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JAMES WILSON AND THE COMMON SENSE THEORY OF THE COMMON LAW

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When Thomas Paine published *Common Sense* in 1776, his was not the only commonly held sense of the term “common sense.” Ironically, the term was already complicated at the American founding. The simpler meaning imparted by Thomas Paine’s pamphlet became a destructive catalyst in the American heart by eroding affection for the British Crown. The subtler meaning in vogue among educated founders,¹ however, played a constructive role in justifying a democratic legal system after the revolution. Chief among them, James Wilson devoted an entire series of law lectures to expounding the principle that common sense informs customs which, in turn, inform the common law.²

THOMAS PAINE’S COMMON SENSE

The common sense Thomas Paine appealed to was popular sentiment devoid of philosophical nuance. In his words, “I offer noth-

ing more than simple facts, plain arguments, and common sense: and have no other preliminaries to settle with the reader, than that he will divest himself of prejudice and prepossession, and suffer his reason and his feelings to determine for themselves: that he will put on, or rather that he will not put off, the true character of a man, and generously enlarge his views beyond the present day.”³ Paine’s *Common Sense* appealed to impassioned reasonableness, drawing its power from an abstract feeling of consensus. Rather than develop a subtle treatise on the need for a revolution, Paine’s pamphlet stitched together a crazy quilt of ideas already popular among American colonists: in one manifesto, he placed Lockean arguments from self-interest alongside scriptural references, the impassioned resentment of Rousseau, and the literary flare of John Milton. Throughout his pamphlet, one argument remained constant: people are and ought to be motivated by self-interest, and it was in the interest of American colonists everywhere to separate from Britain.⁴



THOMAS PAINE, BY AUGUSTE MILLIÈRE, C. 1876

Paine’s rhetoric gave the impression of reasonableness; but lest his readers focus too much on the substance of his arguments, he cautioned against dispassionate thought. For example, when responding

1. Thomas Paine was, in fact, self-taught after spending a brief part of his childhood at a free school. See Philip Foner, “Introduction: Thomas Paine—World Citizen and Democrat,” in *The Complete Writings of Thomas Paine* (NY: Citadel Press, 1945), ix–x.

2. I am indebted to Dr. Roberta Bayer for calling my attention to the contrast between Thomas Paine’s simplistic view of common sense and the philosophical school of Common Sense Realism.

3. Thomas Paine, *Common Sense*, in *Complete Writings of Thomas Paine*, 17.

4. Paine, *Common Sense*, in *Complete Writings of Thomas Paine*, 5–6, 31.

to Tory arguments in favor of the Crown, Paine crowed, “He who can calmly hear and digest such doctrine, hath forfeited his claim to rationality—an apostate from the order of manhood—and ought to be considered as one who hath not only given up the proper dignity of man, but sunk himself beneath the rank of animals, and contemptibly crawls through the world like a worm.”⁵ Paine’s *Common Sense* is full of inflammatory playground insults and snarky retorts. Indeed, the genius of his *Common Sense* is its reliance on inflammatory rhetoric to bind together popular ideas that ordinarily had little business supporting each other. If the content of his pamphlet is any indication of what Paine meant by common sense, it appears he had in mind a shallow intuition informed by popular beliefs. And so, Paine’s understanding of common sense resembles the modern use of the term. Nevertheless, common sense had a deeper philosophical meaning at the time of the founding, one that included but expanded beyond Paine’s understanding of the term.

WILSON’S COMMON SENSE PHILOSOPHY

Well before Paine wrote *Common Sense*, the school of Scottish Common Sense philosophy had emerged,⁶ influencing the education of such founders as Thomas Jefferson,⁷ John Adams,⁸ John Witherspoon,⁹ and James Wilson. Thomas Reid, a chief expositor of Common Sense philosophy, described common sense as the widespread apprehension of first principles impressed on the mind by God.¹⁰ He elucidated the practical implications of this philosophy: “[t]his inward light or sense is given by heaven to different persons in different degrees. There is a certain degree of it which is necessary to our being subjects of law and government, capable of managing our own affairs, and answerable for our conduct towards others: this is called common sense, because it is common to all men with whom we can transact



PORTRAIT OF FRANCIS HUTCHESON, BY ALLAN RAMSAY, C. 1745

business, or call to account for their conduct.”¹¹ It is this form of common sense that James Wilson hoped would become the center of American common law.

A clearer picture of Wilson’s common sense philosophy may be drawn from the Scottish philosophical conception of natural benevolence. Common sense philosophers like Francis Hutcheson maintained that humans are motivated by self-interest, but also by social affections which reveal a desire for the well-being of others.¹² In addition to the self-love that Paine’s *Common Sense* invokes, Hutcheson argued that people are motivated by “benevolent Affections also toward others, in various Degrees, making us desire their Happiness as an *ultimate End*, without any view to private Happiness.”¹³ After all, humans are sociable creatures, and certain natural impulses are better explained if benevolence comes naturally and not derivatively from self-interest. If a child falls to the ground and skins her knee, it makes more sense that an unrelated observer will be moved to pity not from any self-interested motive, but out of an other-regarding affection for the poor child. Such benevolence toward others is the bond that holds society and community together; self-interest alone lacks the strength needed to sustain social ties. Given the moral dimension of this common sense, the terms “moral sense” and “common sense” were often used interchangeably by Scottish Common Sense philosophers.

The moral sense was considered common in at least four respects. First, the moral sense was an *innate faculty* common to human nature.¹⁴ Hutcheson called this

faculty an internal sense as distinguished from the five external senses, but similarly capable of refinement: as a trained palate can distinguish between good and bad wines, so can a honed moral sense discern upright from rotten conduct.¹⁵ Second, common sense implies that one can appeal to *self-evident truths*, the denial of which would be ridiculous.¹⁶ Indeed, part of Reid’s response to the skeptical philosophy of David Hume was that Hume’s skepticism was ridiculous, the belief of which would make “Yahoos” of mankind.¹⁷ Third, as social affections produce a benevolent disposition toward others, the moral sense becomes refined out of a *sense of commonality*.¹⁸ Put differently, common sense here describes a sort of “other feeling,” often characterized by comradery, sympathy, and fraternity. This sense of commonality is

5. Paine, *Common Sense*, in *Complete Writings of Thomas Paine*, 41.

6. See, e.g., James Buchan, *Crowded with Genius: The Scottish Enlightenment: Edinburgh’s Moment of the Mind* (NY: Harper Collins, 2004), 75–84. See also George Davie, *The Democratic Intellect: Scotland and Her Universities in the Nineteenth Century* (3rd ed.; Edinburgh: Edinburgh University Press, 2013); David Allan, *Virtue, Learning and the Scottish Enlightenment* (Edinburgh: Edinburgh University Press, 1993).

7. The influence of the Scottish Enlightenment on Jefferson is particularly well documented. See, e.g., Allen Jayne, *Jefferson’s Declaration of Independence: Origins, Philosophy & Theology* (Lexington: University Press of Kentucky, 1998), 96–98, 120; Forrest McDonald, *Novus Ordo Seclorum: The Intellectual Origins of the Constitution* (Lawrence, KS: University Press of Kansas, 1985), 54–55; A. J. Beitzinger, *A History of American Political Thought* (Eugene, OR: Resource Publications, 1972), 154, 269–71.

8. John Adams was one of the most well-read founders, and he doubtless read plenty of the Scottish Enlightenment philosophers. See, e.g., Gordon Wood, *The Radicalization of the American Revolution* (NY: Vintage Books, 1993), 219–20.

9. John Witherspoon was originally from Scotland, and he brought his own brand of Scottish thought to America, where he presided over Princeton. See, e.g., Gordon Wood, *The Radicalization of the American Revolution* (NY: Vintage Books, 1993), 219.

10. Thomas Reid, *Essays on the Intellectual Powers of Man*, in *The Works of Thomas Reid, D.D. Now Fully Collected, With Selections from His Unpublished Lectures* ed. by William Hamilton (7th ed.; Edinburgh: MacLachlan & Stewart, 1872), 1:431–32.

11. Reid, *Essays on the Intellectual Powers of Man*, in *Works of Thomas Reid*, 1:432.

12. Francis Hutcheson, *An Essay on the Nature and Conduct of the Passions and Affections, with Illustrations on the Moral Sense*, ed. Aaron Garrett & Knud Haakonssen (Liberty Fund, 2002) (1742), 136.

13. Hutcheson, *Essay on the Nature and Conduct of the Passions and Affections*, 136.

14. Hutcheson, *Essay on the Nature and Conduct of the Passions and Affections*, 136.

15. Francis Hutcheson, *An Inquiry into the Original of Our Ideas of Beauty and Virtue, with Illustrations on the Moral Sense*, ed. Wolfgang Leidhold & Knud Haakonssen (2nd ed.; Liberty Fund 2008) (1726), 8–9.

16. Wilson, *Lectures on Law*, in *Collected Works*, 1:619.

17. Reid, *Inquiry into the Human Mind*, in *Works of Thomas Reid*, 1:102.

18. Hutcheson, *Essay on the Nature and Conduct of the Passions and Affections*, 136.

largely what Paine appealed to in his pamphlet. Fourth and finally, as Reid and Wilson claimed, the moral sense of the individual was shaped and refined by the *common judgments of a community*, judgments which were themselves cultivated through consensus.¹⁹ In other words, textbook education could only partly develop the moral sense. To be properly trained, the moral sense required practice through convivial conversation and sociable activity. Community must shape the common sense.

It may seem strange that common sense could derive from self-evident truths and from public opinion at the same time. But consider the way the conscience is described in modern conversation: it simultaneously holds to certain moral assumptions which are either fine-tuned or deadened by such influences as the company one keeps, the books one reads, and the institutions one attends. The sense of self-evident moral truth is to polite discourse what mathematics is to applied physics: the distinction is not between objective truth and subjective experience, but between a field of knowledge and its application in the tangible world. Wilson built his legal philosophy on that complex common sense philosophy.²⁰

WILSON'S COURT OF COMMON SENSE

Readers may recall that Wilson advanced the “Revolution Principle” in his *Lectures on Law*, that is, the axiom that conscience alone binds people to their laws,²¹ making consent (rather than superiority) the basis of sovereignty.²² When combined with his common sense philosophy, Wilson’s Revolution Principle takes on new dimensions: if citizens are sovereign, and if laws are only legitimate insofar as they bind the conscience, then it’s easy to see how moral assent to law-making institutions manifests itself at the voting booth, but what about the law of the courtroom? It is one thing to say the common law derives from local customs and conventions and that consent is therefore implicit within the common law;²³ that much goes to explaining how the common law is authoritative. But in what sense does the judicial process respond to the moral sense of society? Wilson’s answer reflects his

common sense philosophy: the slow-changing common law derived from common sense moral reasoning in society, rather than the accumulation of individual judges’ preferences over the years.²⁴ After all, a judge is but a guardian over what the people have entrusted to the courts (rather than a lawmaker) and a guide for juries.²⁵ In the world according to Wilson, it takes a village to make a common law.

Consider the fourfold nature of common sense reasoning and apply it to customs and conventions that thrive today. A custom as banal

as shaking someone’s hand, for example, reflects the presumed truth that all men are created equal and merit respect, a truth that is hard to prove but which people assume and arguably apprehend by some in-born intuition. This sense is refined by the common judgments of a particular society such that, over the history of the western world, shaking the hand of another person has come to represent a gesture of that respect among equals. It may have begun as a way of disarming oneself, communicating strength, vulnerability, and trust all in one motion. In any event, the widespread reception of this gesture added to the ways one could communicate and reinforce a sense of commonality with others. Now, if someone refuses an outstretched hand, they violate a custom and usually feel obligated to excuse their refusal to reciprocate on account of having dirty hands, a sickness, or some other good reason. Without such an excuse, the initiating party senses a small rule has been broken. Such small transgressions are far from disastrous, but they cut against social expectations, the most serious of which develop into legal doctrines.



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IN THE WORLD ACCORDING TO WILSON, IT TAKES A VILLAGE TO MAKE A COMMON LAW.

Wilson maintained in his *Lectures on Law* that the common law originates from society through customs and conventions rather than government institutions. Indeed, Wilson’s theory would describe the law of torts in that manner. For example, if a dog bites a stranger without having a prior history of aggression, courts of different jurisdictions—think “legal communities”—will assign liability to the owner differently, depending on the local common sense judgments of his particular jurisdiction. In some states, the dog owner is typically liable: after all, dogs always present a nonzero risk of danger. In other states, the dog owner is only liable if the dog had a known history or high risk of aggression.²⁶ The significance of this difference, in Wilsonian terms,

19. James Wilson, *Lectures on Law*, in *Collected Works of James Wilson*, ed. Kermit L. Hall and Mark David Hall (Indianapolis: Liberty Fund, 2007), 2:820; Reid, *Essays on the Intellectual Powers of Man*, in *Works of Thomas Reid*, 1:423.

20. See, e.g., Wilson, *Lectures on Law*, in *Collected Works*, 1:615.

21. See, e.g., Wilson, *Lectures on Law*, in *Collected Works*, 1:572.

22. See Ethan Foster, *James Wilson and the Natural Law Case for Individual Sovereignty* *Ad Fontes* no. 3 (Oct. 2018), 1.

23. Wilson, *Lectures on Law*, in *Collected Works*, 1:567.

24. See, e.g., Wilson, *Lectures on Law*, in *Collected Works*, 1:494–99.

25. Wilson, *Lectures on Law*, in *Collected Works*, 2:950–53.

26. A quick survey of dog bite laws throughout the United States will reveal a disparate patchwork. Without endorsing their specific findings, I would encourage readers to examine any compendium or chart comparing these laws to appreciate the variety that exists within the common law. See, e.g., Matthiesen, Wickert & Lehrer, S.C., “Dog Bite Laws in All 50 States,” <https://www.mwl-law.com/wp-content/uploads/2018/02/DOG-BITE-LAWS-CHART.pdf>

is that both sorts of legal communities approached the same sort of question, having a common apprehension of basic moral truths, and yet arrived at different legal conventions about how to balance the need for compensation when someone gets attacked by a dog with the countervailing need to avoid punishing innocent dog owners who had no reason to believe that their dogs would turn.²⁷

It bears noting that judges often conduct the sort of “common sense” reasoning I just attributed to entire communities. And it may seem at first blush that crediting entire communities with the decisions of judges is disingenuous, but two clarifications are in order. First, the presence of social norms and conventions is something judges can evaluate when transmitting the common law from one generation to another. Indeed, the common law is not made from whole cloth, but it develops slowly and incrementally after decades of wisdom have been heaped upon it and refined its contours. Second, Wilson (and several provisions of the Constitution) anticipated a court system that heavily relied on juries.

Wilson conceived of the American jury as an active participant in the courtroom.²⁸ Astoundingly, Wilson’s proposed lecture *Of the Judges* barely takes up four pages.²⁹ By contrast, his lecture *Of Juries* occupies fifty-eight pages.³⁰ A modern lecture series would likely switch those ratios. The disparity might be explained by the fact that Wilson’s audience included lay citizens who would be expected to serve on juries.³¹ But juries were also more significant and powerful in the courts prior to 1790.³² As one commentator notes, “Beginning in the 1790s, some courts began limiting the jury’s province to fact questions only and, according to prevailing accounts, a trend in this direction continued throughout the nineteenth century.”³³ Over time, the role of citizens—and therefore the judicial reliance on a jury’s common sense—waned. Yet Wilson prized juries, less for their utility to the

courts as objective fact-finders, than as “abstract[s] of the people” of the nation.³⁴ When a jury presided over a case, a defendant could expect the judgment of peers who possessed the common moral sense of the community, and with it, local standards of reasonableness, fairness, and justice. A defendant was at the mercy of common sense: a jury brought with it the innate apprehension of self-evident moral truths, combined with the common judgments as they had been refined within that jurisdiction.

The jury system also enabled a sense of commonality to emerge among the jurors. Impaneled jurors received the cultivating benefits of affirming civic duty, the fearsome responsibility of representing the people, and the opportunity to revisit and discuss a shared moral sense with a cross-section of their community. It followed, therefore, that the common law according to Wilson had a democratic character, a character that Americans could proactively institutionalize through the jury so that the common sense of the American people could directly influence the common law over time. In turn, the common law could inform and mold the common sense of future generations. Wilson’s design was that every court could serve as a

court of common sense: not the haphazard common sense of shallow propaganda, nor the forged common sense of a few enlightened authority figures, but the dispassionate, benevolent, and well-reasoned common sense of a truly self-governing people.



THE 24 MEMBERS OF THE PETIT JURY IMPAELED BY THE UNITED STATES CIRCUIT COURT FOR VIRGINIA IN RICHMOND FOR THE TREASON TRIAL OF FORMER CONFEDERATE PRESIDENT JEFFERSON DAVIS IN MAY 1867.

WHEN A JURY PRESIDED OVER A CASE, A DEFENDANT COULD EXPECT THE JUDGMENT OF PEERS WHO POSSESSED THE COMMON MORAL SENSE OF THE COMMUNITY, AND WITH IT, LOCAL STANDARDS OF REASONABLENESS, FAIRNESS, AND JUSTICE.

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27. To the extent that this democratic development of the common law is in tension with certain systems of natural law, I will address those questions in my next article.

28. See generally Wilson, *Lectures on Law*, in *Collected Works*, 2:954–1011.

29. Wilson, *Lectures on Law*, in *Collected Works*, 2:950–53.

30. See generally Wilson, *Lectures on Law*, in *Collected Works*, 2:954–1011.

31. Wilson, *Lectures on Law*, in *Collected Works*, 1:437.

32. Aaron Knapp, *Law’s Revolutionary: James Wilson and the Birth of American Jurisprudence*, 29 J.L. & Pol. 189 (2013), 271–72.

33. Knapp, *Law’s Revolutionary*, 271–72.

34. Wilson, *Lectures on Law*, in *Collected Works*, 2:1008.

THE FIRST AMENDMENT AND NATURAL RELIGION¹

DR. OWEN ANDERSON

INTRODUCTION

There is a sense in which the United States was founded on natural religion. The grievances justifying independence rest on the claim that there are some things self-evident about God and human nature and from these come human rights and the structure of human government. Specifically, the claim is made that it is self-evident that there is a creator and that humans are created. Human equality and rights rest on this claim about creation. The eventual Constitution and Bill of Rights are further examples of the development of general revelation into the political and social realms as opposed to appeals to divine origination or special revelation. The exact quote is so well known it hardly needs repeating, but we can benefit from thinking about its structure: We hold these truths to be self-evident: that all men are created equal and endowed by their Creator with unalienable rights. We can discern three parts here: epistemology, metaphysics, and ethics. There is the epistemological claim that some things are self-evident. This is a knowledge claim. There is the metaphysical claim about what is real: God the Creator and human nature. And there is the ethical claim about equality and rights.

The 1st Amendment has a practical application precisely because people disagree about religion. And indeed, disagreement about religious opinions is sometimes taken as a trademark of *religion*. But religious knowledge is like knowledge in any field. It has as its goal not merely true opinion but a true justified belief. And when we have this we can have agreement among all. Universal agreement is not a guarantee of truth, but neither is it an indication of error. Disagreements about revealed religions (most if not all of the 1st Amendment cases) are grounded in disagreements about natural religion, especially about God and the good. Let us look at the aforementioned three elements more closely.

WHAT IS NATURAL RELIGION?

We will start by looking at natural religion. When we speak about the 1st Amendment, our attention almost always, perhaps always, goes to revealed religion. This is true in part because the history of our 1st Amendment comes out of the Wars of Religion that were fought between Christians who appealed to revealed religion. It is also true in part because many of the religious sects that have been a part of the important religious liberty Supreme Court cases made an appeal to revealed religion or personal religious experience.

Nevertheless, revealed religion presupposes natural religion. Revealed religion (Scripture, redemptive revelation) presupposes that there is a God and that there is sin that requires redemption. If by revealed religion we mean the Christian Scriptures, then these affirm the clarity of natural religion so that unbelief is without excuse; it is this failure to know what ought to be known from natural religion that leads to the need for revealed religion and its redemptive content. If instead we just mean the category of *revealed religion* and look for its cognate in each religion, this addition of revealed religion is made in addition to what humans are already expected to know and builds on the human ability to understand by reason.

Revealed religion presupposes humans can understand and then offers them some new message in addition to what they can already know.

Natural religion (natural theology) is the study of general revelation. General revelation is what all persons at all times can know about God and the good. Philosophical skepticism says that no knowledge is possible about God or the good. The fideist agrees to this but insists that it is impossible to live without believing something; and therefore, we must choose what we will believe in the absence of knowledge. In contrast to skepticism and fideism, we can see that knowledge is possible through reason and argument by learning to think presuppositionally. To think presuppositionally means to think



THE BILL OF RIGHTS, TWELVE ARTICLES OF AMENDMENT TO THE TO THE UNITED STATES CONSTITUTION PROPOSED IN 1789

1. This article is based on a chapter forthcoming in *The Cambridge Companion to the 1st Amendment and Religious Liberty*.

of what is less basic in light of what is more basic.² It is to begin with first things. It is to trace our disagreements to their most basic starting point.

Many of the notable cases about religious liberty have been about revealed religion and personal conscience. These cases must address a concrete example of how people are choosing to live. Is revealed religion being appealed to in competing ways that weaken its purpose and message? Is revealed religion being appealed to without any non-circular context for why we should listen to it or take its message to heart? In other words, general revelation has been neglected and bred skepticism and fideism. These, in turn, can then offer no support for special revelation. Without providing knowledge, special revelation and revealed religion are at best tolerated with the goal of having them fade like a vestigial organ. The solution will be not only mining the gems of natural religion but also providing support for our need of redemption through special revelation.

THOMAS JEFFERSON

In order to illustrate the above point about natural religion, we can refer to the *Virginia Statute for Religious Freedom*. Commenting on this document will help us define terms like *religion* and *liberty* and will also illustrate presuppositional and critical thinking. We need not think of this as a defense of classical liberalism and a case against the role of the state in perfecting humans. That isn't the consideration here. Instead, we can look at it as a study about the nature of belief itself. Humans can be coerced to say or do some things, but holding something due to external coercion (the fallacy of appeal to fear) does not offer a sound argument and therefore does not/cannot produce knowledge. Reason can give the necessary arguments and move the mind.

In defending the *Virginia Statute for Religious Freedom*, Thomas Jefferson stated:

Well aware that the opinions and belief of men depend not on their own will, but follow involuntarily the evidence proposed to their minds; that [whereas] Almighty God hath created the mind free, and manifested his supreme will that free it shall remain by making it altogether insusceptible of restraint; that all attempts to influence it by temporal punishments, or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the holy author of our religion, who being Lord both of body and mind, yet chose not to

propagate it by coercions on either, as was in his Almighty power to do, but to extend it by its influence on reason alone.³

Notice the theological, or what I will here call the metaphysical, assertions that Jefferson makes to justify his view of human nature and religion. Metaphysics is the study of what is real. Since what changes is not permanent, when we ask what is real, we are asking what is permanent and unchanging: what is eternal—without beginning. And so we will see that when we find someone giving a theory of human nature, they will also give us, explicitly or as a presupposition, a theory

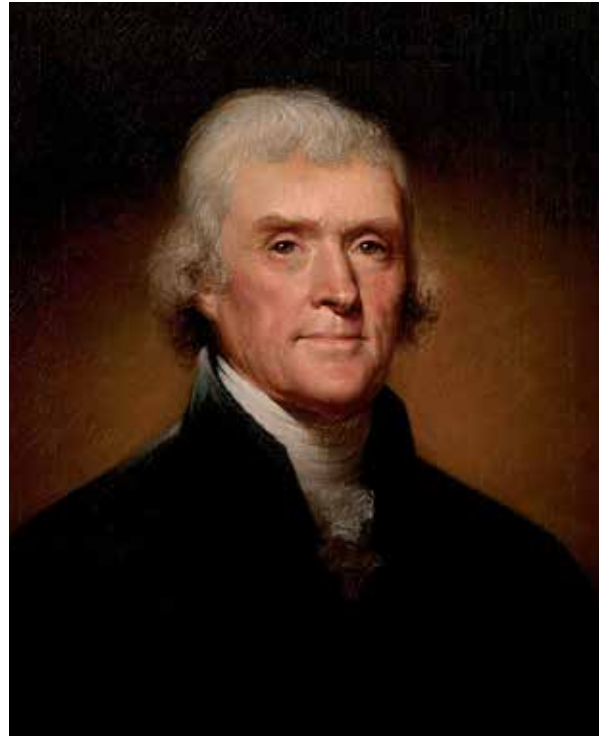
of what is eternal. In the Declaration of Independence, this is the distinction between the Creator and humans who have been endowed with rights. Here, in the Virginia Statute, Jefferson affirms this distinction between God the Creator and humans as the creation. God is eternal, without beginning, and he created all else. In this act of creation, God determines human nature.

Jefferson names the effects of attempting to restrain or coerce the will in matters of religion. These are the habits of hypocrisy and meanness. Here we have a hint at the role religion plays in human life. Not all coercion leads to hypocrisy. On less weighty matters one might go along or even change one's opinion. But in the case of religion, coercion creates hypocrisy because religion involves our most basic beliefs (those underlying the rest of our beliefs system) about what is meaningful. Attempts at coercion (appeal to fear) in religion

are attempts to force a person to act against the very way they find meaning in life. Even if a person goes along with this, it will only be a kind of outward conformity that is inconsistent with the person's actual beliefs; the outward conformity will revert to authentic action as soon as the pressure is removed.

In contrast to coercion, Jefferson asserts that God Himself propagates religion through its influence on reason. Reason here is connected to beliefs and so references that by which we come to understand and believe. A person's religion is addressed through their understanding. Or, the way a person finds meaning in life has to do with what they believe about reality and value. Religion and reason are therefore related here in the same way truth and meaning are related: for a person to believe something as true it must first have meaning (meaningless noises cannot be true and cannot be believed).

Finally, we can note here that God is said to propagate religion. The spread of religion is through the influence of reason on the mind. The implication is that religion and reason grow together, and irrationality or failure to understand goes hand in hand with the decline



THOMAS JEFFERSON, BY REMBRANDT PEALE, 1800

2. I am using this term purposely to identify the structured order to thought and not as a reference to the apologetic system of Cornelius Van Til. I have written about that specific kind of presuppositional argument in *Reason and Worldviews* (Lanham, MD: University Press of America, 2008).

3. <https://www.monticello.org/site/research-and-collections/virginia-statute-religious-freedom>.

of religion. We can wonder if this opens the subject of redemption. Reason can be used to understand anything, not only matters of religion. But humans in the condition of failing to use reason to know basic things are in the condition of failing to find meaning: religion is the subject of how redemption from this condition is possible. It introduces the subjects of general revelation and redemptive revelation. Jefferson himself came short on this (denying the redemptive content of Scripture, our need for atonement through Christ, changing the New Testament to fit his moral theory). We can use the text of this document and apply it back on Jefferson.

And so we have here these important definitions that can be inferred from the Statute and discernable in later documents like the Declaration of Independence: God the Creator, humans as dependent on God, the liberty of the will to do what one wants, and the role of reason to shape beliefs that inform a person's religion in the pursuit of meaning. Finally, the role of general revelation and redemptive revelation will be central to the 1st Amendment and its history in American thought and life.

In the next passage, Jefferson introduces the role of civil rights, government, and the need for limitations and restrictions on power. This helps us think about the 1st Amendment and religion because it defines the limits of governmental authority.

That our civil rights have no dependence on our religious opinions, any more than *on* our opinions in physics or geometry . . . *that the opinions of men are not the object of civil government, nor under its jurisdiction*; that to suffer the civil magistrate to intrude his powers into the field of opinion and to restrain the profession or propagation of principles on supposition of their ill tendency is a dangerous fallacy, which at once destroys all religious liberty, because he being of course judge of that tendency will make his opinions the rule of judgment, and approve or condemn the sentiments of others only as they shall square with or differ from his own.⁴

In this passage, Jefferson affirms different spheres of authority. The civil government has authority in some matters of life, but it does not extend to our religious opinions. He likens religious opinions to those in other fields of inquiry like physics or geometry. Now, these fields are two of the most certain where we believe knowledge is possible. This hints to us that his use of "opinion" is not here meant to be contrasted with "knowledge." One story that we will consider in more detail is that religious liberty is needed because religion is a private matter where knowledge is not possible; it is more like a matter of taste. That does not seem to follow from this.

Instead, this reminds us of different spheres of authority in human life which may share the same goal but contribute different means to that goal. There is a strain that will be introduced into a given society or civilization when multiple authorities compete within the same

sphere. This could be true when the civil magistrate interferes into the realm of the church. Religions are protected from this interference by religious liberty laws. But, it can also occur when multiple religions conflict with each other within one civil realm. Religious liberty protections do nothing to address this problem of pluralism and it can increase until civil laws are not sufficient to hold back the tide of division. This should help us realize that unity in religious matters is an important goal necessary for unity in society and the achievement of final ends. The need for religious liberty need not imply the need for unending religious pluralism but instead the need for liberty to pursue the truth, just like in subjects such as geometry and physics.

The special reason that Jefferson gives here is that the civil magistrate will be tempted to make his own opinions the rule of judgment and approve or condemn others on this standard.⁵ This tells us that Jefferson recognizes something about the post-lapsarian human. Far from being benevolent rulers, those with power will be inclined to abuse

that power for their own selfish ends, and there need to be checks of law in place to prevent this. This inner conflict is not limited to the magistrate, but each person will themselves be inclined toward this tendency. This corruption is not due to civilization but is checked by the laws of civilization. In itself, it speaks about the need for redemption. We will see various solutions offered for this redemption either from historic Christianity, those who break away from it and offer variations of redemption in Christian terminology, or even secular versions

that propose self-help cures (what Christian Smith calls moralistic therapeutic deism). Interestingly, the need for laws about religious liberty is itself an indicator of our need for religion as redemptive.

For Jefferson, law is above any civil ruler or form of government. We might be tempted to think this is due to Enlightenment influence. Indeed, it may be true that books like Samuel Rutherford's *Lex Rex* as well as events like the English Civil War and Bloodless Revolution were indicative of law above all including the monarchy. Yet the Magna Carta is pre-Enlightenment, and it binds the king to law. And we can find this emphasis even further back: the Decalogue serves as the law for Israel, and no king is above this law. The preface to the Decalogue begins by affirming not only God the Creator but also God the Redeemer, and then its first law corresponds to affirming the role of God. In the same way, Jefferson is appealing to a natural law and civil rights and that these are given by God. And so, whether it is the law in revealed religion or the law in natural religion, we see the same starting point in God the Creator and the same authority over all things.

The liberty of religious opinion is not absolute. It can infringe on the civil realm, and Jefferson identifies this as overt acts against peace and good order. This summarizes for us the purpose of the civil realm: the protection of peace and good order. So just as the civil magistrate cannot interfere into matters of religious belief, so too religion cannot

5. "While the parties of men cram their beliefs down the throats of everyone they can get into their power, without allowing them to examine their truth or falsehood, and won't let truth have a fair run for its money in the world or allow men the freedom to search for it, what improvements of this kind can be expected?" Locke, *Human Understanding*, BK IV, Ch III, Sect 20, 319b-c.

4. <https://www.monticello.org/site/research-and-collections/virginia-statute-religious-freedom>.

not break its bounds by causing disorder or outward harm to others. Laws for religious liberty create obligations on both sides. There is the obligation to protect peace and good order but also the obligation to pursue and promote truth. He says:

That it is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order; and finally, that truth is great and will prevail if left to herself; that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict unless by human interposition disarmed of her natural weapons, free argument and debate; errors ceasing to be dangerous when it is permitted freely to contradict them.⁶

This describes a battle between truth and error. And the only way to ensure that truth has victory is to promote free argument and debate between these. This could be called a spiritual battle to contrast it with a physical battle. And a spiritual battle is fought not with weapons of the world but with truth.

KNOWLEDGE AND FIDEISM

Much attention has been given to the obligation or duty of the civil magistrate in the history, law, and literature since Jefferson's time. But what about the obligations of religion? What if those holding to religious opinions multiply division, disunity, and discord? This occurs when personal opinions are held as if they were actual knowledge, when they are in fact not. Knowledge carries with it obligation. Knowledge is not mere assertion. We will call mere assertion fideism. Any group can assert itself in a fideist fashion. The strong impression that I am correct does not always, and perhaps very rarely, corresponds to actually being correct. To call this strong impression the work of God does not change it from fideism into knowledge. What separates knowledge from true opinion is being able to give an account of why one's belief is true.⁷

By comparing it to geometry and physics, Jefferson has given us an indication of how religious knowledge proceeds. Like any discipline of knowledge, but especially exemplified by these two, knowledge begins with basic things and grows from there. This is not Enlightenment foundationalism since both geometry and physics were doing this before the Enlightenment. But we can use the term "foundation" since this is used in the Scriptures (also pre-Enlightenment). We must get the first principles or foundation in place and take care on which foundation we are building.

So when religion is in disarray and causing divisions that threaten the peace and good order of civilization, we can safely assume that there is division about basic things. Here I will call this presuppositional thinking, and the idea is that if we disagree about a less basic issue, this is because we also disagree about a more basic issue. Often it is the less basic issues that get attention and are the source of heated argument. However, they will not be resolved as long as they are the product of more basic but unnoticed disagreement. This requires a

greater level of consciousness about our own belief system and critical analysis of how disagreements work.

A religious believer's fideism shares the same presupposition as the non-believing skeptic: knowledge is not possible. The skeptic presupposes that knowledge is not possible and argues that we should not believe. The fideist also presupposes that knowledge is not possible but argues that we must believe something. The alternative to both is to critically analyze the presupposition that knowledge is not possible. As we have seen in the history of American religious life, fideism begets fideism; it produces the multiplication of fideistic groups each claiming to have a revelation or the correct understanding of revelation but without knowledge.

Fideism places a stumbling block in the path of others and hinders the fideist from entering as well. It strengthens the position of the skeptic, the naturalist (material monist), and the deist in their confidence that either there is no God or God does not act in human and natural history. This view is strengthened by the confusion among religions about God's activities. This stumbling block can also affect the civil realm by increasing tension and disturbing good order. The alternative is to prepare the way and remove stumbling blocks in the form of objections by showing that basic things are clear to reason. Perhaps without knowing it, this is what Jefferson is calling for when he appeals to the role of reason in religious belief. This requires identifying the basic things and then showing what can be known about them. Basic things include concepts about God and creation, good and evil.

Jefferson has confidence in truth. He believes that when humans are free to debate and argue they will come to know the truth. This might be called an optimistic view of humans. Truth will prevail over ignorance. Perhaps this will be dismissed as Enlightenment naiveté. But given what Jefferson said about those in power misusing their power, one might wonder why he thinks truth will prevail. To borrow a theological term, if humans are *fallen*, then why would we think they will ever seek the truth over their own selfishness? There is a tension here that needs to be resolved. On the one hand, Jefferson affirms that humans are easily corruptible, and this especially is evident when they have power. On the other hand, humans are also oriented toward the truth and truth will prevail. Perhaps this indicates something other than the natural course of things. Under the natural course, selfishness will stay selfishness. It indicates that God's redemptive work will renew the person so that they begin to seek the truth. It seems doubtful that Jefferson would want to go there in light of his Deism and his reworking of the New Testament. And it is also true that this is the only way that we can combine the corruption of human nature with the idea that truth will prevail. For our purposes here, this raises the reality of the need for redemption in a way that perhaps Jefferson did not see but nevertheless can be inferred from the text.

Next, we need to pay special attention to how Jefferson expects us to maintain our religious beliefs. Humans are free to profess their religious opinions and to maintain them by argument. This is a further development of his affirmation of the relationship between religion and reason. Among its various uses, reason is used to construct arguments to support conclusions. Truth will prevail because reason leads to truth, not error. And, reason will prevail because it is the distinguishing feature of human nature. Atheists may think this means

6. <https://www.monticello.org/site/research-and-collections/virginia-statute-religious-freedom>.

7. This is true even if one is *giving an account* of alternative definitions of knowledge.

materialist philosophy will prevail against religion, but reason can and should also be applied to the presuppositions of materialism to expose them as incoherent.

This is the tension mentioned already between affirming that humans seek the truth and affirming their fallenness. This kind of Enlightenment optimism is set in contrast to the claim that power corrupts and in contrast to the fact that humans do not seem to seek the truth. If humans are not in the condition of seeking, then what could make them begin to do so? Or, if humans have the potential to use reason but have failed to do so (about basic things, only doing so about less basic and superficial things), what could make them begin to do so? In other words, the ability to use reason could be a defining feature of what it means to be human despite the possibility that humans do not use that ability or do not use it in a manner that leads to knowledge of what is clear at the basic level.

This presses us to notice another purpose of reason. Although reason does aim at truth, it first and foremost aims at meaning. We cannot know if an opinion is true if we don't know what it means. Reason gives meaning by distinguishing between things (A and non-A) and then forming beliefs from these distinctions in a coherent way. Our need for meaning is our most basic need, and humans regularly give up the other needs commonly listed (food, water, shelter, friends, life) in the pursuit of meaning. It is on the concept of meaning that reason and religion overlap; each of these is undeniably concerned with meaning.

Will the desire for meaning prevail and motivate humans to pursue truth? Perhaps. Perhaps not. The lack of need for meaning will always be compelling, but it could compel in one of two directions. It could compel a person to abandon what is meaningless and grow in meaning. But, it could also compel a person to move from what is meaningless into even less meaning. It moves to either greater understanding (light) or greater misunderstanding (darkness). How could we know which way it would work in a given person? This again raises the problem of redemption. Jefferson himself seems to have believed that self-improvement, including moral self-improvement, was possible through learning and good advice. Yet, the text of what someone has written takes on a life of its own, and we are not bound by the author's understanding. The problems that arise in this text make us doubt that self-improvement is sufficient in this area. If I am not seeking, then I won't listen to good advice, and I won't correctly learn or apply my learning. This problem will remain with us throughout the paper, and we will need to return to the central role of redemption in religion.

It is hard not to see the comparison with what Jefferson says here about establishing our religious opinions through argument and what Martin Luther said at the Diet of Worms. There, when his religious beliefs were on trial, and he was accused of error and folly, he famously replied:

Unless I am convinced by Scripture and plain reason—I do not accept the authority of the popes and councils, for they have contradicted each other—my conscience is captive to the Word of God. I cannot, and I will not recant anything for to go against conscience is neither right nor safe. God help me. Amen.⁸

Although he says it is not safe or right to go against conscience, he is also affirming that belief and conscience are insufficient grounds for religious freedom since both belief and conscience may be in error. Instead, a belief must be supported by Scripture and plain reason (as opposed to confused rationalizations). Appeals to Scripture require the further step of demonstrating that Scripture has been correctly understood. We understand by the use of reason. So whether we are attempting to understand Scripture or nature we ultimately make our appeal to reason.

What Jefferson is most concerned to protect then is the liberty to hold religious opinions and support them by rational argument. This creates a social value that affirms and encourages the use of reason in the self and others and turns away in disgust from those who fail to use reason and instead rely on mere assertion and fideism. The bald assertion of religious experience or enthusiasm is not sufficient since experiences can be misunderstood and misinterpreted even by the one who has had them. Liberty is, therefore, a means to an end. It is a means for the thriving of rational dis-

course about religious opinions which are the most basic and most important of opinions because they address the very questions needed for meaning. If liberty is given but not used for this end, then it is of questionable value. Non-thinking animals don't need this kind of liberty because even if they had it, they couldn't benefit from it.

CONCLUSION

The general neglect of reason and natural religion is not surprising. And this neglect is behind many of the false antinomies that arise (including private-public, etc). We can continue to iron out our approach to 1st Amendment cases by weighing where burdens fall to the individual and society in cases of conflict. An increasingly pluralistic society makes this increasingly difficult. Our conflicts reflect competing values which are grounded in contradictory beliefs about what is real. To continue to operate together requires common ground about what is real, about what is good, about reason, and about thinking.

As we saw in our consideration of Jefferson, it is not possible to coerce agreement. This, combined with philosophical skepticism about basic beliefs (we cannot know) leads to a kind of pluralism that is understood to be inevitable. This view says that knowledge is not possible and we will never agree. This is not the only way to interpret pluralism. The current reality of pluralism can be agreed upon (and explained) without the specious conclusion of philosophical skepticism. Knowledge

8. <https://www.luther.de/en/ws.html>

of basic things is possible through the diligent use of reason in seeking to know. The current reality of pluralism could be explained either as the result of people seeking to know while knowledge is impossible or as people not seeking to know while knowledge is reality available (clear to reason). We have considered examples above to argue for the latter: it is clear to reason that something is eternal, that only God the Creator is eternal. As thinking beings, our highest good is to know this.

The reality that it is clear that God exists can be true, and it is also true that political and legal coercion in this matter is not useful, profitable, or even possible. It need not be enforced by law, although, the law can affirm important truths that it takes to be the groundwork for all else (again, consider the Declaration of Independence).

However, there is a kind of coercion that naturally occurs and is unavoidable. This is the coercion that arises from the need for meaning. The loss of meaning, and the attending boredom and guilt that accompany it is unbearable. It pushes us either to the use of reason to find meaning or into excess to cover-up our loss of meaning and distract us from its consequences. The latter is self-destructive



and a kind of death. By way of contrast, it highlights all the more the life of reason as the light of humanity. The reality of this death raises for us the question of redemption and highlights the need for the diligent study of natural religion.

We need to be restricted to the actual and continuing cases about religious liberty. We can raise questions about whether pluralism must presuppose philosophical skepticism and what the law must presuppose about pluralism. Westphalia was a kind of stopgap measure that allowed for the liberty and time to come to knowledge and agreement. It need not be understood as the final end. If it has been our common state to neglect what is clear about God from natural religion, then we can and should acknowledge this and turn from it.

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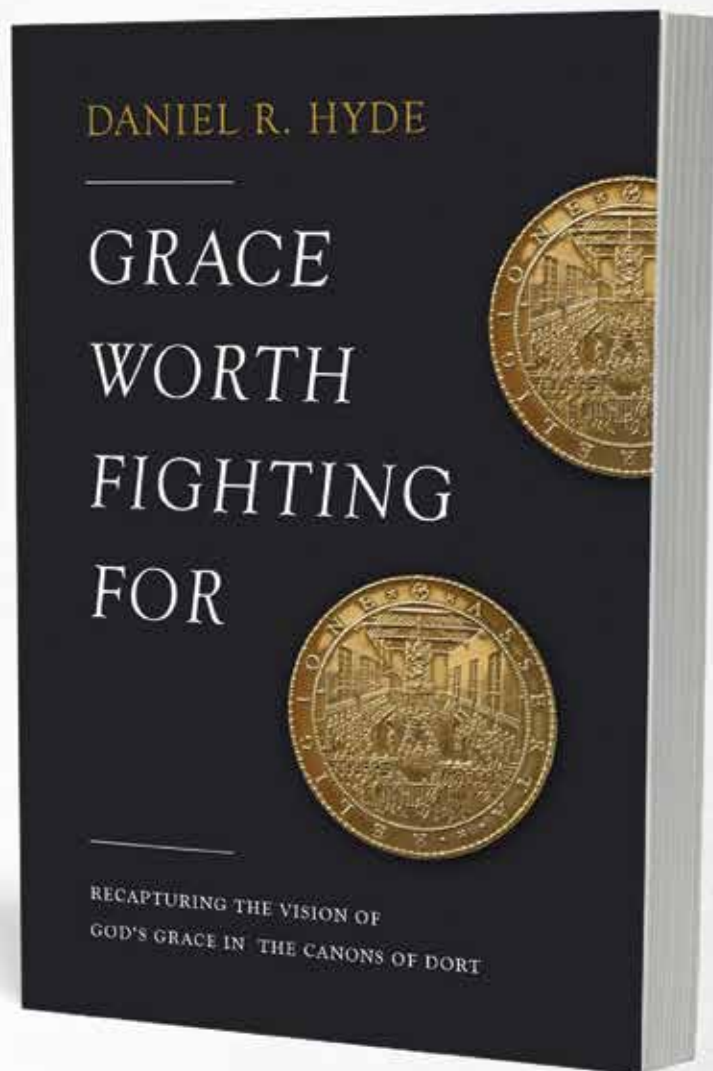
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THEOLOGICAL THESES ON THE AUTHORITY OF HOLY SCRIPTURE *A TRANSLATION WITH NOTES*

BY FRANCISCUS JUNIUS (1589), TRANSLATED BY R.M. HURD

What follows is a translation of Franciscus Junius's (1545–1602) Theseon theologiarum de auctoritate scripturae sacrae locus primus (Heidelberg, 1589).¹ It's one of two sets of theses on Scripture's authority in a string of sets roughly related to the topic (e.g., one on tradition in 1589, on the canon of Scripture in 1590; and a year earlier in 1588, one larger set of theses on Scripture), per the normal disputation cycle. One point of interest is the 21-year-old respondent to this set of theses: Johannes Polyander (1568–1646), soon to be a proper theologian in his own right.

I've let the translation stand on its own feet for what it is, an Englishing of a primary source. I hope, Deo, to translate in future locus altera, held one-week later than locus primus (the latter on Saturday 6 December, the former 13 December, with Junius presiding and Abraham Henricus responding).

—RM Hurd

FIRST LOCUS OF THEOLOGICAL THESES ON THE AUTHORITY OF HOLY SCRIPTURE: ITS AUTHORITY IS DIVINE

The subject² pertains to holy Scripture's authority among the pious, and in a certain way it can be composed from our preceding theses.³ But still, because people argue about it in different ways, it's going to be useful to advance what seems helpful about it in brief.

Thesis 1. We examine Holy Scripture's authority in two ways: first, in itself; second, in our respect, that is, as it is for us.⁴

1. The text I've used for translation is available at the ever-helpful prdl.org.

2. Tr. note: "The subject" I've supplied, but the opening paragraph is referring specifically to the subtitle's claim: Scripture's authority is divine.

3. Tr. note: A reference (at least) to the larger set of theses the year before in 1588, *Theses de theologia et scriptura sacra, in quinque locos distributae*.... As part of a cycle of disputations, Junius had held theses on Scripture even before the current cycling through the theological topics.

4. Tr. note: That is, absolutely and respectively, a very common distinction.

Thesis 2. In itself, Scripture's authority is divine, as we can prove according to every cause⁵ we explained before. For this reason, no human authority can bestow, rob, or change Scripture's divine authority; nor can human authority add to it, detract from it, or change something about it.⁶

Thesis 3. In our respect (that is, for us), Scripture's authority is divine for the following reasons. First, it's because God testified its supreme authority publically to his church personally⁷ by his word, in great signs and acts; and sealed its supreme authority privately by his eternal Spirit in the consciences of all the pious with a supernatural, heavenly light.⁸

Thesis 4. Second, Scripture's authority is divine for us because God added the indubitable ministry of his servants, as divine heralds and apt notaries who will interpose between God and his church for the continuous⁹ truth of Scripture's authority.¹⁰

Thesis 5. Third, it's divine for us because God¹¹ advanced the testimony of his church that acknowledges, assents to, perceives, and

5. Tr. note: Again a reference to the 1588 theses set (Junius is instructing the reader to cross-reference that for more information). The "causes" here are Scripture's material, formal, efficient, and final cause that were covered in locus 2, 3, 4, 5 respectively of that theses set. Junius will return to aspects of these causes below in the present theses.

6. Tr. note: It shouldn't need to be noted that Junius's claim is with respect to Scripture's divine authority *in itself*, not *with respect to us*, the latter of which can be affected by human authority (e.g., tradition). Cf. his 1589 *Theses theologicae de traditionibus*. Also note thesis 3 and following below.

7. *Coram*. Tr. note: It's hard to know the force here. The Latin reads *coram sermone, signis, operibusque maximis*. I've taken *coram* adverbially, but if it's a preposition the sentence would read something like, "in the presence that is his Word, in great signs and acts."

8. Tr. note: NB the parallelism here between the two spheres (publically *to* the church, and privately [with] *in* the conscience), and two means (the Word in great signs and acts, the Spirit in a supernatural heavenly light).

9. *Perpetuam*. Tr. note: Here, it seems the *successive* nature of the church's witness is in view.

10. *Rei*. Tr. note: "Matter," more properly; but I've taken it that "authority" is in view. Also, the force is, of course, these servants are "witnesses" *ad perpetuam rei veritatem*.

11. Tr. note: No subject supplied; possibly, "Scripture."

serves that testimony as if it's partly accomplished by another productive role.¹²

Thesis 6. Such¹³ great authority is fought against in two ways: some completely deny and remove it; others diminish it.

Thesis 7. Those who deny this authority either universally deny divine authority and its evidences, like atheists do; or partly deny such, like many others, whether they're unknowledgeable or led along by doglike improbity.¹⁴

Thesis 8. Those who deny this authority universally¹⁵ argue either from causes and their effects, or from certain accidents. We will mention these in order.

Thesis 9. First, they deny God is the efficient cause of holy Scripture this way: because there isn't any word of God; or if there is, still Scripture's not actually the word of God, nor does it obtain such authority or evidence from God.

Thesis 10. God's nature, our conscience's natural light, and the common experience of all nations and ages demonstrate there is some word of God.

Thesis 11. Whoever doubted God in his nature is infinitely good and such in every mode? Now a declaration¹⁶ is a good thing, and a good mode¹⁷ for the good that is to be communicated.¹⁸ Why ever then does God lack this or abstain from it?¹⁹

Thesis 12. There is a word of God because all men were endowed with natural light shining prior²⁰ in all of them, and because there exist divination or some kinds of divine communications, and such are from God.

WHOEVER DOUBTED GOD IN HIS
NATURE IS INFINITELY GOOD AND
SUCH IN EVERY MODE? NOW
A DECLARATION IS A GOOD
THING, AND A GOOD MODE
FOR THE GOOD THAT IS TO BE
COMMUNICATED. WHY EVER THEN
DOES GOD LACK THIS OR ABSTAIN
FROM IT?

Thesis 13. Common experience attests God deals with mankind by means of word.²¹ For even the nations themselves, estranged from God,²² hold the devil's oracles as divine ones, rather than they be said to deny a word of God or be said to lack one. They also acknowledged divine communications have been present to them,²³ even ones delivered through impious, abominable instruments.

Thesis 14. Nonetheless, what is shown amidst God's people to have been just common and ordinary is vastly superior to that divine communication mentioned before,²⁴ which was particular and extraordinary.²⁵

Thesis 15. We will have convinced²⁶ atheists Scripture is God's common, ordinary word among his people, both by the things²⁷ that are essential and implanted of him, as well as by some assumptions.²⁸

Thesis 16. This is because Scripture's essential parts²⁹—its matter³⁰ and form—are divine, and its end is as well.³¹ And if you've compared any other writings with this Scripture, then atheists themselves will feel Scripture in its divine constitution excels the rest, and they'll admit it after having known this truth, nor can any other be mentioned.

Thesis 17. So they who deny Scripture obtains authority and evidence from God deny the sun shines at midday. For Scripture always has, had, and will have authority and evidence both in the church and outside her, by its divine power, truth, and fullness.³²

12. *Quia accessit, velut a parte altera contrahente, testimonium Ecclesiae...* Tr. note: Difficult to express the sense here of *velut a parte altera contrahente*. The point is that the role of the church is one that is in a sense "productive," or "accomplishing," which actually also has the sense of gathering and/or assembling (one might think of the church's role in the canon). Also, cf. the next theses set, the *locus alter* on Scripture's authority, where the claim is made and explained that *quod divina eius auctoritas non pendeat ab Ecclesia*: Scripture's divine authority doesn't depend on the church.

13. *Illā*. Tr. note: It's possible *illa* is referring to the *former* divine authority, viz. Scripture's divine authority in itself.

14. *Canina improbitate*. Tr. note: One recalls Junius's comment in *De theologia vera* (1594) about *illae caninae*. Clearly there's a difference between these and the ignorant.

15. Tr. note: Throughout the remaining theses here Junius refers to his opponents by a vacuous "they," as well as the occasional more pejorative *istae*. Note, however, he has in mind throughout the whole discourse people like the *atheists* in particular.

16. *Sermo*. Tr. note: "An external word from God to men" is the intent here.

17. Tr. note: NB the connection between "God good in every mode" and this being a "good mode." Here is where, unfortunately, the argument is weakest.

18. Tr. note: The "good to be communicated" is God himself. Recall the dictum "the good is self-diffusive."

19. Tr. note: Junius has done what he can to make this a syllogism, but one couched in rhetoric. But it's questionable as a strict argument unless one admits a "good mode" *extra se* is something God must and *does* in fact use. At least there's no straightforward way of arguing for this, apart from a common sense appeal—which this argument is (and no less valuable for being such).

20. *Praeclucēte*. Tr. note: This is, reductively, the *sensus divinitatis* or *lumen divinitatis*.

21. *Verbo*. Tr. note: I've taken this as ablative of means.

22. *Gentes a Deo alienae*. Tr. note: NB the connection between *gentes* and *alienae*—the "foreign Gentiles," i.e. Cf. Eph. 2:12–19.

23. *Infuisse*. Tr. note: I've been a little loose in translating this single verb as "have been present to them."

24. Tr. note: I.e., that talked about in thesis 12. I've added the "mentioned before" for this.

25. Tr. note: An argument from the lesser to the greater.

26. Tr. note: Or "convicted," if Junius is being less confident in the skill of his arguments.

27. *Rebus*. Tr. note: We'll find out what these *res* are in the following.

28. Tr. note: Whose assumptions these are is unclear; possibly the atheists'.

29. Tr. note: "Essential parts" are those metaphysical parts that comprise the essence, which is made up of matter and form. Cf. the next footnote.

30. Tr. note: "Material" as in material cause is appropriate here; but, "matter" pairs up with "form" more closely and thus I have opted for the latter, as operating in the background is the metaphysical relationship between matter and form. These are quite standard ways of talking about Scripture for the period. But cf. the next footnote.

31. *Finis divinus*. Tr. note: This is "end" rather than, e.g., "end product." Junius has in view here, as the last footnote, material, formal, and final cause, as it were. He'll make this clear in theses to follow.

32. *Complementum*. Tr. note: No single English gloss could be thought of (and "fullness" is quite weak); the meaning is, roughly, "its quality that ensures it's never depleted," i.e., "everything will be fulfilled" or "it's full such that it'll never be empty." What Junius means here will become clearer from thesis 20. This is probably somewhat connected to the New Testament idea of pleroma.

Thesis 18. It's by power, because God always confirmed Scripture by his Spirit and at his own times³³ in the visible signification and demonstration of the Spirit and his³⁴ presence.

Thesis 19. It's by truth, because holy Scripture is truth to the full extent,³⁵ such that it ought to be converted³⁶ with ordained³⁷ truth in divine matters, in the way following: The whole teaching of God (that's actually communicable here in this life) is holy Scripture, and holy Scripture is the whole teaching of God that is communicable and divine in itself, agreeing in every part with the truth, and Scripture's individual parts have harmony among themselves.³⁸

Thesis 20. It's by its fullness, because not a single iota or one tittle³⁹ will be omitted from holy Scripture—so that all things comprehended in Scripture were, are, or will be, have happened, are happening, or will happen⁴⁰ by God's counsel and hand.

Thesis 21. Second,⁴¹ they deny the matter of Scripture is divine. First, they do so because it seems otherwise to them; second, because if it were divine, it would contain the divine matters in a complete way;⁴² finally, because all its parts aren't extant.⁴³ The second point doesn't seem so to them, and the third point they don't seem for themselves to demonstrate with certain, evident proofs.

Thesis 22. It amounts to no consequence they argue, saying, "It doesn't seem so to us, so it's not the case." This is because you see the supernatural and spiritual by means of a supernatural, spiritual light. For that reason, those who see only by means of natural light can't see these things. This is both on account of our common cor-

ruption, as well as on account of these people's entirely depraved pursuits.⁴⁴

Thesis 23. When they say the Scriptures don't contain divine matters in a complete way, they speak ambiguously.⁴⁵ This is on account of the fact that, because some of the divine matters are incom-

municable, and others are communicable; further, some of the communicable matters are not profitable to be communicated with us in this life, and others are—thus, it's totally sufficient for Scripture's integrity⁴⁶ that those divine matters be contained in Scripture that are *γνωσται* and *γνωστεαι*: that is, to speak with the scholastics, things knowable and useful having known them.⁴⁷ And God thus explained these sort in the Scriptures in a fully complete way.⁴⁸

Thesis 24. We affirm the contrary:⁴⁹ all parts of holy Scripture are indeed extant.⁵⁰ For when they proclaim many books of holy Scripture are dearly beloved which are added into the holy Scriptures, in this they are quite deceived into thinking those books are added *as* holy. All books are to be received into the books of holy Scripture not because they are holy, nor others for being holy, but because they were uttered by the Spirit of God, advanced by his servants, speak perfectly about holy things, pertain to the singular, spiritual use

of the church, and by God himself were consecrated, commanded, and deposited in the church.⁵¹

Thesis 25. Third, they deny Scripture's form, which we say is holy, is divine. If you consider its internal form,⁵² they think there's not a proportion⁵³ either with divine truth nor with its parts compared



ETCHING OF FRANCISCUS JUNIUS BY JEAN-JACQUES BOISSARD.

33. Tr. note: The contrast here is between *semper* and *suis temporibus*, always and at certain times.

34. Tr. note: It's unclear whether "his" is God or the Spirit; likely the latter. The reference is, of course, to 1 Corinthians 2:4.

35. *Usque*.

36. Tr. note: In the sense that it's equated or convertible.

37. *Posito*. Tr. note: I've taken this as "ordained" in the sense that Scripture, here in this thesis, seems to be precisely that which God has decreed to reveal.

38. *Tota Dei doctrina (quae quidem hic est in hac vita communicabilis) est Scriptura sacra, & Scriptura sacra est tota doctrina Dei communicabilis, & divinam in se ex omni parte convenientiam cum vero, singulaeque partes illius inter se consensionem habent.*

39. *Apex*. Tr. note: Often used to describe a ligature or tilde, or something of that sort, this is what the KJV rendered "tittle." A reference to Matthew 5:18.

40. *Fuerint, sint, futura sint, acciderint, accident, accisura sint.*

41. Tr. note: The "first" is all the way back in thesis 9. A neat divide hasn't been made, but Junius is moving through the "causes" (efficient, material, formal, final) and then will move to the effects (thesis 41), and close with the accidents (thesis 44), as per his outline given in thesis 8.

42. *Integre*.

43. *Extant*.

44. *Studia...depravatissima.*

45. *Αμφιλογως.*

46. Tr. note: Recall here the question is whether the divine matters are contained in Scripture *integre*.

47. *Scibiles, & scitu utiles.*

48. *Integerrime.*

49. Tr. note: Targeting the third objection listed in thesis 21: Scripture isn't conspicuous.

50. *Exstare*. Tr. note: "Stand forth" i.e. in comparison to non-Scripture. The sense of this becomes clear in the rest of the thesis.

51. *Omnes Scripturae sacrae partes exstare contra affirmamus. Nam quod nonnullos sacrae Scripturae libros desiderari narrant qui in Scripturis sacris adducuntur in eo falluntur plurimum qui libros istos ut sacros adduci putant cum nec omnes libri qui in Scriptura sacra adducuntur sacri sint nec alii pro sacris vel sacrae Scripturae libris habendi sint quam quia Spiritu Dei dictati, a servis eius profecti, de rebus sacris perfecte dicentes, ad singularem & spiritualem Ecclesiae usum pertinentes, & a Deo ipso in ecclesia consecrati, imperati, & depositi sunt.* Tr. note: The Latin escapes me; this is my best guess.

52. Tr. note: Roughly, Scripture's "meaning" or "what is said."

53. *Αναλογον*. Tr. note: Recall Junius's *De theologia vera*, which will be published five years later (1594) than this theses set. The "analogy" here to (eternal) divine truth (archetypal theology) is roughly equivalent to "ectypal" theology (or one species of it). It's important to understand properly the relationship between archetypal and ectypal theology, that they're related to each other as two species under an *analogical* genus, as some Reformed scholastics speak (including Junius), or, if the genus-language is abandoned, just related by analogy, following the lines of the *analogia entis*. There is not an equivocal

between themselves. But if you consider Scripture's external form,⁵⁴ they deny it's precise in its arguments,⁵⁵ because—as they think—it's inadequate, ill-suited, and dubious in its declaration, and it has discrepant parts.

Thesis 26. We confirmed before⁵⁶ Scripture in its [internal]⁵⁷ form is a proportion with divine truth. This is because we demonstrate the very same teaching of perfect truth is contained in Scripture perfectly, and nothing about this truth is disregarded in Scripture that could be and is expedient to be known—whether you'll have compared Scripture's whole teaching with the whole truth that's communicable,⁵⁸ or one part of Scripture with another.

Thesis 27. We said before Scripture's [external] form is precise in its arguments, when we talked separately about Scripture's form.⁵⁹ For something is still precise in its arguments when it has been moderated⁶⁰ by the speaker's suitability, by the argument's nature, and by the condition and capacity of those to whom it's spoken or given.

Thesis 28. They call Scripture's form inadequate, but it's dignity they don't perceive and can't portray—not even to speak about not being able to climb its height with any focus⁶¹ or work.

Thesis 29. These obnoxious judgers call Scripture's form ill-suited, but it's a form that goes beyond all orators in the feature of its words and construction and in the light shed by its tropes and figures.

Thesis 30. When they say the form's dubious, they definitely denounce themselves, not Scripture. Anything termed “dubious” is such from itself, taken as suspicious⁶² by a weakness absolutely,⁶³ or taken as suspicious through an intermingled, adventitious accident.⁶⁴ This is just like something is caused to be obscure absolutely

by our eyes' action of looking at it,⁶⁵ or it seems to be obscure by the infirmity of the act of looking at it—that is, by some medium⁶⁶ having been interposed that obscures the thing being seen even though it itself is clear absolutely.

Thesis 31. However, Scripture isn't obscure or dubious in itself, but seems to be obscure by our defect. What's our defect, to Scripture?

Thesis 32. We deny there are discrepant parts in holy Scripture, nor will their Anti-writings⁶⁷ ever be proved correct. We admire Scripture's astonishing harmony through all its parts.

Thesis 33. Fourth, they deny Scripture is divine in its end. It is by this end man is called out for his disowning of the remaining divine matters as well as of the divine's nature and thus his own.⁶⁸

Thesis 34. For is the supreme end, an end plainly divine, trickery?⁶⁹—that in this very thing God is glorified: man is conformed, joined, and adheres to God? All the rest (even if in some respect we could call them “ends”) are ordered⁷⁰ to this supreme end.⁷¹

Thesis 35. It's false the other divine things⁷² are overturned.⁷³ For the other things added to that supreme end⁷⁴ are not divine but equivocally called such per their opinion.

Or, if they are divine, holy Scripture includes their substance.⁷⁵

Thesis 36. In fact, Scripture teaches us to renounce this nature—this corrupted nature, that is.⁷⁶ But this is so the true, just, holy nature may be taken back that we let go of in the fall of sin. Now that truly is of nature which agrees with that original, true, righteous,

difference between archetypal and ectypal, nor a univocal sameness. It's an analogical relationship.

54. Tr. note: Roughly, Scripture's “appearance” or “how it's said.”

55. Ακριβολογον.

56. Tr. note: Cf. thesis 19.

57. Tr. note: I've added this (per the last thesis), but it's important to remark that the proportion is not vis-à-vis the external but the internal form of Scripture.

58. Tr. note: Junius also makes the distinction in *De theologia vera* between ectypal theology absolutely or respectively considered (*simpliciter* or *secundum quid*).

59. Tr. note: A reference to Junius's 1588 theses set *Theses de theologia et scriptura sacra...* (mentioned in a prior footnote).

60. *Contemperatum est*.

61. *Studio*. Tr. note: Possibly better “study.”

62. *Alieni*. Tr. note: “Foreign,” “hostile,” etc. Here, paired with “dubious,” I've opted for “suspicious.”

63. *Per se*. Tr. note: In disjunction with “accident,” I've taken this as “absolutely” or “essentially.”

64. *Intercurrens & adventitium accidens*. Tr. note: The point here is that something can become dubious by an encounter with something external that “inheres” in it now, causing it to become dubious accidentally. Point being, something can become doubtful just because we encounter it—thus the fault lies consequent the encounter with the encounter, not the encountered. Recall an accidental change is, in fact, just that—it doesn't

overturn whatever essential features (e.g., perspicuity, say) of the substance in which it inheres.

65. Tr. note: It may seem at rough blush “absolutely” and “by means of” are contrary; but recall for something to be “obscure” it must first be seen.

66. Tr. note: The medium here is the seeing, interposed between the seen and the seer.

67. *Antigraphi*. Tr. note: The meaning itself of the term is transparent; what writings Junius has in view here, however, is uncertain.

68. Tr. note: He who abandons God has left himself.

69. *Calumnia*. Tr. note: I.e., does God deceive us by his Word? Recall that because Scripture is an analogy to the Divine's self-knowledge, Junius can link-up God's nature as true with Scripture as true in a symbiotic relationship.

70. Tr. note: Possibly “ordained for.”

71. Tr. note: Recall the question of how many supreme ends there are is something of a debate (usually answered in the negative).

72. Tr. note: Indeed, the nondescript *divinas res*.

73. Tr. note: Probably in mind here is Romans 9: Has the word of God failed?

74. *Illi*. Tr. note: I have guessed the referent here is the supreme end.

75. Tr. note: Recall, e.g., John 12:40: “He has blinded their eyes,” etc.

76. Tr. note: One of the subordinate ends to the supreme end.

holy nature and drives out⁷⁷ the corrupted. For this is not to reject nature, but to restore it.⁷⁸

Thesis 37. Our judgment about our renunciation of these things is the same. This is because for us, who've been ruined, we renounce to find ourselves saved in the power of God.⁷⁹ Therefore, we're called savingly to renounce ourselves not absolutely, but with respect to⁸⁰ that⁸¹ by which we were ruined.

Thesis 38. There's something else also that follows logically from these accusations: atheists' virgin-chaste⁸² minds usually object there are also many unrestrained⁸³ songs⁸⁴ that smack of nothing divine but are instead all luxuriance in declaration and passion in argument.⁸⁵

Thesis 39. Indeed, Psalm 45 (which they want noted in that way) is so divinely inspired⁸⁶ in its declaration and argument such that it's only a human type of marriage, but the rest is divine. For this reason, it is brought forward in the most serious argument about the Son of God (Hebrews 1).

Thesis 40. Now the Song of Songs is nothing other in very fact than more free-flowing exposition of the same type and truth—an exposition saying human words, discerning divine ones,⁸⁷ and holding back from all the smut just like the rest of Scripture does.⁸⁸ This is true no matter how ignorant, wicked minds wrench passages into reproach for God and disaster for themselves.⁸⁹

Thesis 41. Fifth, they deny Scripture is divine in its effect, because the stench of death is unto death,⁹⁰ and what would be the purpose of things of this sort?⁹¹

77. Tr. note: *exterminat* also means just e.g. "to destroy," but Junius's argument hinges on the concept of "banishing" (also a sense of *exterminat*) that is foreign to our original nature.

78. *Non abdicare...sed instaurare*. Tr. note: A reference to the dictum "grace does not destroy nature but perfects it."

79. Tr. note: *in virtute* wants to have the force of *by the power*; cf. John 1:12.

80. *Simpliciter...secundum id*.

81. Tr. note: Here's where "these things," mentioned at the start of the thesis in a non-descript way, get named: our sins.

82. *Castissimae*. Tr. note: This translation is appropriate in light of the following.

83. *Libri*.

84. *Cantica*. Tr. note: Possibly particularly *love* songs—e.g., Solomon's *Canticles* (cf. thesis 40)?

85. Tr. note: The objection, still linked to Scripture's "external form," is that there are (love?) songs in the Bible that are over-the-top in language and decidedly not level-headed God-talk. There's a hint here that, at points, Scripture is rather lewd: *lasciva* (tr. here as things "luxuriant") also has the connotation of wantonness, lustfulness, petulance, etc., and Junius has already mentioned the virgin-chaste minds of the atheists scandalized at Scripture's talk. Further, with Psalm 45 mentioned in the thesis following, it's not a stretch to see that Junius has taken note of the extent of the objection; after all, the Vulgate begins, *Eructavit cor meum*, "My heart raves."

86. *Divinus*. Tr. note: possibly just *divine*; I've taken it adverbially.

87. *Humana verba dicens: divina sapiens*.

88. *Et tam ab omnia spurcitia quam reliqua scriptura abstinent*.

89. Tr. note: A reference to 2 Peter 3:16.

90. Tr. note: A reference, of course, to Paul's "we are the stench of death" (2 Cor. 2:16).

91. Tr. note: The full phrase is *siqua sunt eiusmodi*. It's hard to know what this compact phrase intends; the translation given is possible (i.e., if for *any* purpose there are things

Thesis 42. In jumbling up these passages with their causes these people jabber fecklessly. For the apostle explained in the same place the proximate cause that acquires that effect through itself. He did so when he said it is unto death in those who are perishing—namely, it is for corruption and defect⁹² of the subject, who isn't capable or fitted⁹³ for that operation for salvation. Now you cannot attribute to Scripture without reproach against God that they have the evil corruption from holy Scripture, and not of the men themselves.⁹⁴

Thesis 43. This is because in partial causes (as they are called), or ordered⁹⁵ ones we must be careful lest the corrupt, evil effects ever be attributed to other causes than those proximate and intimately conjoined⁹⁶ to them that effect evil through themselves in the same.

Thesis 44. Sixth, they toss out two accidents especially. One is that Scripture (as they conceive it here) is extremely corrupt; the other, it obtains its authority from the opinion alone of men.

Thesis 45. We deny Scripture is extremely corrupt, nor can these people ever prove it. But there will be a fuller place for talk-

ing about this matter later.⁹⁷

Thesis 46. The thinking that Scripture has its authority from men's opinion is blasphemy—it's a blasphemous declaration and denies the truth. We've talked about this at the beginning of these theses.⁹⁸

Thesis 47. Just like nature—not opinion—taught God exists, so the same nature taught God has spoken. Now it's not human opinion that teaches "what" God spoke is that word and that Scripture (for thus they would tie God down to themselves in a certain way). Rather, it's the authority of God speaking through himself or through his proper servants, and handing down in writing through the same servants—an authority testified by the witnesses⁹⁹ of heaven and earth, divine, human, and other upright, certain proofs, signs, and works.

RM Hurd translates and writes theology; he's interested in theological method, scholasticism, and the systematic project.

of this sort). Another is "if there are any of this sort," with the conclusion left off for the reader to deduce.

92. *Culpam*.

93. *Non est capax aut habile*.

94. Tr. note: Recall the objection Junius is attacking is that at least one of Scripture's proximate effects is evil.

95. Tr. note: "ordered" to the final cause.

96. *Coniunctissimae*.

97. Tr. note: Junius deals with this in the *locus altera*, e.g., theses 27ff.

98. Tr. note: Cf. thesis 2.

99. *Contestata*. Tr. note: As a passive participle this means to "prove by witness" or "to try by witness." The idea is that there is a role played for these "other" testimonies, but that it's a confirmatory one at best.

READING GENESIS WELL

BY C. JOHN COLLINS. GRAND RAPIDS: ZONDERVAN, 2018

REVIEWED BY MATT COLVIN

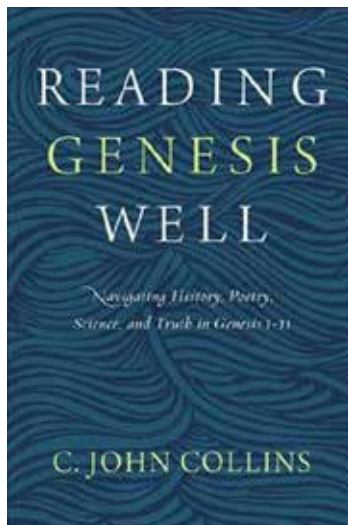
My favorite childhood memory is climbing the statue of Uncle Beazley, a Triceratops standing on the National Mall outside the National Museum of Natural History. I loved dinosaurs. I memorized their scientific names, read about the Bone Wars between Othniel Charles Marsh and Edward Drinker Cope, and digested the theories of Robert Bakker and Jack Horner. Other kids knew Cal Ripken's career batting average and RBI. I could tell you every dinosaur's size, diet, and geologic time period.

This created a problem: the most recent of those geologic time periods, the Cretaceous, ended sixty-five million years ago. And while I was flipping through those dinosaur books, I was a member of a very conservative Lutheran church, which held to a six-day young-earth view of Genesis 1–2. My father was one of the elders, and it became clear to me, probably as early as age ten, that he simply did not have an answer to the question of how to square the Bible's account of creation with the Carl Sagan-esque “billions” of years required by the world picture in my dinosaur books. Sure, he gave me Michael Denton's *Evolution: a Theory in Crisis*, and alerted me to the Intelligent Design movement. But the overall world-picture did not seem to me to fit very well. My dad couldn't solve the problem. Over the next twenty years, neither could I. So I filed it away. The question remains an inconcinnity in my worldview today, and I keep an eye out for anyone who claims to be able to solve it.

It is not an easy problem to solve. As Collins rightly notes, any attempt at harmonizing modern science and the Bible comes under assault from extremists on both sides. What would it take to convince Ken Ham that he has been reading the Bible incorrectly? On the other hand, what would it take to convince, say, P. Z. Myers or Richard Dawkins that Genesis is not actually incompatible with descent with modification or an old earth?

Put this way, the task of persuading either group sounds like an impossible mission. But what if one were a scientist first, and then became an Old Testament scholar with facility in other Ancient Near Eastern languages? What if one could trace the history of interpretation of Genesis from the Targums to the present? And what if one were, moreover, blessed with the patience of Job, ever ready to take

time to explain and reframe the debate, to expose false dichotomies and wrong questions? Then one might indeed have the *bona fides* necessary to address the issue.



C. John Collins has all these things and is the right author for the job. He knows his topic is fraught, and so is patient and teacherly. Who, then, is the right audience? Pretty clearly his seminary students, especially those undecided in their views of Genesis and creation, intellectually curious about the hermeneutical issues, and devoted to both creedal orthodoxy and the authority of Scripture. They are also unwilling to dismiss the claims of modern science about the age of the earth and descent of living creatures. Collins's aim is to give them a better way of reading Genesis that does not require them to submit to what he sees as a false opposition between science and the Bible.

Collins has constructed the book in three sections:

1. He devotes the first hundred pages to prolegomena and method before ever dipping a toe into Genesis 1–11. Collins lays out a “linguistic-rhetorical-literary” approach that employs the distinctions of J. L. Austin's speech-act theory to distinguish locution (what is said) from illocution (the intended response to the utterance) and perlocution (the actual response).
2. He spends the second hundred pages in sketching a reading of Genesis 1–11 using the Rhetorical-Theological method from section 1. This is the section that treats of most interpretive controversies attending Gen. 1–11. At one point, Collins gives a nod to Jon Levenson's *Creation and the Persistence of Evil* as the standard treatment of the theme of creation in the Hebrew Bible.
3. Collins uses the last hundred pages to compare his reading with the history of interpretations, arguing that faithful interpreters of Genesis have historically *not* demanded it answer scientific questions, nor did they understand God's activity to preclude or conflict with natural processes, but rather, to undergird them.

One of Collins's masterstrokes of persuasion is to take C. S. Lewis as his guide and muse throughout the book: most distinctions Col-

lins uses are anchored in quotations from Lewis. This is a wise move because Lewis is well beloved by the very evangelicals Collins might otherwise have a very difficult time persuading of the value and validity of the rhetorical distinctions he draws. (We will pass over the fact that Lewis believed in Darwinian descent with modification, purgatory, and any number of other ideas anathema to evangelicals today.) By using Lewis as his Virgil, Collins will likely earn himself a hearing with these readers—and besides, Lewis's ideas about reading are helpful, quite apart from the advantages of ethos he brings.

Collins argues there are many anachronisms in Genesis 1–11 that are accommodations to the experience and world picture of the Israelite audience. Some of these are detailed in Jon Levenson's *Creation and the Persistence of Evil*¹: for instance, the detailed, extensive verbal similarities between Psalm 74 and Ugaritic myths of Baal defeating various sea monsters; the image of raging waters in Psalm 104 and Job 38 as a vestige of a pre-biblical chaoskampf; or the mentions of Leviathan (=Lotan) in Job 40 and the *Tannin* in Isaiah 27:1 as traces of earlier Mesopotamian and Canaanite adversaries. There is a strong case to be made that the Hebrew Bible expresses itself in terms shared with ANE literature. Collins says these anachronisms should not trouble us, since they are ancillary to the illocution of the book. That is, Genesis 1–11 was never intended to persuade Israelites of the world picture it shares with other ANE literature. Rather, speak-

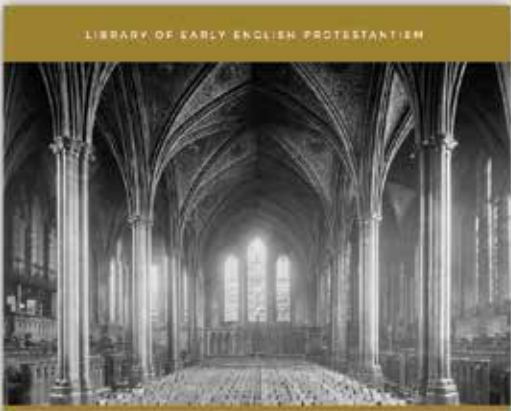
ing from *within* that shared world picture, it urges them to trust and belief in the creative power and faithfulness of Israel's covenant God.

The difficulty is we do not treat any other ancient text this way. Imagine, if you will, some worshipers of Marduk who are still reading the *Enuma Elish* in their weekly liturgy. Imagine these worshipers consider this Babylonian epic to be Scripture, but they also hold to the world picture of modern science. Suppose they carefully distinguish between the theological claims of the *Enuma Elish* (e.g., Marduk's power and supremacy), while granting that the world picture of the epic—Marduk making the world out of Tiamat's carcass—is not part of the text's illocution but merely ancillary to the theological claims it makes. According to the modern world picture, the dome of the sky is not made from a dragon's tanned hide, but is the optical appearance of the earth's atmosphere distorting sunlight in the Tyndall effect.

We would rightly deride such a hermeneutic, would we not? We would say that it undercuts the argument of the text by bracketing off the question of the historicity of the acts that underwrite Marduk's authority. And we would deny that this hermeneutical method was motivated by anything other than embarrassment before the light of modern science.

When the *Enuma Elish* tells us Marduk cut the body of Tiamat in half and made the sky from it, we perceive that the author of the epic intends to communicate to us both a worldview and a world picture, indeed, he intends to communicate and instill the worldview *through* the recitation of the world picture. It is no part of the text's illocu-

1. Jon Levenson, *Creation and the Persistence of Evil* (Princeton: Princeton University Press, 1994).



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tion that its readers should *abstract* a theological belief in Marduk's supremacy from the mighty act of slaying Tiamat and fashioning heaven and earth from her carcass. To bracket or remove those feats would be to take away the evidences and proofs of Marduk's worthiness and to leave the *Enuma Elish's* theological worldview resting on air. In its original integrity, the theological content of the Babylonian mythological worldview *rests upon* the historical and physical propositions of the world picture. This is not a tendentious claim. It is just how the *Enuma Elish* works as a "worldview story."

A similar integrity between worldview and world picture is evident in the New Testament itself. Its authors insist on a crassly physical event—the resurrection of Jesus—as the cornerstone of Christian theology. Despite the efforts of theologians such as Edward Schillebeeckx to explain this as an expression of the subjective spiritual experience of Jesus's disciples translated into the mode of historical events, there really can be no doubt that Second Temple Jews believed in resurrection as a future historical event, so that the problematic physics ("How are the dead raised up? And with what sort of body will they come?" 1 Cor. 15:35) is a central part of the New Testament's illocution.² John Updike has eloquently indicted all attempts to evade this embarrassing integrity by "metaphor, analogy, sidestepping, transcendence." That is my concern about Collins's project: used this way, speech-act theory can function much like John Walton's tendentious denial that Genesis 1–2 has anything to say about material origins.

2. On Schillebeeckx, see N.T. Wright, *The Resurrection of the Son of God* (London: SPCK, 2003), chapter 18.

That is, it can be a way of bracketing off the parts of the Bible that conflict most sharply with modern science.

Thoughtful Christians should certainly study *Reading Genesis Well*. We would all do well to master what it says about rhetorical theory and literature. We should avail ourselves of Collins's erudite comments on Genesis 1–11. We should agree with him that "actual referents lie behind the ways in which the persons and events are reported," even if he fights shy of actually specifying those "actual referents." *Reading Genesis Well* offers clarity and hermeneutical distinctions useful for all future efforts in the quest to reconcile the Bible and the modern scientific world picture. I came away from the book grateful for Collins's clarity and insight.

Reading Genesis Well changes the terms of the debate, and I suspect Collins will be content to have done that. Yet in the end, I do not feel he has solved my problem, and I suspect that most other readers who think there is a problem to solve will be similarly unpersuaded of Collins's proposed solution. In the meantime, I will continue to live with my own inconsistency and dream of herding Triceratops in the resurrection.

Matt Colvin holds a PhD in Classics from Cornell University. He is a minister in the Reformed Episcopal Church and a teacher at Wilson Hill Academy.

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