cant features of persons-in-relation”; it is “an expression of the grace that flows from [Christ’s] Cross and Resurrection” (286). Chapter 11 examines “the links between the anthropological principles . . . derived from Chalcedonian personalism, and the Scriptures,” concluding with a new way to understand parts of Scripture (349).

In an otherwise thoroughly researched work, Patterson fails to provide sources and make distinctions regarding various types of evolution and evolutionary theories to which he refers. At the same time, Chalcedonian Personalism might be considered a milestone contribution to theological anthropology, which initiates additional works to address some of its underlying concerns.

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It is no secret that American lawyers have a very low standing in the eyes of their people. Nor is it a secret that Catholic lawyers share in this low standing. This may be seen as understandable, given the lack of any widespread, distinctively Catholic approach marking out Catholic lawyers as particularly ethical practitioners. Still, Catholic lawyers and other Americans should and often do care about the relationship between human law and the norms recognized by the Church. Particularly in times of cultural crisis, it is important to examine the rules by which we actually live in light of the pattern of right conduct embedded in the structure of being.

Ronald Rychlack has put together a highly useful series of articles on the relationship between American law and the teachings of the Catholic Church. In twenty-two chapters this volume discusses areas of law from torts (the law of civil wrongs), to marriage, to the relationship between church and state. Chapters also discuss law-related issues, including the failures of Catholic law schools and the legal implications of the Catholic conception of the person. Sometimes the message is one of congruence, sometimes of disappointment and critique, most often a bit of both. The reader generally is given a helpful summary of central issues of law as seen through the lens of Catholic thought. Some of these necessarily brief chapters manage far more, addressing complex doctrines and intricate le-
gal theories in a manner accessible to non-specialists while holding the latter to the abiding standards encapsulated in the former.

Some chapters are very practical in their discussion of conflicts between the law as it exists in this time and place and the eternal pattern it ought to follow. This is the case, for example, with Rychlak’s chapter on tort law. Here he explains the manner in which the law of tort rests on notions of personal responsibility that are by nature Catholic. One is not treated as a full human person unless he is recognized as being responsible for his own actions. Not all mistakes or misdeeds can or should be brought to law, of course. But when they are it is crucial that courts recognize the perpetrator’s free will (and dignity)—even when doing so brings liability for, say, negligent or reckless conduct. As Rychlak points out, this means that the American tort system’s movement toward “no fault” liability is degrading to both law and humanity. For example, contemporary “products liability” law holds manufacturers liable for injuries caused by their products even when they have been misused, perform as promised, and are not in any way physically defective. The argument is that manufacturers are best able to prevent potentially dangerous products from falling into the hands of consumers and, as important, are likely to have “deep pockets” and so be able to afford to pay for consumers’ injuries. Products liability doctrine may provide one, particularly inefficient, way to secure funds to address tragic injuries. But this morally compromised benefit comes at considerable cost because it entails penalizing people (forcing them to pay monetary damages) when they have done no wrong. Social justice and character are undermined as we learn to expect judicial enforcement of liability without fault.

Richard Myers provides an impressively succinct and accurate summary of the law of church and state in America. He focuses on recent Supreme Court decisions that have taken a step back from the edge of radical secularization. These decisions have abandoned the Court’s former determination to turn religion into a mere private hobby utterly invisible in public life. Recent decisions have produced a relatively consistent doctrine according to which laws like those providing for school vouchers do not violate the Constitution’s Establishment Clause so long as they treat religion (or religious schools) on equal terms with secular alternatives. It is important to note, here, that Myers is not addressing the issue of religious free exercise. That doctrine, wrongly separated from Establishment Clause jurisprudence for many decades, is a topic worthy of its own chapter. This is especially so given recent impositions on religious conduct rooted in the Supreme Court’s decree that all states must issue marriage licenses to same-sex couples.
Stephen Krason provides a telling critique of the Court’s First Amendment jurisprudence. He shows how the rights declared in the First Amendment comport with Catholic teaching, though often not in the fashion our courts interpret and apply them. This goes especially for the “right to privacy” cases, which began as a supposed defense of marriage and continue as a central justification for America’s radical abortion laws. At the center of the problem, here, is the refusal of most American courts to see in rights their communal dimension: the right to association that is central to the Catholic understanding of the person, and of the state as a community of communities. In Krason’s words, “the Court has often not been able to understand the full social character of man, and so cannot sufficiently fathom the fact that his individual actions and even at times utterances . . . can have a profound effect on the social fabric.”

D. Brian Scarnecchia examines a variety of property law issues, from marital property to the “public trust doctrine,” which asserts state control over some forms of property in the name of the common good. The Catholic vantage point from which he approaches his subjects lies at the confluence of individual rights and the universal destination of goods. The fact that all of creation is a gift from God makes clear that all its goods are meant for the human race as a whole. But, Scarnecchia rightly emphasizes, this understanding must not lead us to ignore the rights of persons, themselves possessed of human dignity and created by God to exercise free will. The proper “dynamic tension” between these two aspects of reality rests on a full understanding of human nature and the rights and duties derived therefrom. It also requires acceptance of the compromises necessary to maintain respect for both the common good and private rights. Traditionally, American law has recognized that there are proper limits to the rights of private property. This is shown, for example, in the law of nuisance. Unfortunately, in recent decades we have seen an increasingly unreasonable expansion of the public trust doctrine. Especially in the name of environmental protection, the law increasingly is being used to grant the state power to seize control over natural resources. And this trend threatens to undermine the rights of the person and even the value of human labor as it effectively collectivizes both.

Stepping back from purely doctrinal discussions, John Breen and Lee Strang provide an enlightening if hardly encouraging overview of the history and state of Catholic legal education. From the beginning, they show, Catholic universities in the United States have failed to recognize their duty to shape lawyers firmly within the Catholic tradition. American law schools were seen by their founders as merely a means of upward mobility for Catholics. Accordingly, Catholic law schools provided only minimal
exposure to natural law jurisprudence and some of the forms of the faith, otherwise merely mimicking secular legal education. After World War II even this minimal respect for the Church was eliminated in almost all Catholic law schools. In recent years there have been attempts to revive interest in truly Catholic legal education. Unfortunately, as many of the authors represented in this volume are aware, the challenges presented by secularized Catholic universities and financing within the highly regulated legal education market at a time of lessening demand for lawyers would seem, at least for now, insurmountable.

Of particular importance in this volume is Father John Araujo’s essay on “The Meaning of Person.” In his always-winsome fashion, the late Father Araujo (d. 2015) begins by pointing out that the “Catholic” answer to the question “what is a person?” actually is “the answer that should satisfy all who think objectively and critically.” This truism of natural law reasoning too often is overlooked by Catholics as they argue with secularists who would confine Church teaching to a fairyland of irrational belief justifying, at best, idiosyncratic private conduct. Drawing implications from the enslavement of African Americans and the denial of the humanity of unborn children, Father Araujo shows that it is the very subjectivism of modern thinking that allows us to ignore the rights of every person. We will find no answers in the emotional, self-referential assertions of individualists who see the world only through their own eyes. Instead, we must inculcate and practice that objective reason through which we can recognize reality if we are to see the person as he is and place his good and his concomitant rights in their proper context of the common good.

There are other excellent chapters as well. Hadley Arkes, for example, gives a stirring defense of pro-life legislation in the face of stiff and even irrational opposition from the courts. In Arkes’s view, lawyers in particular must continue to reformulate legal language and concepts in a manner that addresses judges’ prejudices while keeping in sight the necessary goal of protecting unborn children. Because law generally is changed over time through the development of reasons laid down in a series of judicial decisions, it is important to draft new laws that will force judges to recognize the illogic of their broad rejection of the rights of the unborn one step at a time. In this way it may be possible to guide their thoughts and decisions along a chain of reasoning from obvious facts that will, in the end, undermine their own false assumptions.

Arkes’s recognition of the historical development of institutional reason highlights a flaw in this volume any review would be remiss to leave unnoted: It lacks discussion of the historical grounds of Catholic influence on and critiques of American law. The direct influence of the Church on
American law is, of course, highly limited. Catholics were a tiny minority in the American colonies and took many decades to find their full voice in American public discourse. But the United States is a carrier of the Western Tradition and, as such, has a legal system and culture deeply indebted to Catholic institutions, beliefs, and practices. As is rightly pointed out in more than one essay, here, our very understanding of human rights is rooted in the Church’s teachings on the dignity of the person. In practice, American understandings of individual rights, along with the role of government in promoting the common good, rest on principles—and legal practices—of rule by consent and the due process of law developed through debates within and between the Church and various secular powers. One would have wished that the vast literature on this topic, including the writings of Brian Tierney, R.H. Helmholz, and Kenneth Pennington, might have been used to lay a solid historical foundation for this volume, instead of being ignored in its brief, highly reductionist preface. That said, this remains a highly useful sourcebook, especially for non-specialists seeking greater understanding of American law from a Catholic perspective.

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John Safranek’s book is a welcome addition to contemporary discussions of liberalism. Liberalism, though, means different things to different people. Christopher Wolfe, for example, has defended what he calls Natural Law Liberalism, which is a union of what he identifies as the core principles and tendencies of liberalism with natural law theory. Safranek’s target is what he calls “modern liberalism,” and it is clear that the modern liberalism he critiques is increasingly influential in American culture.

The modern liberalism that Safranek has in mind is perhaps best encapsulated by the (in)famous “mystery passage” from the United States Supreme Court’s 1992 decision in *Planned Parenthood v. Casey* in which the joint opinion stated: “Matters involving the most intimate and personal choices a person may make in a lifetime, choices central to personal dignity and autonomy, are central to the liberty protected by the Fourteenth Amendment. At the heart of liberty is the right to define one’s own concept of existence, of meaning, of the universe, and of the mystery of human