

freedom to bring one's religious concept of the good into dialogue with other understandings. However, he gives no indication how this is to work in contemporary society. He acknowledges complexities that exist between competing religious-political concepts, for example, between the "radical monotheism" of Islam and its demand for an Islamic republic and the land-oriented self-identity of Judaism, but leaves unaddressed the question of how his notion of intellectual solidarity will help to resolve the intractable conflicts that arise as a result of such competing beliefs. One is left wondering whether in the end the beliefs themselves need to go in order to make room for the kind of solidarity Hollenbach envisages.

Hollenbach takes aim at what he terms "fundamentalist" communities. Fundamentalism, he says, expresses itself through a defensive attitude toward modern pluralistic culture. The fundamentalist mind sees modernity "as a threat to religious identity itself" and communities characterized by such a mind are inherently conflict-prone and hence unfit for the kind of intellectual solidarity Hollenbach proposes. Examples include the so-called religious right, the Catholic lay movement *Communion and Liberation*, and Islamic Hamas and Hezbollah. Hollenbach's definition of fundamentalism is one for concern. Because one of the aims of the Enlightenment project was to neutralize revealed religion (a project that in Western Europe was largely successful), Christians with a memory might find themselves defensive toward precisely those elements of modernity that see a vibrant religious identity itself as a threat, without deserving the invidious epithet fundamentalist. Reading his account of "inclusive" religious communities, among which he includes the ministry of Jesse Jackson, I found myself increasingly suspicious that he was adducing little more than a description of bland contemporary liberal Christianity.

While the book's aim holds promise, in the end, it provides little guidance as to how Christian ethical reflection can contribute to the important topic of the political common good, besides reminding religious communities that they must foster dialogue that is "interactive and mutually respectful." As to the question of what happens when there are disagreements on issues of grave moral concern, Hollenbach does not answer.

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## The First Grace: Rediscovering the Natural Law in a Post-Christian World

**Russell Hittinger**

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Russell Hittinger has written a graceful, probing, and provocative account of the eclipse of natural law in the modern world of thought and action and, above all, a plea and a prescriptive analysis for its recovery. The book's title, *The First Grace*, aptly captures its central tenet, namely that the natural law is in its core a *higher law*, a God-given

law for the direction of human conduct in pursuit of common goods. Efforts to recast natural law as the self-given norm of autonomous human reason may seem to be helpful attempts to rehabilitate natural-law theory in our pluralist and, as Hittinger has it, post-Christian milieu (cf. xlv–xlv); Hittinger, however, rejects this familiar philosophic move, which he judges to undo natural law by rejecting its relationship to created nature and divine providence and by undercutting its status as a genuine law, requiring as such a legitimate authority to legislate it. Hittinger’s argument recalls a significant line from the Second Vatican Council: “Without the Creator the creature would disappear.... When God is forgotten the creature itself grows unintelligible” (Pastoral Constitution on the Church in the Modern World, *Gaudium et Spes*, 36).

Deny the divine origin and end of the natural law, however vaguely apprehended by unassisted and premetaphysical human reason, and the moral law itself is on shaky ground. Perhaps it even vanishes into the void that replaces being’s ground beneath us. As John Finnis maintains in *Natural Law and Natural Rights*, just as the focal meaning of law is bound up with the principles of practical reasonableness, so Hittinger here proposes that natural law’s focal meaning involves a supra- or transpolitical source of guidance and accountability. The central argument of *The First Grace* is thus philosophical-anthropological and ultimately theological in nature. This is a welcome book about *foundations*, or as Hittinger puts it, about the “original situation of practical reason” vis-à-vis higher-than-human authority (xlv).

*The First Grace* is not a monograph but rather eleven essays written over about a decade and a half. It reveals both the self-evident variety and the underlying unity of Hittinger’s intellectual project. *The First Grace* comprises two parts. The first, entitled “Rediscovering the Natural Law,” does most (but not quite all, as we shall see) of the important theoretical work. Its four chapters treat natural law as a theme in theology from the Patristic period through today; the legal character of the natural law; the role of positive law in making natural-law precepts socially effective; and the relationship between the natural law and the positioning of political authority and judgment. The second and much longer section, “Natural Law and the Post-Christian World,” ranges over a wide spectrum of practical issues—social, political, and legal. At first glance, it may seem that the two parts are disjointed, but, on further reflection, the volume’s coherence becomes clear. Hittinger’s various case studies all in some way illustrate that where the metaphysical and theological—the *higher-than-human*—underpinnings of our social, political, and legal orders have been denied or obscured, the essential ethical norms relating *human beings to one another* have increasingly been compromised. See especially Hittinger’s analyses of assisted suicide and abortion in contemporary American jurisprudence (chapters 6 and 8) and of the problematic relationship of technology as *telos* to liberalism’s original ethical aspirations (chapter 10).

In chapter 7, “The Supreme Court v. Religion,” Hittinger underscores a further link between the fashionable rejection of any higher law or authority over our polity and the suspicion with which religiously or even metaphysically grounded moral arguments are often regarded in the public square. In First Amendment terms, Hittinger

argues that these trends mark the illegitimate limiting of religion's free exercise in favor of maximizing the antiestablishment clause, construed since *Everson v. Board* (1947) as constructing an impermeable wall of separation between the public and religious realms. The post-*Everson* Court, according to Hittinger, has found itself in the unenviable position of having "to do the impossible," "to draw clear and non-arbitrary lines not merely between church and state, but between religion and culture" (164). Hittinger cites statements by John Dewey and Justices Kennedy and Souter to the effect that religion generally tends to "subvert the ordinary values of life," to divide citizens from one another through positing spiritual, *supernatural* meanings that undo or ignore the profoundly *human* goods and practices all can appreciate and share (166–68, 180–82).

Hittinger's critique of this appraisal hones in on the way it curiously ignores the many senses in which religion is, and is experienced by innumerable citizens as, a profoundly human good, deserving as such of public recognition and support. Hittinger might also have elaborated here Aquinas's argument to the effect that genuine religion affirms and reinforces the inherent value of "ordinary" human virtues, goods, and practices. Supernatural grace is said not only to elevate nature but also to presuppose, heal, and sustain it; rightly understood and accepted, grace illuminates the natural law and is a source of human solidarity (see *Summa Theologiae, inter alia* I-II 109 and II-II 124, 5).

The title of the volume's concluding chapter, "Reasons for Civil Society," is rather anticlimactic, leading the reader to anticipate a standard treatment of what by now seems a well-worn, if worthwhile, theme. That is too bad; this last essay is a gem. Hittinger suggests that the recent efforts of scholars in social and political theory to articulate *reasons* supporting the value of civil society and social associations require supplementing or completing with a deeper anthropological analysis. We must not stop at instrumental justifications for society, argues Hittinger, but should press onward to ask whether association offers any intrinsic good or *perfection* to the persons who engage in it (265–70). As he does often throughout *The First Grace*, to round out the book's argument, Hittinger employs insights from Thomas Aquinas on the one hand and John Paul II on the other. Aquinas students and scholars will appreciate the original use Hittinger makes in this chapter of the *Contra impugnantes*, Aquinas's spirited defense of the mendicant religious orders and the Dominicans' way of life: "It might seem to be a long stretch from medieval societies of mendicants, living in voluntary poverty, to modern issues of civil society. But it is not, really. In [the landmark social encyclical] *Rerum Novarum* (1891), Pope Leo XIII's argument for the rights of association by laborers relies directly on *Contra impugnantes*" (274). Hittinger employs this text to illustrate Aquinas's vision of *societas*, society, as an "activity" rather than properly speaking a "thing." Society is formed through and constituted by *communicatio*, a communication or making common of things through speech and other forms of giving and receiving goods. By elaborating the links between the "communication" of society and the goods of freely performed "collaborative activity" through the lens of John

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Paul II's account of "solidarity," in turn cast as both a moral disposition and variegated reciprocal activity, Hittinger offers a cogent case for social association as an intrinsic and fulfilling human good (274–80). For Hittinger, Catholic social thought not only concurs with free-market liberalism in defending a differentiated, pluralist civil society but also challenges liberals to move beyond the market-paradigm justification for civil society (282–83). Although Hittinger does not explicitly say so, this last chapter's argument has much to do with recovering natural law's socially oriented dimension as central to our human identity and so to our flourishing.

Near the end of this work, Hittinger quotes from John Paul II on the Trinitarian God as the exemplar of this vision of human and social flourishing, of solidarity, and ultimately of "communion" (281–82). God is likewise the author of the natural or higher law Hittinger aims to recover and rehabilitate: The book's conclusion is, in light of the aims set forth in the early sections, appropriately anthropological, metaphysical, and theological, but it is not for that reason any less experientially based or profoundly human. Like the inclinations undergirding Aquinas's natural-law precepts (see *Summa Theologiae* I-II 94, 2), Hittinger's text opens out on a horizon where our inclination to live together gives rise to questionings regarding our origin and end, to a socially embedded yet intensely personal search for and openness to God. While Catholics and Christians of other ecclesial communities are most likely to take an interest in *The First Grace*, this book is well worth being engaged by persons of all faiths and no faith, indeed by all who share with its author a desire to discern the "original situation of practical reason" and an aspiration to good citizenship and richly lived humanity.

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