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LOVE AND LAW IN PROTESTANTISM  
AND CATHOLICISM

The whole question about the relation of love to law in Christian thought is really contained in the question how love is the fulfillment of the law. The analysis of this issue may well begin with a definition of the nature of law. Subjectively considered, law is distinguished by some form of restraint or coercion, or, as Aquinas puts it, it is the direction to "perform virtuous acts by reason of some outward cause." The compulsion may be the force and prestige of the mores and customs of a community, persuading or compelling an individual to act contrary to his inclinations. But there is also an inner compulsion of law. It is the compulsion of conscience, the force of the sense of obligation, operating against other impulses in the personality. If there is no friction or tension between duty and inclination law is, at least in one sense, dissolved into love.

Materially, law usually represents detailed prescriptions of duties and obligations which the self owes to itself, to God, and to its neighbors. There may of course be general principles of law which gather together the logic of detailed prescriptions; as for instance the proposition defined in Catholic thought as the "preamble" of the natural law, "that we ought to do good and avoid evil"; or Jesus' own summary of the law and the prophets. But that summary is, significantly, the "law of love" and therefore no longer purely law, but a law transcending law. Some degree of detail is characteristic of pure law. The "positive law" of historic communities gains its force primarily from its specificity. Many a law has been annulled by our Supreme Court on the ground that "vagueness" invalidated it. Even if we do not accept the Catholic theory of a highly specific "natural law," we all

do accept principles of justice which transcend the positive enactments of historic states and which are less specific and not so sharply defined as positive law, and yet more specific than the law of love. These are generated in the customs and mores of communities; and they may rise to universal norms which seem to have their source not in particular communities but in the common experience of mankind.

The question of how love is related to law must be considered in terms of both the subjective and the material dimensions of both love and law. Subjectively, the question is how the experience of love, in which the "ought" is transcended, nevertheless contains a "thou shalt." Materially, the question is how the indeterminate possibilities of love are related to the determinate and specified obligations defined by law. The dialectical relation of love to law as both its fulfillment and its end (*pleroma* and *telos*), as fulfilling all possibilities of law and yet as standing in contradiction to it—"The law was given by Moses, but grace and truth came by Jesus Christ" (John 1:17)—is the basis and the problem of all Catholic and Protestant speculations on the relation of love to law.

In this debate Catholic thought, both in its classical version, and in such a modern treatise as Martin D'Arcy's *Mind and Heart of Love*, is more inclined than the Reformation to interpret love as *pleroma* of everything intended in nature and in law. But it is also inclined to interpret love as yet a more rigorous law, thus obscuring the elements of ecstasy and spontaneity, which are the marks of "grace."

Reformation thought, on the other hand (or at least Lutheran thought, for Calvin does not deviate essentially from the Catholic version), is much nearer in its apprehension of a dimension of love which transcends law and even contradicts it; but it usually fails to do justice to love as the fulfillment of law and therefore tends to obscure the intimate relation between love and justice.

Modern liberal Protestantism is inclined to equate law and love by its effort to comprehend all law within the love commandment. It does not deny the higher dimensions of love which express themselves in sacrifice, forgiveness, individual sympathy, and universal love, but it regards them as simple possibilities and thereby obscures the tensions between love and law, both on the subjective and the objective side.

### THE PUSH OF DUTY AND THE PULL OF GRACE

In terms of the subjective dimension, the problem of love and law is the problem of the "push" of duty and the "pull" of grace. If the law of love comes to us as a "thou shalt," it is obviously a law. We can have a sense of obligation toward the interests of others without a definition of specific obligations. In this case, love is simply the summary of all our obligations. This is why Thomas Aquinas includes love in the "old law," though this inclusion is inconsistent with his definition of the "old law" as the "law of fear" and his confining it to the restraint of actions rather than attitudes, to "restraining the hand rather than the will." On the other hand, love means a perfect accord between duty and inclination in such a way that duty is not felt as duty and "we love the things that thou commandest." This second aspect of love is disregarded in Kant's interpretation of love, for instance. For him, the sense of obligation in its most universal and least specific form is identical with the law of love.

In Luther's exposition of the life of grace, "law" and "conscience" are left behind with sin and self. This freedom from the sense of "ought" is described by him as an ecstatic experience in which the self calculates no advantages, rises above every form of prudence, and feels itself at one with Christ, being motivated purely by a sense of gratitude for the divine forgiveness. Emil Brunner stands in the Lutheran tradition when he also emphasizes this transcendence over the "ought" and declares that "if we feel we ought it is a proof that we cannot." It is a question whether this point of "grace" is understood by Calvin at all. For his ethic is one of obedience to the divine law. Love is a summary of this law, but he is also careful to spell it out in specific detail. The detail is as specific as Catholic "natural law," except that he draws the details not from the intuitions of reason but from "various portions of Scripture." He is convinced that we need this law in specific form to guide our conscience, corrupted by sin; and there is no suggestion that law and conscience do not operate in the state of grace.

This contrast between the conception of an identity of love and the sense of obligation, on the one hand, and a contradiction between them, on the other, is the proof of a complicated relationship between love and law in both the subjective and the objective sphere. What is described by Luther as freedom from law may well conform to mo-

mentary heights of spiritual experience in which there is such a "pull" of grace (which may include everything from ecstatic religious experience to the "common grace" of family love) that we are not conscious of any "ought" or any sense of obligation. But it may be questioned whether it can describe anything more than such moments. It certainly does not describe the ongoing experience of even the most consecrated Christian, particularly not if it is true about him, as Luther asserts, that he is "*simul justus et peccator*." For if he remains a sinner, it must be true of him that he feels the tension between his self-interest, anxieties and insecurities, and the obligation to forget himself for the sake of his concern for others. It may well be that everything defined as the "sense of justice" is an expression of the law of love within the limits of law.

There are some aspects of the law of love, objectively considered, which are more clearly in the realm of duty than in the realm of grace. The injunction "If ye love them that love you what thanks have ye?" (Matt. 5:46), for instance, points to the universalistic tendencies in the law of love. It expresses our obligations beyond the boundaries of the natural communities of family, tribe, and nation. But paradoxically the love within the family may be by "grace" rather than law, while the love of "mankind" must be by law. That is, there may be such conjugal or paternal or filial affection as disposes us to seek the good of wife, husband, or child without any sense of duty, "common grace" or "habitual grace" having drawn the self beyond itself and out of itself into the lives of others. But our concern for those beyond our circle, our obligation to the peoples of the world and the community of mankind, comes to us very much with the push of the "ought" against the force of our more parochial habits of grace.

Yet on the other hand, pure obligation, while not so impotent as Brunner suggests, is more impotent than generally recognized, which is why purely moralistic sermons, which always tell us what we ought to do, tend to be boring. The best modern psychiatry, when dealing with the problem of delinquency in children, significantly does not preach to them what they ought to do, not even that they "ought to accept themselves." It insists that they must be accepted, must find security in the love of others, out of which security they gain sufficient freedom from self to "let go" and love others. Common grace, in short, rather than law is offered as a cure for their ills.

It might be added that a good deal of modern Christian teaching

about Christian love may be by comparison very loveless. For the preacher chides his congregation endlessly for not meeting the most ultimate possibilities of the law of love, such as sacrifice, forgiveness, and uncalculated freedom from self, as if these were simple possibilities of the will. Thus the law of love becomes the occasion for loveless castigation because it is not recognized that, on the subjective side, love is a curious compound of willing through the strength of the sense of obligation and of willing not by the strength of our will but by the strength which enters the will through grace. This defect in the liberal Protestant attitude toward love is the subjective aspect of its lack of a doctrine of grace. The objective aspect, which must be considered subsequently, is revealed in its lack of distinction between love and justice. In both aspects the basis of the defect lies in the failure to appreciate the force of self-love in life. The consequence of this failure creates the belief that love is a law which can be easily fulfilled if only the preacher will establish its validity and present it persuasively. Grace, whether "common" or "saving," has meaning only when life is measured at the limits of human possibilities, and when it is recognized that there are things we ought to do which we cannot do merely by the strength of our willing, but which may become possible because we are assisted by the help which others give us by their love, by the strength which accrues to our will in moments of crisis, and by the saving grace of the Spirit of God indwelling our spirit.

### THE TRANSCENDENCE OF LOVE OVER LAW

Subjectively, we have defined the problem of love and law as the problem of the relation of duty to grace. Materially, the problem is the relation of love as the sum and total of all law, and of love as defining indeterminate possibilities, transcending law. These points of indeterminacy in the law of love correspond to the indeterminate character of human freedom. In so far as man has a determinate structure, it is possible to state the "essential nature" of human existence to which his actions ought to conform and which they should fulfill. But in so far as he has the freedom to transcend structure, standing beyond himself and beyond every particular social situation, every law is subject to indeterminate possibilities which finally exceed the limits of any specific definition of what he "ought"

to do. Yet they do not stand completely outside of law, if law is defined in terms of man's essential nature. For this indeterminate freedom is a part of his essential nature.

The points at which the transcendence of love over law are clearest are four, of which one point may really belong to the realm of law:

(1) *Love as Universal*

The freedom of man over every historic situation means that his obligation to others cannot be limited to partial communities of nature and history, to family, tribe, or nation. ("If ye love them that love you what thanks have ye?" [Matt. 5:46].) Love acknowledges no natural bounds and is universal in scope. ("Whoso loveth father or mother more than me is not worthy of me" [Matt. 10:37].) This first element in the indeterminacy of love has already been described as being, in one respect at least, within the limits of law. For it describes the sum total of all our obligations to our fellow men without specific detail. It is thus the summary of all law. It may come to us subjectively in the force of obligation in opposition to more parochial forms of love which are nourished by common grace.

Yet this universalistic aspect of the law of love is frequently made to bear the whole burden of the idea of love beyond law. In the thought of Augustine, the love of God, as distinguished from the love of any creature, defines the difference between the realm of grace and the realm of nature. Augustine makes the mistake of never being concerned whether, in a relation of love, we rise to the point of loving the other person for his own sake or only for our sake. His concern is always whether we love the person for his own sake or for God's sake. This is to say, he is afraid that love of the other may degenerate into idolatry. He compounds this error by insisting that the love of the neighbor must express itself not so much in meeting his needs as in leading him to God. "So when one . . . is commanded to love his neighbor as himself, what else is he enjoined than that he shall commend him to the love of God?"<sup>1</sup>

In Catholic asceticism, the universalism of the Christian love commandment becomes one basis for celibacy and virginity. (The other basis is its attitude toward sex.) The institution of the family is destroyed in order that there may be no parochial impediment to uni-

1. *De Civ. Dei*, 10.3.

versal love. This is one aspect of the Catholic strategy of dealing with the dimension of love which transcends law in its "counsels of perfection." The difference between commandment and counsel, declares Aquinas, is "that a commandment implies obligation whereas a counsel is left to the option of the one to whom it is given."<sup>2</sup> This definition of the universal aspects of the law of love in its universalistic indeterminacy, as a more rigorous law which is too rigorous for the majority of Christians "because their disposition is not inclined" to it but must be kept by the few who have the "fitness" to observe it, is a part of the whole Catholic strategy of creating two grades of Christians: (a) those who live by the law of love within the limits of love as law; and (b) those who live by the law of love beyond the limits of natural law. The difficulty with this strategy is that it removes the element of the indeterminate in the law of love as a resource upon all Christian life, and it reduces the ultimate possibilities of love to the dimension of a yet more rigorous law.

This defect in Catholic thought arises from the incorporation of Stoic natural law into Christian ethics. For Stoic natural law assumes a determinate human freedom and falsely equates the fixed structures of nature and the less fixed structures of human nature. The supposedly fixed structures of human nature are the basis of a law which states those things to be done and not to be done "which follow in an inevitable manner from the fact that man is man" (Maritain). But the indeterminate character of human freedom and the variety and uniqueness of historic occasions produce fewer things than supposed in Catholic natural law theory, about which one may be sure that they must be done or not done. Everything one does stands under more ultimate possibilities of love, which cannot merely be reserved for the celibate who has decided that he will make one extra effort "to be perfect."

In Catholic mysticism (particularly clearly in the mysticism of St. John of the Cross), the love of God is set in complete contradiction to the love of the neighbor in such a way that the love of the creature is merely a stepladder to the love of God, which must be abandoned when the love of God (universal love) is reached. All of these errors arise from adding the biblical conceptions of freedom, sin, and grace to a classical, rationalistic definition of the structure of human

2. *Summa* III, qu. 108.3.

nature. In this rationalism there is an inadequate conception of human selfhood, particularly of its indeterminate possibilities of both love and self-love.

But the same error creeps into some Protestant emphases on the universal aspects of the love commandment. Kierkegaard, despite his existentialist understanding of human selfhood, presents a legalistic version of universal love in his *Works of Love*, according to which the love of a person in his uniqueness and in the uniqueness of a particular relation (as wife or husband, for instance) has nothing to do with "Christian" love. Christian love is a universal love which proves itself by regarding the loved self as anonymously as possible. The force of love is lacking in every element of spontaneity and "grace." It is the force of law and of conscience. Kierkegaard, in short, defines Christian love in precisely those terms which Brunner, with contrasting one-sidedness, regards as outside the dimension of Christian love. For Christian love reveals itself for Brunner only in uniquely personal and intimate relations. Kierkegaard writes: "Christianity has not come into the world to teach you how specifically to love your wife or your friend but . . . how in common humanity you shall love all men. . . . Love is a matter of conscience and hence not a matter of impulse or inclination."<sup>3</sup>

The universalistic dimension of the love commandment is, in short, both within and beyond the love commandment as law. It represents the outer circumference of the totality of our obligations to our neighbors and to God. It includes all of them but also goes beyond anything that can be specifically defined.

## (2) *Love as Sacrificial*

The freedom of the self over itself as contingent object in nature and history means that there is a dimension of human existence in which the preservation of the self in history becomes problematic. ("Fear not them which are able to kill the body, but rather those that are able to destroy both soul and body in hell" [Matt. 10:28].) The love commandment promises self-realization through self-giving ("Whosoever loseth his life will find it"), but historic success is not guaranteed in this form of self-realization. The *agape* of Christ, which is the norm of Christian selfhood, is always finally defined as sacrificial

3. *Works of Love*, 116.

love, as the love of the cross. "And walk in love even as Christ loved you and gave himself for you" (Eph. 5:2). Sacrificial love represents the second pinnacle of love which represents both the completion and the annulment of love as law. It is the completion of the law of love because perfect love has no logical limit short of the readiness to sacrifice the self for the other. Yet it is a point which stands beyond all law, because the necessity of sacrificing one's life for another cannot be formulated as an obligation, nor can it be achieved under the whip of the sense of obligation. Law in the determinate sense must stop with distributive justice and mutual love. Yet a sensitive conscience will have conscience pricks if another life has been taken in self-defense or if a common peril has resulted in the loss of another life but not of one's own.

Unprudential love, in which there is no calculation of mutual advantages, obviously stands in a dialectical relation to mutual love and to every scheme of distributive justice as well. In mutual love and in distributive justice, the self regards itself as an equal, but not as a specially privileged, member of a group in which the rational self seeks to apportion the values of life justly or to achieve perfect reciprocity of advantages. The will to do justice is a form of love, for the interests of the neighbor are affirmed. Mutual love (*philia*) is also a form of love, for the life of the other is enhanced. Yet, on the other hand, such expressions of love fall short of love in its ultimate form. For they are mixed with a careful calculation of interest and advantages in which the self always claims an equal share. The final form of love is bereft of such calculation and meets the needs of the other without calculating comparative rights. Sacrificial love is therefore a form of love which transcends the limits of law. It is a form of love which cannot be embodied in any moral code. Nor can it be achieved by the compulsion of a sense of obligation. Yet common sense, not merely in Christian thought but also in the pagan reverence for heroic sacrifice, has, with spiritually shrewd instinct, recognized such heedless love as the final norm of love.

It cannot be separated from the realm of natural love (whether *eros* or *philia*) by a neat line. It transcends the line of natural love. Yet without an element of heedless love, every form of mutual love would degenerate into a calculation of mutual advantages and every calculation of such advantages would finally generate resentment about an absence of perfect reciprocity. Aristotle tries to solve this

problem by preferring friendship between equals. In the absence of equality there must be, he thinks, calculation of different types of advantage for the stronger and the weaker member of the friendship: honor for the one and help for the other. This is a nice illustration of the impossibility of finding a logical end for the love commandment within the limits of prudence. The final limits are beyond prudence and calculation; but these final limits are not neatly separated from the whole realm of mutual love and distributive justice. They tend to redeem this realm from degenerating into a competition of calculating egotists.

On the subjective side the line is equally lacking in neatness. For a sense of obligation may prompt men into a hazardous cause, but the final act of sacrifice by which a soldier gives his life for his comrade is, as even the army rightly surmises, "beyond the call of duty." It is possible only by an accretion of strength to the will which is in the realm of grace.

In trying to do justice to this dialectical relation, Catholicism has the advantage of recognizing that sacrificial love is related to natural love as the "perfect to the imperfect." It declares that this perfection is possible only by grace. But it makes grace to mean the "fitness" of man to embrace monastic poverty, in which he cannot call anything his own. Thus, as in the case of the universal dimension of love, the sacrificial dimension is a "counsel of perfection," which means that it is yet another and more rigorous statement of love as law. But the possibilities of ecstatic, heedless, and unprudential completions of the love commandment by "grace" in all kinds of human and historic situations are obscured.

D'Arcy, who rightly insists on the dialectical relation of sacrificial to mutual love in opposition to Nygren, spoils the validity of his exposition by interpreting sacrificial love as the flower of one element in human nature, the element of *anima* as distinguished from *animus*. *Anima* is the feminine principle in human nature, the tendency toward self-giving as opposed to the tendency toward self-assertion. In such a formulation *agape* is too simply the completion of nature, and the contradiction between sacrifice and justice, between heedlessness and prudence, is obscured.

But the error is hardly greater than the one which is made by the Lutheran formulation. In Luther's doctrine of the "two realms," justice is consigned completely to the realm of law. There "nothing is

known of Christ," even as in the realm of the kingdom of heaven "nothing is known of law, conscience, or sword." The law, in such a rigorous dualism, does not even contain within it the desire to do justice. It is no more than a coercive arrangement which prevents mutual harm. Love, on the other hand, is only *agape* in its purest and most unadulterated form, which means in a form which is known in human experience only in rare moments of evangelical fervor or crisis heroism. This is why the Lutheran formulation of the relation of love to law is so irrelevant to the broad area of common experience, in which one must balance claims and counterclaims and make discriminate judgments about competing interests.

Nygren's exposition of the contrast between *agape* and natural love is not so much concerned with the contrast between *agape* and the positive law as in Luther. But his idea of an absolute contradiction between *agape* and *eros* contains the same error. It is the error of a too rigorous separation of the realm of grace and the realm of nature. This separation must lead, as D'Arcy rightly observes, to a withering of both *eros* and *agape*. For *eros* has no goal beyond itself, and *agape* has no real relevance to the human situation.

The literature of the Protestant social gospel is filled with references to sacrificial love. Men are constantly challenged to follow the "way of the cross" and to espouse the "Jesus way of life." But there is a curious mixture of bourgeois prudence with this pinnacle of grace. For it is assumed that a rigorous sacrifice will finally prove successful, so that a sufficient cumulation of sacrificial acts will obviate the necessity of sacrifice. Sacrifice really means the abandonment of short-range for long-range advantages. If the enemy is loved he will become a friend. If the conqueror is not resisted he will cease to be a conqueror. If the businessman sacrifices his profits he will gain greater advantages in the end, though not necessarily greater profits. Up to a point all this is true, for the paradox of self-realization through self-giving has a promise for this life also. Only there is always an ultimate tragic possibility in sacrificial love which is obscured in this prudential version.

### (3) *Love as Forgiveness*

Forgiveness has the same relation to punitive justice as sacrificial love to distributive justice. Forgiveness is both a completion and an annulment of punitive justice. It is its completion in the sense that a

rigorous analysis of all factors involved in a wrong act will lead to an understanding both of the extenuating circumstances and the causal preconditions of the crime. Thus imaginative justice moves in the direction of forgiveness, or at least to remedial rather than punitive justice.

Yet forgiveness is finally in contradiction to punitive justice. It represents, in the words of Berdyaev, "the morality beyond morality." Jesus justifies the love of the enemy in terms of the imitation of a God whose mercy cuts across every conception of justice as rigorously as the impartialities of nature, in which the rain falls on the just and the unjust and the sun shines upon the evil and the good. In the parable of the laborers in the vineyard (Matt. 20:1–16), the divine mercy is challenged for being unjust and defended because it exceeds justice. The whole doctrine of the atonement in Christian thought contains the paradox of the relation of mercy to judgment. For the mercy of God is in His judgment, and yet it is something which cancels His wrath. There is no nice discrimination of merit and demerit in forgiveness, any more than there is a nice discrimination of interests in sacrificial love. Here law is transcended. Forgiveness seems to be purely in the realm of grace.

Yet even forgiveness comes partially into the category of love as law. For we are warned that if we forgive not men their trespasses neither will our heavenly Father forgive our trespasses (cf. Matt. 7:14–15). This would seem to mean that forgiveness is something we owe the erring brother as a right. Or rather it is something we owe God. But our forgiveness of our brethren is primarily a grateful response to God's forgiveness. ("And be ye kind one to another, tenderhearted, forgiving one another, even as God for Christ's sake hath forgiven you" [Eph. 4:32].) Usually the New Testament presents forgiveness only as a possibility for those who are of contrite heart and whose uneasy conscience has been eased by divine forgiveness. Yet the fact that it is also presented as an obligation, which will incur the punishment of judgment if left undone, proves that even on this pinnacle of grace law is not completely transcended.

On this issue Luther is again clearest in illuminating the element of grace in the experience of forgiveness and least adequate in relating forgiveness to punitive justice. There are no diagonal lines in Luther's thought which relate mercy to punitive justice. There is therefore nothing to inspire the kind of development of punitive justice in

the direction of imaginative justice which has in fact taken place in modern criminology and which proves that the "two realms" have more commerce with each other than Luther supposes.

Nygren's version of forgiveness as an aspect of *agape* results in so sharp a distinction between justice and mercy that it leaves no place at all for discriminate judgments about justice. The distinction is so sharp that all moral distinctions in history seem to become invalid.

Modern liberalism, including Christian liberalism, tends to a sentimental version of forgiveness in which mercy has also completely triumphed over justice in such a way that responsibility of sin is denied. Sir Walter Moberly, in his book *Responsibility*, finds the final form of this sentimentality in modern psychiatry.

The Catholic exposition of this pinnacle of grace in the law of love has special significance because it is one ultimate possibility of love which is not bound to the ascetic system. The love of the enemy is a possibility for all Christians but only through the help of supernatural grace. It belongs to the "counsels of perfection" which can be added to ordinary justice; but it has no dialectical relation to the schemes of justice, whereby the injustice in every scheme of justice would come under judgment.

#### *(4) Love as Standing in the Place of the Other*

The final pinnacle of grace in the realm of love is the relation between persons in which one individual penetrates imaginatively and sympathetically into the life of another. This pinnacle finds no special place in the Catholic counsels of perfection because it represents the ordinary possibilities of love above the level of justice as defined in natural law. It is the very substance of the realm of love in Buber's exposition of *I and Thou* and in Brunner's *Divine Imperative*. It is, however, wrongly interpreted as the very substance of the realm of love. For in that case love does not include the general spirit of justice, which expresses itself in the structures, laws, social arrangements and economic forms by which men seek to regulate the life of the community and to establish a maximum of harmony and justice.

The love which wills justice must not be excluded from the realm of *agape*. Brunner is in great error when he interprets an act of personal kindness as more "Christian" than a statesmanlike scheme in

the interest of justice. Brunner's dictum that love "never seeks great things" is capricious. It separates love too completely from the realm of justice, though in a different way than the thought of Nygren. A modern liberal form of this same error is to be found in such reactionary movements as "Christian Economics," which insist that unemployment insurance is unnecessary because "Christians of sensitive conscience will organize private charity for the needy." The effort to confine *agape* to the love of personal relations, and to place all the structures and artifices of justice outside that realm, makes Christian love irrelevant to the problems of man's common life.

On the other hand, it is true that beyond and above every human relation as ordered by a fixed structure of justice, by custom, tradition, and legal enactment, there remain indeterminate possibilities of love in the individual and personal encounters of those who are in the structure. Whether men meet their fellow men with generosity or with envy, with imagination or with ambitions of dominion, is a question which cannot be fully solved by the structure of justice which binds them to their fellow men. Human actions can, to a degree, corrupt even the highest structure, and they can also partially redeem the worst structure. The fact that slavery was essentially wrong proves the invalidity of regarding structures of justice as irrelevant to love. Yet it did make a difference to a slave whether he was subject to a kind or to a cruel master. The institution was wrong because the disproportions of power in the institution of slavery were such that they could predispose even decent men to unconscious cruelties. But the most adequate institution is still only a bare base upon which the higher experiences of love must be built.

The commandment to love the neighbor as the self must finally culminate in the individual experience in which one self seeks to penetrate deeply into the mystery of the other self and yet stand in reverence before a mystery which he has no right to penetrate. This kind of love is a matter of law in the sense that the essential nature of man, with his indeterminate freedom, requires that human relations should finally achieve such an intimacy. But it is also a matter of grace, because no sense of obligation can provide the imagination and forbearance by which this is accomplished. Such intimacy is of course closely related to sacrificial love, for the intermingling of life

with life predisposes to sacrificial abandonment of the claims of the self for the needs of the other.

If the intimacy of personal friendship, in which life is interwoven with life, is one of the pinnacles of *agape*, it must follow that a sexual partnership has a natural basis for such *agape* far beyond other partnerships. The sexual union as a parable, symbol, and basis for *agape* has been little appreciated in Christian thought, partly because of a generally negative attitude toward sex which Christianity absorbed from Greek thought; and partly because the particularity of the sexual union is suspect from the standpoint of Christian universalism. Yet this aspect of the relation of love beyond law to love as law has been explored in Greek Orthodoxy and has been most significantly illumined and also exaggerated by Vladimir Solovyov, who writes:

Fully admitting . . . the high dignity of other kinds of love . . . we find nevertheless that only sexual love satisfies the two fundamental conditions without which there can be no abolition of selfhood through complete vital union with another. In all other kinds of love there is absent either the homogeneity between lover and beloved, or the all inclusive difference of complementary qualities.<sup>4</sup>

It is significant that despite the ascetic traditions of Roman Catholicism there are also recent efforts in Roman thought to explore this relation between love and sexual love. D'Arcy's *Mind and Heart of Love* sees the relationship not so much as the intimate and mutual self-giving of both partners of the marriage union as in the feminine impulse of self-giving. A more adequate exposition of the significance of the mutual relation in marriage has recently been given in the Catholic treatise *Essay on Human Love*, by Jean Guittou.

Naturally a particular relationship cannot exhaust the meaning of *agape*, particularly not the dimension which expresses itself in its universalistic motif. But if any justice is to be done to particular and intimate relations, the marriage union must receive a more positive appreciation in Christian thought and life. The intimacy of the relation has of course a basis in nature. But it can be endlessly transfigured by grace, so that the possibilities of love as law, and love at

4. S. L. Frank, ed., *A Solovyov Anthology*, 160.

the limits of law, and love beyond the limits in this partnership, are identical with the general logic of love as law and love as grace.

### THE RELATION OF LOVE TO LAW

This analysis of love as law and love as transcending law is incomplete without consideration of one further problem: the relation of love to law as such. Law as such is composed of norms of conduct prescribed by custom, legal enactment, scriptural injunction, or rational intuition, in which duties and obligations are prescribed without seeming reference to the ultimate spirit of law, namely, love. What is the standing of such law in a Christian scheme of ethics, and how is love related to it? In Catholic thought, this law is drawn from the intuitions or logical deductions of reason, so that even the Decalogue is regarded as normative by Aquinas only in so far as it corresponds to the natural law. In Reformation thought, systematically in Calvin and less systematically in Luther, this law is drawn from Scripture, either from explicit law, such as the Decalogue, or from moral admonitions in various portions of Scripture which are raised to the authority of explicit norms for the Christian life.

All such law will be found to have two characteristics: (a) It states our obligations to our neighbor as minimal and usually in negative terms: "Thou shalt not kill." "Thou shalt not steal." (b) It states our obligations to our neighbors in terms which presuppose the fact of sin and self-interest and the complexity of claims and counterclaims which are arbitrated by some "rule of reason" rather than by the ultimate scruples of the law of love.

Thus the law, however conceived, accepts and regulates self-interest and prohibits only the most excessive forms of it. It does not command that we love the neighbor but only that we do not take his life or property. It does not command that we seek our neighbor's good but only that we respect his rights. Broadly speaking, the end of the law is justice. But we have already seen that justice is related to love. Thus there is a dialectical relation between love and law even as there is between love beyond law and love as law. It might be stated as follows: The law seeks for a tolerable harmony of life with life, sin presupposed. It is, therefore, an approximation of the law of

love on the one hand and an instrument of love on the other hand. Consequently the distinction between law and love is less absolute and more dialectical than conceived in either Catholic or Reformation thought.

If this conclusion be correct, it follows that law, however conceived, whether drawn from Scripture (as in Reformation thought) or from rational intuitions (as in Catholicism) or from historical tradition, is less fixed and absolute than all these theories assume. The scriptural authority, below the level of love, is less valid in the realm of law than the Reformation assumes because there is always an element of historical contingency in the allegedly absolute norms of Scriptures which makes its authority questionable in a different historical context. (St. Paul's attitude toward women in the Church is a case in point.) The authority of rational "natural" law is less valid than Catholicism supposes. The whole concept of natural law rests upon a Stoic-Aristotelian rationalism which assumes fixed historical structures and norms which do not in fact exist. Furthermore, it assumes a human participation in a universal reason in which there is no ideological taint. The moral certainties of natural law in Catholic thought are all dubious. Sometimes they rest upon deductive reason. It is assumed that it is impossible to draw logical conclusions in the field of material ethics, from the formal ethical principle that good is to be done and evil avoided. But there is no guide in the formal principle of ethics about the norms of good and evil. Sometimes they rest upon the "intuitions" of reason. While there are some seemingly universal moral judgments such as the prohibition of murder, it must be noted that they are the most universal if they are the most minimal and most negative expressions of the law of love. The more specific they become the more they are suspect as "self-evident" propositions of the natural law.

Sometimes Catholic natural theory sinks to the level of eighteenth-century rationalism, which it ostensibly abhors. It regards the propositions of natural law as propositions of analytic reason. This reason analyzes the structures of nature, including human nature, and arrives at certain conclusions about what nature "intends," as, for instance, that nature intends procreation in sexual union. In this case it forgets that human nature is characterized not only by an indeterminate freedom but by an intimate and organic relation between the impulses of nature and human freedom which

permits endless elaborations of human vital capacities for which it is not easy to find a simple descriptive norm.

In short, both Catholic and Reformation theory are too certain about the fixities of the norms of law. All law, whether historical, positive, scriptural, or rational, is more tentative and less independent in its authority than orthodox Christianity, whether Catholic or Protestant, supposes, even as it is more necessary than liberal Protestantism assumes. The final dike against relativism is to be found not in these alleged fixities, but in the law of love itself. This is the only final law, and every other law is an expression of the law of love in minimal or in proximate terms or in terms appropriate to given historical occasions.