

break with all that in the nineteenth century turned its back on Spain's past as being (for this is what it amounts to) too Catholic. It might be dated from the conversion of Ramiro de Maeztu and the publication of his brilliant essay on '*Hispanidad*' in 1932. Since then there has been an astonishing succession of historical and literary studies that direct attention to a more just interpretation of Spain's cultural past than has been the fashion for the last two centuries. This stream of scholarship has its effect in the American countries in most of which there is a corresponding increase in output. Literature, philosophy and science from the country most nearly akin to their own, and above all, in their own language, are bound to make a strong appeal and find a wide public. The influence of Spanish American poets, especially of Rubén Darío, at the beginning of the present century, though ungraciously cried down in Spain for some years, establishes an equality of give and take much to be desired. In the case of France, which must ever hold a high place in the history of Latin American culture, the phase of excessive imitation of the secularist philosophy and of the art of the nineteenth century is over, but it is probable that other elements in the ampler spiritual movement of French culture will have an influence not less strong in Latin America than in other parts of the world. The great French Dominican and Jesuit writers, Maritain and Gilson and their followers are widely read in Latin America. The disasters of the war will not lessen French cultural influence, so long as that culture persists to exert an influence, but the influence, one senses, will be received with more discrimination by people more conscious of their own traditions and more disposed to select from a wider choice.

EDWARD SARMIENTO

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## CUSTOM IN ST THOMAS'S POLITICAL THOUGHT

**I**N the introduction which he wrote to the proceedings of the Malvern Conference the late Dr Temple compared the works of Maritain and Niebuhr upon political subjects, and suggested that despite the skill and rigorous reasoning of the former his scholasticism prevented him from attacking the real, everyday difficulties of our present situation in the way which Niebuhr does. A similar complaint was made by Mr Lewis in a recent number of *Philosophy* where he spoke of the new scholasticism as having 'missed the vital creative forces of our age'. If this deficiency is

characteristic of the new scholasticism, if it be true that our modern schoolmen are really spinning webs of ratiocination in order to deceive, then the accusation is indeed a serious one; we hope to be able to show by a consideration of a somewhat neglected aspect of St Thomas that the accusation, if proved, would convict modern schoolmen of treason towards their master.

Professor d'Entreves was expressing the conventional view, and the views which Dr Temple and Mr Lewis put into the dock, when he spoke of St Thomas's theory of law as 'the highest expression of an "intellectualist" as against a "voluntaristic" theory of law. It is the key to a proper understanding of that "rationalistic" bent which is one of the distinctive features of Thomistic philosophy'. There is not a little pride in the continual insistence of Thomists that St Thomas is rationalistic and the pride is not unjustified, but it was surely this exaggeration of the place of reason in scholastic teaching on politics which led Hobbes in the seventeenth century and Temple in the twentieth to object to the tidiness of that approach and to speak of it as portraying what ought to be instead of what is, as completely ignoring the 'givenness' of the actual situation and the non-rational factors involved in all political activity. The objection is surprising enough when one considers that for St Thomas politics is most decidedly a practical science, the *recta ratio operabilium* with all its contingencies, and that 'human reason is changeable and imperfect, and therefore its law is also changeable . . . for the law laid down by men (positive law) contains special kinds of precepts according to the different cases which arise'. Here full allowance is made for the clash of wills and the difficulties of unpredictable situations.

We suggest that it is possible to bring out the non-rational aspects of politics without denying the essential rationality of law by insisting that the *De Legibus* is dealing with a very much different situation from the one confronting the twentieth century, which is much more concerned with the application of laws than with the nature of law. An illuminating parallel may be found in Father Gilby's description of how 'reasoning comes from a state of non-reasoning and leads to a state of non-reasoning'; because, in like manner, lawmaking starts from non-rational conditions and rises to the level of reason, after which there is again a descent into the non-rational world; this descent is not law-making precisely but is the application of law and requires for its success a virtue of prudence beyond the capacity of pure reason. The *De Legibus*, so to speak, catches the movement at its crest, when the rationality of law shows most clearly, and only gives hints as to the impor-

tance of the first movement and of the completed action; it is from these hints that our own age has much to learn and to which we hope to direct attention.

In fact, the element of *voluntas* and the adaptability of the human person through his will to the changing circumstances do play a larger part in Thomist political theory than the quotation from d'Entreve's would suggest (after all, St Thomas defines justice as a 'constant and perpetual *will* of rendering to each his due'), but the most convincing answer to Temple and Lewis is to point out the part allotted to custom in the *Summa*. That the number of references to *consuetudo* is not large should not be taken as a proof that St Thomas had little regard for it; rather is it true that St Thomas, like other mediaeval teachers, simply assumed its importance without question, and employed it as a kind of touchstone for the rest of his thought (e.g. 'custom both has the force of law, abolishes the law and is the interpreter of law'.) We need only look at the casual nature of the reference which he makes to the custom of the Church to see how fundamental was *consuetudo*, and how much was taken for granted. In II-II, 10, 12 he says, 'I reply that the custom of the Church has the very greatest authority and is always to be followed', making it obvious that custom supplies the very framework of his thought. What is it then, which makes custom? In Q. XCVII. Ad. 3. he says that 'all law proceeds from the reason and will of the law-maker (*a ratione et voluntate legislatoris*), divine and natural law from the reasonable will of God (*a rationabile Dei voluntate*) and human law from man's will controlled by reason'. (The unity of the rational, willing person is one of the key-positions of Thomist psychology and there seems to be every encouragement for anticipating its reflection and seeing its force in the political sphere.) However, men not only show their will and reason in practical matters by speech but also by their deeds, since whatever a man carries into execution would seem to be his chosen good. But it is obvious that human speech can change and interpret the law insofar as it expresses an interior desire and concept of human reason. From this it follows that the constant repetition of acts, which go to make up custom, can both change and interpret the law and can even cause something to have the force of law. This is on the grounds that interior movement of the will (*interior voluntatis motus*) and rational conception (*et rationis conceptus*) are most clearly manifested through the frequent repetition of external actions, since, when a thing is frequently done it would seem to rise from the deliberate judgment of reason. Consequently custom both 'has the force of law, abolishes

the law and is the interpreter of law'. When we turn to the *Ad Primum* which follows we learn that 'no custom can have force contrary to either divine or natural law', from which we can only conclude that *consuetudo* represents for St Thomas what a later writer was to call 'the march of God through history'. *Consuetudo*, by incorporating and, as it were, preserving numberless acts of the reasonable will, thus contains within itself a large amount of the virtue of the past and is the means of passing on this virtue to the future through these embodied acts of the reasonable will.

St Thomas, then, is seen not only to take account of that 'givenness' which a narrow rationalism would exclude; he grasps that 'givenness' in its most vivid form as a legacy from the past with an eagerness to which no-one approached until the time of Hegel. But unlike Hegel the Angelic Doctor does not confine the working out of the divine plan in history to the realisation of some such miserably-restricted idea as that of the Prussian state, for all things are allowed to contribute to these 'multiplied acts' which are 'the touchstone of positive law', and it is through developing custom that the divine mastery is shown forth. If Hegel is surpassed in the multiformity of the activities which St Thomas sees as building up custom how much more St Thomas surpasses those democrats who would exclude the slow building of time and think to find a touchstone of truth on every occasion that they indulge in the counting of heads, *hic et nunc*. For, as St Thomas says, 'human laws are made in respect of single human acts. But in respect of singulars we cannot acquire knowledge unless through experience, which requires time.' (The fact that laws are made in respect of single human acts does not mean, of course, that laws, in themselves, deal directly with singulars since they are universal by nature. It simply shows that the making and the application of laws are intimately related, though distinct, processes.) Therefore the democracy which St Thomas recognises—and Q. 97. 3 ad 2. shows that he may be considered to do so—is not the shallow, one-dimensional democracy of our own times, but the deep democracy which gazes over time and takes its bearings from those actions which the constant repetition by our ancestors has sanctified.

It may be contended, of course, that we are reading more into St Thomas than is there, and that he never saw the importance of history; yet so long as we take his teaching as our starting-point and proceed logically from there, who would deny that there is much to be found which is not explicitly stated? The reason why so much is said about history in our own day, the reason why modern sociologists rely upon the anthropologists to provide them

with the materials for their science is because we have become separated from our own history, have to recapture it consciously and have even to search desperately in South Sea islands in order to discover the roots of our own being. The men of the thirteenth century had not suffered that break and needed no anthropologist to tell them where to find their roots because they had never lost them; it is this which justifies our reading between the lines of the Summa. There is, indeed, a thirst for history in any philosophy which starts from being, for being is an act implying both will and time; the struggle of wills in the setting of time together make up the stuff of history and they are factors which St Thomas does not ignore in the interests of a misplaced rationalism. A rationalism which seeks only to tie up essences into neat bundles, to exclude contingency and free-will and to deny the jagged nature of all temporal experiences was as far from the mind of St Thomas as it was from the minds of Dr Temple and Mr Lewis. Indeed, one may legitimately doubt whether either of these gentlemen would go so far as St Thomas in recognising the unresolved element in all political situations as when he says 'the overthrow of this (i.e. tyrannical) regime has not the nature of sedition', and obviously leaves the question of the precise conditions justifying rebellion to the enlightened common-sense of the people. The narrow rationalists of every age regard this as a poor ending to a political treatise because they think that they are without guides and that 'anything might happen'; it was because he realised that 'anything might happen' in such a practical activity as politics that St Thomas did not try to fit politics into the stifling straight-jacket provided by some of his followers.

DONALD NICHOLL

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## OBITER

CATHOLICS NOW HAVE THEIR 'HORIZON'. Or so a reviewer of the new *Month* assures us. Certainly the 'New Series, Vol. 1' would not be likely to reject *The Wreck of the Deutschland*. A strong team of contributors from Fr Martin D'Arcy to Evelyn Waugh applies itself to a non-stop cultural performance, as uptodate as any and most handsomely appointed. It may be fairly described as the Campion Hall of journalism, where Old Masters must meet the competition of the *avant garde*. The February instalment includes a new short story by Graham Greene, *The Hint of an Explanation*, which is a most odd amalgam of professional finesse and a theme from Montague Summers. Sacrilege is not a gracious subject, and this minutely, even cruelly, observant account of its impact on a child must raise a doubt in the minds of those who, however reluctantly,