrelated to the first, but certainly distinct. This mode he calls ‘belief.’ Drawing on Martin Heidegger, he clarifies this distinction: “Both modes of thought are legitimate and necessary, but for this very reason neither can be absorbed in the other. There must therefore be both: calculating thought which is concerned with ‘makability’ and reflective thought, which is concerned with meaning.”14 Modern thought is not completely dismissed. On the contrary, it is embraced with a certain openness so long as it

---

14 Ratzinger, *Introduction to Christianity*, 78.
recognizes its own realm and does not over-extend itself into that realm which is concerned with meaning, called ‘belief.’

The identification of belief with meaning is very important. According to Ratzinger, “Every man is bound to have some kind of belief”\textsuperscript{15} and this belief, whatever it may be, is ordered to the realm of basic decisions. It informs and guides all of our basic decisions in life. It is “a human way of taking up a stand in the totality of reality, a way that cannot be reduced to knowledge and is incommensurable with knowledge; it is the bestowal of meaning without which the totality of man would remain homeless.”\textsuperscript{16} It is the \textit{bestowal of meaning}.

Here we see an interesting concept arising from Ratzinger’s thought. \textit{Meaning} cannot be derived from practical knowledge, but rather it must be \textit{given} in belief and it is only given after one takes a stand on the totality of reality. It is the ‘stand-understand’ schema: in order to understand (or to find any meaning whatsoever) one must first take a stand.

I propose that it is through this lens that all Catholic universities ought to view their Catholic identity. As a university, it is of course concerned with the realm of practical knowledge, of what has been made and what can be made. But as a Catholic university, it is also concerned with the search for meaning. In \textit{Ex corde ecclesia}, John Paul II asserts that practical knowledge “also inescapably requires the corresponding necessary \textit{search for meaning} in order to guarantee the new discoveries be used for the authentic good of individuals and of human society as a whole.”\textsuperscript{17} Practical knowledge must be tempered by this search for meaning, and within the stand-understand schema given by Ratzinger we recognize that the Catholic university must first take a particular stand before it can search for and receive this meaning.

A Catholic university takes a stand on the view that “what cannot be seen is more real than what can be seen... it is an avowal of the primacy of the invisible as the truly real.”\textsuperscript{18} By taking a stand on the Christian faith, as handed down by the Catholic tradition, the Catholic university unites both modes of accessing reality into one \textit{unified search for truth}. Without rejecting one or the other, the Catholic university provides an atmosphere where man can partake in the impartial search for truth that enables him to come to the full

\textsuperscript{15} Ibid., 72.
\textsuperscript{16} Ibid.
\textsuperscript{17} John Paul II, \textit{Ex corde ecclesia}, 7.
\textsuperscript{18} Ratzinger, \textit{Introduction to Christianity}, 74.
measure of his humanity.\textsuperscript{19} It is a holistic approach that does not stifle authentic search for truth, but rather gives a proper context for it and provides the necessary tools for the journey.

With this schema guiding how a Catholic university views and lives out its Catholic identity, there is room for great growth intellectually. By accepting its historical context and the plausibility structures in which it resides, Catholic universities have a unique standpoint to discover ‘new’ truth about Christianity (for belief, as we mentioned before, is related and concerned with the realm of practical knowledge).\textsuperscript{20} There can be great advances in the practical sciences as well, since those have not been rejected or thrown out in a response to modernity. Most importantly, however, the Catholic university that understands its identity in the stand-understand schema becomes a place properly equipped for true and authentic dialogue with modernity as a whole. It is in this context that evangelization takes on a whole new light.

There is little doubt that modernity has profoundly influenced both our current society and, in a particular way, higher education. These influences have created a tension in how a Catholic university understands its Catholic identity and its unique role as an academic institution. Different universities have responded to this tension in different ways: some more or less abandoning their Catholic identity and other adamantly rejecting all of modernity. Neither of these two responses retains the essence of a truly Catholic university. It is only when a Catholic university firmly takes a stand on its Catholic faith that it can receive the meaning and purpose that will enable the university to provide the environment for an authentic and holistic search for truth.

\textsuperscript{19} John Paul II, \textit{Ex corde ecclesia}, 4.

\textsuperscript{20} Slight clarification: By ‘new’ truths I do not mean something that lies outside of revelation. Jesus Christ is the fullness of revelation and as such represents the fullness of truth. However, our understanding of the one truth revealed by Jesus Christ is always growing.
You have heard that it was said to your ancestors, “You shall not kill; and whoever kills will be liable to judgment.” But I say to you, whoever is angry with his brother will be liable to judgment, and whoever says to his brother, “Raqa,” will be answerable to the Sanhedrin, and whoever says, “You fool,” will be liable to fiery Gehenna. Therefore, if you bring your gift to the altar, and there recall that your brother has something against you, leave your gift at the altar, go first and be reconciled with your brother, and then come and offer your gift. Settle with your opponent quickly while on the way to court with him. Otherwise your opponent will hand you over to the judge, and the judge will hand you over to the guard, and you will be thrown into prison. Amen, I say to you, you will not be released until you have paid the last penny.

—Matthew 5:21–26

Matthew’s Gospel “is written to be read aloud.” Matthew’s Gospel presents a Jesus concerned with the continuity of Israel’s covenant with God and the fulfillment of that covenant in the embrace of the Gentiles. Though heavily influenced by the Gospel of Mark with clear additions from the Q source, Matthew’s Gospel possesses its own significant theology targeted to and for Matthew’s specific community. Evidence that the Gospel is intended to be heard includes Matthew’s use of rhetorical devices. Repetition and keywords, inclusio and signal phrases, all point to an intention to be heard and understood; for instance, in the Sermon on the Mount, Matthew repeats the words “righteousness,” “father,” and “to follow” several times. Further, he uses inclusio and signal phrases, like “son of Abraham” (1:1) and “Galilee of the Gentiles” (4:15), to draw attention to certain passages. Matthew’s entire Gospel thus breathes with double

2 Ibid., 7, 8–9.
3 Ibid.
4 Ibid., 11.
5 Ibid., 4.
meaning, first as a description of the life of Jesus, and secondly as a description of the life of the Matthean community. The Gospel is concerned with the continuation of the Law under Jesus as the Christ, relationships within the community, and a call to piety. Lifted from the Sermon on the Mount, Matthew 5:21–26 addresses each of these themes through the powerful familial relationship between believers: brotherhood.

The Sermon on the Mount spans chapters 5–7 of the Gospel, and is related to both the Q source and Luke’s Sermon on the Plain. In the story, a crowd surrounding Jesus has dissipated, leaving the disciples alone with Jesus to hear him speak. The attendance of the disciples signals the importance of the subsequent speech, while signaling to the modern reader that “we are also engaging in issues and concerns that occupy the Matthean church at present.” The Sermon on the Mount, then, is an effective microcosm of Matthew’s Gospel as a work meant to address Matthew’s community in its Jewish–Christian identity as it grows to embrace the Gentiles through a call to brotherhood. Located early in the Sermon on the Mount, Matthew 5:21–26 (sometimes called the “Teaching about Anger”), is preceded by the Beatitudes and an affirmation of Matthew’s community as “the salt of the earth” and the light of the world which “must shine before others, that they may see your good deeds and glorify your heavenly father,” as well as a reminder that to believe in Christ as the Son of God is to believe in the fullness and completion of God’s covenant with Israel, not abolishing the Law, fulfilling it (Mt. 5:13–16). Directly after the teaching about anger are further teachings on human relationships, including adultery, divorce, oaths, and retaliation, climaxing in the exhortation, “I say to you, love your enemies, and pray for those who persecute you” (Mt. 5:44). That Matthew would place a discussion of anger on Jesus’ lips just after listing the virtues is not surprising, for in the ancient world discussion of the emotions and passions (παθη) with the virtues is inextricably linked. The following pericopes address how a person in the brotherhood of

---

6 Ibid., 14.
8 Ibid., 73.
9 Ibid., 74.
Christianity (addressed below) ought to behave toward members of his community and the outside world with the principles addressed in 5:21–26 in mind.

As already noted, Matthew’s Gospel arises primarily from the Q source and the Gospel of Mark, but the Sermon on the Mount bears strong resemblance to Luke’s Sermon on the Plain. The teaching on anger, however, was “formed from three separate and originally independent blocks of material: 5:21–22, 5:23–24, 5:25–26.” Only the last section, 5:25–26, appears elsewhere in Scripture, and then in a less threatening form. Although the last section is repeated, probably through the Q source, scholars believe the first section, 5:21–22, goes back to the historical Jesus, while the last two serve as practical examples for living out the teaching, suggesting that Matthew’s community struggled with conflicts between believers.

As a speech, the Sermon on the Mount, and in particular the teaching on anger, uses triads to emphasize a point. The anger triad, beginning with Jesus’ declaration that for a man to be angry at his brother is as evil as killing him, is repeated twice more, first in the godly sense that a man must reconcile with his brother to be right in God’s eyes, and second that he must reconcile with his opponent to avoid jail. Read aloud, as Matthew’s Gospel is intended, the pericope powerfully promotes friendliness within the community, even in the case of judicial wrongs.

Matthew 5:21–26 is less, as it is often called, a teaching on anger than it is a teaching on brotherhood. The term brother, αδελφός in Greek (feminine, αδελφή), literally means “from the same womb,” yet “approximately half of the occurrences in the NT use the [term] figuratively/spiritually” to refer to the relationship between the people of Israel or the people of Christ. Though some might argue that the term was contemporarily used only for actual brothers and sisters, the claim is entirely inaccurate. Plato used αδελφός to refer to compatriots, Xenophon to refer to friends, and

11 The correlation between Luke’s Sermon on the Plain and Matthew’s Sermon on the Mount could be explained by a similar presence in the Q source; theologically, it is reasonable for Matthew to place to the Sermon on a mountain, where momentous events take place in the Jewish tradition. See Overman, Church and Community in Crisis, 74.
Plotinus to refer to all things in the world; in papyri, inscriptions, and literature, ἀδελφος referred to members of a religious society.16 Further, because Matthew addressed a largely Jewish community, it is important to note that Jewish tradition used the word “brother” to refer to the relationship established by God’s covenant.17 Christians, particularly those of Matthew’s community “saw themselves as the true remnant of Israel, the true people of God.”18 To properly understand the use of ἀδελφος in Mt. 5:21–26, we must read through the lens of Mt. 12:46–50. In this scene, Jesus is preaching to a crowd when his disciples tell him that his physical mother and brothers and waiting to see him. Jesus responds by declaring that all those who believe in him are his mother and brothers, thus redefining the family so that “spiritual union in the family of God takes precedence over national or blood-family lines.”19 This new familial relationship of believers in Christ Jesus is not merely figurative, for all Christians have been born again from the same womb—the wound in Jesus’ side when he sacrificed himself on the cross.20 It is to this many-layered and deep brotherhood that Jesus refers when he delivers the Sermon on the Mount and his teaching on anger.

Because Jewish-Christians composed the bulk of Matthew’s community, it was very important to demonstrate that Jesus did not “come to abolish the law . . . but to fulfill [it]” (Mt. 5:17) as he states just before the teaching on anger. The first verse in this pericope, verse 21, thus begins with the words “You have heard that it was said to your ancestors,” using the “rare impersonal passive” which “always introduces a divine utterance, and, almost always, a Scriptural quotation,” in this case, Ex. 20:13, “You shall not kill.”21 That Jesus extends this law to include those who harbor hatred against their brothers is not unprecedented, for there is a “rabbinic statement that whoever hates his neighbor is to be counted with those who shed blood.”22 What is unprecedented is how Jesus conveys the message. «ἐγώ δὲ λέγω,» he says, “But I say” (Mt. 5:22). Jesus’ strong use of “I” puts his self-reference “in parallel to the

16 Ibid.
17 Cf. Ex. 24:8.
18 Wilkins, “Brother, Brotherhood,” 783.
19 Ibid.
20 Cf. Julian of Norwich, Showings.
21 Schweizer, The Good News According to Matthew, 117. The law against killing is repeated often in Mosaic Law (cf. Ex. 21:12; Lev. 24:17; Num. 35:16 ff.; Deut. 17:18 ff.).
22 Ibid.
veiled name of God in the phrase, ‘men were told.’” Jesus thus subtly declares himself a valid deliverer of the law and God incarnate.

In Mt. 5:21–22, Jesus references the three tiers of judgment in Jewish society. First, there is the local judge; second, the Council or Sanhedrin; and third, the judgment of God. In the Septuagint, God’s final judgment is considered synonymous with an earthly death sentence, so the declaration that “whoever is angry with his brother will be liable to judgment” is particularly harsh, considering Jewish legal proceedings did not address “anger and unseemly speech,” as described in the rest of the verse. This unseemly speech refers to name-calling, specifically raqa (ῥακα), and fool (μωρε). Scholarly discussion of the word “raqa” has never come to a consensus of its precise meaning. Some say it is “probably an inaccurate rendering of a Hebrew term for ‘blockhead’ or ‘fool,’” others that it is a Semitism referring to a “person who is wrathful,” i.e., a person who called another man “fool,” or an emphatic form of Aram (r[y]q’), meaning “empty,” and hence “worthless,” or “good for nothing.” Still other scholars view raqa as a Greek rendering of the Aramaic word reka, or “imbecile,” “a gross term of abuse” sometimes used by one rabbi to excommunicate another. Saint John Chrysostom said in his Homily that people in Syria call their servants ῥακα not as a term of abuse, but as a “condescending form of address in the second person singular,” thus denoting the word ῥακα as less offensive than μωρε. Moρε is much easier to explicate. Used in the Septuagint as a term for the godless, μωρε hearkens to a charge of impiety. If a man unjustly calls his brother “fool,” then he threatens the brother’s relationship with God, and is thus “liable to fiery Gehenna.” He who interferes in a brother’s human matters, the conclusion is, is subject

23 Schweizer, The Good News According to Matthew, 118. “Men were told” is an alternate translation of “it was said to your ancestors.”
24 Ibid.
25 Ibid.
30 Luz, Studies in Matthew, 296.
to human judgment by the Sanhedrin, but he who interferes in a brother’s relationship with God is subject to divine judgment.\textsuperscript{32} Christ thus explains to the disciples that “there is no longer a sharp line between willing and acting. Wishing to kill is as bad as killing.”\textsuperscript{33} Christians are not called to merely conduct themselves well, but to truly love one another, for to hate a brother is to hate God.\textsuperscript{34}

Where the first section of Mt. 5:21–26 proclaims the law, the second and third sections, 5:23–24 and 5:25–26 respectively, illustrate the importance of following the law.\textsuperscript{35} Matthew likely included these illustrations because his community was in danger of regarding Jesus’ teachings as ideals unintended for actual life.\textsuperscript{36} Day-to-day examples prove otherwise.

Mt. 5:23–24 asserts that a person cannot be right with God until he is right with his neighbor.\textsuperscript{37} The phrase “that your brother has something against you” suggests that “you” are in the wrong, and must therefore seek forgiveness before “you” can offer sacrifice.\textsuperscript{38} Jesus thus provides theological rational to Mt. 5:21–22 similar to contemporary rabbinic discussion of Yom Kippur (the Day of Atonement). According to contemporary (and, indeed, modern) views, a person cannot sin against someone with the thought, “That’s fine, Yom Kippur will make up for it,” for such an intention undermines the purpose of Yom Kippur. A person must, therefore, reconcile with those he has wronged before Yom Kippur actually begins, for he cannot obtain God’s forgiveness without first obtaining earthly forgiveness.\textsuperscript{39} Although the injunction to “leave your gift at the altar” is unthinkable to Pharisaical teaching, which believes a sacrifice can only be interrupted for ritual reasons, there is a Biblical precedent.\textsuperscript{40} Leviticus 5:21–25 expresses the law that if a person trespasses against another, particularly in terms of money, he is obligated to make reparations to that person before he can make reparations to God.\textsuperscript{41}

\textsuperscript{32} Schweizer, \textit{The Good News According to Matthew}, 118.

\textsuperscript{33} Ibid.

\textsuperscript{34} Cf. 1 John 4:19–21.

\textsuperscript{35} Hill, \textit{The Gospel According To Matthew}, 122.

\textsuperscript{36} Schweizer, \textit{The Good News According to Matthew}, 119.

\textsuperscript{37} I use the terms “brother” and “neighbor” interchangeably to emphasize the idea that a person’s αδελφός is not necessarily his blood kin.

\textsuperscript{38} Hill, \textit{The Gospel According To Matthew}, 122.

\textsuperscript{39} Fitzgerald, “Anger, Reconciliation, and Friendship,” 367. Those who seek forgiveness are also expected to grant forgiveness before Yom Kippur (cf. Mt. 6:12).

\textsuperscript{40} Hill, \textit{The Gospel According To Matthew}, 122.

\textsuperscript{41} Fitzgerald, “Anger, Reconciliation, and Friendship,” 368.
But for Jesus, financial reparations are not enough for a trespass against a brother. The Greek, Jewish, pagan, and Christian understanding of the verb, “to reconcile” is to reestablish friendship between people on bad terms, to hastily reestablish peaceful relations. Further, once reconciliation (friendship, loving brotherhood) is obtained, you cannot go on your merry way; rather, you must “then come and offer your gift.” Right relationship with man does not excuse right relationship with God, but the former is a prerequisite for the latter.

Ancient readers would readily see and hear the connection between the second section of the pericope, 5:23–24, and the third, 5:25–26, because of the emphasis on reconciliation. When Jesus says “go first and be reconciled with your brother,” he uses the word διαλλαγή, which parallels “Quickly be friendly with your opponent,” where he says ὑστερον εὐνοαί. Εὐνοια is true friendship, the kind established over a long period of time, or that exists between the sort of Christian brothers discussed previously, so to settle out of court with an ἀντιδίκος is to reestablish a friendship. The practical application of Mt. 5:21–22 is that, by settling out of court, you avoid imprisonment and being held “until you have paid the last penny.” This last penny, worth about a fourth of an as, is an infinitesimal sum, which, viewed in light of Mt. 5:23–24, reminds the listener that it is impossible to settle accounts with God in the final judgment, and so it is better to obtain earthly forgiveness from our brothers, our ἀντιδίκος. This last injunction, shared by the Gospel of Luke, is particularly interesting when compared with a similar passage in the Septuagint addressing God, “Rouse your rage (θυμον) and pour out your wrath (οργην), destroy the adversary (ἀντιδίκον) and wipeout the enemy (εχθρον).” Clearly, Jesus has taught a love of brother and adversary “in radical contrast to the desire to see one’s foes annihilated.”

42 Ibid., 363.
43 Mt. 5:25 is translated “settle” in NAB.
45 An ἀντιδίκος is an opponent in a judicial setting but, in the context of Mt. 5:25–26, also an estranged brother with who “you” has had financial dealings. “The real issue” is not so much the settling of accounts, but rather “the dissolution of friendship owing to anger.” See Fitzgerald, “Anger, Reconciliation, and Friendship,” 367.
46 Ibid., 364.
Matthew, writing to a Jewish–Christian community under suspicion from temple Jews and Gentiles, emphasizes through Jesus’ teaching the importance of brotherhood within the community and with all people. A person must be in right relationship with his brother before he can be in right relationship with God, for he who does not love his brother does not love God. Because of baptism in Christ Jesus, all Christians are brothers in the womb of his sacrifice, and therefore all Christians ought to be treated as brothers. In a community of mature faith, it is not enough to behave properly, for true Christians love their brothers and do not harbor ill will against them, which, in the revelation of Jesus, is just as evil as murder. As part of the Sermon on the Mount, Matthew has Jesus explain this great brotherhood in terms which embrace both Jews and Gentiles, remembering and fulfilling Torah. For a Christian to escape fiery Gehenna, he must seek reconciliation, friendship, not only from his ἀδελφός, but his ἀντιδίκος as well.

The teaching on anger in Matthew’s Gospel is as important today as in the past. So many believe that they can worship God and ignore their relationships with man, but they cannot. If a person speaks against his brother in Christ, or even his brother in humanity, and harbors ill will towards him, then that person does not understand what it means to love God. Any ill will we have towards one another affects not only our relationship with God, but that with our brothers as well. It is important to seek and give reconciliation if we are to truly be in right relationship with our Lord.

This passage particularly evokes the relationship between the Roman Catholic Church and the Eastern Orthodox Church, brothers in all things but the altars where they pray. Neither church can be in right relationship with God, until they have reconciled with one another. Only then may both “come, and offer [their] gift,” at the altar (Mt. 5:24). Popes John Paul II and Benedict XVI have indeed sought to reconcile with their brothers in the Orthodox Church, and it is in the hope of this reconciliation that we may continue to offer sacrifice.