

the word "perhaps" and the general tentativeness of all that is written concerning St. Benedict. There is no help for it, and no apology under the circumstances need be made for the author. The reader, by the time he is done, will have an excellent picture of the Italy of Benedict's day, both the ecclesiastical and political Italy, in that age of turmoil and brutality attending the barbarian invasions. And if it sometimes seems that this Benedict moves, a creature of make-believe, through a very factual background, it is our loss.

Over many chapters of this book the musty smell of the archives hangs heavy, too heavy. Moreover, the reader will early recognize that the author's principle of selection is a most elastic one. The only justification for much of the material is that it will in some oblique way illuminate either the saint or his work or the milieu in which he worked. In principle, this is a valid procedure; but in practice it does not stand up. That Damasus wrote inscriptions on the tombs of his sister and his mother has no relation to Benedict and Scholastica; and if Gregory also wrote a *Regula Pastoralis*, so what?

Scholarly research is evident on every page, the publisher assures us; too much so, I venture to say. St. Benedict never gets a chance to come to life, for all the Latin footnotes. The book is, therefore, better history than biography, better in its treatment of *his Times* than of *Benedict*.
P.M.G.

The Nature of Law. By Thomas E. Davitt, S.J. St. Louis, B. Herder Book Co., 1951. pp. 274. \$4.00.

Father Davitt's work is a survey of the nature of law as it was understood by the great scholastic representatives of the voluntaristic and the intellectualistic schools. In order to prevent his book from becoming too heavy, he has written in an essay-style and yet has avoided over-simplification. This has been accomplished by incorporating pertinent texts into the exposition itself. There is an excellent index and a good bibliography.

In his presentation of the school that upholds the primacy of the will in the concept of law he has chosen Henry of Ghent, Scotus, Ockham, Biel, De Castro and Suarez. The proponents of the primacy of the intellect are St. Albert, St. Thomas, Cajetan, Soto, Medina, and St. Robert Bellarmine. Father Davitt's method with each author follows the same general outline. First, the author's psychology with special emphasis on the act of command is explained and then Father Davitt shows the consequence of this philosophy on the author's concept of law. Some knowledge of psychology is presumed in the reader,

for only principles can be given in such brief, concise paragraphs. In particular, Father Davitt's chapter on St. Thomas is a delight to the mind. For he has spotlighted the relation between St. Thomas' psychology and his concept of law with an economy of words and simplicity of style that might well be imitated by textbooks.

In addition to the summary of each author's doctrine on law, Father Davitt has added an interesting corollary of his own, namely, what was each author's opinion of mere penal law. This adds an entirely new vigor to his book and removes it from the list of the common philosophical books published each year. For Father Davitt has entered a two-fold controversy that is connected with the problems of purely penal law: "Is there such a thing as a purely penal law and who said there is?" In regards to the latter half of this question, Father Davitt definitely places St. Thomas, Soto, Medina, and St. Robert Bellarmine as opponents of the theory of purely penal law. Nevertheless, all of these men, except Soto, are claimed by the other side as being in favor of this theory. It seems then that a proof from authority in this matter is out of the question because of the different interpretations of texts.

Father Davitt's best argument, therefore, is an *a priori* proof from law itself. And he shows that Thomists who hold that law is an objective reality based on reason, not on the will of the law maker, cannot hold the theory of purely penal law, for this concept is based on the arbitrary will of the legislator. Some Thomists, such as the late Archbishop Gillet, have seen this contradiction. Yet we find Fathers Fanfani, Prümmer and Merkelbach adhering to the theory of merely penal law in their manuals. But it seems that Fathers Prümmer and Merkelbach accept the theory rather than prove it, thereby agreeing with the more common opinion rather than insisting on it. Father Fanfani favors the opinion of Bishop Lugo. But Bishop Lugo's argument is voluntaristic. The answer may be that these writers have fallen into the snare ever waiting for moral theologians: to stress the practical to the detriment of the speculative. The accidental form and the promulgation of the law is due to the legislator. But the law that the legislator issues is an ordination of reason made for the common good. And from this relation to the common good it receives its binding force or power. Therefore, any true law is an objective reality whose essence is beyond the legislator's will. The whole subjective notion found in purely penal law leads only to anarchy in any form of society. Father Merkelbach recognizes this result, stating that the theory of purely penal law is not to be preached in public.

Here specifically is the value of Father Davitt's book: the principles enunciated should be preached publicly in order to restore to law the prestige it has lost through a subjective interpretation. This book can become the source of a reaction demanding that morality and citizenship be reunited in public life. C.B.

The Theology of the Mystical Body. By Emile Mersch, S.J. Translated by Cyril Vollert, S.J. St. Louis, B. Herder Co., 1951. pp. xviii, 663. \$7.50.

To do justice by way of criticism (in the neutral sense of the word) to Father Mersch's monumental work requires at least a fairly lengthy essay, while a mere review such as circumstances here permit, must of necessity confine itself to general conclusions.

Father Mersch dedicated the intellectual efforts of a life-time to a thoroughly extensive and profound study of the doctrine of Christ's Mystical Body. The present book is a sequel to a previous work, which showed how Sacred Scripture, the Fathers, and later theological tradition explain the nature of the Mystical Body. In this later volume the doctrine is treated, as it were, speculatively, but always based on the tremendous labors of a positive character which went into the earlier work.

The Theology of the Mystical Body is divided into five Books. Book One serves as a theological and philosophical Introduction wherein the foundations for Mersch's long argument are laid. This is really a brilliant lesson in theological methodology by a true master. Mersch sets out to reach an understanding of the supernatural truth of the Mystical Body by its vital connection with other revealed truths. Theology as a true science demands and achieves unity: unity in the supreme formal object of its contemplation. This unity, according to Mersch, may be found in the Whole Christ, which is the author's conception of the Mystical Body. Unfortunately, although he makes a concerted effort, the author does not succeed here in convincing us that his theory is not opposed to the solid and manifest teaching of the Angelic Doctor. His distinction between a formal, interior and a supreme, material object is hardly understandable; nor can Mersch substantiate it by the authority or thought of St. Thomas. Whether or not this initial defect vitiates the entire thesis of the author would be extremely difficult to say; certainly it does not cancel the lofty speculation and deep penetration which pervade the rest of the work.

Book Two studies the Coming of Christ, its preparation in the