# Roman Catholic *Logos* Speculation: A New Scholastic Synthesis?

*The world is besouled and full of gods. — Thales*

*My conscience is captive to the Word of God. — Luther*

## Introduction

In the second and third chapters of Genesis we already receive an indication that the moral order cannot be determined by man's resources, but depends on a transcendent source.

> And the LORD God commanded the man, saying, "Of every tree of the garden you may freely eat; but of the tree of the knowledge of good and evil you shall not eat, for in the day that you eat of it you shall surely die."
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> Then the serpent said to the woman, "You will not surely die. For God knows that in the day you eat of it your eyes will be opened, and you will be like God, knowing good and evil."
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> So when the woman saw that the tree was good for food, that it was pleasant to the eyes and a tree desirable to make one wise, she took of its fruit and ate. She also gave to her husband with her, and he ate. Then the eyes of both of them were opened, and they knew that they were naked.

The problem with the traditional interpretation of these texts is that the interpreters believe the serpent. They think that the tree has something like a supernatural power, able to activate the human ability to have moral discernment. Thus as long as the man and woman obeyed God, they were missing out on something, even if it came with a terrible price. However, there was nothing special about the tree other than God's command to refrain from the fruit. It was, as the woman saw, good for food and pleasant. This as far as human discernment went, that is under natural law, and practical reason, it was just the sort of thing man should eat.

By his command, however, God had made what for natural law was right to be in fact wrong. And this, not the eating of the tree, was what gave knowledge of good and evil. The knowledge the tree gave was that good and evil are determined by the will and command of God, and do not arise from human senses and reason.

Contemporary commentators also generally point out that "knowing good and evil" is a Hebraism, meaning, determining good and evil. When they ate of the tree, their eyes were opened all right, but what was revealed was their own guilt and inadequacy.

This does not go to prove that there is no natural law. Rather, whatever guidance we get from perception and reason, it is not the source of moral norms, but God is, and therefore his commands must always have precedence over our experience. Subordinate to that there still remains the question of whether we can reason out other moral imperatives or not. The passage does imply that there was practical reason in play in everyday life.

There has been in history a persistent attempt to ground morality not only in natural law, but in philosophical speculation, and to claim that these are sufficient, and perhaps the only knowledge possible. The sin committed in eating the fruit in this way becomes the foundational virtue, the one by which man saves himself from the condition of undeveloped potential, especially in the area of virtue. Since Christianity began to spread within the Roman Empire, there have been attempts to harmonize this philosophical outlook with Christian ethics. Among these attempts the major construction has been the scholastic synthesis by Thomas Aquinas and other scholastic theologians.

Willis Glover has portrayed scholasticism as a fruitful failure, in his *Biblical Origins of Modern Secular Culture.* It was a method and the "inadequacies of the method were discovered by the Schoolmen themselves in their rigorous application of it." But this was actually an achievement as "it may well have been the most fruitful, creative failure in the entire history of the human mind. It forced attention to fundamental issues in the Western tradition, and in the very process of self-destruction it laid the foundations of modern science, and raised the questions in philosophy, particularly in epistemology, that have been the central issues of Western philosophy to the present day." (p. 34) The Schoolmen had tried to reconcile Greek philosophy with is foundational assumptions in pagan Greek cosmology with the Biblical view of a transcendent, free creator God. A detailed discussion of Glover's work is in "The Glover Thesis on the Origins of Modernity" (http://contra-mundum.org/index_htm_files/Glover_Origins_review.pdf ) Still, the ecclesiastical establishment, both Protestant and Roman, clung tenaciously to the scholastic synthesis of Christianity and classical paganism, with it gradually being forced out after philosophy and science had built on new foundations.

A new attempt to rebuild this synthesis, and effectively to challenge to Glover's whole thesis, has come from the Roman Catholic side in a book *The Depravity of Wisdom: The Protestant Reformation and the Disengagement of Knowledge from Virtue in Modern Philosophy,* originally published in 1999, but reprinted by Routledge in 2018 as part of their Routledge Revivals "initiative aiming to re-issue … books by some of the most influential academic scholars of the last 120 years."[1] The author is Mark A. Painter who taught at the Roman Catholic Misericordia College, now University, in Pennsylvania. Painter is by no means a traditional Roman Catholic thinker.

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1    Painter does not indicate any aquaintance with Glover's work.

He has made a fundamental modification to make the synthesis again viable for contemporary thought. His modification has two major aspects, first to delete from the synthesis any aspect of Christianity that cannot be accommodated, and second to modify the Greek, pagan side of the synthesis by reinterpreting it in line with the concerns of contemporary linguistic philosophies, especially of Hans-Georg Gadamer. Since this is a major alternation, his interpretation comes with a revisionist account of ancient, medieval and modern philosophy to offer some historical plausibility to the idea that he is effecting a real foundational synthesis for philosophy and theology and provide a new (yet old) paradigm for western thought as a whole.

Painter's book is repetitive, which makes it harder to summarize, as he says things in somewhat different ways each time he brings them up, casting doubt on any one way of reporting his views. For this reason, heavy quotation of what he says seems the more prudent way to represent his theses.

## Painter's New *Logos* Synthesis

Painter's name for his synthesis is the pre-Reformation philosophy or the pre-Reformation mind, for which "language was humanity's access to the world beyond itself. Its ordering principles were not thought to be limited to human consciousness alone, but rather constituted a map for uncovering order, justice and good in humanity and the world." It was "a conception of reason intimately linked to the assumption that language and the general principles that govern it stand in some way as guarantors of the correspondence of human thought and institutions and the universal principles of nature." (p. 3) Several aspect of this claim should be immediately underlined. First, reason is "intimately linked" to a view of language and the world. How is it linked? Must this link be understood, or just supposed to somehow exist? Second, this view of the relation of language and the world is an "assumption". He is laying down a presupposition, and this will function in his discussion much like what some call a transcendental argument, that the existence of knowledge of an order in nature is because there exist within that order certain principles, and that these principles are related to human thought. And that since in this manner we find ourselves to have knowledge of the principles or essences of reality (which he sometimes calls common linguistic structures), therefore the assumption about there existing a common order between nature and human thought (revealed in language) should be accepted. Third, the relation between thought and nature is that of "correspondence". Someone schooled in contemporary philosophy will then expect a precise account of this linkage and correspondence, and how this account is epistemically justified through the results (the successful explanation) of assuming it to exist. Particularly so, as Painter seems attracted to coherentist theories of meaning and not referential, correspondence ones.  Instead we get an appeal to a human faculty called "practical reason", a loosey-goosey way of proceeding whose patron saint is Alasdair MacIntyre. This practical reason is also part of Painter's pre-Reformation mind. Since lost, it is now restored to philosophy thanks to his assumption of a linguistic linkage between the mind and the world. To be clear, Painter admits that he is making an analogy to what MacIntyre said about practical reason. "MacIntyre's description of the effect of the 'new conception of reason' on moral thought is analogous to its effect on philosophy as a whole and is helpful in grasping this point about language."

Painter conceives of "philosophy as a whole the process whereby humanity justifies the conception of itself that lies at the center of its most moral beliefs … the effort to understand the sense of good that underlies a conception of what it means to be human … and in so doing bring humanity itself into full actualization of that good. Thus, the purpose of philosophy is to prove this conception right and reasonable, and in the process elevate humanity to a higher state and help actualize its final form." He adds "and for the medieval philosopher, it is to help free humanity of the inherited guilt of original sin." (p. 12) But he also says that for pre-Refomation philosophy: "The notion of God need not be a deity, as visualized by the Judeo-Christian tradition, but could as well be a primal ordering principle of some sort, as in both Plato and Aristotle." (p. 22)

The whole of philosophy from the pre-Socratics up until Luther had, according to Painter, the same basis and method. Philosophical understanding, for Plato and Aristotle, is an understanding of "right" which is at one with the understanding "of how human beings can lift themselves to their highest state by the virtuous 'informing' of the self."

> The post-Reformation conception of human nature was such that humanity could not, of its own will, bring itself to its best state. This was something only God was able to grant by an unfathomable act of grace. The secularization of this idea doomed moral philosophy. It also "doomed" other areas of philosophy as well, since what it removed was that very thing that motivates the philosophical will: a conception of humanity that includes a natural ability within the mind to grasp its own place in the scheme of things and to internalize those principles that would allow it to fulfill its potential. (p. 14)

The "justification of humanity was the task of philosophy long before Christianity … it is this impetus within the philosophical frame of mind that made Christianity and the pursuit of wisdom compatible up until the Protestant Reformation when the task of human justification became *solely* a matter of grace and beyond the capacity of the human mind." He considers that as with Socratic, Platonic and Aristotelian philosophy, the pre-Socratics were "certainly no less an attempt to justify humanity though an understanding of how *logos* guarantees the link between mind and being."

In pre-Reformation thought, Painter says, the ethical was primarily teleological, that is human nature has a rational soul whose faculties could bring human nature to its best state though "higher and higher levels of knowledge." "As the soul of the human being possessed the likeness or essence of the formal principles of nature (at least potentially), the realization of the possibility of the development and fulfillment of that soul through dialectic, or rational discourse, was in fact the purpose of philosophy." (p. 30) "[P]re-Reformation philosophy is essentially the justification of humanity in every way."

Painter wants to re-characterize the Christian-pagan synthesis using ideas from later twentieth century language theory. "There has been in recent continental work, particularly by Heidegger, Ricouer, Gadamer and others with the hermeneutic tradition, a movement toward a description of reality *as* language …. Roughly, this description says that being is a kind of meaning, and that meaning is enclosed in a linguistic world." (p. 6) For Painter, "treating language as the fundamental constituent of being has the potential of allowing us an escape from simple subjectivism … and naive objectivism." He quotes Gadamer asserting that "the agreement about things that takes place in language means

neither a priority of things nor a priority of the human mind that avails itself of the instrument of linguistic understanding. Rather, the correspondence that finds its concretion in the linguistic experience of the world is as such what is absolutely prior." (p. 7 cited from *Philosophical Hermeneutics*, p 78). Once again we find mention of a "correspondence", now between things and the human mind, but this is "in the linguistic experience", which is "absolutely prior." So we have a correspondence when there is not yet anything to correspond, as things and the mind still have to emerge from the linguistic experience. And yet he calls this a linguistic experience of the world, which is either subject and object after all, or else the world is just this linguistic experience (a sort of idealism). Painter himself admits he doesn't really understand this, (p. 8) which he subsequently calls the correspondence of soul and being.[2]

What Painter extracts from this is a common nature of man, community, the cosmos, and a god of sorts. He has "a conception of humanity as a high level participant in a 'linguistic ontology' that is prior to both human beings and the world they live in. Humanity becomes virtuous by its willful participation in that *logos,* a task its speech allows it, just as is speech, as a reflection of that *logos,* makes its success a possibility." (p. 32) The task of philosophy is to explore what Gadamer calls "the truth of what we are." This is to be understood as it was seen by the pre-Reformation mind. The community is the Church, and "the church itself stood as an adopted ancient metaphysical context of the over-arching neo-Platonic Good, as well as the Aristotelian notion of teleological purpose in all things within which humanity could place itself." (p. 9) Does he think that this common nature is language, or is it something the all these things and language posses in common? Painter seems to want to say that the common nature is language itself (he especially insists that human nature is language), and yet not commit himself to this, holding out for some mysterious common factor which makes for a correspondence, without reducing everything to a mere identity.

Painter tries to find some confirmation of this thinking in Thomas Aquinas, who said "that for something to be known there must also be a likeness of the thing in question either in the senses or in the intellect. … The simple conceptions of the mind, which are likenesses of things in the world, are signified by sounds. These simple conceptions are in themselves never false, for falsity only occurs when the intellect composes and divides utilizing simple conceptions, that is when it forms complex statements about things…." (p. 49) So Aquinas is talking about sensations or concepts which are conventionally represented by words. They cannot be wrong because there are no synthetic judgments. Painter says this means that "prior to the sign and prior to the subject is an essential linguistic structure captured by a like mind and concretized in our linguistic experience of the world." But the ability to represent sensations and concepts by words does not involve grammar, or include statements. Once we include structure in Gadamer's sense in his statements about language (some sort of *a priori* preceding the distinction of subject and object but yielding them), we are at the level of judgments that can be wrong.

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2    See also his pages 45-56. "There is, however, some ground of possibility for their [subject and object] coming together, and this is the idea that language itself, by its own structure, carries with it for the ancient and medieval thinker an ontological commitment to an absolutely prior correspondence among minds and things that is linguistic in structure; the ordering nature of which is reflected in our own linguistic expressions."

Painter's other point is that for Aquinas these sensations or concepts are like the essences of things, so the conventional words represent essences. Here we might turn to the history of British empiricism, of Lock, Berkeley, Hume and Reid and its examination of the relation between sensations and things in the world, but for Painter that is post-Reformation thought, and just naughty.

## Nominalism Twice Considered

Painter says that:

> Much of the development of Christian doctrine is the result of the attempt during the middle ages to express the revealed truths of Christianity in the terms of the pagan Greek philosophers. This was … an attempt to express the religion in the terms the western world had already become familiar with and which characterized its world view. … Human nature was of one cast, in moral terms conceived of by the Greeks as it was by Christian theologians: possessing a soul that, through rational self-reflection could raise itself to a higher level of being …. (p. 37)

As Painter's contention is that everything was consistent and wholesome with philosophy, Greek and Christian, up until Luther, and then everything changed, he has to somehow account for the nominalist challenge to the Thomist synthesis of pagan Greek philosophy and Christianity. Glover had represented the problem this way:

> Where conflict with the biblical tradition was recognized, the pagan views were, of course, repudiated, but not all the incompatibilities were recognized. … Thus from the beginning there was a strong classical component in medieval thought and a more or less diffident, but positive, orientation toward classical philosophy. (*Biblical Origins of Modern Secular Culture,* p. 35)
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> In the long run the two traditions proved irreconcilable at fundamental points. In that sense scholasticism failed. Its great achievement was that it explored the issues rigorously and with great integrity so that the failure of the method to achieve its original aim was a process by which fundamental elements of the Western consciousness were brought into clear focus as intellectual problems. (*Biblical Origins of Modern Secular Culture,* p. 37)
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> The biblical God transcended the world and was in no way ontologically continuous with it. In the language of twentieth-century theologians he was "utterly other" than the world, which had no ground of existence except God's will operating in absolute freedom. The world thus remained even in the tiniest details dependent upon God's will. The freedom of God and the contingency of the world were two sides of the same coin—whatever order exists in the world exists by his continuing will. (*Biblical Origins of Modern Secular Culture,* p. 38)
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> Thomas Aquinas was not the apex of medieval thought, but merely a very important figure in its history. His solution to the problem of relating the biblical and classical was not generally accepted by his contemporaries or by the generations immediately following him. Nor were the fourteenth-century theologians and philosophers degenerate scholastics. They

were, or the best of them were, pursuing the matter to the end; and the end was not a post-medieval emancipation from Christianity, but a Christian emancipation from Aristotle. (*Biblical Origins of Modern Secular Culture,* p. 39)

The success of nominalism in the Middle Ages is due to the fact that the implications of the doctrine of creation are strongly nominalistic. Particular creatures are not necessary but contingent on God's will; therefore they cannot be known by reference to any eternal and universal cosmic order. (*Biblical Origins of Modern Secular Culture,* p. 41)

In saying this, Glover was following Charles Trinkaus.

It was the very great intellectual and historical contribution of fourteenth-century nominalism to prove by the very same methods within the self-same establishment of universities and religious orders that not only the methodology but also the metaphysical content of the predecessor's thought was irrelevant for the basic goals of the Christian religion, salvation and life according to the Gospels." Charles Trinkaus, *In Our Image and Likeness: Humanity and Divinity in Italian Humanist Thought* (University of Notre Dame Press, 1970, 1995) pp. 556-557.

Where for Painter pagan Greek and Christian philosophy were harmonious, based on the same fundamental assumptions about the common nature of man, the world, and the divine, Glover claims that they were in fundamental contradiction, and that it was the task of philosophy, by rigorous analytic work, to uncover this. Therefore Painter has to explain away nominalism and its impact. His method is to contrast a "traditional" view of nominalism with a revised, more Aristotelian view of Ockham as engaged in a dialectic of the two powers of God, the *potentia absoluta* and the *potentia ordinata,* God's absolute power versus his ordained power. This can be seen as the difference between what God is able to do and what he in fact wills to do. But this distinction tends to evolve in theological discussions into a time-relative distinction between what God could have done, and what he in fact did in creating the world and perhaps subsequently in intervening in it. Painter tends to think in the latter terms. Here there is an ambiguity, as theologians could refer to miracles either in terms of the *potentia absoluta* or of the *potentia ordinata.* That is, the miracle is a change from the order that God set up at creation and thus shows the absolute power in contrast to what is ordained at creation, or the miracle could be thought of as part of what God has ordained in the world. (He could have *de potentia absoluta,* made an opposite miracle or none at all.)

We already published an overview of Francis Oakley's work on this topic, "Natural Law and Natural Rights Before Liberalism" (http://contra-mundum.org/index_htm_files/Oakley_NaturalLawRights.pdf) which includes a discussion of his book *Omnipotence, Covenant, & Order,* so I won´t go into detail here.

For Painter it is the earlier (before 1930) view of nominalism that can be seen to undermine his view of pre-Reformation philosophy. "If, however, the texts of the nominalists themselves do not uphold the traditional assessment, and if the nominalists were in fact much more like their Aristotelian predecessors, than the nature of the transition from the ancient and medieval view of human nature to

the modern view needs revision." (p. 58) What is different, according to Painter, in the newer view is that it takes into account the *potentia ordinata,* wherein there is "necessity in nature *de pontentia ordinata* and man has access to the principles that govern that necessity. What is fundamentally important about this distinction is the fact that God, by ordaining that the world be as it is, has bound himself contractually, both through scripture and his very choice to create this and not some other world, to adhere to that order and all that it reasonably implies." (p. 61) What other writers refer to as covenantal, but do not give much prominence, Painter likes to discuss in contractual language, and bring to the forefront as the main feature of God's action in the world. It suits him then to think of the *potentia absoluta* as being only an option that God had in the past.

What is glossed over in Painter's discussion is this idea of necessity that he finds in actual nature. Is nature what it is because of God's creative will, with nature remaining stable because of God's will, or is the necessity a matter of there existing a common being between man, nature and God? That is, the common element which Painter insists is linguistic?

> The key element here, once again, is the nominalist focus on the importance of contractual commitment. In both the revealed word of God as found in scripture and implicit in man's own creation, God has made a covenant with man, and in so doing binds himself contractually to the principles contained in that covenant. This is the essence of the *potentia ordinata.* (p. 66)

Of course, this is not the essence of the *potentia ordinata,* which is simply defined as what God actually does. It is an additional claim about what God does. But Painter also insists that covenants are linguistic, and in that way the centrality of a linguistic philosophical approach is maintained.

But which theology centralizes the idea of the covenant, and uses it to explain God's dealings with man? That theology is, in fact, Reformed theology. It was the Reformation (leaving aside the Lutherans and the anabaptists) who made use of the covenantal idea. It was characteristic of post-Reformational much more than pre-Reformation thinking. If covenantalism is the same at Painter's pre-Reformation ontological linguistic philosophy (where the nature of being is language structured) than he has lost his central claim about a fundamental change in western philosophy at the Reformation. If, however, covenantal thinking is a break from ontological language-structure thinking, then he has lost his stratagem for claiming that nominalism was not a break from the previous Greek pagan and Christian synthesis up through Thomas Aquinas. Painter only wants to talk about Luther, with a few mentions of Calvin, but never a discusses the views of Reformed theologians. It is not apparent whether he is hiding Reformed thought from his readers, or whether this is a case of the not uncommon total ignorance of the subject (and thus of an immense part of western culture) by Roman Catholic writers.

## Attack on Luther

Repeatedly throughout his book Painter indicates Luther as the person who made it all go wrong, due to his doctrine of the depravity of fallen human nature. My purpose, though, is not to defend Luther's theology, but to indicate how Painter misrepresents it.

With Luther, the very idea of humanity justifying itself becomes impossible. His interpretation of Romans 1.17 concerning the justice of God precludes any possibility of human beings, by their own merits, becoming just. The justice of God is inseparable from his grace, something received by faith alone, which is itself given by God. This is the Doctrine of Election. (p. 17)

No, this is the Doctrine of Justification, misstated. "In Lutheran theology the doctrine of election is never that prominent, but its principles are derived from its doctrine of God, Christ, Word, sacraments, salvation, and church. … It refuses to understand the atonement in light of election as do the Calvinists and refuses to understand the election in light of the atonement as do the Wesleyans. For Lutherans the election is limited to those who are eventually saved, and the atonement embraces all men. "The Doctrine of Election: A Lutheran Note", By David P. Scaer, An excerpt from *Perspectives on Evangelical Theology* (Kantzer and Gundry, editors) (https://www.issuesetcarchive.org/issues_site/resource/archives/scaer2.htm) As for the Doctrine of Justification, for Luther Christ himself is the form or essence of faith, and so faith must be understood in terms of union with Christ. Faith involves the imputation of Christ's righteousness that covers the sins of the believer, but also through Christ the inclination to love and to perform good works is also present in the believer.

Painter continues stating that justification only happens individually, not to humanity as a species, so man "is also cut off from finding its own justification in the company of others." (p. 17) But union with Christ involves become part of the body of Christ, the people of God. What Painter presents is a false dichotomy, between individualism and speciesism. He can never contemplate in his thought the distinction between the redeemed and the lost. Therefore he cannot consider any idea of justification that does not apply humanity in virtue of the qualities of human nature, being in that way universal to the species. He cannot even acknowledge this distinction in other people's thinking.

He also undertakes to concoct for Luther a theory of law, in which "earthly legal institutions were the instruments of God's own working out of history" and

one was obliged to obey the law, the rule of the state, without question, and without passing judgement. This is of particular importance, for while people may utilize their reason to make laws, they cannot utilize it to judge these laws as ultimately just or unjust, for this would be to presume that humanity was able to manifest on earth and within itself what is just and good, an ability lost to it in the original fall. (p. 17)

He further claims that, for Luther, "practical wisdom tells us how to manage their [sic] lives, but *law* tells us how to live morally. … One is moral only insofar as one recognizes what the law is as law, and not insofar as one recognizes what the right thing to do is, for the right thing to do is to obey the law. All this is rooted in faith for Luther, and the idea that God is the sole provenance of justice."

For Luther, one obeys the prince not directly because he is empowered by God for this would invite debate about whether or not this is really so. One certainly does not obey because he is right, for this would involve a similar debate. One obeys because the prince represents the state, the state is synonymous with law, and it is one's duty to obey the law.

> … One's morality extends only so far as one is able to recognize what is and is not the law. (p. 20)

Painter here can recognize only one kind of law, and so for him the question of law immediately reduces to the authority of the state.

We should, however, recall Luther's most famous words before the Emperor: "Unless I am convinced by Scripture and plain reason — I do not accept the authority of the popes and councils, for they have contradicted each other — my conscience is captive to the Word of God. I cannot and I will not recant anything for to go against conscience is neither right nor safe. God help me. Amen." Duty does not reduce to obeying the state. In another location Painter admits that one should not always obey the state after all, the exceptions being in case the state forbade prayer, reading Scripture or commanded participation in an unjust war, (p. 76) a much greater step of civil disobedience than most people will take today.

In another passage, though, Painter admits that "Luther believed that men are capable of a certain degree of morality; obeying the ten commandments is still within our reach. … Thus for Luther man has control over his moral life insofar as obeying the laws of scripture and ordering the basic practical affairs of economy are concerned." But did Luther believe this? Did he believe that man could obey "You shall love the LORD your God with all your heart, with all your soul, and with all your strength"? (Deuteronomy 6:5)

A fairly detailed and reasonably accessible discussion of Luther's ideas on law, as well as Lutherans (Melanchthon, Eisermann and Olderdorp) is John Witte's *Law and Protestantism: The legal teachings of the Lutheran reformation* (Cambridge University Press, 2002). (It appeared just slightly too late for Painter to consult, though there was much other scholarship in print, which he did not use.) There has been, however, a lot of poor scholarship and contradictory conclusions on Luther's theory of law. Witte instances Ernst Troeltsch's *The Social Teachings of the Christian Churches* (1911), which when it came to Lutheranism "tended to obscure if not ignore the sources, particularly the legal sources."(Witte, p. 24) "The heart of Troeltsch's argument, however, was that in law the Lutheran Reformation 'simply continued the medieval conditions.'" "In criminal law, the Lutheran Reformation simply 'carried on the traditions of the old barbaric justice, and further, on its own part, based it on the thought of original sin and of civil authority as representative of the retributive justice of God.'" "Rather than change the medieval law, Troeltsch concluded, the Lutheran reformers simply took it over unreflectingly, and used it to consolidate their power in Germany." "Like medieval Catholics, sixteenth-century Lutherans 'incorporated the concept of natural law into their general understanding by equating it with the law of God'". Where Troeltsch sounds most like Painter in what he says about Lutheranism, it is to show that the Lutherans did not innovate, but were medieval. Troeltsch's purpose was to show that it was the Enlightenment, not the Reformation, that made the break to the modern world. (Witte, p. 25)

In contrast to Troeltsch Witte points to the "impressive school of historiography that has emerged in the past century to reveal the many medieval Catholic antecedents to the Protestant Reformation — in nominalism, conciliarism, humanism, monastic pietism, and other movements. Accordingly, a good

deal of the sixteenth-century Protestant Reformation is now understood to be a veritable 'harvest of medieval theology,' in Heiko Oberman's famous phrase." (Witte, p. 26) But this again contradicts Painter's picture of the Reformation as the break with everything that had gone before.

As Painter shows little knowledge of, and no genuine interest, in Luther's thought, we will turn to Witte for an overview of Luther's legal thinking. In three paragraphs Witte lays out the problem in Luther's thought, and with efforts to expound it:

> Luther was a master of the dialectic — of holding two doctrinal opposites in tension and of exploring ingeniously the intellectual power of this tension. Many of his favorite dialectics were set out in the Bible and well rehearsed in the Christian tradition: spirit and flesh, soul and body, faith and works, heaven and hell, grace and nature, the kingdom of God versus the kingdom of Satan, the things that are God's and the things that are Caesar's, and more. Some of the dialectics were more uniquely Lutheran in accent: Law and Gospel, sinner and saint, servant and lord, inner man and outer man, passive justice and active justice, alien righteousness and proper righteousness, civil uses and theological uses of the law, among others.
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> Luther developed a good number of these dialectical doctrines separately in his writings from 1515 to 1545 — at different places, in varying levels of detail, and with uneven attention to how one doctrine fit with others. He and his followers eventually jostled together several doctrines under the broad umbrella of the two-kingdoms theory. This theory came to describe at once (1) the distinctions between the fallen realm and the redeemed realm, the City of Man and the City of God, the Reign of the Devil and the Reign of Christ; (2) the distinctions between the sinner and the saint, the flesh and the spirit, the inner man and the outer man; (3) the distinctions between the visible Church and the invisible Church, the Church as governed by civil law and the Church as governed by the Holy Spirit; (4) the distinctions between reason and faith, natural knowledge and spiritual knowledge; and (5) the distinctions between two kinds of righteousness, two kinds of justice, two uses of law.
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> When Luther, and especially his followers, used the two-kingdoms terminology, they often had one or two of these distinctions primarily in mind, sometimes without clearly specifying which. Rarely did all of these distinctions come in for a fully differentiated and systematic discussion and application, especially when the jurists later invoked the two-kingdoms theory as part of their jurisprudential reflections. (Witte, pp. 88-89)

Painter is aware of the two-kingdom idea, but not of its character as a grab-bag of contrasting pairs, ranging over many topics, involving not one line of division, but many. Hence Painter's tendency to see everything in the earthly kingdom as a question of state law.

Complicating this is that Luther had to develop his ideas and this happened over time, so the more nuanced ideas emerged later. Early on he had a contrast of Law and Gospel, with Law including the earthly kingdom, God's law and the magistrate's law. But by the late 1520s "Luther's earlier Augustinian picture of the earthly kingdom as the fallen and formless City of Man under the reign of the Devil faded into the background. To the foreground came Luther's new picture of the earthly

kingdom as the natural realm, once a brilliant and perfect creation of God, but now darkened and distorted by the fall into sin. Despite the fall, however, God in his grace had allowed the earthly kingdom to continue to exist. God had also allowed the various natural laws and natural orders to continue to operate." (Witte, p. 92) Besides natural laws there were three natural orders, the household, the state, and the Church. "All three of these orders, governments, or estates, Luther insisted, represented different dimensions of God's authority and law in the earthly kingdom. All three stood equal before God and before each other in discharging their essential natural tasks. … All three deserved equally the obedience of those under their authority. … All three not only exercised the justice and wrath of God against sin, but also anticipated the more perfect life and law of the heavenly kingdom." (Witte, p. 93)

As well there is the development of political theory by Lutheran jurists in the decades following Luther. There is much more to be added to this, concerning the nature of the person, the nature of knowledge, etc. I leave it to the interested reader to look up what Witte and others say about Luther's views and compare this to Painter's version. But this is enough to show how far Luther's actual ideas differed from Painter's notions of them.

There still remains Painter's repeated statements that modernity is the secularization of the Reformation. He claims that the rise of science is explained by "the violence and contention of the Reformation" which "put such pressure on academics that few young scholars pursued theology and philosophy, and instead studied the scientific arts, whose methods still had a viable place in Luther's conception of the limits and scope of reason. After the Thirty Years War it was literally unsafe to do theology." He further claims that "science, through Luther's ideas, gained a significance it would not have otherwise enjoyed." (p. 70) Science, however, did not arise in Lutheran countries, but in places like Britain where it also was safe enough to do theology that it was massively practiced.

Painter mentions Calvin a few times, but does not attempt to describe his theology, and does not explain how it is that all leading Reformers except Luther belonged to the *via antiqua*, with Calvin following Duns Scotus and the rest Aquinas, and that yet the Reformation could be the turning away from all that.[3]

As for secularization, it is the confidence that human reason is sufficient to arrive at the essential truths of life, so that God does not have to be brought into the explanation, and especially not introduced as the source of knowledge. This is in harmony with Painter's pre-Reformation thought. We find this view of reason promoted around 1600 in England by Richard Hooker, as a third foundation, so that English theology need not be based on revelation as in Protestant theology, or on tradition as with Rome. Reason is sufficient to come to the truth. We should also mention H. A. Enno Van Gelder's idea of a "greater Reformation" than that of the Protestants. In *The Two Reformations in the 16th Century* (The Hague: Martinus Nijhoff, 1961) he claims that there was a humanist Reformation, and this group of free thinkers were the ones who really changed European thought. This humanist greater reformation he traces to the Renaissance, which he identifies with the thought of the Florentine Platonists, who like

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3    For an introduction to the thought of the Reformers on natural law, see: Stephen J. Grabill, *Rediscovering the Natural Law in Reformed Theological Ethics* (Grand Rapids: Wm. B. Eerdmans, 2006).

Painter believed that philosophy gave then access to the cosmic values. But this led to disbelief in the Christian religion in the 17th century, that is, it gave rise to a secular mentality. It was to skeptics of this derivation that Descartes, one of Painter's secondary devils, was responding when he attempted to construct knowledge, including a proof of the existence of God, on the basis of the resources of his reason. For Van Gelder, poor old Luther was too medieval to get with the new trend in thought. I find Van Gelder's thesis exaggerated. Where one expects him to document a broad movement fitting his use of the term "greater", we only get the usual suspects, some well known, and others only known to specialists. His description of the origin of this movement in the Renaissance is too one sided, as he quickly equates the Platonists to the Renaissance itself. But one still has to account for the existence of these people, who per-existed Luther and were no followers of his.[4]

If the new secular thinker was going to do without God, however, neither would he bring back the pagan divine intelligence of the cosmos. Painter himself can only do it in these days where everything is text and discourse, according to the trendy intellectuals, and only by changing the ancient and medieval focus on being (which always threatens us with that unknowable thing-in-itself) to the contemporary focus on language. Man and the world are brought together within text and discourse, but somehow God does not figure anymore.

## Virtue vs Rule-based Ethics

"Fundamental to the claim that ancient and medieval philosophy arose out of ethics is MacIntyre's point that prior to the Reformation the moral conception of human nature was essentially *virtue-based* rather than *rule-based*." He explains this as that "rule-based systems have the characteristic of being developed 'from the top down', so to speak, being derived originally from first principles and/or rational arguments with rules of behavior falling underneath them." In contrast, he says that virtue-based systems "*begin* with the intuition that there exist certain human potentialities that require development for a person to become 'fully human.'" (p. 33)[5]

The problem with this is that rule-based ethics became prominent in Western thought because the Bible contains God's commandments. The commandments were organized and expounded as a guide for

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4    At one point I started a review of Van Gelder's book, *The Two Reformations in the 16th Century*, but found that the main objection was his depiction of the Renaissance, and the corrective for that was to appeal to Charles Trinkaus's massive *In Our Image and Likeness: Humanity and Divinity in Italian Humanist Thought.* It was better just to refer readers to it. The other fault was what the Van Gelder book does not contain, that is, a movement on a scale to justify the name Greater Reformation. There may have been a great secular underground, but if so they did not leave literary remains on the scale needed to prove it. Of course, far from being a Reformation, this was an even greater devolution from Christiantity than that of Rome.

5    Painter's idea that rule-based ethics was a Protestant invention, should be judged in the light of Ian Breward's article "William Perkins and the Origins of Reformed Casuistry" (*Evangelical Quarterly*). "One final factor which helped to crystallize casuistry from a fluid Puritan practice was the criticism of Roman Catholic writers. Richard Rogers defended the production of his voluminous *Seven teatises* in 1603 by mentioning that 'the Papists cast in our teeth, that we have nothing set out for the certain and daily direction of a Christian.' … Thomas Hill, writing in 1600, believed that this was one of the great advantages of being a Roman Catholic.

    And besides all this there are taught *Cases of conscience* in which is set down, what is sin, and what is not: the differences of sins, which great, which lesser, etc., … and therefore is much studied and practiced by Catholic priests, and divines, who teach the people thereby to rule, to order their lives and actions. (p. 9)

living. In order to understand how this can happen, we have to recognize that the commandments, while given a broad ethical summary in the ten commandments, are a large number of specific commands which cover much of life but far from everything. They are given in history, in a particular historical and social context. The starting point is the particular command, and the distinct context in which it is originally given and applied. The application of the commands outside of that context requires reflection on the moral principles that the command expresses, and how the change of context from when it was given to the situation of the person who applies it at another time and place affects how those moral principles need to be applied. This is the case whether we are considering the law of Moses or admonitions in New Testament epistles. A further question, that I will skip over, is whether the wisdom literature, such as the book of Proverbs, also supplies some virtue-based ethics, which can be explored within the context of a rule-based ethics that has already been laid down.

For Painter the basis of virtue-based morality is language. "For the pre-Reformation thinker, this is a conception of the individual as a being capable, via its possession of language, of accessing the ordering forces in nature, since these forces themselves have a linguistic structure which conventional language expresses." (p. 45) But what virtue did it yield? For the ancient philosophers it was a life of contemplation, supported by the labor of slaves. For the medieval monk it was a retreat from his calling in the world to polish his soul in a monastery, that is, actually to live in sin.

For language to reveal ends and virtues it must be uniform. Otherwise there is no possibility that is shares a linguistic structure of essences beyond itself, rather than just the usages of the individual speaker. But language is diverse, and expresses conflicting definitions, values and goals. For there to be uniformity there must be state coercion to create that uniformity. Something must take place along the lines of what Mao did in his Cultural Revolution, with all its horrors. It then turns out that the common structures revealed by language are the creations of the state. Language, or as the hermeunutics philosophers favored by Painter like to call it, text and discourse, becomes a social construction of reality. Since the uniformities, the essences, must be created by a coercive state, there is nothing beyond this linguistic construction of language. This is what the woke crowd is working towards by their attempt to dominate and control all media. By claiming, against the evidence, that everyone from the ancients up to Luther grasped the same values by using language, Painter is indulging in fantasy. For all his attempts to reduce Luther's views to statism, that is what Painter's philosophy comes to in practice.

## The Total Depravity of Mark A. Painter

For the virtue-based ethics to function, it must be able to grasp human nature and purpose as it is revealed in language. How well this works in practice we don't have to guess, as Mark Painter maintains a Twitter account, where we can see him in action.

We find that Painter is captive to all the enthusiasms of the leftists and of wokism. He re-tweets Bernie Sanders, he thinks that a "mask optional" policy is anti-Black, he opposes the Supreme Court overturning the Roe v. Wade decision, he re-tweets someone saying "I can't in good conscience recommend young women go to colleges in states where taking a morning after pill could make them a

criminal." He re-tweets someone saying "The right to abortion is sacred." He claims that academic freedom is not free speech, so that university professors can be forced to use the political correct pronouns, despite their own beliefs. He likes Evergreen State College's transgenderism. Though there is not a human right to free speech, there is one to organizing communist unions. And so on.

A more interesting post is: "This SCOTUS attack on Roe is rooted in natural law theory, as will be its follow-up attacks on other court precedents. It is the belief that the Constitution is an extention [sic] of natural law's metaphysical presumptions into human affairs. Know your enemy."

All Painter gets from his virtue-based ethics is to run with the crowd. All he has to work from is the language of the crowd. It never reveals what Painter called "man-as-he-could-be-if-he-realized-his-*telos*".

Has Painter departed from what he said in his book, or is this the real meaning of the linguistic turn that he gives his metaphysics? Maybe it always was all about a socially constructed reality, whose meaning is just in its language usage.

## Restoring Christianity — Breaking the Synthesis

At the beginning I noted the transcendental argument for the existence of common linguistic structures in language, mind and the world, because on that assumption we can take ourselves to have knowledge of objects, cosmic order and values. Painter does not set up a rigorous, structured proof with the argument, but does make the claim throughout the book, that what he call pre-Reformation thinking gives this result and thus vindicates pre-Reformation thought, e.g. "For the pre-Reformation mind, language was humanity's access to the world beyond itself. Its ordering principles were not thought to be limited to human consciousness alone, but rather constituted a map for uncovering order, justice and good in humanity and the world." (p. 3) Speaking for Plato and Aristotle, he points out: "The presupposition here is that these abstractions embody aspects of the world as it really is, so that judgement and human interaction unfold according to natural and rational principles. Otherwise, moral judgement and basic human values would be entirely relative to the culture in which they occur …" (pp. 88-89) Also, he tries to sustain the claim that with the Reformation there is a change and these values are lost, bringing in the woes of modernity. We have found though, that he does not make his case. He cannot provide a stable set of values. Language, instead, contains the varied values and order that different individuals and different cultures attribute to the world. Furthermore, he has to falsify the historical narrative to make his cultural break at the Reformation.

There is another Biblical narrative where divine command can be compared with the deliverances of reason. God had promised Abraham that he would make a covenant with him, make him the father of many nations, the father of kings, and make them possess the land of Canaan. He also promised that Sarah would have son, and that in this way she would be the mother of many nations and kings. (Genesis 17) Later however "God tested Abraham", commanding him to sacrifice that son, Isaac. So God gave Abraham a command that broke with Abraham's previous worship which did not involve human sacrifice, and which nullified everything God had promised, for Isaac was the one designated

means by which Abraham would have the descendants through which the promises could come to fruition.

In this case the command is not merely beyond what reason could conclude about moral duty, but contrary to it. If Abraham obeyed God's command, the whole course of life and future expectation which God had set out for him would be nullified. The command in that way contradicted what God had said earlier. Nevertheless Abraham set out to carry out this command, and when asked by Isaac where the sacrifice would be coming from said, "God will provide."

That this command created not merely an apparent contradiction but a real one unsolvable by reason is made evident by God's withdrawing the command at the last moment, and making available a ram for sacrifice. But the major lesson is that God will provide the means of fulfilling what appear to be his impossible demands. Thus not only did Abraham name the place of the sacrifice "The-LORD-Will-Provide" but it became proverbial: "as it is said to this day, 'In the Mount of the LORD it shall be provided.'" (Genesis 22)

Christianity sees, in the light of redemptive history, a deeper meaning to Abraham's faith that God will provide. What needed to be provided, and how God would provide it through fulfilling the promise to Abraham, were both beyond what Abraham could reason out and expect. What was needed was a sacrifice for sin, in the sense of a substitute for man that was beyond anything man could do or obtain. This would come about both through the descendants promised to Abraham, and also by God himself entering history to be that substitute and provision. When God entered history, there was the beginning of a new type of humanity in union with Christ. This was not a return to the unfallen condition of man before his temptation by the serpent, but a move forward toward a future state beyond the potentials that man had had originally. All this was completely unforeseeable to Abraham. It was also the real point of the promises to Abraham, which those today who do not have the faith of Abraham are still unable to see. This, however, is the Biblical idea of justification.[6] It is also the idea of justification that Luther perceived could not be mixed with a philosophical program of self-help.

There is another lesson to be taken from this narrative, and that is that the program of descendants and possession of the land that was promised to Abraham is subordinate to the command of God, and to Abraham's faith that God would provide. God's real program was something much greater, of a different nature, and incomprehensible to people until it had happened. All Abraham received was an indication that something greater was coming. There are still those today, e.g. the Jews and the Dispensationalists, who cannot grasp this subordination and replacement by something better. Even worse is the Roman Catholic Greek pagan/Christian synthesis that does not see the need for it at all. For them, man does not really need Abraham or Jesus, but Socrates, Plato and Aristotle, for it is the Greeks who taught the way of the real justification.

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6   Though in some Biblical passages "justification" is used in a forensic sense, there are others, as in James, where it has a more general meaning.