
One of Rémi Brague’s academic appointments is at the University of Paris, where Thomas Aquinas studied and taught seven hundred fifty years ago. Aquinas’ work stands, for Brague, at the apogee of an ultimately declinist narrative, a narrative he tells with remarkable depth and efficiency in his latest book, The Law of God. For Brague, as for Alasdair MacIntyre, Aquinas is an irresistible figure. Aquinas has an appreciation of his historical situatedness that, though not identical with our post-Hegelian sensibility, is nonetheless impressive to the post-Hegelian mind. No bricoleur, Aquinas deeply inhabits but also imaginatively refashions his contingent and conflicting sources, demonstrating the possibility of combining historicism (of a sort) with a grand, synoptic vision.

There are moments, reading The Law of God, when one wonders if anyone since Aquinas has known Aquinas’ sources as well as Brague does. The list of figures I encountered for the first time, reading Brague, is easily a dozen names long. Brague is a master at conveying the coherence of the developments he narrates, even as he insists upon the details.

Brague sets up his narrative in terms of Tertullian’s familiar dichotomy: Athens and Jerusalem. Brague is as attentive as Aquinas before him to the “other” peoples of the book, Jews and Muslims, but treats them as encompassed within the second term, “Jerusalem.” There is, on the one hand, the Greek inheritance: with respect to divine law, a metaphorical conception of “divine law” as the deep, meaning-laden order of things (what Charles Taylor calls an “ontic logos”). In this conception, divine law is never “the law of God”—an historical imposition or gift. On the other hand, there are the successive religious cultures of Judaism, Christianity, and Islam, each of which defines itself partly in relation to such an imposition or gift: a book recording or reporting divine legislation. Brague remarks, “[t]his takes us as far as possible from Greece: there . . . if a law was divine it could not be, nor should it be, written.” (60)

Brague’s book is, then, in two senses “histoire philosophique d’une alliance,” as the original subtitle reads (highlighting the contingency and
positivity implicit in the word Lydia G. Cochrane translates as “idea”). There is, first, the alliance between the notions of law and divinity (each very differently cognized by the Greeks than by any of the Abrahamic monotheisms) and second, the similarly tenuous marriage(s) of Greek and Abrahamic thought. After an early chapter on the Greeks, the bulk of the book narrates the unfolding thought of Jews, Christians, and Muslims about God and God’s law, culminating with an account of their differing appropriations of the Greeks during the High Middle Ages. In each case, Brague interprets later developments as implicit within earlier ones, so that, to attend closely to the first developments in each tradition (counting as the “first” developments of Judaism the second-century reformulation of Judaism around Torah and Mishnah, following the destruction of the Second Temple) is to appreciate the problems and possibilities inherent in each.

It is impossible, in a brief review, to do justice to the richness of the central sections of Brague’s book. It is challenge enough simply to summarize them. They open with a discussion of how Christianity and Islam, each in turn, addressed its “problem of posteriority”: its status, and the status of its peculiar revelation, vis-à-vis an anterior revelation or revelations. (85) Borrowing a pair of terms from the Jewish exegetical tradition, Brague describes the New Testament as “a pesher of the Old” and the Qur’an as “a midrash of the Bible.” (97) The New Testament belongs to a recognized Jewish category of scriptural interpretation, pesher, whereby a text is reinterpreted in light of a subsequent event. For the early church—for Paul especially—Jesus’ crucifixion and resurrection was such an event, forcing a reinterpretation and reapplication of what became “the Old Testament,” but was for the early church simply “the scriptures.” Thus “Christianity presents no new texts . . . [but] simply presents a new fact.” (97) Islam, by contrast, “presents no new fact, but . . . does present a new text, which is the Qu’ran.” (97) That is, Islam presents a text that, with the aid of other midrashic literature, supplements and ultimately supplants the Bible.

Brague presents these originary relations to scripture, together with the divergent political circumstances of the Jewish, Christian, and Islamic communities during the medieval period, as largely determinative of the medieval philosophical discussion. I will focus, for reasons of space, on what he has to say about Islam and Christianity, which are in any case the focal traditions for Brague’s later, dialectical remarks.

Concerning Islam, Brague observes that its typical status in the early medieval period as a conquering, politico-religious power forced it
to posit the comprehensiveness of its law and thus to determine who
could authoritatively interpret it. To supplant the laws of conquered
peoples, Qur’an law had to be comprehensive. But this raised the twin
problems of how a comprehensive application was to be worked out, and
by whom. The earliest solution, the caliphate, bound together military,
political, and religious authority as Mohammed had done; it ceded to
particular individuals the right to rule in Mohammed’s place. But this
“extreme personalization” of power led to civil war, and provoked an
opposite and ultimately dominant solution, on which religious and
political authority were divided, with military men or mere functionaries
handling narrowly administrative matters while religious scholars
offered verdicts, case by case, on the application of Qur’an law (which
thus became sharia). (149ff.)

This solution depended on the fiction that, for the adequately
trained and attentive scholar, all practical questions were settled in
advance—that Mohammed had already spoken, if obscurely, to all
practical questions that might arise. This fiction also supported—or did
nothing to undermine—a pessimistic anthropology, according to which
the justification (if any) for the tenets of sharia was inaccessible to the
human mind. The task of the scholar was to keep and deploy an
allegedly exhaustive catalog of answers, not to exercise creativity in
working them out. Brague notes an unhappy consequence of this
outlook: it became difficult to inculcate a sense of the divinity of the
law, as that law was not supposed to reward reflection. The most
successful effort to overcome this consequence, Brague thinks, was that
of Ghazali, who drew on Sufi spirituality and counseled a radical
interiorization of sharia, the result of which would be an encounter with
God. If God’s law is unfathomable, God at least meets the adept and
faithful mystic in and through his practice.

Medieval Christian thinking about divine law, as Brague presents
it, contrasts at every level with its Islamic counterpart. The contrast is
so complete, indeed, that one wonders whether a scholar whose basic
sympathies lie with Islam (as Brague’s clearly lie with Christianity)
would accept Brague’s characterizations. In any case, Brague’s
observations on medieval Christian thought are illuminating. In contrast
to Islam, Brague observes, Christianity emerged in a context in which it
had to accommodate itself to life under independent, indeed hostile
powers. The distinction between religious and political authority,
sometimes regarded as a modern achievement, has deep roots, Brague
argues, in the Christian tradition, where (in contrast to Islam) it was
explicitly thematized, and early. Thus Christianity, even when it
ascended to imperial influence in the declining years of the western empire, had no impetus to an exhaustive legislation.

Christianity, too, experienced a grand codification of religious law, with the systematization of canon law in the eleventh century. But this did not represent, like the parallel development in Islam, a retreat from a primitive union of the political and the religious. Rather, it simply marked more strongly a distinction that had been present from the first.

What Christianity produced, armed with this distinction, was a particularly impressive articulation of the divine character of religious law, one that drew upon the Greek (especially Aristotelian and Stoic) idea of becoming one with the underlying order of things, but depicted this as the outcome of a process of formation cardinally assisted by a revealed law. This idea, first developed by Augustine (following Paul), received its most compelling formulation from Aquinas: Christianity does not introduce a fundamentally new ethic (hence Aquinas’s thoroughgoing appropriation of Aristotle); what it introduces, instead, is a set of divine ordinances, obedience to which returns us, over time, to the freedom of our true nature and enables us to be, in the classical sense, autonomous. It enables us also and thereby to enter into community with God, under laws which are equally expressions of the divine nature. “The end of the law” (in the title of one of Brague’s chapters) is thus eminently intelligible, although not exhaustively so: it is our good, in our union with the divine.

The epigraph to the final section of Brague’s book is a few lines from Heine, which I translate: “But what is more senseless, a loi athée, a statute/which acknowledges no God, or a Dieu-loi, a God who is merely a statute?” It is a fitting opening to Brague’s rapid narrative of the modern period, a declinist narrative (as I indicated) from the most profound expression of the idea of divine law in Aquinas to its nadir (apparently) in Kant (Heine’s probable target). Brague’s account of this decline is not ideally clear, as he suggests both that “the modern age did little but draw the consequences of decisions that had been taken long before” and (more persuasively) that the characteristically modern opposition between the natural and the normative was a product of the scientific revolution. (231) If the latter claim is true, however (and it is), it is hard to see how the former could be. The radicalization of this binary between natural and normative, “is” and “ought,” may have involved mistaken inferences on the part of thinkers from Pufendorf

1. I am neglecting, for reasons of space, not only Brague’s instructive discussion of medieval Jewish thought, but also the many positive connections he makes between the thought of Aquinas and that of his Jewish and Islamic predecessors. They are many, and carefully marked.
(whom Brague neglects) to Hume to Kant, but it was not a mere unfolding of the views of Aquinas or his sources.

More deeply, any critique of this binary must begin from an appreciation of its bases, and an examination of how these bases (that is to say, a biology that supervenes upon physics, and a physics that dispenses with final causes) might be synthesized with the idea of natural norms—divinely marked or otherwise. Brague appears uninterested. Who but God can know enough to do justice to every era? But one wishes, turning from Brague’s wonderfully nuanced discussion of the medieval world to his curt judgment on the modern, that he would follow the example of Charles Taylor and try to understand the modern on its own terms, not merely as the silhouette of the medieval.

What is most striking and instructive in Brague’s account of modernity, grounded as it is in his patient narrative of late classical and medieval debates, are his remarks on how the political has come to be sacralized, with the decay of the classically Christian sense of divine law as complementing a profane politics. Where there is no longer a recognition of divine law and divine vocation alongside the political, Brague argues, the political will feel and fill the vacuum. Hence the sacralizing rhetoric surrounding human rights, which “avoids evoking to what source ‘man’ owes the humanity that renders him capable of having rights.” (240)

Brague has offered us an enormously instructive work, and Cochrane and her editors at the University of Chicago Press have done an elegant job making it available to an Anglo-American readership. I have learned far more from it than I have been able to compress into this review. Anyone interested in the history of law, or of ideas generally, will read it with pleasure and profit.

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