

and technical terms back into the world of richer detail and deeper essences that human beings actually live in. His arguments are informed by metaphysical truths about the human person, even though he infrequently thematizes them, often relying instead on well-known manifestations of those truths in common law and common sense.

The “moral and legal case against abortion choice” that Professor Beckwith has made is

civil, intellectually stimulating, truly comprehensive, and well grounded in medical fact, the Western philosophical tradition, and recent legal history. His philosophical statement in defense of preborn human life is a valuable pro-life reference work.

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***Retrieving the Natural Law:
A Return to Moral First Things***

by J. Daryl Charles

Eerdmans Publishing, 2008, paperback \$34.00

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Retrieving the Natural Law offers an evangelical Protestant’s *apologia* for natural law reasoning in moral discourse. Prompted by the pervasive disintegration of the post-Christian moral consensus, the need for Christians to engage those who do not share their religious convictions in the public square, and the deficit of natural law reasoning in contemporary Protestant theological ethics, the author’s brief for natural law is aimed primarily if not exclusively at his fellow Protestants.

Like the author’s earlier book *The Unformed Conscience of Evangelicalism: Recovering the Church’s Moral Vision* (InterVarsity, 2002), the present work offers a constructive critique of inadequacies in contemporary Evangelical moral reasoning and attempts to point the way to a more adequately grounded and historically informed moral vision. A perceptible difference is, however, that in the present volume—replete with extensive quotations from St. Thomas Aquinas, Catholic natural law theorists like John Finnis, Robert George, and Russell Hittinger, and sustained discussions of Pope John Paul II’s encyclicals—the author draws on sources beyond the Christian tradition with which most evangelical Protestants would be famil-

iar and comfortable. Indeed, if one did not know it, one might have thought the author Catholic.

J. Daryl Charles, who was William E. Simon Visiting Fellow in Religion and Public Life at Princeton University when *Retrieving the Natural Law* was published, is clearly aware that natural law reasoning, despite contemporary Protestant aversion to it, was far from alien to the earlier Protestant tradition of the magisterial reformers. This is amply clear from his discussion in “Protestants and Natural Law” (*First Things*, December 2006), as well as from his dedication of this book in part to the Lutheran theologian Carl Braaten, “whose theological reflections on the natural law prompted me to rethink my theology of creation.”

Like Braaten’s own still earlier essay “Protestants and Natural Law” (*First Things*, January 1992), the burden of Charles’ book is directed toward getting evangelical Protestants to reclaim the natural law tradition and to see that natural law reasoning is entirely consonant with the principles of traditional Protestant theology. Charles goes farther, however, in attempting to show the crippling effects on contemporary evangelical thought of losing touch with the natural law tradition, and the indispensable resources

to be retrieved from this tradition for the common-ground moral discourse needed to build moral consensus in public policy in a pluralistic society. Charles' book also goes further in illustrating the difference natural law reasoning makes in current issues in bioethics, particularly in debates over the nature of personhood, suffering, and human rights surrounding the question of euthanasia.

Retrieving the Natural Law is divided into nine chapters. The introduction (chapter 1) is devoted to the crisis of personhood amidst our climate of subjectivist relativism, illustrated—to take just one example—by then-Senator Biden's opposition to the nomination of Clarence Thomas to the Supreme Court on the grounds that he subscribed to the "dangerous doctrine" of natural law (although Biden had earlier opposed the nomination of Robert Bork because he *rejected* natural law!). "Contending for Moral First Things: Christian Social Ethics and Postconsensus Culture" (chapter 2) aims to show how Christians, once they understand the resources of natural law reasoning within their own tradition from St. Paul to Pope John Paul II, need not consider themselves refugees marooned without assistance on the shores of the twenty-first century. Charles includes here an excellent analysis of St. Paul's speech to the Council of Areopagus in Acts 17.

"Natural Law and the Christian Tradition" (chapter 3) offers a historical trajectory beginning with pre-Christian traditions (Plato, Aristotle, Cicero) and spanning St. Paul, the Church Fathers, Aquinas, Vitoria, Suarez, and Grotius, up to the American founders and John Paul II. "Natural Law and the Protestant Prejudice" (chapter 4) recounts the earlier Protestant *acceptance* of natural law (Luther, Calvin, Zwingli, Bullinger) and later *aversion* to it (Karl Barth, Jacques Ellul, John Howard Yoder, Stanley Hauerwas, H. Richard Niebuhr). "Moral Law, Christian Belief, and Social Ethics" (chapter 5) begins with a discussion of the nature of law (in Biblical theology and in Aquinas, distinguishing eternal, natural, and revealed law), how law is related to morality, and the deterministic implications of rejecting natural law tradition in moral reasoning.

"Contending for Moral First Things in Ethical and Bioethical Debates: Critical Categories" is presented in two parts (chapters 6 and 7), which spell out foundational categories such as personhood, human dignity, the redemptive meaning of suffering, freedom and responsibility, the common good, integrity in language (e.g., avoiding such politically correct crudities as calling prostitutes "sex-care providers"), and tolerance. "Ethics, Bioethics, and the Natural Law—A Test Case: Euthanasia Yesterday and Today" (chapter 8) discusses the extermination of the unfit, the *lebensunwertes Leben*, under the Third Reich as well as current right-to-die reasoning. "The Natural Law and Public Morality: Second Thoughts on What Is at Stake" (chapter 9) concludes by offering baseline recommendations for contributing toward a cultural renewal, including recommendations on moral formation, developing a "culture of life," moral consensus building, education, addressing problems of cultural elites, false dichotomies, personal and civic responsibilities, and pressures to accept moral evils in the name of tolerance.

Readers of books on natural law often wish that authors would provide handy thumbnail definitions of "natural law" and its content, or clear and simple explanations of how they understand it. This is easier said than done, although parts of popular works come close, like J. Budziszewski's *What We Can't Not Know* (2003) and Charles E. Rice's *50 Questions on the Natural Law: What It Is and Why We Need It* (1993). The difficulty is not that there are not answers, but that they require some patience to understand. For one thing, the first principles and higher-level precepts of natural law (such as "do good," "avoid evil," "honor parents," "care for children," "do not betray friends," "do not steal," etc.) are by their very nature *indemonstrable*. They are not innate but *per se nota*, underived. Like the multiplication table, they may have to be learned, but once understood, one sees that they cannot be otherwise. For another, the inferentially derived third-level precepts about human action, as Aquinas notes, are known only "by the more subtle consideration of reason" with "much consideration

of different circumstances,” and only then by the “wise.” Hence, the content of natural law is not always simply discerned, but is in some sense an achievement of practical reason. Finally, if an author such as J. Daryl Charles may seem reluctant to offer a definitive explanation of how he understands natural law, this may be in part because natural law cannot be conflated with any theory about it.

Even so, there is little doubt where Charles’ sympathies lie. He notes that the philosophical tradition informing the theory and practice of law in the West exhibits remarkable consistency in distinguishing two types of “natural law”—one arbitrary and utilitarian in character and anchored in a particular view of the state and social contract theory, the other rooted in a tradition of metaphysical convictions (78), and it is amply clear that he holds no stock in the former type. Further, his sympathetic citation of Catholic natural law theorists (Jacques Maritain, Yves Simon, Heinrich Rommen, Charles Rice, Aquinas), as well as his discussion of the in-house debate between partisans of the “new natural law” theory (John Finnis, Germain Grisez, Robert George) and the traditional view (Keith Pavlischek, Russell Hittinger, and J. Budziszewski), show that he embraces the reality of natural law as set forth by such traditional Catholic theorists.

One of the most interesting things about Charles’ book is the account he gives of the contemporary Protestant aversion to natural law thinking, which emerged about sixty years ago, and the critique he offers of it. In his introduction, Charles gives three reasons for Protestant rejection of natural law reasoning: (1) the deep current of Enlightenment rationalism that has made Protestant ethics susceptible to moral relativism and theological pluralism; (2) existentialist and historicist assumptions that have undermined attempts to establish any universally binding principles of morality that might guide theological ethics; and (3) the pietist outlook of American evangelicalism that has prevented it, despite its opposition to theological liberalism, from developing a robust, historically informed, and philosophically articulated social ethic (20–22). In chapter 4, devoted to the Protes-

tant prejudice against natural law, he cites three more factors identified by Stephen J. Grabill (113–114 note 10): the influence of Karl Barth, the evangelical Protestant conceit that Catholic moral theology is soft on sin and its effects on human reason, and the anti-metaphysical trajectory of nineteenth-century German Protestant theology.

According to Charles, one reason contemporary Protestants are uncomfortable with natural law and “common ground” discourse generally is their deep-seated disposition to classify things in terms of binary bifurcations—sacred versus secular, public versus private, grace versus nature, law versus gospel, etc. This is in part why they tend to view the apologetic task solely in terms of antithesis and approach public dialogue only in the vocabulary of “culture wars,” rather than working for public consensus. It is part of the weakness described by H. Richard Niebuhr in *Christ and Culture* (1951) of the “Christ against culture” model, and is an abiding weakness of fundamentalists and radical Anabaptists such as those Charles analyses (like Yoder, Hauerwas, and others).

The diagnosis could be expanded considerably, however. This same dichotomizing tendency could likely be discovered as lying at the base of each of the reasons Charles listed for why Protestants reject natural law—in the antithesis of (1) *faith* versus *reason* in Enlightenment rationalism; (2) *subjective meaning* versus *objective historical facts* in existentialism and historicism; (3) *secular public* versus *spiritual private* in the traditional evangelical pietist outlook, (4) the *Christ of faith* versus the *Jesus of history* in existential theology such as Karl Barth’s, (5) *grace* versus *nature* in the Protestant interpretation of Catholicism as soft on sin, whereas Aquinas sees no such antithesis or even “neutrality” of “nature”; and (6) *phenomena* versus *noumena* in the Kantian critical turn, rendering impossible by definition any knowledge of reality, morality, or human purpose, by limiting concepts of the understanding to analyses of empirical phenomena. While Charles does not press his analysis in this philosophical direction, his discussion is pregnant with

implications that call for further investigation along these and other lines.

Retrieving the Natural Law is written for a college-level readership and should be of interest not only to professional scholars but to the intelligent laity with interest in natural law and its theological, ethical, political, and cultural implications. The author's style is elegantly free of arcane terminology, the

book is well-organized, and sections typically conclude with helpful summaries. The volume would lend itself nicely to classroom use and is highly recommended.

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***Status Envy:
The Politics of Catholic Higher Education***

by Anne Hendershott

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It is fortuitous that Anne Hendershott's excellent monograph, *Status Envy: The Politics of Catholic Higher Education*, was published in 2009. Its appearance occurred the very year in which Rev. John Jenkins, University of Notre Dame President, announced that this institution was eager to award an honorary degree, in law, to Barack Obama, newly elected President of the United States. Despite the fact that Obama's political agenda was clearly at variance with the moral teachings of the Church, Jenkins and his board of directors had judged the untested President a worthy recipient of this honor.

Why, some Catholics asked, did officials of a widely regarded Catholic university believe it appropriate to reward a man whose social agenda contradicted—even violated—their religious convictions, especially those regarding the protection of the dignity of every person, born and unborn? Why was this Catholic institution so ready to ignore the distress experienced by these Catholics? As a solid interpretation of the transformation of Catholic higher education in the twentieth century, Hendershott's book provides a persuasive answer to such questions.

The action taken by University of Notre Dame officials had, indeed, brought into the open ideological perspectives that have been threatening to divide not only the academic Catholic community but American Catholics

for several decades. Now in particular, from his ivory tower, President Jenkins had unleashed what soon would become an uproar within the Catholic community at large and signal a change of Catholic attitudes. As the situation continued to receive almost daily coverage among certain Catholic media, the university issued a rationale to clarify the reason for its invitation. Notre Dame, or any Catholic institution of higher education for that matter, the president argued, was simply being guided by the principles of academic freedom as these were first articulated in the celebrated 1967 Land O'Lakes Statement—a position coincidentally given strong support at that time by Father Theodore Hesburgh, then President of Notre Dame. The statement asserts that

to perform its teaching and research functions effectively the Catholic university must have a true autonomy and academic freedom in the face of authority of whatever kind, lay or clerical, external to the academic community itself. To say this is simply to assert that institutional autonomy and academic freedom are essential conditions of life and growth and indeed of survival for Catholic universities as for all universities.

President Jenkins suggested that the choice of President Obama as commencement speaker and honorary award receiver was a valid