

**“If You Are Led by the Spirit, You Are Not  
Under the Law”: *Lex Privata* and *Veritas Vitae*  
as a Divine Personal Vocation**

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Charles Taylor, not assuming that Western secularity is without its own ethic, has described the moral impulses shaping modern lives as an “ethic of authenticity.”<sup>1</sup> Among the various marks one might discern in today’s wider ethic is a desire to take seriously the particularities unique to each human life. This means that any method of validly describing or prescribing for the modern person must show itself able of genuinely engaging with the particularities of an unrepeatable person enmeshed in a distinct and unique situation. Under such a predisposition, in so far as a moral matrix proves itself *incapable* of performing on such an individual and particular level, to that extent it is seen as artificial and even inhumane. By its modern hearer, such a morality is necessarily limited. It is perceived as a purely deductive morality that can merely apply general and undifferentiated norms without grasping with the variances in person and situations that lead to the potentially infinite variation of right values and actions. This pervasive, wider Western secular ethic of authenticity is worth considering the true locus of the rejection of the classical Christian affirmation of “absolute moral norms” or the “intrinsically evil acts” those norms prohibit. For his or her part, the Catholic moral theologian is left either attempting to explain how this classic Christian ethic is one that in fact bequeaths life and joy despite its apparent

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<sup>1</sup> Charles Taylor, *Ethics of Authenticity* (Cambridge, MA: Harvard University Press, 1991).

rigorism and insensitivity, or abandoning it altogether. The modern Catholic in turn would only be forced to consider their own decision making as “out of touch with real people” or to abandon their own intellectual tradition as having been so.

At first glance, luminaries like Thomas Aquinas and others of his scholastic guild seem ill-equipped to help us. There is a serious reason for this, namely Aquinas’s own Aristotelian method. According to the Aristotelian method, true scientific knowledge can be had only about universals, not particulars. This simple truth, which Aquinas embraced, entailed a focus on natures, essences, and causes, each of which were universals, and therefore capable of being meaningfully treated as part of any science, including *sacra doctrina*. Particulars mattered, but particulars simply needed to be perceived, since they were not per se universals.<sup>2</sup>

While this method generally meant that Thomas did not speak at length of particulars, this itself is only a general rule. For there are places in his *oeuvre* where, like many Christian authors before him, Aquinas does give attention to individual cases of divine vocation in apparent contradiction of a divine commandment given to all. He treats the individual case of Abraham being called to sacrifice Isaac. But such treatments often fall only to biblical examples. Unfortunately, however, this means such cases are all very particular. For precisely that reason, if one wishes to move to reflections on modern human life, one needs to be willing to claim the same sort of inspiration that Abraham could.<sup>3</sup> A second kind of particularity Aquinas

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<sup>2</sup> This is not, of course, the whole story. While some such as Gustave Thils and, more notably, Karl Rahner have sought to correct and augment the Thomistic ethical method precisely because of this (perceived) problem, William A. Wallace holds that a proper understanding of the virtue of prudence makes Rahner’s existential ethic unnecessary and misguided. Herein, I focus on Thomas’s own mechanisms of taking account of ethical particulars that seem to prescind from a general norm. See Gustave Thils, *Tendances actuelles en théologie morale* (Gembloux: J. Duculot, 1940); Karl Rahner, “On the Question of a Formal Existential Ethics,” in *Theological Investigations*, vol. 2, *Man in the Church* (Baltimore, MD: Helicon, 1963); William A. Wallace, “The Existential Ethics of Karl Rahner: A Thomistic Appraisal,” *Thomist* 27 (1963): 493–515. See also Daniel M. Nelson, “Karl Rahner’s Existential Ethics: A Critique Based on St. Thomas’s Understanding of Prudence,” *Thomist* 51, no. 3 (1987): 461–79.

<sup>3</sup> Of course, this Biblical example became the occasion for many medievals to discuss the mutability of the natural law, just as more recently it served as fodder in the debate over the Catholic Tradition’s understanding of moral absolute prohibitions. See both John Milhaven and Patrick Lee’s debate on how to understand Aquinas on this point: Milhaven, “Moral Absolutes and Thomas Aquinas,” in *Absolutes in Moral Theology?*, ed. Charles E. Curran (Washington DC, Corpus Instrumentum, 1968), 154–85; Lee, “The Permanence of the Ten Commandments: St. Thomas and His Modern

addresses constitutes an oft-ignored portion of the *secunda pars* of the *Summa theologiae* (*ST*). Here he treats of charismatic gifts, states of life, and hierarchical offices.<sup>4</sup> Yet here again is not the moral particularity for which the modern reader wishes. These do not touch on every human life, and Thomas gives only a generic understanding of these gifts, states, and offices. A third kind of particularity arises when Thomas is attempting to help confessors guide individual penitents. In such rarified places Aquinas distinguishes between two fora where a particular person was to be counselled. The first was a public forum, like a local diocesan marriage tribunal (*forum exterius Ecclesiae*), and the other was the forum of conscience (*forum conscientiae*), most obviously present in the context of sacramental confession and equipped with its own rules and guidelines.<sup>5</sup> While the situations that arise out of such differentiation of fora are fascinating, the cases usually deal with agents in circumstances of rare moral perplexity and framing any wider moral matrix out of such advice becomes disingenuous, if not deceptive.<sup>6</sup>

Aquinas and many other influential medieval scholars had at their fingertips two other vehicles, largely unexplored today, for addressing moral particularities. These are the ideas of private law—*lex privata*—and truth of life—*veritas vitae*. In this essay, I wish to provide a brief introduction to *lex privata* and *veritas vitae* in Aquinas's work as two forms of personal, and

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Commentators," *Theological Studies* 42 (1981): 422–43. But both these discussions, medieval and contemporary, utilize Abraham's case for more speculative purposes. It is perhaps, then, Raïssa Maritain's reflection on Abraham's action in response to the call of God that comes closest to a divine personal vocation ("Abraham and the Ascent of Conscience," in *The Bridge: A Yearbook of Judaeo-Christian Studies*, ed. John M. Oesterreicher and Barry Ulanov, vol. 1 [New York: Pantheon, 1955], 23–52).

<sup>4</sup> See *ST* II-II, qq.171–89.

<sup>5</sup> For more on these two fora and their significant differences, see Joseph Goering, "The Internal Forum and the Literature of Penance and Confession," *Traditio* 59 (2004): 175–227, esp. 176 [repr. in *The History of Medieval Canon Law in the Classical Period, 1140–1234: From Gratian to the Decretals of Pope Gregory IX*, ed. W. Hartmann and K. Pennington (Washington, DC: Catholic University of America Press, 2008)], and Arnaud Fossier, "What Exactly Is the *Forum Confessionis*? Secrecy and Scandal in Church Governance (12th–14th Centuries)," in *Secrets and Discovery in the Middle Ages: Proceedings of the 5th European Congress of the Fédération Internationale des Instituts d'Études Médiévales* (Porto, 25th to 29th June 2013), *Textes et Etudes du Moyen Âge* (TEMA 90), ed. J. Meirinhos, C. López Alcalde, and J. Rebalde (Turnhout: Brepolis, 2018): 237–45.

<sup>6</sup> I have argued that an oft-repeated but groundless statement in modern Catholic morals is based on such a disingenuity. See Justin M. Anderson, "Is It Better to Die Excommunicated than Act against One's Conscience? What Aquinas Famously (Never) Said on Conscience and Church Authority," *Ephemerides Theologicae Lovanienses* 95, no. 4 (2019): 567–93.

therefore private, divine calling. Besides a general introduction, I want to focus specifically on an antinomian strain, namely whether, according to Aquinas, such divine calls can grant permission to transgress the moral law. Simply put: can being “led by the Spirit” ever entail a divine permission to violate the moral law?

Nor are such questions and cases merely the stuff of fantasy. At any given time in the history of Christianity, there have emerged Christians, either individuals or groups, who have claimed to have been “led by the Spirit.” Among these claims are some that have subscribed to the idea that because the Holy Spirit has inspired them, they are excused from what are taken to be normal, basic moral obligations for any Christian, including the Ten Commandments.<sup>7</sup> It is easy to dismiss such cases as clear divergences from authentic Christian discipleship. However, the company of those who have claimed to be following divine inspiration, even where this adherence flies in the face of the moral law, includes those regarded as saints.<sup>8</sup> No occidental saint presents this to us more than “the Maiden.” St. Joan of Arc, inspired by voices from heaven, was said to have clearly violated the fourth commandment when she left home without her parents’ knowledge or permission. Moreover, Joan was a cross-dresser. She was a woman dressing in men’s clothes, and thus was accused of breaking both biblical and ecclesiastical law,

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<sup>7</sup> Scripture records “the Nicolaitanes,” who according to Irenaeus “lived lives of unrestrained indulgence” and taught that “there is no difference between adultery and eating food sacrificed to idols” (*Adversus haereses* 1.26.3). See Rev 2:6, 5. Luis Fernández reports that it was a hallmark characteristic of the sixteenth-century Spanish mystical and reform movement called the *Alumbrados* to proclaim their own leaders—the *beatas*—to have grown so united to God through personal mystical prayer that they were “more knowledgeable of Christian teaching than St. Paul” and that “their transformation into God gave them such a ‘most high freedom’ that the negative precepts and prohibitions of the commandments were not in force for them” (“Íñigo de Loyola y Los Alumbrados,” *Hispania Sacra* 35 [1983]: 585–680, esp. 586–87.) That abuses of this sort were frequently encountered or at least feared prompted the Council fathers at Trent to explicitly repudiate any such “freedom” in canon 19 and 20 in its Decree on Justification.

<sup>8</sup> In Eastern Christianity, this group is more obvious. They are celebrated in the East as “holy fools” (Peter-Hans Kolvenbach, *The Road from La Storta: Peter-Hans Kolvenbach, S.J. on Ignatian Spirituality* [Saint Louis, MO: Institute of Jesuit Sources, 2000], 87–105). Thus, St. Simeon the Holy Fool (†570) put out all the candles in Church and threw nuts at women therein. Basil († ca. 1557), for whom Moscow’s famed Cathedral is named, took to stealing to feed the poor and shame the miserly, he went around in public naked or dressed only in chains. The West is not without its examples. Kolvenbach points to episodes from the life of Francis of Assisi, Philip Neri, Francis Xavier, and Isaac Jogues.

which explicitly forbid women dressing as men.<sup>9</sup> For these violations (and many others) and refusing to submit her words and actions to the judgment of the Church, Joan of Arc was burned at the stake on May 30, 1431. But her case does not end there. Two decades later, Joan's trial was re-examined over a period of seven long years. In 1456 this "rehabilitation trial" dismissed the charges and acquitted her of any wrongdoing. The French canonists that guided Joan of Arc's rehabilitation trial were led by Jean Bréhal, a Dominican professor of theology and Grand Inquisitor of France.<sup>10</sup> In their examination, they invoked an idea which they understood to have a long history in Christian moral reflection: *lex privata*.<sup>11</sup> They concluded that Joan of Arc's actions had in fact been a historical example of *lex privata* and thus justified her leaving home without permission and cross-dressing. The well-documented judgment of these Dominican jurists would eventually lead to Joan's canonization. In 1894, Pope Leo XIII declared her indeed to be inspired by God, and in 1920 Benedict XV canonized Joan of Arc.

The origins of both *lex privata* and *veritas vitae* predate Aquinas's treatment, and in that way, Thomas's comments exist within a tradition which we are unable to explore at length here. But a word on the historical context of each is helpful.

The first source, *lex privata*, finds its immediate medieval context in a once famous, but now long-forgotten, medieval decretal issued by Pope Urban II in or around 1095. This decretal is known by its incipit, *Duae Sunt*. Equally long ignored, the second font of personal divine calling is the concept of *veritas vitae*, the truth of life. This finds its genesis in Peter Cantor's expansion of Gregory the Great's words on scandal. In the tradition that followed

<sup>9</sup> The authority on both trials is Pierre Duparc's massive five-volume work, *Procès en nullité de la condamnation de Jeanne D'Arc*, 5 vols., ed. Pierre Duparc (Paris: Klincksieck, 1977–1988). For Bréhal's account see *Jean Bréhal, Grand Inquisiteur de France, et la Réhabilitation of Jeanne D'Arc* [Jean Bréhal, Grand inquisitor of France, and the rehabilitation of Joan of Arc], ed. Marie-Joseph Belon and François Balme (Paris: Lethielleux, 1893). For a helpful English translation of the accusations against Joan, see *The Trial of Joan of Arc Being the Verbatim Report of the Proceedings from the Orleans Manuscript*, ed. and trans. Walter Sidney Scott, (Westport, CT: Associated Booksellers, 1956), 154–62.

<sup>10</sup> The other three were: Thomas Basin (1412–1491), a licentiate in both civil and canon law and bishop of Lisieux; Jean de Montigny, professor of canon law and dean of the University of Paris beginning in 1445; and Martin Berruyer (†1465), a theologian trained at the University of Paris who served as Bishop of Le Mans.

<sup>11</sup> On Bréhal's and other canonists use of *lex privata* in Joan of Arc's case see, Jane Marie Pinzino, "Joan of Arc and *Lex Privata*: A Spirit of Freedom in the Law," in *Joan of Arc and Spirituality*, ed. Ann W. Astell and Bonnie Wheeler (New York: Palgrave MacMillan, 2003), 85–109.

Cantor, medievals like Alexander of Hales would affirm the importance of following one's truth of life by entering religious life despite one's parents and family being scandalized. Here is an experience Aquinas knew all too well from his own life. *Veritas vitae* can also relay to us an understanding of how a scholar like Aquinas considered personal divine vocation and its limits.

In closing, I will note at least one way Aquinas's understanding of such a "personal morality," represented by *lex privata* and *veritas vitae*, can engage our own modern, secular ethic of authenticity, serving as a guide to know what it means to be "led by the Spirit" today.

### The Challenge of *Duae Sunt*: Papally Sanctioned Antinomianism?

The fundamental vessel for the idea of *lex privata* to become operative in the Church's thought, both legal and theological, was Pope Urban II's decretal *Duae Sunt*. The decretal takes its name from its opening statement: "There are, he said, two laws, one public, the other private."<sup>12</sup> After describing the public law as that which has been laid down in the writings of the "holy fathers, as is canon law," and for the sake of restricting evildoers, the decree continues on to describe private law. "But the private law is what is written in the heart by the inspiration of the Holy Spirit."<sup>13</sup> The purpose of this law is the freedom of the children of God.

For private law is more worthy than public law. Indeed, the law is the Spirit of God, and those who are motivated by the Spirit of God are led by the law of God [see Rom 8:14]. And who is there who is able properly to resist the Holy Spirit? [see Acts 7:51]. Whoever, therefore, is led by this Spirit should go freely by our authority, even against the will of his bishop. For the law is not made for the just [see 1 Tim 1:9], but where the Spirit of God is, there is freedom [see 2 Cor 3:17], and if you are led by the Spirit of God, you are not under the law [see Gal 5:18].<sup>14</sup>

<sup>12</sup> "Duae sunt, inquit, leges: una publica, altera priuata" (Gratian, *Decretum magistri Gratiani*, C. 19, q. 2, c. 2, ed. Emil Friedberg, in *Corpus iuris canonici*, vol. 1 [Leipzig: Tauchnitz, 1879; repr. Graz: Akademische Druck, 1959]).

<sup>13</sup> "Lex uero priuata est, que instinctu S. Spiritus in corde scribitur" (*Decretum magistri Gratiani*, C. 19, q. 2, c. 2).

<sup>14</sup> "Dignior est enim lex priuata quam publica. Spiritus quidem Dei lex est, et qui Spiritu Dei aguntur, lege Dei ducuntur; et quis est, qui possit sancto Spiritui digne resistere? Quisquis igitur hoc Spiritu ducitur, etiam episcopo suo contradicente eat liber nostra auctoritate. Iusto enim lex non est posita [cf. 1 Timothy 1:9], sed ubi Spiritus Dei, ibi

Coming from the pen of a medieval Pope, it is no wonder *Duae Sunt* could seem so surprising. *Lex privata's* purpose is the freedom to act according to inspirations of the Holy Spirit, since the other law is for evildoers, and this even in the face of opposition from one's bishop! However, as Robert Somerville indicates, context matters here. "The private law conveys freedom to act according to what is heartfelt, but that liberty is not undifferentiated, and it quickly is situated in a particular circumstance: it is the freedom to enter a monastery."<sup>15</sup> The issue under consideration in *Duae Sunt* is what canonical writers called *transitus*: the transferring from one form of religious life to another. The particular focus of *Duae Sunt* is the abandoning of a secular clerical life under the direct authority of a bishop and entering a monastery instead.<sup>16</sup> Therefore, *Duae Sunt* stipulates that such a secular cleric may enter a monastery even if his bishop opposes him.

Does *Duae Sunt*, then, indicate a long lost, papally sanctioned antinomian manifesto? Certainly not. And this is for at least two reasons. First, it is *by*

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libertas [see 2 Cor 3:17], et si Spiritu Dei ducimini, non estis sub lege [see Gala 5:18]" (*Decretum magistri Gratiani*, C. 19, q. 2, c. 2).

<sup>15</sup> Robert Somerville, "Canon Law, Inspired Law, and Papal Authority," in *Neti'ot Ledavid: Jubilee Volume for David Weiss Halivni*, ed. Yaakov Elman, Ephraim Bezalet Halivni, and Zvi Arie Steinfeld (Jerusalem: Orhot, 2004), 119–34, esp. 122.

<sup>16</sup> While its path of transmission is not completely clear, legal historians have traced *Duae Sunt* to Pope Urban's journey to Saint-Ruf, an important house of canon regulars, near Avignon, France. It seems Urban stopped at the house at least once during his 1095–1096 journey north of the Alps, either on his way to or returning from the Council of Clermont, where in 1095 he inaugurated the first of the Crusades. While some scholars, including Peter Landau, have argued *Duae Sunt* is a forgery dating from 1110, this position has largely been dismissed today. Its transmission from its initial appearance in *Polycarpus*, a private compilation in Italy by a cardinal about a decade after Urban's death, to its various forms in Gratian's first and second recension of the *Decretum* has attracted the majority of scholarly attention most recently. Interestingly, some additions seem to have been added to *Duae Sunt* between recensions of the *Decretum*. These additions mainly concern the scriptural warrants for *lex privata*. Nevertheless, because of the confusion around the various texts of *Duae Sunt*, it is unclear whether these are additions to the original or to the shorter version that is a summary of the longer original. See Kenneth Pennington, *Pope and Bishops: The Papal Monarchy in the Twelfth and Thirteenth Centuries* (Philadelphia: University of Pennsylvania Press, 1984), 103–14; Peter Landau, *Officium und Libertas Christiana* (Munich: Bayerische Akademie der Wissenschaften, 1991), 83–96; Somerville, "Canon Law"; Pennington, "Gratian, Causa 19, and the Birth of Canonical Jurisprudence," in *Panta rei: Studi dedicati a Manlio Bellomo*, ed. Orazio Condorelli (Rome: Il Cigno, 2004), 339–55; Peter van Moos, "Le 'Bien Commun' et 'La Loi de la Conscience' (*lex privata*) à la Fin du Moyen Âge," in *Entre histoire et littérature: Communication et culture au Moyen Âge* (Florence: Sismel, 2005), 471–510.

*papal authority* the cleric is given permission to ignore his resistant bishop. This is explicit in the text. "Whoever, therefore, is led by this Spirit even against the will of his bishop should go freely by our authority [est liber nostra auctoritate]." <sup>17</sup> Second, the individual is acting under the prompting of another law, and not free from law altogether. Nevertheless, the law is private, and as such can still be said to usher in a sense of antinomianism.

Does *Duae Sunt* indicate a papally sanctioned notion of private law? Yes, but how one understands this *lex privata* is the critical issue. If one understands its application to be boundless, even when dealing with the moral law, then its antinomian function is maximized. As such, the reforming impulse in Christians may, under the name of one being "led by the Spirit," find as its target even the moral law. However, if *lex privata* is curtailed to reduce to practically nothing, then one justifiably worries about becoming a stifler of the Spirit (1 Thes 5:19) and about one's religious and moral observances being little more than deductive reasoning, with little to no room remaining for authentic discernment. While *Duae Sunt* was neither introduced nor understood in a purely antinomian manner by either medieval legal scholars or theologians, still what it did accomplish was nevertheless remarkable. It served to transform an earlier Augustinian idea of private law into something "more worthy" (*dignior*) than public law.<sup>18</sup> It connected private law to several Pauline passages on freedom and law, thereby rendering it as a deeply personal and divine vocation, a vocation to be followed even when one's bishop may resist. However, it also clearly indicated that this was applicable only when one was "transferring" toward a more perfect state of life by entering a monastery. As Ken Pennington has indicated, "*Duae Sunt* focuses on the perennial tension in every organized religion or society: when, if ever, a matter of conscience may justify an individual's violation of positive

<sup>17</sup> "Quisquis ergo hoc spiritu ducitur, etiam episcopo suo contradicente eat liber nostra auctoritate" (*Decretum magistri Gratiani*, C. 19, q. 2, c. 2; see also Somerville, "Canon Law," 130).

<sup>18</sup> Bréhal presented a history of Christian use of *lex privata* beginning with Augustine, who received it from the Roman tradition. Adolf Berger substantiates this connection to the Roman jurist (*Encyclopedic Dictionary of Roman Law* [Clarke, NJ: Lawbook Exchange, 2004], 532 [s.v. "ius privata"]). Augustine mimicked the Roman jurists in making *lex privata* less important than public law (*leges publicae*), since it was public law that aimed at the common good, and private law only at the individual's good. So, while Augustine employed *lex privata*, it was not given the dignity it would be after *Duae Sunt*. See, Augustine of Hippo, *St. Augustine: Eighty-three Different Questions*, q. 79, no. 1, trans. David L. Mosher, The Fathers of the Church (Washington, DC: Catholic University of America Press, 1982), 200. Pinzino also cites Bréhal using Augustine at *De musica* 6.14.48 and *Contra Faustum* 30.4 ("Joan of Arc," 88–89).

law.”<sup>19</sup> Without doubt, it was *Duae Sunt*’s inclusion in Gratian’s *Decretum* that introduced into the medieval Christian legal, pastoral, and theological mind the idea of *lex privata* as being an authentic, though singular, vehicle of a divine call. But how would it be interpreted?

### ***Duae Sunt* and *Lex Privata* in the Writings of Thomas Aquinas**

*Duae Sunt* then was the vehicle for raising the potent idea of *lex privata*. While more than one medieval theologian or canonist have fascinating ways of treating what was elevated in *Duae Sunt*, in what follows we will limit ourselves to the intellectual giant of the early Dominican order, Thomas Aquinas. As has been recently highlighted, Dominican librarians were responsible for making available copies of Gratian’s *Decretum* for the friars to read.<sup>20</sup> Moreover, coming into greater focus in recent years is the fact that Aquinas’s own works demonstrate substantial engagement with medieval legal sources.<sup>21</sup> Nevertheless, Aquinas was not prone to directly cite *Duae Sunt* with any great frequency. Including one citation in the dubitable *Hic est liber*, Aquinas’s *oeuvre* contains only seven total references to the decretal.<sup>22</sup>

Aquinas employed Urban’s decretal for three simple purposes. The first was to divide the books of the Pentateuch, especially Genesis from Exodus.<sup>23</sup> Second, Thomas uses *Duae Sunt* to raise a quasi-antinomian objection that not all persons are subject to human law, since some are “spiritual.”<sup>24</sup> Finally,

<sup>19</sup> Pennington, *Pope and Bishops*, 103.

<sup>20</sup> Lydia Schumacher and David D’Avray have pointed to Humbert of the Romans’ orders to Dominican librarians in this regard. See, *Instruktionen Magistri Humberti de Officiis Ordinis*, vol. 2, *B. Humberti de Romanis Opera de Vita Regulari*, ed. Joachim Joseph Berthier, 2 vols. (Turin: 1956), 265; Schumacher and D’Avray, “Aquinas and the Place of Canon Law in Legal History,” *Archivum Fratrum Praedicatorum* 5 (2020): 29–44. In the case of Aquinas’s use of *Duae Sunt*, it is clear from his citations he had access to the text as it appears in Gratian’s *Decretum* or some digest that would have provided him with the passage. But it is true, it appears, that Thomas or another hand adds into the quotation from the *Decretum* the missing subject (*quis clericorum*) at *horum*. See, *ST* II-II, q. 189, a. 7, sc.

<sup>21</sup> See, e.g., *Thomas Aquinas and Medieval Canon Law*, ed. Justin M. Anderson and Atria Larson (Washington, DC: Catholic University of America Press, forthcoming 2025).

<sup>22</sup> The direct citations are: *Hic est liber* II; *ST* I-II, q. 96, a. 5, obj. 2; *Quolibet* III, q. 6, a. 3, sc; *De perfectione*, ch. 25; *Contra retrahentes*, ch. 11; *ST* II-II, q. 184, a. 8, sc; q. 189, a. 7, sc. Unless otherwise noted, all Latin is from the Leonine edition and all English translations are taken from *The Summa Theologiae of St. Thomas Aquinas*, trans. Fathers of the English Dominican Province (New York: Benziger, 1948).

<sup>23</sup> *Hic est liber* II (Turin: Marietti, 1954).

<sup>24</sup> *ST* I-II, q. 96, a. 5, obj. 2.

his preferred employment is to confirm either that the religious state is in fact more perfect than that of parish priest and archdeacon or that it is possible for a cleric to become a religious.<sup>25</sup> Of course, his use of *Duae Sunt* in this last case is embroiled in the mendicant controversies of his own day, and therefore, of his seven citations of *Duae Sunt*, five focus on this issue.<sup>26</sup> Because the issue of *lex privata* did not weigh heavily on the issue of the mendicant controversies, only some citations of *Duae Sunt* contain any substantial connection to *lex privata*. Clearly, then, *Duae Sunt* itself did not carry with it any overwhelmingly antinomian sentiments for Aquinas. He always read it in its context and used it primarily about the issue of *transitus* and what that seemed to imply for the mendicant controversies of his own day.

Nevertheless, these brief uses of *Duae Sunt* are not the end of the decretal's influence over Thomas. There exist some twenty other places where Thomas does engage in a focused manner with the questions raised by Urban's decretal, namely surrounding the issue of *lex privata* and the Pauline passages *Duae Sunt* invokes.

Aquinas utilizes Isidore's etymology, but aside from that seems to have used *lex privata* with not one meaning, but at least two.<sup>27</sup> In a fairly innocuous sense, Thomas uses private law as one of the distinctions for various kinds of positive law.<sup>28</sup> This is not a usage that directly interests us for our purposes, since it concerns human law rather than divine law.<sup>29</sup> In other places, he speaks of private law as a law of the Holy Spirit (*lex spiritūs sancti*), and this is that which is closest to *Duae Sunt*'s meaning.<sup>30</sup> It is this sort of private law of the Holy Spirit that "never leads one from what is more perfect to what is

<sup>25</sup> *Quolibet* III, q. 6, a. 3, sc; *De perfectione*, ch. 25; *Contra retrahentes*, ch. 11, corp.; *ST* II-II, q. 184, a. 8, sc; q. 189, a. 7, sc.

<sup>26</sup> See Andrew Hofer, "Thomas Aquinas's Use of Canon Law in the Mendicant Controversies," in Anderson and Larson, *Thomas Aquinas and Medieval Canon Law* (forthcoming 2025).

<sup>27</sup> *ST* I, q. 100, a. 2. Isidore of Seville (†636) includes private law in his etymologies making it the root of the *privilegium*, which was already a legal term at work in the Church where an individual was given an exemption to a common rule (*Etymologiae sive Originum Libri XX* 5.18, ed. W. M. Lindsay, [Oxford, 1911]).

<sup>28</sup> *ST* I-II, q. 96, a. 1, ad 1; *In V eth.*, lec. 12, no, 1021.

<sup>29</sup> Of course, it may follow from one inspired by the Holy Spirit of how that person ought to regard human law, but our question is focused on how that individual regards public divine commandments.

<sup>30</sup> *ST* I-II, q. 96, a. 5, obj. 2; II-II, q. 184, a. 8, sc; *Quodlibet* III, q. 6 a. 3 sc; *Contra retrahentes*, ch. 11, corp.; *Super Gal* 3, lec. 2. All Latin for Aquinas's Pauline commentaries from *Super Epistolas S. Pauli lectura*, vols. 1–2, ed. R. Cai, 8th ed. (Turin: Marietti, 1953).

less perfect.”<sup>31</sup> Thomas gives various examples of this sort of private law, all of them involving divine special privileges of grace in some way. For example, private law is at work when God permits a saint to take up the office of the angels by performing miracles, or when pre-Mosaic patriarchs worship God in a way that would foreshadow Christ, or when Mary is sanctified in the womb, or when the accidents of bread and wine in the Eucharist remain without a subject, prescinding from the common laws of nature.<sup>32</sup>

Aquinas employs *lex privata* as a personal divine calling, as a law of the Holy Spirit, for three purposes. The first two purposes are straightforward. He employs not only Urban II’s decretal but also its application of *lex privata* to the issue of *transitus*, and therefore to justify and exalt a vocation to a religious life. Sometimes he used it to justify the permission for *transitus* into a religious community. At other times this meant demonstrating that the religious life was more perfect than that of a secular cleric.<sup>33</sup> Finally, he stipulated that one should enter freely into religious life, and not because of a vow taken.<sup>34</sup>

The second purpose for which he used *lex privata* was the division of Scripture. The author of *Hic est liber* justifies the distinction between the Old Testament books of Genesis and Exodus on private law. In Exodus, public law was given to a people, but those in Genesis were guided only by a private law, which by its nature concerns only one person or one family. Hence, Adam, Noah, and Abraham were all guided by this *lex privata*.<sup>35</sup>

The third and final purpose Thomas Aquinas employs *lex privata* as individual divine calling is regarding what it permits one to do concerning the law. As mentioned, these appear largely in his use and commenting upon the Pauline texts that *Duae Sunt* includes in its fuller recension. Putting these various treatises together, one can view his answer synthetically.<sup>36</sup>

While commenting on Gal 5:18—“But if you are led by the spirit, you are not under the law”—the first thing Thomas does is ask his readers to note an important distinction between precepts of the law that were ceremonial

<sup>31</sup> *Quolibet* III, q. 6, a. 3, sc.

<sup>32</sup> See, respectively: *ST* I, q. 108, a. 8, ad 2; I-II, q. 103, a. 1, corp.; III, q. 27, a. 1; q. 77, a. 1, ad 1.

<sup>33</sup> To demonstrate the religious vocations superiority: *Quolibet* III, q. 6, a. 3, sc; *De perfectione*, ch. 25; *ST* II-II, q. 184, a. 8, sc. To demonstrate the permissibility of *transitus*, see *De perfectione*, ch. 25; *ST* II-II, q. 189, a. 7, sc.

<sup>34</sup> *Contra retrahentes*, ch. 11.

<sup>35</sup> *Hic est liber* II.

<sup>36</sup> While his use of *lex privata* does change, and various passages bring out various points, there is no obvious indication of Aquinas’s thought developing on the issue of private law in these passages.

and those that were moral.<sup>37</sup> If one takes Paul in such passages to be treating of the ceremonial Jewish law, then the discussion goes in another direction. For example, this is the explanation Aquinas gives to Jerome's comment that, after the coming of Christ, no one is obliged to observe the law. For Aquinas, Jerome's comment could clearly refer to the ceremonial precepts of the old law.<sup>38</sup> However, if one takes Paul's statement to be referring to the moral law, then an antinomian sense emerges. This antinomian possibility presents itself in two different Pauline passages, but Thomas dismisses them in both. In the context of 2 Cor 3:17—"Now the Lord is the Spirit, and where the Spirit of the Lord is, there is freedom"—Thomas mentions that "some have erroneously said that spiritual men are not bound by the precepts of the divine law." He immediately concludes that this is false, since the precepts of God are the very rule of the human will ("*praecepta Dei sunt regula voluntatis humanae*"). He continues in the same text: "But there is no man or angel whose will does not need to be ruled and directed by divine law. Hence, it is impossible for any man not to be subject to God's precepts."<sup>39</sup>

This last statement deserves more careful attention, and we should pause in Aquinas's account to consider its weight. If it is impossible for one not to be subject to God's precepts, then this would necessarily act as a check on any use of *lex privata* where one's will or choice would itself serve as its own measure. Aquinas's articulation here is striking: "*impossibile est.*" Why then does Thomas think every human or angelic will needs a measure? Why does that measure necessarily need to have reference to God's law? The first step to answering these questions lies in the very nature of the human will. The human will *is* the rational appetite.<sup>40</sup> It *is* the desire that is evoked following the mind's grasping of some object. That is to say, by its very nature, the will is a desire, something moving beyond itself toward what it takes to be desirable. This desirable object—whether it be an action, a material product, or even a simple thought—becomes the will's end. It becomes the desire's term. It

<sup>37</sup> *Super Gal* 5, lec. 5, no. 318. This is a common distinction in his commentary on Galatians. It is also present in *Super I Tim* 1, lec. 3, no. 21.

<sup>38</sup> Even here Aquinas thinks Jerome's comment should be "excluded," since in the early Church there were pious Christians who observed the ceremonial law yet without putting their faith in those ceremonial works of the law.

<sup>39</sup> *Super II Cor* 3, lec. 3, no. 112. Thomas treats the same antinomian interpretation in his commentary on 1 Tim 1:9—"Knowing this: that the law is not made for the just man but for the unjust and disobedient" (lec. 3, no. 23)—but here he simply states that it is a false interpretation without further argumentation. His treatment is short, perhaps, since he was also dismissing the interpretation that a just man in fact would not follow the law.

<sup>40</sup> *ST* I, q. 59, a. 1; I-II, q. 8, a. 1.

becomes the person's purpose, significance, or meaning of any action that proceeds from that desire. Because the person's desire stands in this sort of relationship to the desired object, then, that desired object necessarily acts as a measure upon the desire. Thomas writes, "human actions . . . have a measure of goodness from the end on which they depend."<sup>41</sup> This forces us to draw the surprising conclusion that the will, in desiring some object, renders itself in some sense subservient to that object's gravitational pull. That desirable object, for which the person freely bends in thought and act, is necessarily transformed into a standard or measure of the person's striving. If a child desires an ice cream, the success or failure of her pleading necessarily hinges on whether she receives the ice cream. Or again, if one aims to act justly toward one's coworkers, then the standard against which one's actions are measured is necessarily the justice due to one's coworkers. Nor is this a standard being impressed on the will from some external force, and yet it does constitute an external measure. Instead, it is necessarily and naturally taken up by the person the moment she rationally desires anything. The human will, because it is a rational appetite, necessarily has a measure it will serve.

Taylor, presenting a different rationale, indicates much the same necessity for an external measure. He aims "to show that modes that opt for self-fulfillment without regard . . . to demands of any kind emanating from something more or other than human desires or aspirations are self-defeating, that they destroy the conditions for realizing authenticity itself."<sup>42</sup> He does this by pointing out that in the background of determining in what our personal originality consists there necessarily lies "some sense of what is significant."<sup>43</sup> "I may be the only person with exactly 3,732 hairs on my head, or be exactly the same height as some tree on the Siberian plain, but so what?" We recognize these are not properties that have any human significance. But an ethic of authenticity, at least in its more modern radical form, attempts to prescind from this "inescapable horizon" of significance. Its attempts at a soft relativism propose that "things have significance not of themselves but because people deem them to have it—as though people can determine what is significant, either by decision, or perhaps unwittingly and unwillingly by just feeling that way." Taylor writes:

This is crazy. . . . Your feeling a certain way can never be sufficient grounds for respecting your position, because your feeling can't

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<sup>41</sup> *ST I-II*, q. 18, a. 4, corp.

<sup>42</sup> Taylor, *Ethics of Authenticity*, 35.

<sup>43</sup> Taylor, *Ethics of Authenticity*, 35.

*determine* what is significant. Soft relativism self-destructs. . . . It follows that one of the things we can't do, if we are to define ourselves significantly, is suppress or deny the horizons against which things take on significance for us.<sup>44</sup>

Without doubt there are differences between Aquinas's and Taylor's approaches. However, the similarity in their different arguments lies in their acknowledgment not only of the "givenness" of the good or significance, but in their acknowledgment that human volition cannot function in any other way. Even in self-determination, one necessarily relies on inescapable horizons of goodness.

Aquinas and Taylor lead us down different paths to the conclusion that a person will necessarily have a measure found in the desirable object, even if only in the pursued value of self-determination. But Aquinas goes further. He argues that the measure of the human will is ultimately and necessarily God's law. How does he reason such? As we discovered, the desirable object stirs the rational desire only after it has been considered by reason.<sup>45</sup> So the goodness of the desire moving out from the person depends on how the desirable has been grasped by reason.<sup>46</sup> It could be rightly or wrongly understood. If wrongly grasped, it may be merely an "apparent good" the person pursues. If rightly conceived it is a genuinely good object, desired by the person. Thus, the one desiring to treat his coworkers justly must have some understanding of what justice toward coworkers entails, and this conception can be correct or incorrect. Yet to speak of being correct or incorrect implies a wider measure. What measures the human reason's proper or improper grasping of the object? Here Thomas turns to the ultimate measure of reality, the First Cause from which all reality came: God's divine reason. Following Augustine, he characteristically calls the divine reason "Eternal Law" and uses "divine law" elsewhere to indicate this same reality, God's divine plan proceeding from this Creative Mind.<sup>47</sup> For Thomas, any will, be it human or angelic, will have a measure, and its measure will ultimately be traceable to the divine law. It is, then, literally impossible to act without being subject to God's divine law. With this excursus closed, we can return to Aquinas's portrait of the one freed by the Spirit.

Aquinas clearly thinks antinomian interpretations of Paul's statements are wrong. But, if so, then how should one understand such statements? Thomas

<sup>44</sup> Taylor, *Ethics of Authenticity*, 37 (emphasis original).

<sup>45</sup> *ST* I-II, q. 9, a. 1.

<sup>46</sup> *ST* I-II, q. 19, a. 3.

<sup>47</sup> *ST* I-II, q. 19, a. 4, ad 3.

offers his interpretation regarding whether “spiritual men” are bound by the precepts of the divine law. Here we have the possibility of weaving together six different passages.<sup>48</sup> Since each of these passages in some way indicates a freedom existing because of the influence of the Holy Spirit, Thomas puts the question another way: what does it mean to say that the spiritual man is free?<sup>49</sup> Consequently, for Aquinas the answer lies more in the mode of life, how one lives, rather than in what one does, including what divine laws he does or does not follow. Thus, freedom in Paul’s texts refers to the inner dispositions of the spiritual man.<sup>50</sup> The “law” here, specifically in Gal 5:18—“But if you are led by the spirit, you are not under the law,” refers not to its obliging force (*quantum ad obligationem*), which remains true for every person, but to its compelling force (*ad coactionem*). The spiritual person is free from this compelling force of the law, since “the movements and instincts of the Holy Spirit in them are their inspiration, for charity inclines to the very things that the law prescribes.”<sup>51</sup>

In two other passages, Aquinas provides a taxonomy of classes of persons in relation to the law.<sup>52</sup> The first appears in his commentary on Rom 2:14: “For when the gentiles, who have not the law, do by nature those things that are of the law; they, having not the law, are a law to themselves.” This verse, which has become famous for its use as scriptural support for the existence of the natural moral law, is put to a second use here. Aquinas takes this Pauline passage to indicate four classes of human beings in relation to the law. The highest and greatest “among men” (*in hominibus*) are those that are led to good not by others, but through themselves. Second are those led to good by others, but not needing to be led by force, but merely be reminded. Those who need to be not only reminded but also forced to do good are the next class. Finally, the lowest class are those who cannot be led to the good, even by force. This taxonomy, excluding the last class, appears again at 1 Tim 1:9—“Knowing this: that the law is not made for the just man but for the unjust and disobedient.”<sup>53</sup>

Nevertheless, the context of Aquinas’s comments in Rom 2 is important.

<sup>48</sup> *Super Rom* 2, lec. 3, no. 217; 8, lec. 3, no. 635–36; *Super II Cor* 3, lec. 3, no. 112; *Super Gal* 3, lec. 7; *Super Gal* 5, lec. 5; *Super I Tim* 1, lec. 3, no. 22.

<sup>49</sup> *Super II Cor* 3, lec. 3, no. 112. As we will see, the “spiritual man” is a reference to parallel passages in Romans.

<sup>50</sup> *Super Gal* 5, lec. 5; *Super I Tim* 1, lec. 3, no. 22.

<sup>51</sup> *Super Gal* 5, lec. 5, no. 318.

<sup>52</sup> *Super Rom* 2, lec. 3, no. 217.

<sup>53</sup> *Super I Tim* 1, lec. 3, no. 22. The only substantial difference is that to the highest class Aquinas also attributes the quality of these persons trying also to lead others to virtue.

There he is referring to those Gentiles who do what the law commands though they did not have the law. That is, he is speaking of those without even the Mosaic law, and most likely Thomas is imagining those without the grace of Christ. Thus, in the Rom 2 taxonomy, it makes sense that the highest and best “among men” is not the highest and best possible for the human person with divine grace. Consequently, some six chapters later, Aquinas returns to speak of one who is “not moved by his own will mainly, but by the Holy Spirit.”<sup>54</sup> Here Thomas is commenting on Paul’s statement that “whosoever are led by the Spirit of God, they are the sons of God.” Because he is touching on the great Christian paradox, Aquinas’s texts begin to be difficult to synthesize without sounding contradictory. He first says that only “the one who is free is the one who is his own cause.”<sup>55</sup> Conversely, the one who is caused or exists for the sake of the master is not free, but a slave. Now, it is the work of God that he causes us to be free, he causes us to be our own cause. And so, the human person who is moved by the Spirit to be his own cause is in fact free.<sup>56</sup> Nor does this mean that those moved by the Spirit’s movement lose their free choice, “because the Holy Spirit causes the very movement of the will and of free choice in them.”<sup>57</sup> And so, those who the Holy Spirit move to free choice are most authentically free.<sup>58</sup> They are free because they are caused to be their own cause. By being the servants of God, they become their own masters. “Therefore, one who avoids evils not because they are evil, but because of God’s commandment, is not free. But one who avoids evils because they are evils is free.”<sup>59</sup> This is accomplished by the Holy Spirit who gives the person a perfecting habit, so that avoiding evil and doing good are motivated out of love rather than out of obligation. Thomas concludes his comments on another passage: “Consequently, he is

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<sup>54</sup> *Super Rom* 8, lec. 3, no. 635.

<sup>55</sup> *Super II Cor* 3, lec. 3, no. 112.

<sup>56</sup> Thomas recognizes that the human will needs to be naturally moved by God (*ST I-II*, q. 9, a. 6), but even there (ad 3) speaks to this necessity especially considering sin, moved by grace to be free (q. 109, a. 2). For more see Justin M. Anderson, *Virtue and Grace in the Theology of Thomas Aquinas* (New York: Cambridge University Press, 2020), esp. 194–218, 244–46.

<sup>57</sup> *Super Rom* 8, lec. 3, no. 635.

<sup>58</sup> At the words of Christ in John’s Gospel “if therefore the Son makes you free, you will truly be free” (8:36), Aquinas distinguishes among four different freedoms: a perverted freedom, a freedom from justice, a vain freedom, a “true and spiritual freedom, which is the freedom of grace,” and a “freedom of glory . . . which we will have in our homeland” (*Super Ioan* 8, lec. 4, no. 1209, in *Super Evangelium S. Ioannis lectura*, ed. R. Cai [Turin: Marietti, 1972]).

<sup>59</sup> *Super II Cor* 3, lec. 3, no. 112.

called free, not as though he is not subject to the divine law, but because he is inclined by a good habit to do what the divine law ordains.”<sup>60</sup>

This is why “the law is not made for the just man but for the unjust and disobedient” (1 Tim 1:9). One is not excused from doing what the law requires. Instead, one does what the law requires but not because it is an obligation, but because one is moved by the love of God. So, the law does not present itself as a burden to the just person, since she does what the law requires by a perfecting habit. The law appears to be a burden only to the unjust person. If Paul’s various statements do not hold antinomian meanings, then this larger portrait is how they ought to be understood. It is more about the inner disposition of the human agent than the nature of the law.<sup>61</sup>

There are a few other passages in Aquinas’s works where *lex privata* is raised. While none of these directly add anything to what we have seen about private law and divine commandments, they do have some indirect interest. For example, questions of one guided by the law of the Holy Spirit as indicated by *Duae Sunt* are raised regarding obedience to human laws and proper authority for the granting of dispensations.<sup>62</sup>

### *Veritas Vitae in Aquinas*

Reflecting on the vision of the prophet Ezekiel, Pope Gregory the Great wrote: “From this we must consider that as far as we would be without sin, we must avoid scandal of neighbor. If, however, scandal is had from the truth, it is better to let scandal arise than it is to abandon the truth.”<sup>63</sup> Gregory’s statement would live on through reduplication, new compilations, and monastic exegesis and, already by the time of Venerable Bede, was being deployed within commentaries on the Gospel. It would become a standard passage in the *Glossa ordinaria*, and the notion of truth being a boundary at which the concern over scandal must halt was reiterated by other influential voices in the eleventh century like Bernard of Clairvaux, who expressed its

<sup>60</sup> *Super II Cor* 3, lec. 3, no. 112.

<sup>61</sup> At *Super Gal* 5, lec. 5, Aquinas calls this inner disposition *caritas*. While we cannot afford such an interesting interpolation, some work could be done to link the entire discussion of *lex privata* to the gifts of the Holy Spirit. I am grateful to a reviewer for pointing out this valuable connection to me.

<sup>62</sup> *ST* I-II, q. 96, a. 5, obj. 2 and ad 2; I-II, q. 97, a. 4.

<sup>63</sup> Gregorius Magnus, *Homiliae in Hiezechielem prophetam* 1, no. 7: “Ex qua re nobis considerandum est quia, in quantum sine peccato possumus, vitare proximorum scandalum debemus. Si autem de veritate scandalum sumitur, utilius permittitur nasci scandalum quam veritas relinquatur” (*Corpus Christianorum Series Latina* [CCSL] 142:85).

pastoral impact, and Bernard of Pavia, author of the *Breviarum extravagantium* (ca. 1187–1191), who incorporated Gregory's words into his *regulis iuris*.<sup>64</sup> Beginning around 1190, however, Peter Cantor (†1197) creatively breathed new life into the idea of truth being more important than impending scandal. Cantor was apparently the first to suggest that there existed, in fact, three such inviolable truths: the truth of life, of justice, and of doctrine. Among these three, Peter's student, Robert de Courson (†1219), gave prominence to the truth of life. He wrote in the early thirteenth century that, wherever there is a danger to the truth of justice or of doctrine, then there is also a danger to the truth of life.<sup>65</sup> Most authors in this tradition identified the truth of life as a life of moral rectitude. Raymond of Peñafort links it to not sinning mortally. So, on one hand, the concept is something general and vague. However, at times it seems to also indicate something particular to an individual. For example, in explication of *veritas vitae*, Stephen Langton, Alexander of Hales, and Henry of Ghent all used the example of one not abandoning his divine vocation to enter a monastery due to the scandal of one's parents.<sup>66</sup> It is for this latter reason that, of the few contemporary authors today who have explored the *veritas vitae*, some have asked about its relationship to the modern concept of "authenticity."<sup>67</sup>

As already noted, due at least in part to his method of inquiry and view of *scientia*, Thomas Aquinas did not write often of personal divine vocation.

<sup>64</sup> Bernard, Abbot of Clairvaux, writes to the Monk Adam who had left the monastery illicitly, "It is clear that, except in the interests of truth, and there is no question of that in your case, it is never lawful for anyone to give scandal or to command what would give scandal" (Epistle 7 [PL 182:98]; English from *The Letters of St. Bernard of Clairvaux*, trans. Bruno Scott James [Chicago: Regnery, 1953], 31). See also Bernard of Pavia, *Liber Extravagantium* 5.37; *De regulis iuris*, ch. 9.

<sup>65</sup> "Ubi cumque est periculum doctrine est periculum vite. Similiter ubi cumque est periculum iusticie est periculum vite" (Robert de Courson, *Summa de poenitentia* [BnF, ms. lat. 3258, fol. 124v–125r], ch. 15 ["De scandolo"], no. 4).

<sup>66</sup> See Stephen Langton, *Quaestiones theologiae, Liber III*, vol. 3, ed. Magdalena Bieniak and Andrea Nannini (Oxford: Oxford University Press, 2024), question 128 ("De Scandalo"); Alexander Halensis, *Summa Fratris Alexandri* II, bk. 2, inq. 3, tr. 8, sec. 2, q. 1, ch. 6 ["De scandolo"] (Quaracchi: Collegii S. Bonaventurae, 1924–1948), 3:821; Henrico de Gandavo, *Quodlibet* II, q. 16, sol., in *Opera Omnia*, vol. 10, ed. G. A. Wilson (Leuven: University Press, 1987), 108–9 (ln. 56). I am grateful for Magdalena Bieniak and her associates for sharing with me a pre-published version of the question by Stephen Langton on scandal.

<sup>67</sup> Elisabeth Reinhardt, "La *Veritas Vitae* en los Escritos de Tomás de Aquino," *Revista Española de Filosofía Medieval* 10 (2003): 313–20; Guillermo L. Gomila, "La noción de *veritas vitae* en santo Tomás de Aquino," *Studium: Filosofía y Teología* 11, no. 21–22 (2008): 21–38.

More often he spoke of the ultimate end of all human life, something applicable in some sense to all. Without exaggerating the point, one can accurately say that Aquinas does take seriously the Cantorian-inspired *triplex veritas* tradition, though commentators often miss this tradition. What, then, did he take the *veritas vitae* to consist in? Might one, in the name of pursuing one's own divine call, step over all other bounds including those that might lead to scandal of others?

Aquinas gives a straightforward definition of *veritas vitae* in his tract on the nature of truth in *ST I*: "But the 'truth of life' is used in a particular sense, inasmuch as a man fulfills in his life that to which he is ordained by the divine intellect, as it has been said that truth exists in other things."<sup>68</sup> In defining *veritas vitae* in this manner, Thomas distinguishes the truth of life from the virtue of truth—"by which one shows oneself in words and deeds to be what he is"—explored in detail in the *ST II-II*.<sup>69</sup> Therefore, we can reaffirm what Elisabeth Reinhardt and Guillermo Gomila both attest to: the truth of life is both broader in application and more profound in meaning than what the virtue of truth represents.<sup>70</sup> This is because life is "true" to the degree it is in accord with the rule and measure as found in the divine intellect. Truth can be applied to the human person not as a specific virtue, but in much the same way it can be applied to any created reality. The most foundational notion of truth Aquinas is utilizing here is not the Aristotelian truth said to exist in the intellect, but the Augustinian and Anselmian truth said to exist *in things*.<sup>71</sup> "For a house is said to be true that expresses the likeness of the form in the architect's mind. . . . In the same way natural things are said to be true in so far as they express the likeness of the species that are in the divine mind."<sup>72</sup> This is a notion of truth as rectitude, a rectitude always taking its reference referring from the mind of its Creator. Thus, Aquinas's poetic understanding of the *veritas vitae* is striking: when one fulfills in her life that to which she is ordained to by God, her life is called true.

While the truth in things can be said of all created realities insofar as they attain "supreme likeness without any unlikeness" to the divine mind, the human person's capacity for free choice changes the manner in which his life can be called true.<sup>73</sup> *Veritas vitae* for Aquinas entails a requisite relationship

<sup>68</sup> *ST I*, q. 16, a. 4, ad 3.

<sup>69</sup> *ST I*, q. 16, a. 4, ad 3; see also *II-II*, q. 109.

<sup>70</sup> See e.g., *In IV eth.*, lec. 15, no. 838.

<sup>71</sup> *ST I*, q. 16, a. 1, corp. Aquinas also cites Ibn Sina in this regard as well.

<sup>72</sup> *ST I*, q. 16, a. 1, corp.

<sup>73</sup> *ST I*, q. 16, a. 1, corp.: "... summa similitudo principii, quae sine ulla dissimilitudine est." Aquinas is paraphrasing Augustine's original: "Quapropter vera quoniam in

of obedience to the divine mind. "Virtuous deeds are called the truth of life in so far as they are obedient to the order of the divine intellect. Thus it is said, 'He that does the truth, comes to the light' (John 3:21)."<sup>74</sup> The primary referent for the truth of life, therefore, is the divine intellect. If we were to press Thomas, demanding to know how one is to know whether he is living according to the divine mind for oneself, Aquinas's best response would seem to refer to submission through a virtuous life. "The truth of life comprises all of the virtues," and by the virtues a life is said to be true.<sup>75</sup> Rectitude of life is an essential part of Aquinas's definition of virtue, "that by which one lives rightly."<sup>76</sup> This same element of right living defines, in another place, the truth of life: "By the truth of life a man lives aright in himself."<sup>77</sup>

But here, we might ask what limits, if any, are set to the truth of life. Witnessing such a close rapport envisioned by Thomas between the truth of life on one hand and a virtuous life on the other, we have strong reason to doubt that following one's truth of life could legitimately lead him to violate a divinely commanded law. It does not seem that *veritas vitae* can be pressed into the antinomian service.

One might press the issue still further. Does the issue of personal conscience give us another way of thinking of *veritas vitae*? An interlocutor may argue that one following her conscience would be enough to satisfy the demand for calling her life "right," for her to have attained the truth of life. How can one be asked to be "truer" than "being true to oneself," even in difficult moral circumstances? What of this person who strives to be "true to herself?" Is she not living the truth of life?

We can extrapolate an answer from Aquinas from his comments on the Vulgate passage in Psalm 11 that reads, "since truths are diminished among the children of men." Thomas draws our attention to the fact that truth is not diminished in itself, but from among "the children of men."<sup>78</sup> This does

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tantum vera sunt, in quantum sunt; in tantum autem sunt, in quantum principalis unius similia sunt: ea forma est omnium quae sunt, quae est summa similitudo Principii; et Veritas est, quia sine ulla dissimilitudine est" — "Accordingly, since things are true insofar as they are, while they are insofar as they are like the original One, she is the form of all things that are, who is the supreme Likeness of the Beginning and is Truth, because she is without any unlikeness at all (*De vera religione* 36.66 [PL 34:0151–1052], in *On Christian Belief*, ed. Boniface Ramsey, Works of Saint Augustine: A Translation for the 21st Century 1/8 [New York: New City, 2005], 74).

<sup>74</sup> *ST* I, q. 17, a. 1, corp.

<sup>75</sup> *ST* II-II, q. 109, a. 3, obj. 3.

<sup>76</sup> *ST* I-II, q. 55, a. 4.

<sup>77</sup> *ST* II-II, q. 109, a. 3, ad 3.

<sup>78</sup> *In Psalmos* 11:1 (no. 87).

not mean they are merely forgetful of truths once held in mind. Instead, the truth that is diminished among the children of men indicates their own wickedness has pulled them farther from their obedience and conformity to the divine mind, their Creator. Then he concludes, “and the truth of life is diminished, when the good is judged to be evil.”<sup>79</sup> This underscores the rectitude of conscience one must have for *veritas vitae*. The ultimate rule and measure of conscience is the same as the truth of life, namely, the divine intellect. A darkened conscience can, therefore, remove from one the truth of life which has its direct referent in the divine intellect. Thus, while having a clear conscience may excuse one from guilt, at least after the best possible effort to inform one’s conscience, it still does not mean one has attained the truth of life.<sup>80</sup>

### Conclusion: The Exceptional Calling

Both *lex privata* and *veritas vitae* gave medieval scholars like Thomas Aquinas vehicles for discussing divine personal callings. They were by no means their only vehicles, but until now they have been largely ignored. In an age where authenticity and personal conscience are the only ethical norms of the day, it is worth asking how Christians in other ages, of other milieus, engaged such ethical terms of reference. In particular, it was worth asking whether an appeal to such notions of an exceptional divine calling can ever justify the claim of being “freed from” the divine law. While there is certainly much I have left undiscussed (e.g., Jean Bréhal’s application of *lex privata* to the case of Joan of Arc), in closing I want to return in particular to the issue of authenticity, since, most importantly, I think it strikes at the heart of today’s ethical world. Secondly, I think concerns around authenticity provides much of the energy behind certain “conscience-centered” Christian moralities.

Some have attempted to see in *veritas vitae* a medieval progenitor to the modern ethics of authenticity or even reference to “one’s own truth.” Reinhardt writes: “One of the themes that has rightly awakened the interest of contemporary thinkers, as an existing gap in medieval anthropology, is that of authenticity.”<sup>81</sup> While no less weighty contemporary minds than Martin Heidegger and Jean-Paul Sartre have considered authenticity central

<sup>79</sup> In *Psalmos* 11:1 (no. 87).

<sup>80</sup> There is, therefore, much more to be said regarding a sound and faithful theology of conscience and its current uses. See, for example, Matthew Levering, *The Abuse of Conscience: A Century of Catholic Moral Theology* (Grand Rapids, MI: Eerdmans, 2021).

<sup>81</sup> Reinhardt, “La *Veritas Vitae*,” 313–14.

to human life, Taylor has pointed to Johann Gottfried von Herder (†1803) as the most proximate developer of the modern notion.<sup>82</sup> According to Taylor, Herder's influential, though little acknowledged, contribution to thought and culture on this point lays precisely in advancing the idea that each person has his or her own way of being human. *Veritas vitae* and *lex privata* are two ways of seemingly accessing a similar insight for our medieval forebears. At first glance, they seem concepts that punch holes in the idea that God had in mind for each person a universal, and therefore impersonal, divine calling. In certain ways, this is correct. *Lex privata* and, to perhaps to a lesser extent, *veritas vitae* do challenge the idea that God's call into each human life is "impersonal" (and if "universal" is another way to say impersonal, then they also deny that).

However, there is another way these medieval ideas, at least as worked out by Thomas Aquinas, curb the contemporary stampede toward personal authenticity. That takes place at the question of the measure. Neither *lex privata* nor *veritas vitae* permits us to think of it as a wholly private affair. Both are fundamentally perpetually connected with God's eternal plan, though that plan is personal. Both ideas include within them reference to freely chosen human acts: one's response to that personal divine call is manifested in concrete human actions. And so, for both *lex privata* and *veritas vitae*, Aquinas eliminates all room to employ those ideas as a personal call to live in violation of God's commandments. If there is a divine call, then that call carries with it a divine measure. The only way to "escape" that measure is to silence the voice of the one calling. The problem with that solution, as Taylor points out, is that suddenly there exists no valid reason that one's life choices have any significance at all. The standard of what is significant cannot be eliminated without simultaneously eliminating the very significance embodied in and by one's choices. This holds true for even our own contemporary value of an authentic life. Both *lex privata* and *veritas vitae* serve to remind us that the human person is faced with an ineliminable, radical choice: find an unimagined liberty in freely choosing service to the divine call or an unintended slavery to insignificance. N.V

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<sup>82</sup> Reinhardt states, "authenticity and inauthenticity became the fundamental hermeneutic criterion of [Heidegger's] philosophical analysis" as is witnessed in *Being and Time*. Jean-Paul Sartre emphasizes with the "death of God" thesis that human existence is free to define itself apart from any measure.