

VINICIUS MARINHO

University of Chicago Divinity School

THOMAS AQUINAS'S BODY-SOUL DUALISM AND THE HIERARCHY  
OF HUMAN DIGNITY IN BRAZIL: THE THEOLOGICAL ORIGINS OF A  
NATION'S HIERARCHICAL SELF-UNDERSTANDING

1. Brazil: One Soul with Varied Degrees of Human Dignity

“Manda quem pode, obedece quem tem juízo”<sup>1</sup> is an old Brazilian proverb. It synthesizes the dominant value of the Brazilian political culture: hierarchy. I claim that the Brazilian dominant cultural conception of human dignity is hierarchical because it is premised on the Thomist dualist view of the human person. Specifically, I argue that the Brazilian people has a hierarchical self-understanding because dignity is grounded in the soul. People believe the soul has one nature but varied “modes of existence,” each with a different value. But Brazilians also believe in a Biblical notion of the human being. Persons are formed in relationships and have the capacity for overcoming social limitations, i.e., agency. Thomas’s embrace of Aristotle’s dualism contrasts with the Biblical notion, in which body and soul are united. While Brazilian culture has elements from the Thomist and the biblical traditions, Thomas’s ontotheological theory of the person determines the grounds of dignity, which is the soul. Not only the soul is superior to the body, but the soul’s disembodied life is metaphysically superior to its embodied existence. As the body obeys the soul, so the inferior person obeys the superior. Unchosen and undeserved social and economic factors decide one’s actual level of dignity and dictate what is personhood.

I conclude that body-soul dualism and hierarchical relations forge a hierarchical human person and dignity. Because it is grounded in the soul, human dignity is the value a person has according to the person’s social condition. And the person is a value unit within hierarchical relations. People exist to one another in hierarchical ways because the human soul has one nature but varied modes of existence, each with a specific degree of dignity. Consequently, Brazilians believe that God wills and nature shows that human societies ought to live hierarchically. Thus, dualism also foregrounds the maximization of inequality, making of Brazil a “unity-in-hierarchy.”<sup>2</sup>

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<sup>1</sup> “The powerful commands, the prudent obeys.”

<sup>2</sup> My own expression.

To ask what is the dignity of the human person is to ask three questions: "What is human dignity? What is the human person? And why do persons have human dignity?" The third question directs the entire inquiry because it constitutes the others. There is no human dignity without personhood and no person without human dignity. Dignity, personhood, and the rationale for dignity interact to sketch a tentative definition within a minimally cohesive cultural environment.

In this essay, the Brazilian "people" and "culture" compose such a nominally shared semantic environment.<sup>3</sup> "The people" serves the analytical function of connecting the political and cultural origins of dignity in Brazil.<sup>4</sup> And "culture" represents the shared environment in which moral, social, and political interactions take place. Culture mediates and organizes all interactions through institutes. My argument evolves from a macro to a micro analysis of dignity in culture and theology. The first section presents three definitions of the Brazilian people as a "unity-in hierarchy." The second contrasts two notions of personhood that predominate in Brazilian culture. Thomas's idea that the soul has one nature but two modes of existence connects the national self-understanding to a dualist view of personhood.

Each theological definition of the people discussed in the first section presents a political project. They show that hierarchy is a founding cultural value and that it projects intrinsically unequal institutes. They also define dignity, through "naturalistic" comparisons among human "modes of existence." The first one is the Jesuit deployment of the Thomist natural-law institute of *dominium* to justify and normalize the belief that the Indigenous peoples had the "option" to sell their freedom and were in a state of nature. The second case is ecclesial. Brazil's colonial Church was Roman in structure and Thomist-Scholastic in doctrine. It apportioned varied degrees of dignity based on the clergy's *sacra potesta* and its official *mater et magistra* attitude. The third definition is an anti-Thomist response. The sociologist Gilberto Freyre popularized the idea that Brazil originates from harmonious racial mixtures, which conflicts with the Thomist "inflexibility." But while Freyre's "racial democracy myth" tells a redemptive narrative, it veils Brazil's sweeping socioeconomic and racial disparities.

The second section contrasts two views of personhood. One view draws from the theological anthropologies of Ivone Gebara,

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<sup>3</sup> Despite our fragmented reality. David Tracy, *Fragments: The Existential Situation of Our Time: Selected Essays* vol. 1 (Chicago, IL: University of Chicago Press, 2020); Paul Mendes-Flohr, *Cultural Disjunctions: Post-Traditional Jewish Identities* (Chicago, IL: University of Chicago Press, 2021).

<sup>4</sup> I assume the "Brazilian people" is a *demos* that assumes an *ethnos*. Cicero, *De Re Publica Frontonis*, 1. 25, 62, 44; Étienne Balibar and Immanuel Wallerstein, *Race, Nation, Class: Ambiguous Identities* 2nd ed. (London: Verso, 2010).

Leonardo Boff, and Martin Buber. Together, they suggest that humans are hearer of God (relational) and capable of overcoming social limitations (agents) through an attitude of love. The other view is Thomas Aquinas's dualist concept. Here, the superior ontological status of the soul impart the human person and dignity. The soul's disembodied existence is superior because it is supernatural. Since personhood is relational and dignity is grounded in the soul, everybody has a human dignity but not to the same degree.

In the first section, I deploy analytical tools from Marilena Chaui's sociology of knowledge and Leonardo Boff's ecclesiology. Chaui's critique of Brazil's authoritarian culture derives from the Jewish philosopher Baruch Spinoza's "theological-political power."<sup>5</sup> Brazil's authoritarian culture is distinctly hierarchical because it develops from a classical view of nature. Boff's critical ecclesiology complements Chaui's method. He compares two models of church to analyze the conceptual and practical apparatus of the ecclesial hierarchy. In the second section, Gebara's and Boff's non-oppositional body-soul dialects and their view of the human-divine dialogue facilitate my comparison. In their views, the body and the soul form an indissoluble locus of divine presence.

## 2. Human Weight in a Naturalistic Culture

Brazilian children learn early on that "Brazil is a gift of God and nature."<sup>6</sup> Since 1834, the topics of nature and nation have been merged in the public school's curriculum.<sup>7</sup> Children learn to feel proud of Brazil while learning about the country's natural riches. They hear that God has spared their land from natural catastrophes and blessed it with unsurpassed natural abundance. The national anthem boasts that Brazil is a "giant by nature."<sup>8</sup> In 1997, a nationwide poll indicated that "nature" is the most common reason Brazilians feel proud of being Brazilians.<sup>9</sup>

Many Brazilians also think of themselves as a "natural" people. An example is Emiliano Di Cavalcanti's painting *Nú Deitado*.<sup>10</sup> It accommodates the curvy body of a Brazilian mulata (Black woman) within the perspective of a chain of mountains.

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<sup>5</sup> Marilena de Souza Chaui, *Manifestações Ideológicas do Autoritarismo Brasileiro* 2nd ed. (São Paulo, Brazil: Perseu Abramo, 2013).

<sup>6</sup> Marilena de Souza Chaui, *Brasil: Mito Fundador e Sociedade Autoritária* (São Paulo, Brazil: Perseu Abramo, 2000), 8.

<sup>7</sup> Niemeyer Bellegarde's *Resumo da História do Brasil* was the official textbook. José Murilo de Carvalho, "O Motivo Edênico no Imaginário Social Brasileiro," *Revista Brasileira de Ciências Sociais* 13, n. 38 (1998).

[https://www.scielo.br/scielo.php?script=sci\\_arttext&pid=S0102-69091998000300004#13not](https://www.scielo.br/scielo.php?script=sci_arttext&pid=S0102-69091998000300004#13not)

<sup>8</sup> An adaptation of Gonçalves Dias's "Canção do Exílio."

<sup>9</sup> de Carvalho, "O Motivo Edênico."

<sup>10</sup> Emiliano Di Cavalcanti, *Nú Deitado*, 1930-1935, wood, Museus Castro Maia, Rio de Janeiro, Brazil.

Her body and the mountains have similar shapes, suggesting the intimate connection between the country's topography and the woman's body. Martinho da Vila's latest CD shows on the cover Rio's most iconic mountains, the Sugarloaf and the Corcovado, but they are painted to suggest a mulata's body.<sup>11</sup> Black Brazilian women are proud of themselves, but not because their bodies supposedly resemble the country's topography. *Superbia* is an expression of self-esteem.<sup>12</sup> It implies an intimate bond to something that genuinely represents the person.

Brazil's most revered writer, the black intellectual Joaquim Maria Machado de Assis, never understood how a people could be proud of something it had not created. The Amazon and the Pantanal were "already there." To him, the *pays féérique* sentiment belittles the human hand in a people's history.<sup>13</sup> A century later, the writer Nelson Rodrigues endorsed de Assis's critique by ironically defining Brazil as a landscape.<sup>14</sup> More recently, the literary scholar Antônio Cândido has suggested that two words synthesize how Brazil understands itself – "law" and (natural) "evolution."<sup>15</sup>

The thrust of their critique is the misuse of nature as a constituent of the people's national identification. Naturalism can diminish or occlude human accomplishment. Understandably, this idea has had an impact on the country's view of dignity. Until the eighteenth century, jurists had a dominant role in defining the state and economic organization. In the second half of the nineteenth century, evolutionist biologists took over. The so-called "natural" truths of modern society, including the categories of order, hierarchy, and race, interacted with juridical theories to produce new national ideologies<sup>16</sup> intended to minimize the national tensions between the victims of colonization and slavery and the desire for progress.<sup>17</sup>

Nature is relevant in definitions of dignity for two reasons. One is the differentiation between human and other natural beings. The other is the human capacity for self-transcendence. They go hand-in-hand for those who believe that some intrinsic aspect of the human life, existence, or being elevates all of humanity. No less frequently, being naturally superior to the

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<sup>11</sup> Martinho da Vila, *Rio: Só Vendo a Vista*, (Rio de Janeiro, Brazil, November, 2020), <https://revistaforum.com.br/colunistas/julinho-bittencourt/rio-so-vendo-a-vista-n-ovo-album-de-martinho-da-vila-e-tao-bom-quanto-seu-titulo/>.

<sup>12</sup> Baruch Spinoza, *Ethics* (London: J. M. Dent and Sons, 1955) 3.26; 102; Avishai Margalit, *The Decent Society* (Cambridge, MA: Harvard University Press), 51.

<sup>13</sup> Machado de Assis, *A Semana*, August, 20, 1893.

<sup>14</sup> Nelson Rodrigues, *A Cabra Vadia: Novas Confissões* (São Paulo, Brazil: Cia das Letras, 1997).

<sup>15</sup> Antônio Cândido, "A Sociologia no Brasil," *Tempo Social: Revista de Sociologia da USP* 18, n. 1 (2006): 271-301.

<sup>16</sup> For example, *jusnaturalismo* and *juspositivismo*.

<sup>17</sup> Cândido, "A Sociologia no Brasil."

other species assumes the capacity to overcome social limitations. The modern view of humans as agents of progress implies the potential to revert material and psychological constraints through self-determination, morality, the intellect, etc. Self-transcendence does not necessarily presume supernatural powers, but some sort of openness.<sup>18</sup>

There are multiple representations of the (open) person because there are different views of the human dignity. Kant thought it was an intrinsic value and a human constituent.<sup>19</sup> Pico thought it was the absolute value of a self-defining being.<sup>20</sup> In all cases, dignity is first and foremost a cultural precept and only second a law-like principle. On the "ground," it refuses uniformity and absoluteness.<sup>21</sup> For example, South Africans and Germans perceive the content and contours of dignity differently, even though it is the constitutional meta-principle of both countries.<sup>22</sup>

Since dignity is a cultural variable, it can be compared. Brazilian culture defines it in the ambiguity of natural difference and similitude. The dignity of some persons is grounded in commonalities between nature and humanity. The dignity of others emanates from "self-evident" differences between human and non-human beings. Certain people resemble non-human natural beings more than do others because some are deemed to be more capable of overcoming limitations. Like Thomas, Pico, and Kant, Brazilians perceive dignity comparatively. But unlike them, Brazilians measure dignity whereby interpersonal relations. Such comparisons are ambiguous and shift according to the person's social "mode of existence." I now present three conceptions of dignity that derive from "naturalistic" comparisons. They show that *dignity is the value a person has according to the person's social "mode of existence."*

### 1.1 The Jesuit Endeavor to Define the Brazilian Soul with Thomas Aquinas's Natural Law: the State of Nature and Voluntary Servitude of the Indigenous Peoples

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<sup>18</sup> Leonardo Boff, *Tempo de Transcendência: O Ser Humano Como um Projeto Infinito* (Rio de Janeiro, Brazil: Sextante, 2000), 37.

<sup>19</sup> Immanuel Kant, *Groundwork of the Metaphysics of Morals* (New York: Cambridge University Press, 1998) 43; 4:436.

<sup>20</sup> Giovanni Pico della Mirandola, *On The Dignity of Man* (Indianapolis, IN: Hackett, 1965).

<sup>21</sup> Elsa Tamez et al., *The Discourse of Human Dignity* (London: Concilium-SCM Press, 2003/2); Boaventura de Sousa Santos, *Se Deus Fosse um Ativista dos Direitos Humanos* (São Paulo, Brazil: Cortez, 2013).

<sup>22</sup> Compare Drucilla Cornell, *Law and Revolution in South Africa Ubuntu, Dignity, and the Struggle for Constitutional Transformation* (New York: Fordham, 2014) and Michael Rosen, *Dignity: Its History and Meaning* (Cambridge, MA: Harvard University Press, 2012).

The state of nature is a theological construct that justifies slavery and postulates that Indigenous people have an inferior human status. The first Jesuit Providential of Brazil, Manuel da Nóbrega, affirmed that the Indigenous souls had the human faculties of understanding, memory, and will<sup>23</sup> but lacked faith in a disembodied and supreme sovereign. Their “natural” mode of existence indicated to him that their souls were good, but their ways were primitive. Eventually, though, the state of nature became an obstacle to conversion. As Nóbrega also said, a people without “faith, law, and king” did not know how to obey God. And a forced conversion is void in Canon Law. So the Jesuits sought an alternative justification for slavery in the sibling institute of voluntary servitude. They debated the transference of *dominium* in Thomas’s natural law, whence it is “rational” and lawful to “sell” one’s own freedom in extraordinary situations. The underlying question was how much worthwhile were the Indigenous souls for European Christians.

“All is worthwhile if the soul is not small.”<sup>24</sup> The great Portuguese poet Fernando Pessoa at once glorifies and bemoans the seafaring voyages. Portugal could have been the greatest empire, but the seafaring explorations were a heavy burden. “Was it worthwhile?,” Pessoa asks. Yes, he decrees, “all is worthwhile if the soul is not small.” Only an extraordinary soul could find a New World.

The New World was “new” because it was “original,” in the biblical sense; it was found, not discovered. The Portuguese explorers thought they had found the Edenic Paradise.<sup>25</sup> The New World invasion signified to the voyager the opportunity to return to the “original” human nature. The navigator’s monocular showed flabbergasting vegetation, sealike rivers, exuberant beasts, pure air, and an “eternal Spring.”<sup>26</sup> So the Paradise which theologians had always visualized in the Bible sea explorers actually saw through their physical retinas.

Brazil was the original earthly *topos* of the heavenly Garden also because it hosted an innocent people. The explorers immediately compared the Indigenous “innocence” to Adam’s

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<sup>23</sup> Manuel da Nóbrega, “Diálogo Sobre a Conversão do Gentio” in *Cartas dos Primeiros Jesuítas do Brasil*, ed. Serafim Leite (São Paulo, Brazil: Comissão do IV Centenário da Cidade de São Paulo, 1954), 332.

<sup>24</sup> Fernando Pessoa, “Mar Português” in *Mensagens* (Lisbon, Portugal: Antonio Maria Pereira, 1934).

<sup>25</sup> Antônio Cândido, *Formação da Literatura Brasileira, 1750-1836* vol. 1, 9th ed. (Belo Horizonte: Itatiaia, 1975), [https://edisciplinas.usp.br/pluginfile.php/4261753/mod\\_resource/content/1/AC%20-%20FLB%20Prefácios%20e%20Introdução.pdf](https://edisciplinas.usp.br/pluginfile.php/4261753/mod_resource/content/1/AC%20-%20FLB%20Prefácios%20e%20Introdução.pdf); Sérgio Buarque de Holanda, *A Visão do Paraíso: Os Motivos Edênicos no Descobrimento e Colonização do Brasil* 2nd ed. (São Paulo, Brazil: EDUSP, 1969).

<sup>26</sup> Over the centuries, the Edenic idea gained traction in the writings of Magalhães Gandavo, Rocha Pita, Sílvio Romero, Olavo Bilac, Manoel Bomfim, Afrânio Peixoto, and Afonso Celso.

and Eve's.<sup>27</sup> Nóbrega even suspected that the absence of private property and their material generosity was a sign of obedience to natural law.<sup>28</sup> In a time when the Iberian nations were so enticed by the lofty aspirations of the Renaissance, the conquest of a pristine land signified nothing short of a ticket to rebirth and signaled the imminence of the New Millennium.<sup>29</sup>

The "primitive state" of Brazil's original souls reassured the explorer's Edenic perception of Brazil. A debate ensued on the Aristotelian belief that tropical lands are inhospitable for the soul.<sup>30</sup> Fernandes Tomás challenged the nobility of the land by pointing to the primitivity of its beings, who were "wild" and living on "a land of monkeys, blacks, and snakes."<sup>31</sup> Others, like Vicente de Salvador, defended that the Indigenous "primitivity" reiterated the Edenic hypothesis.<sup>32</sup> The "Cantino Planisphere" of 1502<sup>33</sup> is a stronger example of the winning argument. It shows the South American continent but effaces its peoples. The Natives were indistinguishable from the other beings of the land: "this land is at once our enterprise and the World's foremost Pagan."<sup>34</sup>

The Indigenous primitivity also helped them explain why God had sent the Portuguese caravels to Paradise. After the first mass in Bahia, a priest began explaining to the Natives that God had a magnanimous plan for the Christians to save their souls. An innocent and primitive people, Caminha ruminated, would easily become Christian because they lacked a faith.

Missionaries heightened the Indigenous innocence at the expense of their lack of "faith." Although the Portuguese did not speak Tupi, they could somehow tell the Tupian peoples lacked faith.<sup>35</sup> By 1500, faith was a totalizing rule with comprehensive social and political scopes, and reinforced from above.<sup>36</sup> To the

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<sup>27</sup> "A Carta de Pero Vaz de Caminha,"

[http://objdigital.bn.br/Acervo\\_Digital/livros\\_eletronicos/carta.pdf](http://objdigital.bn.br/Acervo_Digital/livros_eletronicos/carta.pdf); Simão de Vasconcelos, *Crônica da Companhia de Jesus do Estado do Brasil* (Lisbon, Portugal: Henrique Valente de Oliveira, 1663); Amerigo Vespucci, "Carta a Lorenzo di Médici, 1501" in Luis Nicolau d'Olivera, *Cronistas de las Culturas Precolombianas* (Mexico: Fondo de Cultura Económica, 1963), 542.

<sup>28</sup> da Nóbrega, "Diálogo," 100; 344-45.

<sup>29</sup> Boff, *América Latina*, 12; Chauí, *Brasil*, 46.

<sup>30</sup> Vicente do Salvador, *História do Brasil: 1500-1627* 7 ed. (São Paulo, Brazil: Itatiaia/EDUSP, 1982), 61-62.

<sup>31</sup> Manuel Fernandes Tomás, *Reflexões Sobre a Necessidade de Promover a União dos Estados de Que Consta O Reino-Unido de Portugal, Brazil, e Algarve nas Quatro Partes Do Mundo*, (Lisbon, Portugal: Antonio Rodrigues Galhardo, 1822), 467.

<sup>32</sup> do Salvador, *História do Brasil*, 61-62.

<sup>33</sup> Cantino Planisphere, Biblioteca Estense, Modena, Italy, [https://en.wikipedia.org/wiki/Portuguese\\_Renaissance#/media/File:CantinoPlanisphere.png](https://en.wikipedia.org/wiki/Portuguese_Renaissance#/media/File:CantinoPlanisphere.png)

<sup>34</sup> da Nóbrega, *Cartas do Brasil* (São Paulo, Brazil: EDUSP, 1988), 179.

<sup>35</sup> de Holanda, *A Visão do Paraíso*, 181.

<sup>36</sup> Eduardo Viveiros de Castro, *A Inconstância da Alma Selvagem* (São Paulo, Brazil: Cosac y Naify, 2002). De Acosta's classification confirms the idea. José de Acosta, *De Procuranda Indorum Salute: Pacificacion y Colonizacion*, vol. 2 (Madrid, Spain: CSIC, 1984), 108.

Jesuits, faith prompted the dominium of others by the representatives of a super-natural sovereign. The Indigenous lack of faith also implied a lack of law and king because a faith entails a political-juridical order. Nóbrega conceptualized "primitivity" with the threefold lack.<sup>37</sup> He thought the greatest obstacle to conversion was not an opposed doctrine, but its absence, i.e., the state of nature.<sup>38</sup> Above all, it was difficult to convert a people who did not believe in anything like a supreme God. So, it was no coincidence that Nóbrega, the Jesuit Provincial for Brazil, arrived there in 1559 together with the first appointed governor-general, Tomé de Souza. Their civilizing mission was simultaneously spiritual and political.<sup>39</sup>

For the missionaries, the Tupinambá people lacked "faith" because they could not understand, even less obey, a disembodied deity.<sup>40</sup> Their primitivity was assumed from their belief that deities are consubstantial with humans.<sup>41</sup> The Jesuits thought they appreciated the Eucharist because they practiced cannibalism and that they accepted the immortality of the soul because they believed in reincarnation. Still, the Tupinambá did not know how to obey a soul whom they could not eat, smell, hear, touch, and see. How could a disembodied soul exist?

The Jesuits saw in the Indigenous threefold lack two signs of the *statu innocentiae*.<sup>42</sup> In the natural law, the state of nature is the combination of a primitive existence and a situation of moral incorruptibility. Primitive people are *prima facie* incorruptible because they lack a conscience. Thomas Aquinas defined "conscience" as the application of knowledge to human action.<sup>43</sup> He classified this kind of knowledge as "synderesis," the natural inclination of the soul by which we understand the natural rules of behavior. "Always do good," for example, is a basic principle of synderesis. The regular conscience applies such basic rules to concrete instances.

The Jesuits then adopted Thomas's premise to claim the Indigenous lacked conscience but not synderesis. They claimed that the Indigenous knew what was fundamentally good but often miscomprehended right conduct according to the good. As Thomas wrote, "it is not the universal but only the evaluation of the sensible which is not so excellent."<sup>44</sup> Their supposedly abridged capacity to evaluate the sensible and discern the right

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<sup>37</sup> da Nóbrega, "Diálogo," 320.

<sup>38</sup> *Ibid.*, 328.

<sup>39</sup> José de Anchieta, "Cartas," in *Obras Completas*, ed. Hélio Viotti (São Paulo, Brazil: Loyola, 1984), 2.

<sup>40</sup> Eduardo Viveiros de Castro, "O Mármore e a Murta: Sobre a Inconstância da Alma Selvagem" *Revista de Antropologia* 35 (1992): 21-74.

<sup>41</sup> de Castro, *A Inconstância*, 30.

<sup>42</sup> Chauí, *Brasil*, 63.

<sup>43</sup> Thomas Aquinas, *Summa Theologiae*, 1.2.1.

<sup>44</sup> Thomas Aquinas, *Commentary on Aristotle's Nicomachean Ethics*, 7.3.1352.

and good were consequences of their lack of faith. Hence, they were "innocent," i.e., could not be fully responsible for their acts.

Later, their *statu innocentiae* became an obstacle to conversion. Initially, missionaries "evangelized" by force.<sup>45</sup> Hypothetically, the state of nature would imply that innocent souls shall voluntarily submit to those living by the Christian faith. After all, Christians had been encumbered with a duty to save the gentiles and such duty entails the power of *dominium*. But a forceful conversion violates the free will and is therefore null in the Canon Law.

To solve the impasse, some Jesuits used the Thomist notion of voluntary servitude. Thomas accepted only two lawful ways for a person to obtain dominium over another: by winning a just war and by consent. The transference of the human *dominium* became the fulcrum of the Jesuitical debates and the *Monitoria* laws (1560s) established that a person could lawfully gain dominium over another when the latter was a just war captive, or by consent, in exceptional cases of "extreme necessity."

First, the Jesuits discussed whether the Portuguese had won a just war. Thomas follows the *ius gentium*, on the matter. A captive is not naturally a slave, but can become one by virtue of the winner's natural right<sup>46</sup> to enslave the conquered. To be considered "just," a war must ensue from a prior offense, include a declaration by a just authority, and have a just cause.<sup>47</sup>

Following Thomas on the question, da Nóbrega refuted the automatic dominium of the Portuguese over the Indigenous. The Portuguese invasion did not configure a just war for him. He also rejected the Aristotelian *natura servi*, i.e., the belief that those living in a state of nature are natural slaves.<sup>48</sup> He conceded that the Indigenous primitive mode of existence violates the law, but disproved of their condemnation for ignoring it. Again, he reasoned that it would be unfair to punish the Natives for not following a faith which was not in their "conscience."<sup>49</sup> Additionally, since Adam and Eve were free and in a state of nature, Indigenous people could not be natural slaves either.

Consent is the other way a person can lawfully gain dominium over somebody. Francisco de Vitoria's *Relectio De Indis* (1539) proposes that the Spanish could legitimately occupy the

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<sup>45</sup> José de Anchieta advocated conversion under "the sword and the iron bar." de Anchieta, "Cartas," 197.

<sup>46</sup> Aquinas, *Summa Theologiae* 2.2.57; 3.2; *Digest of Justinian*, 1.5.4.

<sup>47</sup> Aquinas, *Ibid.*

<sup>48</sup> Juan Gines de Sepúlveda, *Democrates Segundo, o De La Justas Causas de la Guerra Contra los Indios* trans. Angel Losada (Madrid, Spain: CSIC, 1984); Anthony Pagden, *The Fall of Natural Man* (New York: Cambridge University Press, 1987), 27.

<sup>49</sup> Simão de Vasconcellos, *Notícias Curiosas e Necessárias das Cousas do Brasil* (Lisbon, Portugal: Ioam da Costa, 1668), 132.

New World subject to Indigenous consent.<sup>50</sup> It is telling that Vitoria debates the consent for domination in terms of land-grabbing.<sup>51</sup> At the basis of the institute of *dominium* rests the idea of control, whether over a person or a thing. *Dominium* was in Roman Law the absolute ownership of corporeal property by a person, subject only to statal power and inclusive of the private rights to use, enjoy, take profit therefrom, and dispose. Roman citizens displayed these privileges by laying a hand (*manus*) over their property. Hence the etymology of “manumission” (*manumittere*). Thomas accepted two exceptions to private *dominium*: the natural right to appropriate the things that are essential for life (*dominium utile*), and the right of the superior to dominate the inferior for the latter's survival.<sup>52</sup> The right to steal is condoned when it restores the human natural condition because in the state of nature all have the means for survival.<sup>53</sup>

The kind of *dominium* that the superior person exercises over the inferior is different but conversant with the *dominium* of things. Parental and proprietary forms of *dominium* have similar features. The difference is that children and other “inferior” persons have freedom, though only to a limited degree. Since freedom is an inalienable right, the law can easily justify control over inanimate things but not so much over free beings.

The Jesuits then asked whether Indigenous persons could sell their share of the divine freedom. Ultimately, a wager on the automatic *dominium* hypothesis would preclude all conversions because humans are free and only humans can be converted. The Jesuits were forced to affirm the Indigenous humanity and freedom. But some missionaries explored the similarities between the *dominium* over things and over persons in order to define the Indigenous' freedom to sell themselves. Some argued the similitude between the two types of *dominium* would allow for their joint application in Brazil. For example, a person could steal the basic means for subsistence in exceptional situations and the Roman father could sell his children in cases of “extreme necessity.” Under certain circumstances, necessity could abate freedom and people (children) functioned as though they were property.

The Jesuit missionary Caxa argued that the Indigenous were sufficiently free to sell their freedom. His rationale was that Thomas had connected the two exceptional kinds of *dominium* transference. Nóbrega, however, insisted on the *stricto sensu*

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<sup>50</sup> Luis N. Rivera Pagán, *Evangelización y Violencia: La Conquista de América* (San Juan, Puerto Rico: CEMI, 1991), 82; Francisco de Vitoria, *Relectio De Indis*, J.M.P. Prendes and L. Perena eds. (Madrid: CSIC, 1984), 76-99.

<sup>51</sup> Francisco de Vitoria, *On Homicide & Commentary on Summa Theologiae Ila-IIae Q. 64* trans. John P. Doyle (Milwaukee, WI: Marquette University Press, 1997), 160.

<sup>52</sup> Aquinas, *Summa Theologiae* 1.2.94, a5.

<sup>53</sup> *Ibid.*, 2.2.66, a7.

meaning of "extreme necessity."<sup>54</sup> For him, it implied a state of severe poverty or famine, leaving a father with no alternative but to sell his children.<sup>55</sup> But for the Jesuits on both sides of the debate, the exceptionality which permits the violation of private property also permits the violation of freedom.

Caxa insisted that for the Indigenous to be truly free, they had to have the freedom to sell themselves.<sup>56</sup> That is, persons have the direct dominium of their God-given and natural freedom. Consequently, in the state of nature the institutes of *dominium* and *libertas* fully merge. Yet, Caxa's conflation of freedom and dominium transforms freedom into a tradeable object and misses a legal nuance: the right to appropriate goods in a state of necessity does not include the right to sell those goods. The jeopardized can appropriate things for their consumption only and to keep alive, just as the father can relinquish parental power only to keep his children alive.

Nóbrega's response was typically Thomistic. He pondered that the consent to sell one's personal freedom was only lawful when rational. The natural law protects the sale of freedom because it is rational to do whatever is necessary to keep oneself alive.<sup>57</sup> Thomas and Nóbrega placed reason above freedom. For them, reason was inalienable by divine design and freedom was inalienable by human reason. In the natural hierarchy, reason is *more* inalienable than freedom. The sale of reason is unacceptable; the sale of freedom is exceptional. Thus, the rational consent to enslavement was the only way the Portuguese could lawfully gain control of the Indigenous.<sup>58</sup>

In practical terms, Nóbrega decrees the right to sell one's own freedom even when the "buyer" is the person who poses the life-threatening situation that qualifies the "sale" as rational. With Thomas, he concludes it is more rational to live as a slave than resist enslavement.

The state of nature and the voluntary servitude established a legal relationship based on dominium. They forcefully "united" people under the Christian faith and through a hierarchy. The Indigenous souls were human but had to overcome their state of nature by converting to a supposedly superior mode of existence. Alternatively, they could consent to sell their freedom in order to survive, but without dignity. The Indigenous soul was deemed worthwhile only insofar as it could serve the Christian.

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<sup>54</sup> Manuel da Nóbrega, "Se o Pai Pode Vender a Seu Filho e se Hum se Pode Vender a Si Mesmo," in Serafim Leite, *Cartas do Brasil*, 391-401.

<sup>55</sup> William Warwick Buckland, *The Roman Law of Slavery: The Condition of Slave in Private Law from Augustus to Justinian* (New York: Cambridge University Press, 1970), 402.

<sup>56</sup> Da Nóbrega, "Se o Pai," 392.

<sup>57</sup> *Ibid.*, 406.

<sup>58</sup> *Ibid.*, 407.

### 1.1 The Ecclesial Endeavor to Define the Brazilian Soul: a *Summa* of the Colonial Church's Roman Structure and Thomist-Scholastic Doctrine

*Sicut videmus quod in uno homine est una anima et unum corpus, et tamen sunt diversa membra ipsius; ita Ecclesia Catholica est unum corpus, et habet diversa membra.*<sup>59</sup>

The colonial Church asserted one unified body which is nevertheless dismembered and hierarchical. The Body was Roman in structure and Thomistic-Scholastic in doctrine. Thomist commentators laid the cornerstones of traditional Catholicism in Brazil with two expressions of the Scholastic faith.<sup>60</sup> For example, the bedrock of the Jesuitical pedagogical rule, the *Ratio Studiorum*, drew from Thomas's *unitas ordinis* to commend prudence and obedience for corporate cohesion under one head. Thomas compared the *corpus Ecclesiae* to the human body and outlined a sacramental view of the Church. The head rules all members, like the soul commands the body.<sup>61</sup> Two constructs involving supernatural authority feed the hierarchy. The first is the *sacra potestas*; the second is the *mater et magistra* attitude. The Clergy's "sacred power" supports the Church's "mother and teacher" attitude, which gives an aura of legitimacy to the former. These notions maintain the traditional Church separated from the Church of the Poor.

Leonardo Boff's ecclesiology derives from his experience living in self-organized poor communities.<sup>62</sup> During the highpoint of the liberation movement, Brazil had seventy thousand Comunidades Eclesiais de Base (CEB).<sup>63</sup> Today, their members still meet twice a week to reflect on their experience in light of the scriptures. These CEBs are critical and cooperative laboratories that operate horizontally. Everybody has an equal participation in decision making processes, common responsibilities, and mobilization for the common good.

Boff argues that the CEBs are a new model of *communitas fidelis* because they embody a more genuine way of being *koinonia*

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<sup>59</sup> Aquinas, *Expositio in Symbolum Apostolorum*, 9.

<sup>60</sup> Celso Luiz Ludwig, "El Pensamiento Filosófico Brasileño de los Siglos XVI al XVIII," in *El Pensamiento Filosófico Latinoamericano del Caribe y 'Latino,' 1300-2000*, Enrique Dussel et al. (Cuidade del Mexico, Mexico: Siglo XXI, 2011), 115-22.

<sup>61</sup> Aquinas, *Summa Theologiae* 1.2.138.2.3; 3.8.1.2; *Expositio in Symbolum Apostolorum*, 10; *Commentary on Colossians*, 1.1.2.4; *Commentary on Ephesus*, 4.1.5.

<sup>62</sup> Leonardo Boff, *Igreja: Carisma e Poder* (Rio de Janeiro, Brazil: Record: 2005); *Eclesiogênese: A Reinvenção da Igreja* (Rio de Janeiro, Brazil: Record, 2008).

<sup>63</sup> Boff, *Eclesiogênese* 18; CNBB, Confederação Nacional dos Bispos Brasileiros, "Mensagem De Deus Sobre As Comunidades Eclesiais De Base," 2010, <https://www.cnbb.org.br/mensagem-ao-povo-de-deus-sobre-as-comunidades-ecliais-de-base/>.

*fidelis*.<sup>64</sup> They exemplify the “re-born” church, endowed with a fraternal and solidary<sup>65</sup> spirit that inspires the fight for life.<sup>66</sup> Boff reaches this conclusion by comparing the CEBs and early Christian communities.<sup>67</sup> The poor communities incarnate in praxis the early Christian ideals of the communities that appear in the First Epistle of Clement,<sup>68</sup> including the Jewish emphasis on justice.<sup>69</sup>

Eschatologically, the CEBs are an instrument of God’s Reign in the World, proposes Boff. They endeavor to live up to the values of the Gospels and serve the world through justice, so realizing Jesus’s *ipsissima intentio*.<sup>70</sup> In this ecclesial model, the World is the *topos* of the Christian ideal. In it, the Church is perforce *in* and *of* the World, which subordinates it entirely to Christ’s desideratum of liberation. In sum, the CEB model instantiates the *communitas fidelis* because it yields to the World and God’s plan for it: Reign > World > Church.

The Roman Church operates in another order. It acts as though it were the exclusive intermediary between the Reign and the World: Reign > Church > World.<sup>71</sup> It conceives of the Reign in abstract terms, severing God’s promises from the human reality. Speaking *ex cathedra*, the Clergy arrogates the exclusive power to realize the Reign. For Boff, this model can easily self-identify with the Reign or the World. Depending on the convenience of the hour, the Church can become an historically apathetic institution or a mere instrument of power.

Brazilian colonial ecclesiology grew from two prominent Scholastic influences on the missions.<sup>72</sup> First, from 1500 to the 1550s, there was the Baroque school of Pedro da Fonseca and Francisco Suárez. The Council of Trent (1545–1563) and the arrival of the Society of Jesus in 1559 inaugurated another phase. This second phase’s most notable theologians are the Jesuits da Nóbrega, Anchieta, and Vieira.<sup>73</sup> They drew substantially from the prominent Thomists<sup>74</sup> whose ideas became the heart of Scholasticism. Thomas’s ambition was to show the complementarity of philosophy and theology to a Church habituated to divorce epistemic worlds.<sup>75</sup> So, the condemnation

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<sup>64</sup> Boff, *Igreja*, 261.

<sup>65</sup> Boff, *Eclesiogênese*, 87–88.

<sup>66</sup> *Ibid.*, 61–71; 96.

<sup>67</sup> Boff, *Igreja*, 258.

<sup>68</sup> *Ibid.*, 171.

<sup>69</sup> *Ibid.*

<sup>70</sup> *Ibid.*, 25.

<sup>71</sup> *Ibid.*, 29.

<sup>72</sup> John Lynch, *New Worlds: A Religious History of Latin America* (New Haven, CT: Yale University Press, 2012).

<sup>73</sup> Ludwig, “El Pensamiento Filosófico Brasileño,” 115–122.

<sup>74</sup> Suárez, de Soto, Sepúlveda, de Mercado, Botero, Vazquez, and Magnus.

<sup>75</sup> Justo L. González, *The Story of Christianity: The Early Church to the Dawn of the Reformation* vol 1. (New York: Harper One, 2010), 378–79, 433.

of the “Radical Aristotelians” was possibly the beginning of the “Scholastic Church.”<sup>76</sup>

Between the 1560s and 1599, the Society of Jesus elaborated a pedagogical rule called *Ratio Studiorum*. It evinces how the Scholastic-Thomistic doctrine strengthened the hierarchical structure. Thomas is the greatest teacher of Ignacio de Loyola's order. Loyola, who was a soldier, admired Thomas's discipline, rigor, and doctrinal commitment.<sup>77</sup> The Jesuit Leonel Franca considers the *Ratio* a collection of norms and prescriptions compiled from two other texts.<sup>78</sup> The first is the *Delectu Opinionum*, a large collection of propositions extracted from Thomas's *Summa*. The second, *Praxis et Ratio Studiorum*, addressed the taught disciplines.<sup>79</sup> The *Ratio* became the educational bible of Brazil,<sup>80</sup> governing all educational institutions and activities.<sup>81</sup> Its jurisprudential method (*lectio, question, and repetitio*)<sup>82</sup> continued to influence the culture well into the twentieth century.<sup>83</sup>

The *Ratio* used Thomas's *unitas ordinis* to stipulate a hierarchical Church and society. Its key premise was Thomas's conviction that the best form of government is absolutist.<sup>84</sup> It defines the political and ecclesial bodies hierarchically, by drawing analogies to the human body. In a “unity of order,” each member has a specific function to match a specific nature. Everybody serves a hierarchy of ends for the good of Body. Thomas thought of the Church as an *order* of visible means that ensure a bodily type of contact with Christ's Passion.<sup>85</sup> Humanity needs God's sacraments because we are embodied souls. The sacraments, which are mediated from above, define the Church.<sup>86</sup> After death, he speculates, there will be no sacramental need, but the “earthly” Church is hierarchical because human souls live in physical bodies.<sup>87</sup> The body and the Body are two signs of one hierarchy.

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<sup>76</sup> According to McGinn, *Thomas Aquinas's*, 121 ff.

<sup>77</sup> *Ibid.*, 154.

<sup>78</sup> *Ibid.*

<sup>79</sup> José Sebastião da Silva Dias, “Portugal e a Cultura Européia (Séculos XVI a XVIII)” in *Biblos* vol. 28 (Lisbon, Portugal: 1953), 382.

<sup>80</sup> Manuela Carneiro da Cunha, “Imagens de Índios do Brasil: O Século XVI.” *Estudos Avançados* 4 no. 10 (1990): 91–119.

<sup>81</sup> Leonel Franca, *O Método Pedagógico dos Jesuítas* (Rio de Janeiro, Brazil: Agir, 1952), 43.

<sup>82</sup> João Adolfo Hansen “Ratio Studiorum e Política Católica Ibérica no Século XVII” in *Brazil 500 Anos*, 32.

<sup>83</sup> Fernando Azevedo, *A Cultura Brasileira: Introdução ao Estudo da Cultura do Brasil* 3rd ed. (São Paulo, Brazil: Melhoramentos, 1958), 517.

<sup>84</sup> Aquinas, *Summa Contra Gentiles*, 4.76.

<sup>85</sup> Aquinas, *Summa Theologiae* 3.61.1.1.3.

<sup>86</sup> Aquinas, *Summa Contra Gentiles* 4.76

<sup>87</sup> Aquinas, *Quaestiones Quodlibetales*, 1; Congar, *Thomas d'Aquin: Sa Vision de Théologie et de l'Eglise* (London, England: Variorum Reprints, 1985), 108.

The *Ratio* reinforced this model of Church by forming prudent Christians who had to “freely submit” their memory, will, and intelligence to the political head.<sup>88</sup> Prudence was the highest Catholic virtue.<sup>89</sup> The ideal Catholic was *ne in studiis sit curiosus nec temerarius, ne propriae opinionis tenax*, and ought to serve those who are “naturally” superior.<sup>90</sup> The Thomist “unity of order” principle required the curbing of freedoms and an absolute obedience to authority. Obedience is a manifest sign of prudence, which is key to corporate cohesion.

The *Ratio* documents the Thomism foundations of the colonial church. But general ecclesial hierarchy has even deeper roots in the notion of sacred power: “Bishops, as vicars and ambassadors of Christ, govern the particular churches... by their *authority* and *sacred power*... This power, which they *personally* exercise in Christ's name, is... ultimately regulated by the *supreme authority* of the Church....”<sup>91</sup> *Sacra Potestas* is the principle of the supernatural origins of two episcopate powers.<sup>92</sup> It operates in two formal modalities called “orders” and “jurisdiction.” The power of orders validates sacramental acts and uses symbolic language. A sacrament is a divine sign which the canonical law defines as “orders.” *Iuris diction* is the power to tell the Word accurately and efficaciously. It operates under a linguistic logic. The Canon Law also considers it a divine sign.

The Incarnation is the fundament of *sacra potestas*. Following Thomas, the Canon Law establishes that there is no Church without the Sacraments and the Word. The sacramental and jurisdictional powers are in mutual relation because they convey the same substance—divine salvation. The Word makes its “supernatural” significance explicit in the sacramental formulas. And the sacraments give the Clergy’s *iuris diction* its material effects.<sup>93</sup> The Incarnation of the Word is the ultimate source of *sacra potestas*, which form an indivisible corporate “reality” in the Canonical Law. God saves from above, through the sacraments and *iuris diction*, which are only conferrable to ordained persons.<sup>94</sup>

There is no salvation outside the Church... authority.  
Authority “*c’est un attribut attaché à la personne et originairement à*

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<sup>88</sup> Francisco Suárez, *Defesa de La Fé Católica y Apostolica Contra los Errores del Aglicanismo* vol. 4 (Madrid, Spain: Instituto de Estudios Politicos, 1970), 3.4.

<sup>89</sup> Hansen, “Ratio Studiorum,” 35–40.

<sup>90</sup> *Ibid*, 15.

<sup>91</sup> My emphasis. *Lumen Gentium*, papal encyclical of Paul VI (November 21, 1964), 27. [https://www.vatican.va/archive/hist\\_councils/ii\\_vatican\\_council/documents/vat-ii\\_const\\_19641121\\_lumen-gentium\\_en.html](https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19641121_lumen-gentium_en.html)

<sup>92</sup> Eugenio Corecco and Libero Gerosa, *Il Diritto Della Chiesa* (Vatican: Jaca/ Amateca, 1995); Libero Gerosa, *Canon Law* (Münster, Germany: Lit. Verlag/ Amateca, 2002), 183–4.

<sup>93</sup> *Ibid*.

<sup>94</sup> *Ibid*.

*la personne physique*.<sup>95</sup> In Rome, *auctoritas* was the power to validate, make perfect, or augment the act by a person who was physically under the tutelage of the *pater familia*.<sup>96</sup> Authority demands a pyramidal structure. The Church is so pyramidal that local priests commonly referred to bishops as the *Hierarquia*.<sup>97</sup> The *Hierarquia* is a group of powerful bodies and persons, not offices. Everybody is expected to accept the authority of the superiors with good will because it is in the divine will. If the Christian dignity depends on the Church's *sacra potestas*,<sup>98</sup> it is mediated from the higher ranks. For the validity of the sacraments obeys the personal transmission of power, from Christ to the Apostles, to the Pope, to the bishops.<sup>99</sup>

The Roman Church is partnering with the world powers to become a *civitas Dei*<sup>100</sup> since February 380, when Theodosius declared Christianity the official religion of Rome. This juridical-political elevation granted the Clergy an organizational role in the Empire. The defining traits of the early communities, like *mysterium*, *ordo*, *plebs*, and *ecclesia*, became legal institutes. Tertullian wrote that the Christian *fides* became *regula fides*.<sup>101</sup> Conversion became a mere transference of cultural norms. Rites, prayers, and icons would simply replace their pagan "counterparts."<sup>102</sup> Augustine thought the Christian faith was concealed in "pagan" practices.<sup>103</sup>

A maternal and condescending (*mater et magistra*) attitude helps the Church maintain an aura of supernatural authority:

To her was entrusted by her holy Founder the twofold task of *giving life to her children* and of *teaching* them and *guiding* them – both as individuals and as nations – with *maternal care*.<sup>104</sup>

The Church claims the exclusive custody and infallible knowledge of Revelation. Its false premise is that the power to tell what is sacred comes from that which is *par excellence* sacred. To create a supernatural aura about itself, the Church isolates the

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<sup>95</sup> Pierre Noailles, *Fas et Ius: Études de Droit Romain* (Paris, France: Les Belles Lettres, 1948), 274.

<sup>96</sup> Hannah Arendt, *Between Past and Future* (New York: Penguin, 2006), 91; Giorgio Agamben, *State of Exception* (Chicago, IL: University of Chicago Press, 2005), 75–76, 80.

<sup>97</sup> Boff, *Igreja*, 29.

<sup>98</sup> Corecco, "Natura e Struttura."

<sup>99</sup> Aquinas, *Summa Contra Gentiles* 4.76.

<sup>100</sup> Boff, *América Latina*, 27, 125.

<sup>101</sup> Tertullian, *De Praescriptione Haereticorum*, 24.1; 198.

<sup>102</sup> Boff, *Igreja*.

<sup>103</sup> "Mutata sunt sacramenta, sed non fides." Augustine, *Sermones* 10, 19.

<sup>104</sup> My emphasis. *Mater et Magistra*, 10,

[http://www.vatican.va/content/john-xxiii/en/encyclicals/documents/hf\\_j-xxiii\\_enc\\_15051961\\_mater.html](http://www.vatican.va/content/john-xxiii/en/encyclicals/documents/hf_j-xxiii_enc_15051961_mater.html).

Sacred into the metaphysical domain and claims full dominium over it. Then, the Word becomes dogma and the Law becomes canon, explains Boff. By so doing, the Church's word on the Sacred appears to be eternal, universal, and exclusive. A small group of "learned" theologians and lawyers is entrusted to assist the Clergy in examining the substance of tradition and the Scriptures. Ordinary people are simply to absorb their dogmatism.

Thomas believes the pope is the sole legitimate succedent of Peter.<sup>105</sup> The encyclicals only confirm that the Apostles themselves established "bishops as their successors, handing over to them the authority to teach."<sup>106</sup> Hypothetically, the *Pastor aeternus* is directly invested in the supernatural apostolic authority,<sup>107</sup> which should suffice to affirm his infallibility. But there is more. The Church also claims the Holy Trinity has personally founded it.<sup>108</sup> God established the Church in Christ himself, who gave the Apostles<sup>109</sup> the power of *iuris diction*, which they utilize with the inspiration of the Spirit. Supernatural authority allegedly guards the irrefutability of the Clergy against all critical reflection on the human reality.<sup>110</sup>

In reality, the revelation of the Roman-Scholastic Church is that God wills for humans to live hierarchically, with varied degrees of dignity. The Church elevates the internal and external hierarchy to the status of divine will<sup>111</sup> by claiming that Christ has personally established a hierarchical Body for all humanity, so God must have intended for people to live hierarchically together. Boff argues this hierarchical Christianity "*Internalizou-se na alma popular*"<sup>112</sup> of Brazil. The *sacra potestas* and *mater et magistra* have enabled the Church to refine this draconian established order to a significant level of self-coherence.

All the while, the hierarchy oppresses the socially vulnerable<sup>113</sup> and precludes a genuine encounter with the poor. The "evangelization" of Brazil has failed crassly because the missionaries were landgrabbers and slaveowners.<sup>114</sup> The oppressed had to develop their own model of being Church, namely, the CEBs. The more the Church suppresses the socially lowered, the more dismembered and hierarchical it becomes. No

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<sup>105</sup> Aquinas, *Summa Contra Gentiles*, 4.76.

<sup>106</sup> *Dei Verbum*, 7.

<sup>107</sup> Vatican I, *Pastor Aeternus*, Pope Pius IX (July 1, 1870),

[http://www.vatican.va/archive/hist\\_councils/i-vatican-council/documents/vat-i\\_const\\_18700718\\_pastor-aeternus\\_la.html](http://www.vatican.va/archive/hist_councils/i-vatican-council/documents/vat-i_const_18700718_pastor-aeternus_la.html)

<sup>108</sup> Aquinas, *Expositio in Symbolum Apostolorum*, 9.

<sup>109</sup> *Dei Verbum*.

<sup>110</sup> Boff, *Igreja*, 29.

<sup>111</sup> Boff, *América Latina: Da Conquista à Nova Evangelização* (São Paulo, Brazil: Ática, 1992), 186.

<sup>112</sup> *Ibid.*, 125.

<sup>113</sup> Boff, *Igreja*, 178.

<sup>114</sup> Boff, *América Latina*, 119.

other institution speaks of *dignitas* more recurrently than the Catholic Church. And still, it denies the sacrament of ordination to women and tries to control their bodies. It does not allow the historically oppressed “be” the Church.<sup>115</sup>

The Roman structure and the Scholastic-Thomistic doctrine are complementary.<sup>116</sup> The Church helped the empire with indoctrination and the Crown financed the ecclesial hierarchy. Scholastic Catholicism was the principal ideology of the colonial project. Today, its hierarchical legacy remains attuned to Brazil's authoritarian political regime.<sup>117</sup>

## 1.2 The Racial Endeavor to Define the Brazilian Soul: the Racial Democracy Myth and Gilberto Freyre's Anti-Thomistic Sentiment

The first “official history” of Brazil has become a myth. It describes how the people originated from harmonious racial mixtures. The racial democracy myth is theological insofar as it narrates the birth and destiny of a modern, multicultural, and progressive people. The story unites and erases differences for the common good, elevating Brazil to an exemplar among democratic nations. Being so racially mixed, the myth states, Brazilians have never experienced racial injustice. There is no structural racism in a land known for hybridity – Brazil's defining virtue. But the narrative which unites the nation with cultural and political wonders also camouflages a people's violent past and present.<sup>118</sup>

The arrival of the Portuguese Crown in Rio de Janeiro, 1808, initiated a political transformation.<sup>119</sup> Florestan Fernandes argues the process leading to independence in 1822 was at once “conservative and revolutionary.” It maintained colonial rule but opened some space for a moderate distribution of power. Brazil was becoming a hybrid monarchical and republican system, a kind of “colonial nation.”<sup>120</sup>

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<sup>115</sup> Boff, *Igreja*, 88–89.

<sup>116</sup> Rioland Azzi, *A Cristandade Colonial: Um Projeto Autoritário* vol. 1 (São Paulo, Brazil: Paulinas, 1989), 227–29.

<sup>117</sup> Marilena Chauí, “Sociedade Brasileira: Violência e Autoritarismo por Todos os Lados” *Carta Maior* February 26, 2016, <https://www.cartamaior.com.br/?/Editoria/Politica/Sociedade-brasileira-violencia-e-autoritarismo-por-todos-os-lados/4/35548>; Boff, *Igreja*, 30.

<sup>118</sup> Abdias Nascimento, *O Genocídio do Negro Brasileiro Processo de um Racismo Mascarado* (Rio de Janeiro, Brazil: Ipeafro, 2016); Luiza Bairros, “Lembrando Lelia Gonzalez” in Jurema Werneck et al., *O Livro da Saúde das Mulheres Negras* (Rio de Janeiro, Brazil: Pallas, 2000); Silvio Almeida, *Racismo Estrutural* (São Paulo, Brazil: Pólen, 2019).

<sup>119</sup> Cândido, “A Sociologia no Brasil,” 271–301.

<sup>120</sup> Florestan Fernandes, *A Revolução Burguesa no Brasil: Ensaio de Interpretação Sociológica* 2nd ed. (Rio de Janeiro, Brazil: Zahar, 1976), 32–33.

The agrarian aristocratic elite envisioned a modern nation with an absolutist government. It began advocating for a national political-economy to increase production and reduce international competition.<sup>121</sup> The Brazilian bourgeoisie, too, wished to incorporate the liberal values into the colonial hierarchical structure. It wanted “freedom” for the political-economy and colonial rule for the people.<sup>122</sup> Brazil’s national project grew in a slaveholding and patronizing culture. It was hierarchical for the poor and colored and “progressive” for the rich and white.<sup>123</sup> But the highly unequal society lacked a national unifying culture.

The king of Brazil sought to create that much needed national culture while maintaining his centralized power.<sup>124</sup> His hard task was to unite the aristocracy, a wannabe bourgeoisie, and a multitude of freed people, peasants, and rural workers. To that end, he launched a few institutions. The Instituto Histórico e Geográfico Brasileiro (IHGB) is one of them. Its purpose was to develop an official history of Brazil. A convincing narrative of common origins could bring the classes together, minimize social conflict, and justify a constitutional monarchy.

The IHGB issued a public contest of essays on the question “How Should One Describe the History of Brazil?” The essay winner was also the founder of Brazilian history, the German botanist Carl Friedrich Philipp von Martius.<sup>125</sup> Von Martius, who was anything but a historian by trade, had written treatises on vegetal morphology. His winning story harmonized the tropical nature with the “progress” of racial mixture.<sup>126</sup> It integrated the races but acknowledged the Portuguese predominance.<sup>127</sup> From his perspective, the Portuguese men were clearly the conquerors and lords of the land. Von Martius explained his point with a fluvial metaphor of Brazil’s racial birth. In it, the races met to form one grand and rapid river with two tributaries. Unsurprisingly, the greatest river is the “white” and Portuguese, which “cleans” and “absorbs” the Indigenous and the African rivers.

The first official history of Brazil is a narrative of racial mixture for the purposes of national unity. Essentially it says that

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<sup>121</sup> *Ibid.*, 33.

<sup>122</sup> Fernandes, *A Revolução Burguesa*, 31–33.

<sup>123</sup> Roberto Mangabeira Unger, *Depois do Colonialismo Mental: Repensar e Reorganizar o Brasil* (São Paulo, Brazil: Autonomia Literária, 2008).

<sup>124</sup> Fernandes, *A Revolução Burguesa*, 31.

<sup>125</sup> “Como Se Deve Escrever a História do Brasil,” *Jornal do Instituto Histórico e Geográfico Brasileiro* 24 no. 6 (Jan. 1845): 381–403, <https://umhistoriador.files.wordpress.com/2012/03/martius-carl-friedrich-como-se-deve-escrever-a-historia-do-brasil.pdf>

<sup>126</sup> Chauí, *Brasil*, 31.

<sup>127</sup> Schwartz, *Sobre o Autoritarismo Brasileiro*, 21–22.

the races belong together for the greatness of the white race, which predominates<sup>128</sup> in a "hierarquia inquestionável."<sup>129</sup>

Von Martius's naturalist spirit kept returning in nationalist and racist stories that affirm unity.<sup>130</sup> But it was Gilberto Freyre's racial democracy that canonized the myth. His *Casa-Grande & Senzala* (1933) has convinced many Brazilians that racial mixture is their defining characteristic and virtue. Freyre's alluring history is the first scholarly work to acknowledge that Africans actively participated in the formation of Brazilian culture. Yet, it suggests that the African and Indigenous contributions are primarily biological, i.e., sexual and "genetic." Culture is "natural" for Freyre to the extent that the economy and the family are the loci of the human creative interactions. "Nature" so understood linked the monopolist, monocultural, and slaveholding economy and the patriarchal family. For Freyre, the patriarchal family generated Brazil's private and public institutes in the reality of slavery and monoculture. *Casa-Grande & Senzala* is a complex study, filled with contradictions and insights, but it plainly claims that the family and production were the powerhouses of Brazil's self-understanding.<sup>131</sup> That thesis is in the subtitle of the Brazilian edition: "A Study in the Formation of the Brazilian Family Under the Patriarchal Economy."

In Freyre's account, the contributions of African people to Brazilian culture happened via sexual relations with the slave master. Though he considers the Portuguese "inferior" to the "sophisticated and knowledgeable" Western and Central African, the Portuguese "exceeded" them in "military and technical" accomplishments.<sup>132</sup> Africans were "superior" in religion, aesthetics, "genetics," and culture. So, despite their "victory" the Portuguese had to negotiate "genetic and social" changes. The scarcity of white women was for Freyre another factor. He argues that it created "celebratory zones" between the white male "winner" and the colored female "loser." To be sure, Freyre acknowledges the violence and degradation of Brazilian miscegenation.<sup>133</sup> Even so, he thinks the violent "celebratory zones" had the effect of creating a democratic nation because they racially bridged the big house and the slaves quarters.<sup>134</sup> Because of them, "Every Brazilian... carries in his soul, if not in

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<sup>128</sup> von Martius, "Como Se Deve."

<sup>129</sup> Ibid.

<sup>130</sup> For example, Euclides da Cunha's *Os Sertões* (1902), Mário de Andrade's *Macunaima* (1928), and Oliveira Viana's *Raça e Assimilação* (1932).

<sup>131</sup> Cândido, "A Sociologia no Brasil."

<sup>132</sup> Freyre, *Casa-Grande & Senzala: Formação da Família Brasileira sob o Regime da Economia Patriarcal* 48th ed. (São Paulo, Brazil: Global, 2003), preface, 33.

<sup>133</sup> Freyre, *Casa-Grande & Senzala*, 515.

<sup>134</sup> Jessé Souza, "Gilberto Freyre e a Singularidade Cultural Brasileira" *Tempo Social* 12:1 (2000): 69-70

the soul and the body, the shadow or at least the birthmark of the Indigenous and the Black peoples."<sup>135</sup> For Freyre, the slave master "owned" the land, the women, and the houses, which they built hefty, sturdy, and ugly, all bathed in whale oil.<sup>136</sup>

Freyre had a distaste for the Thomist inflexibility of the Jesuits. He thought the Jesuit "rigidity" did not fit in Brazil. The Franciscans, he imagines, would have been the ideal missionaries for an "intellectually rebellious" people with strong "communist tendencies," who opposed "mercantilism," loved simplicity, and were almost "animist and totemist" in regards to Nature.<sup>137</sup>

The myth tells Brazilians they have never witnessed white supremacy in their homeland. Brazil is a blending machine that loves and feeds on difference. It thus has something to teach the world about progress. Here lies the myth's grave fallacy – that Brazilians are not racist. In fact, Brazil has never been a democracy, much less so a *racial* one. Despite the efforts by the Black Movement to unmask the myth, it has convinced too many that no one is racist where everybody is mixed. Colonization and slavery have naturalized institutes of dominium which a redemptive tale alone cannot erase. The caravels were not cruise ships, the big houses not love nests, and Brazil not a racial wonderland. A myth cannot bridge the dignity gap.<sup>138</sup>

## 2. The Human Person

### 2.1 The Biblical Person Made in Relation, Self-Transcendence, and Love

The section presents a definition of personhood by contrasting two Christian views that are prominent in Brazilian culture. The first view is Biblical. In it, humans are relational beings, i.e., hearers of God, and capable of overcoming social limitations through the attitude of love. The second view is Thomist. It places the soul above the body and the "disembodied" life above the embodied one. Together, the two views suggest that *persons exist as value units within hierarchical relations*. Since people exist to one another in hierarchical ways, their dignity is quantifiable. And there are degrees of dignity because the soul is superior to the body.

Ivone Gebara, a Brazilian eco-feminist theologian, departs from her experience living with poor women in Camaragibe, Brazil, to reflect on the concrete impacts of the Aristotelian-Thomistic essentialism. Women have been

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<sup>135</sup> Freyre, *Casa-Grande & Senzala*, 367; preface, 44.

<sup>136</sup> *Ibid.*

<sup>137</sup> *Ibid.*, 214–15.

<sup>138</sup> Marilena Chauí, "500 Anos: Cultura e Política no Brasil," *Revista Crítica de Ciências Sociais*, 38 (1993): 51–52l.

unjustifiably associated with the idea of “nature,” through the “wild” and the “nurturing” stereotypes. She thinks the problem is that theological constructs sewn on fundamentally naturalist soil can affirm the superiority of men over women and the human dominium over creation.

For Gebara, the “white, westernized, wealthy man, the possessor of economic and political power is regarded as a person on the account of his relationship of superiority.”<sup>139</sup> He places God above creation and reserves to himself the reflection of the divine image.<sup>140</sup> For the same reason, Indigenous and Black Brazilians are under attack.<sup>141</sup> While everyone is prone to favor their own experiences, traditional theologians most often present their perspectives as though they were absolute.<sup>142</sup>

Personhood is not subject to philosophical speculation, Gebara warns. Every person is unique and complex. Unique, because their relationships are particular. Complex, because their *personas* are multiple.<sup>143</sup> For Gebara, the *personas* are the various roles everybody plays in the network of relationships. Since all human bonds are specific, the *personas* that they design are too.

“Relatedness” is Gebara’s attempt to define the undefinable human nature. For her, the actual person is a person on account of real relationships. Relatedness is the dynamic web of interrelations that constitute a person. The paradox – to define the undefinable – is unavoidable because actual relationships are contingent and they make real *personas*. But “relatedness” makes actual persons, not the person as such. Still, Gebara proposes that “relatedness is the primary reality,”<sup>144</sup> the nature of the actual person. Consequently, in relationships of command and obedience, there can only be superior and inferior persons.

Leonardo Boff takes a biblical shortcut to reach a nearby destination. The Bible confirms the “relatedness” thesis but grounds it in the divine address to humanity. Boff believes the human-divine interaction is always personal and dialogical. Humans are basically hearers of and respondents to God, he proposes. The hearing and responding vocations indicate that the person exists in a dialect between “immanence and transcendence.”

The Bible speaks of this dialect in terms of body and soul. It calls “body” our spatial-temporal limitations and “soul” our outward predisposition to overcome limitations through

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<sup>139</sup> Ivone Gebara, *Longing for Running Water: Ecofeminism and Liberation* (Minneapolis, MN: Fortress Press, 1999), 75.

<sup>140</sup> *Ibid.*, 16; Michelle A. Gonzalez, *Created in God's Image: An Introduction to Feminist Theological Anthropology* (New York: Orbis, 2007).

<sup>141</sup> Gebara, *Longing*, 16.

<sup>142</sup> *Ibid.*, 70.

<sup>143</sup> *Ibid.*, 77.

<sup>144</sup> *Ibid.*, 83; 84–85; 90.

interactions with God, the other, and the planet. The person, Boff summarizes, is the unity of these two dimensions – a body-soul, as Paul would say.<sup>145</sup> The immanent or corporeal aspect represents our temporal and spatial constraints.<sup>146</sup> The soul or transcendental aspect represents the capacity to overcome social impositions through relations. Transcendence thus implies agency and openness. Finally, the body and soul form a non-oppositional dialect because they constitute one indivisible person. A person exists in the dialogical communion with the other and the body-soul dialect.

For Boff, the human dignity does not not depend on the divine reflection but on our hearing and responding capacities.<sup>147</sup> If the divine reflection discloses the sacredness of the person, human interactions constitute a precondition of that reflection. Our divine image depends on the inherent capacity to hear and respond to others. Moreover, being a hearer implies having the power to respond with dignity. God's commandment to love the neighbor defines the human transcendence and gives a purpose, which for Boff is the actualization of all possibilities contained in relationships.<sup>148</sup>

Boff summarizes his concept by saying that humans are "more relationship than being"<sup>149</sup> and an "infinite project."<sup>150</sup> Being "hearers of God's Word"<sup>151</sup> makes us a creative and open-ended process. The person who hears and responds inevitably dreams of that which is necessary for a fuller existence.<sup>152</sup> Since "God" is the horizon toward which the religious person looks in search for plenitude, we encounter God in the other.

Love is the primeval capacity to enter dialogical and potentially transcending relations. Boff thinks Jesus is the ideal person because he has given the socially lowered a perfect love response. The Incarnation is for Boff an instantiation of the transcending possibilities that exist immanently for everybody. By loving and accepting the poor's love, a person discovers human nature, Boff believes.<sup>153</sup> Because his person is inseparable from his love response, Jesus's humanity is the source of his

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<sup>145</sup> Leonardo Boff, *O Destino do Homem e do Mundo* 11th ed. (Petrópolis, Brazil: Vozes), 64.

<sup>146</sup> Leonardo Boff, *A Ressurreição de Cristo: A Nossa Ressurreição na Morte* 7 th ed. (Petrópolis, Brazil: Vozes, 1986), 81–86; c.

<sup>147</sup> Ibid.

<sup>148</sup> Boff, *Tempo de Transcendência*.

<sup>149</sup> Leonardo Boff, *O Destino*, 62; Boff, *Jesus Cristo Libertador: Ensaio de Cristologia Crítica Para o Nosso Tempo*, 19th ed. (Petrópolis, Brazil: Vozes, 2008), 186; Boff, *Tempo de Transcendência*, 36.

<sup>150</sup> Boff, *Tempo*, 37.

<sup>151</sup> Boff, *O Destino*, 62.

<sup>152</sup> Boff, *A Ressurreição*, 61.

<sup>153</sup> Boff, *Jesus Cristo Libertador*, 186.

divinity too.<sup>154</sup> So his divinity is in his *human* capacity to reach the fullness of agapeic love.

In sum, Boff proposes that a person is an indivisible body-soul unity who exists in dialogical relations and can transcend social limitations by loving the socially inferior.

Martin Buber's philosophy of dialogue also emphasizes the capacity to love. Buber thinks love is the way through which the *Shekinah* wishes to reunite.<sup>155</sup> So the double command is always personal.<sup>156</sup> Since every person is a sacred temple of the Spirit (Paul), we must love the neighbor as Tabernacles worthy of housing God's honor.<sup>157</sup> In this way, love gives a "spiritual existence," which Buber contrasts to a "natural" one. Natural existence is a mode of living in the totality of the world.<sup>158</sup> The Thou relation is the precinct of the spiritual existence. In the Thou, God shows a "total Presence" which transforms its participants.<sup>159</sup> The Thou illuminates the human immediacy to the divine Presence in divine love. But *human* love is a kind of wisdom by which to live by,<sup>160</sup> an attitude-response which welcomes the full humanity of the other. For this reason, God will judge each of us according to our capacity to love one another.<sup>161</sup>

In the Bible, the human person is transcendental because it is relational and perfectly relational in the love which liberates. Love is the grounds of the dialogical capacity only insofar as it liberates the poor. It is the basis of one's capacity to revolt, resist, and overrule tyrannical or unfair interdicts against human dignity. That is the reason love is not opposed to power, but its end.<sup>162</sup>

If "relatedness" defines a person (Gebara), a hierarchical society defines actual persons in unequal relations. If the person can overcome social limitations in relations (Boff), then it is clear that the hierarchical society confuses transcendence with the ascension to positions of power. And if love is the attitude-response that allows truly dialogical relations (Buber), then love can overcome hierarchy.

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<sup>154</sup> Leonardo Boff, "Images of Jesus in Brazilian Liberal Christianity" in *Faces of Jesus: Latin American Christologies*, ed. Míguez Bonino (Eugene, OR, Wipf and Stock, 2002), 24–25.

<sup>155</sup> The *Shekinah* is God's dispersed Presence in creation.

<sup>156</sup> Paul Mendes-Flohr, *Love: Accusative and Dative: Reflections on Leviticus 19:18* (New York: Syracuse University Press, 2007).

<sup>157</sup> Margalit, *The Decent Society*, 53;

<sup>158</sup> Compare to the "It" relation. Martin Buber, "Religion as Presence" in Rivka Horwitz, *Buber's Way to "I and Thou"* (New York, NY: The Jewish Publication Society, 1988), 69, 73; *I and Thou* trans. Walter Kaufman (New York, NY: Charles Scribner's), 53, 60, 82.

<sup>159</sup> Buber, *I and Thou*, 125.

<sup>160</sup> Leonardo Boff, *Coríntios* (Petrópolis, Brazil: Vozes, 1999), 14.

<sup>161</sup> Matt 25:31–46.

<sup>162</sup> Boff, *Coríntios*, 15–17.

## 2.2 The Hierarchical Person in Thomas Aquinas's Substance Dualism

For Thomas Aquinas, the person exists in hierarchical relations. His incorporation of the Aristotelian "substance dualism" obfuscates the biblical view of personhood. Instead of Christ, Thomas's model is Aristotle's rational soul. In Aristotle's theory of emanations (hylomorphism), every physical being is a compound of form and matter, which have different purposes, operations, and natures. All beings are either a form, a substance, or compound of the two. "Form" is the prior and more important entity which unifies a given matter making it a single object. A form "generates" and unites to a matter. Matter is the potency to exist or become; that which is not, as such, a particular thing yet. So matter is potency and form is an act.<sup>163</sup> A particular matter always serves a form or actuality because the form is the principle-being which animates, generates, and organizes the matter. It is the force behind an object's existence. It includes both the actual and the potential being in a matter-form union. But although they unite they do not mix.<sup>164</sup>

Thomas applies this premise to the human person and defines the soul as a "substantial form." Forms can be intellectual or substantial. The angels are an intellectual form because they are "intellectual" or "rational" beings who lack a material body. The human soul is a "substantial form" because the soul is "rational" but also essential, i.e., "substantial," for the body's existence.<sup>165</sup> The soul creates the body and exists in it. In the Aristotelian-Thomist vernacular, the soul is the "primary actuality" of the physical bodily organism.<sup>166</sup> The soul is therefore unique because it has an intellectual nature and a bodily existence. It is rational as the angels but lives in an "irrational" matter, as the beasts do. As a form, the soul never mixes with the body. Instead, they unite.<sup>167</sup>

The body and the soul unite for the soul's purpose of knowing God.<sup>168</sup> The very goal of human existence is cognitive, "to know." That is the person's purpose because it is the soul's purpose. A soul necessitates and employs a body to know objects. Since the body as such is pure potency or matter, it is completed "in kind and in being" by the soul.<sup>169</sup> And since the soul gives the body its actuality, a body without a soul will

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<sup>163</sup> Aquinas, *Commentary on Aristotle's De Anima*, 2.1, 212-16.

<sup>164</sup> Aristotle thinks that is true for physical objects, the human being, and even the polis.

<sup>165</sup> Aquinas, *De Anima*, II, 1, 221-24

<sup>166</sup> *Ibid.*, 227-9; 233.

<sup>167</sup> Aquinas, *Summa Theologiae*, 1.75, a2; I, q75, a5; I, q76, a1; *Summa Contra Gentiles*, II, 56.

<sup>168</sup> *Ibid.*, I, 75, a3; I, q47, a2, ad 1.

<sup>169</sup> Aquinas, *De Anima*, II, 1, 220.

disappear. While they are an unmixed "composite," the soul generates, shapes, and animates the body.

Fundamentally, the soul alone makes the human being a "person." The body is actually a tool for the soul to know God.<sup>170</sup> And since matter always unites to and serves a form, the soul commands the body. It is the soul's intellectual nature and purpose that qualify the body and the body-soul composite (person) as. That the soul is a "substantial form" gives the person its being.<sup>171</sup>

In short, Thomas conceives of a *hierarchical* person whose body and soul hold different dignities. If the soul elevates human dignity, the body drags it down. Also, the soul's dignity is superior because its degree of existence is too. Thomas believes that God is existence itself, the only self-existing being (*Ipsum Esse Subsistens*).<sup>172</sup> So the more plentifully a being exists, the more it reflects its creator. Humans are the lowest among rational beings because the intellectual soul unites with a body. But the person is above the animals, who lack a rational soul. The body is the highest kind of matter because of the dignity of the soul.<sup>173</sup>

Thus, the soul's intellectual and superior nature<sup>174</sup> is the reason the body-soul forms a *human* person and its dignity is a *human* one. For Thomas, only the intellect (soul) reflects the divine image in the person.<sup>175</sup>

### 2.3 The Immortality of the Soul: One Nature, Two Modes of Existence

The immortality of the soul is the most defining trait of Thomas's dualism. Aristotle thought the soul would not survive the death of the body because the soul has no activity apart from it.<sup>176</sup> Whatever thing does not operate cannot exist for much longer either. A theologian, however, could not deny the immortality of the soul. To accommodate Aristotle's dualism into Christian thought, Thomas had to warrant the conviction that the soul can operate without a body. But without it, the soul would be a form without matter ("intellectual form"), which is the nature of the angels.

In the *Summa Contra Gentiles*, 1.80 and 81, Thomas reiterates Aristotle's premise that the operation which is natural to a thing

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<sup>170</sup> Étienne Gilson, *Le Thomisme. Introduction au système de Saint Thomas D'Aquin* (Paris, France: J. Vrin, 1922), 140; Aquinas, *De Anima*, 220.

<sup>171</sup> Aquinas, *De Anima*, 2.1.225.

<sup>172</sup> Aquinas, *Summa Theologiae*, 1.2.3, ad. resp.

<sup>173</sup> "The soul is on the borderline of things corporeal and incorporeal." Aquinas, *Summa Contra Gentiles*, 2.68.

<sup>174</sup> Aquinas, *Commentary on the Sentences*, 1.23.1.1; 26.1.1; 10.1.5.

<sup>175</sup> Aquinas, *Summa Theologiae*, 1.46.2,

<sup>176</sup> Aristotle, *De Anima*, 1.1.403, 3-25, 5-16.

is the one natural to its mode of existence.<sup>177</sup> The soul's "mode of existence" is cognitive and perceptible in its activity. Thus, the soul's nature must be intellectual because the soul's operation is "to know." But it is also "self-evident" for him that the intellect is not a physical organ. Like Aristotle, Thomas assumed that *intelligere* is an operation of the soul. Although it is not in a physical organ, it needs the body to perceive objects qua objects of knowledge. The soul knows rationally, by grasping conclusions about knowable objects after it refers them back to self-evident or "universal" principles. It does so with "phantasms,"<sup>178</sup> which are representations of sensible perceptions of objects presented to the intellect. It knows "phantasms" like the body knows the senses. Bluntly, the soul knows the essence of the objects perceived through abstractions that are extracted from the senses.<sup>179</sup>

Integrally accepted, the Aristotelian dualism negates Jesus's promise that the soul is immortal and that the body will resurrect. The soul needs the body because it needs the senses in order to know.<sup>180</sup> Given that existence equates activity, no substance can exist for too long without performing its natural operation. Perception (senses) is "located" in the body while the intellect is in the soul. The first disappears after the death of the body; the second does not.

Thomas changes his mind in the *Summa Theologiae*, 1.89.1.<sup>181</sup> Again, he uses the adage "a being is according to its mode of existence." Now, the soul can know independently from the body: "*nulla substantia destituitur propria operatione. Sed propria operatio animae rationalis est intelligere. Ergo post mortem anima intelligit.*"<sup>182</sup> Remember, the soul is a substantial form. That is the reason its operation is intellectual. Being naturally "rational," the soul must be able to operate without matter. The disembodied soul must know in a way that is similar to the angels, who do not perceive physical objects through the senses, but receive their knowledge directly "from above."

For Thomas, the disembodied soul can know more in a more "abstract and universal" way.<sup>183</sup> While this mode of existence is unnatural for the human soul, it is superior to the natural mode because it more closely attaches to the universal "intelligibles" above it. Thomas believes a being receives its influence from another, which is above *per modum sui esse*. Higher

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<sup>177</sup> Anton C. Pegis, *St. Thomas and the Problem of the Soul in The Thirteenth Century* (Toronto, Canada: Pontifical Institute of Medieval Studies, 1978), 168-80.

<sup>178</sup> Aquinas, *De Veritate*, 19.1.

<sup>179</sup> Cognition and memory use phantasmas too, only in a more sophisticated manner.

<sup>180</sup> Aquinas, *Summa Contra Gentiles*, 2.81.5; Aristotle, *De Anima*, 1.4.408, 24-25; 3.5; 430a, 23-24; 24-25.

<sup>181</sup> Pegis, *St. Thomas*, 168-80.

<sup>182</sup> Aquinas, *De Veritate*, 19.1.

<sup>183</sup> Aquinas, *Summa Contra Gentiles*, 2.68, 3-6.

“intelligibles” are superior to cognitive phantasms because the former contain more universal and unified forms. Thomas’s rationale is that God, who bestows all knowledge, is the simplest and most universal being. Complexity, duality, and multiplicity pertain to the lower and embodied realms. Upon leaving the body, the soul approaches the higher and more universal substances.<sup>184</sup> The more united and universal the object, the higher its knowledge. The angel’s knowledge is superior because they receive it directly from God and do not need physical bodies.<sup>185</sup> Like them, the disembodied human soul can know fewer but higher universals.

Consequently, such a “disembodied” mode of knowing is superior to its embodied correlate. The more directly the soul can share in the knowledge of God, the more the soul fulfills its purpose, which is to know God in total abstraction and universality.

Now Thomas faces a greater problem: Can the human soul really know like angels do? Recall that angels are purely intellectual forms whereas the human soul is a substantial form. The human natural mode of understanding must be corporeal, since the body is beneficial to the soul. Otherwise, God would have created a permanently disembodied soul. With Aristotle, Thomas assumes that matter exists for the sake of form, not contrariwise. Form “generates” and animates matter. Because angels do not have a physical body, the angelic mode of knowing does not really suit the nature of the human soul. And since the human *ex natura animae* necessitates the sensible perceptions, the soul cannot know exactly as the angels do. Thus, the soul’s power to know through “infused species”<sup>186</sup> does not signify that it can know *as much* universally and abstractly as the angels. Disembodied humans know in a way that is familiar with but inferior to the angelical knowledge. The composite body-soul *est enim secundum essentiam suam corporis forma*.<sup>187</sup> As an inferior kind of intellectual substance, the disembodied soul will receive the divinely “infused” forms in a lesser universal way when compared to the angels. Again, the criterion of differentiation is the hierarchy of the soul and the body.

Still, Thomas concludes the disembodied and the embodied soul have the same nature because they refer to one and the same person. The rational nature of the soul determines the possibility for it to exist without a body. While humans are a body-soul “composite,” the intellectual capacity alone justifies the soul’s natural and supernatural existences. The soul unites

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<sup>184</sup> Aquinas, *Summa Contra Gentiles*, 2.68, 3-6; 81.3-7.

<sup>185</sup> Aquinas, *De Veritate*, 19.1.

<sup>186</sup> The angelic knowing. Aquinas, *De Veritate*, 19.1.

<sup>187</sup> *Ibid.*, 56-58; *Quaestiones de Anima*, 5-20.

with, departs from, and will return to the body because it is intellectual, thus superior to the body.

All this implies the disembodied soul has a "supernatural" existence because knowing through a body is natural for humanity. God placed the human soul in an ambiguous position in the hierarchy of creation. It exists between a purely intellectual form (angel) and a matter (body). So the disembodied soul has a *praeter naturam* mode of existence because it can know abstract and universal intelligibles, even though it does not partake of the angelic nature. *Praeter naturam* does not mean beyond, external, or contrary to nature.<sup>188</sup> It means, instead, an exception and a superior status, a special condition which supposedly is closer to God. "Supernatural" refers to that which functions in a familiar but also superior way in relation to a properly natural function. It is exceptionally superior, but only so in function, not in essence.<sup>189</sup>

The soul's disembodied mode of existence and *praeter* status are reversible and temporary because they go against the soul's nature.<sup>190</sup> But since the soul is everlasting, as the Bible teaches, the soul must reunite to the body sometime. Disembodiment is therefore temporary, but "superior." The immortality of the soul is for Thomas a logical necessity pressing for a theological conclusion about bodily resurrection. And the resurrection is a logical truth with an *evidens ratio* in the soul's nature.<sup>191</sup> The disembodied soul is immortal but the immortal soul is not necessarily disembodied.

## 2.4 A Common Hierarchical Good

Thomas's introduction of Aristotle's dualism leaves a lingering problem. Aristotle and the Bible have different views of nature. While Thomas outlines a rational soul because of Aristotle's *natura*, the Bible equates "nature" with "human nature" and defines the human person relationally, in the body-soul union. Paul saw the body and the soul united in a non-oppositional and non-hierarchical dialect.<sup>192</sup> Tertullian understood the body as a unified organism and the soul as an invisible but "concrete" body.<sup>193</sup> Because the Incarnation associates body to immanence and soul to transcendence, the "nature" of the person denotes a bodily-spiritual unity.<sup>194</sup>

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<sup>188</sup> Aquinas, *Summa Theologiae*, 1.89.1.

<sup>189</sup> Natural and supernatural are two "formally distinct aspects of one reality." Dupré, *Passage to Modernity*, 173.

<sup>190</sup> Aristotle, *De Caelo*, 2.3, 286a; 17-18.

<sup>191</sup> Aquinas, *Summa Contra Gentiles*, 4.79.

<sup>192</sup> Boff, *A Ressurreição*, 86-89; Dussel, *El Humanismo Semita*.

<sup>193</sup> Tertullian, *de Ieiunio* I.I, *Corpus Christianorum* 2:1262; 9.4; 2:793.

<sup>194</sup> Boff, *A Ressurreição*, 100.

Thomas does not sufficiently harmonize Greek dualism and biblical anthropology. To be sure, he coalesces the rationalistic soul with the body-soul "composite," but the solution privileges Aristotle, for the intellectual soul creates, unites, uses, leaves the body. Thomas's rationale is that all natural beings exist in a hierarchy of ends, so natural difference necessarily implies a gap in dignity. Matter or the body is good but its dignity is naturally inferior to form or the soul.

Thomas uses the notion of causality to integrate Aristotle's *natura* to the Biblical creation. The Classical World did not consider creation *ex nihilo*. In Greece, creation was the perfection or augmentation of something that already exists. According to McGinn, Thomas innovated by proposing that creation was simultaneously a truth of faith and reason<sup>195</sup> because nature implies a creator in the creature. For Thomas, a being's nature connects to a creator and indicates a purpose. In its way of living, a being exhibits something that is essential to its creator. That something is indicative of the being's origins and purpose. So, origins and purpose are deduced from a being's "mode of existence." Even though both ideas refer to causality, nature as *natura* and creation *ex nihilo* are different. *Natura* presupposes a prior something to be changed and creation out of the blue supposes an absence of being.<sup>196</sup>

Causality connects *natura* and *creatio ex nihilo* because it implicates in the human share of the divine reason. Creation *ex nihilo* and *natura* converge precisely in the conviction that something essential to a cause remains in its effects. According to Thomas, in the case of humanity, that something is reason. The divine reason of the creator is in the rational soul like an effect contains a trait of its cause.<sup>197</sup>

The soul's reflection of the divine reason has two implications. First, it makes humans capable of knowing God. Consequently, while body and soul are good, the soul is the protagonist in the human purpose and activity. The second implication is the natural law, which is "appointed by reason, just like a proposition is a word of reason."<sup>198</sup> Since it is the "light" of the human intellect, reason tells what is to be done.<sup>199</sup>

The natural law has two fundamentals. First is the divine law itself, whence all things derive their proper acts, inclinations, and ends.<sup>200</sup> Acts derive from inclinations, which derive from ends. God establishes all ends. All creatures participate in the

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<sup>195</sup> McGinn, *Thomas Aquinas's*, 90; Aquinas, *In Aristotelis Metaphysicorum*, 5, 808–823; 824–826.

<sup>196</sup> Aquinas, *Summa Theologiae* 1.46.2; 1.44.1.2.

<sup>197</sup> Dupré, *Passage*, 168.

<sup>198</sup> Aquinas, *Summa Theologiae*, 1.2 "Treatise on Law," 91.2; 94.1; 90.1.2.

<sup>199</sup> Aquinas, *De decem praeceptis in Collationes*, 24, 7–8.

<sup>200</sup> Aquinas, *Summa Theologiae* 1.91.2; 1.106.1.

divine law insofar as they possess inclinations to act toward their ends.<sup>201</sup> A creature is inclined to perform the acts that are most suitable to its being according to its form.<sup>202</sup> Good actions always conform to the being's natural end.<sup>203</sup> All humans have an inclination to do good according to practical reason because the rational soul aims at the knowledge of God, the supreme good.<sup>204</sup>

The second fundament of is reason. It adjudicates what is naturally right and good with regard to the human end. Nature signifies something that is naturally an imperative for all, i.e., common, customary, or right. It also refers to that which is so traditional, old, and ancestral that it is considered an intrinsic condition of existence.<sup>205</sup> God has made every human soul rational, i.e., with the knowledge of the natural law.<sup>206</sup>

Because the divine law and reason ground the natural law, the common good is inevitably rational. Every good has the nature of an end, and every evil opposes an end,<sup>207</sup> thus all things to which humans have an inclination are naturally apprehended by practical reason as being good. However, while everything is good, there is a hierarchy of goods, as there is a hierarchy of ends. The first cause of all good is God and the end of all things is to know their original cause.<sup>208</sup> God, who is "reason" Itself, is the ultimate good<sup>209</sup> and the goal of every human act, inclination, and knowledge.<sup>210</sup>

The common good is universal because the natural law is rational, thus superior to positive or conventional laws.<sup>211</sup> From the natural law emanates all other laws, rules, or commandments.<sup>212</sup> Being universal and having the nature of an end, the common good entails a universally valid hierarchy of ends.<sup>213</sup> Reason is superior to all other faculties in the hierarchy of ends because God is the rational Being par excellence. The hierarchy also implies a fixed set of relations based on command and obedience. The most rational persons have the power to rule others, for the common good.<sup>214</sup> In the natural law, the most

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<sup>201</sup> Aquinas, *Summa Contra Gentiles*, 3, chap. 2.

<sup>202</sup> Aquinas, *Summa Theologiae*, 1.2 "Treatise on Law," 91.3.

<sup>203</sup> Leo Strauss, *Natural Right and History* (Chicago, IL: University of Chicago Press, 1965), 7.

<sup>204</sup> Aquinas, *Summa Theologiae*, 1.2 "Treatise on Law," 94.3; *Summa Contra Gentiles*, 3, chap. 7.

<sup>205</sup> Aristotle, *Physics*, 193, b13-19; 194, 27-30.

<sup>206</sup> Aquinas, *Summa Theologiae*, 1.2 "Treatise on Law," 90.4.

<sup>207</sup> Ibid.

<sup>208</sup> Aristotle, *Metaphysics*, 1.3, 983a, 25; Aquinas, *Summa Contra Gentiles*, 3, chap. 25.

<sup>209</sup> Ibid.

<sup>210</sup> Aquinas, *Summa Contra Gentiles*, 3, chap. 3; 7.

<sup>211</sup> Strauss, *Natural Right*, 81.

<sup>212</sup> Aquinas, *Summa Theologiae*, 1.2 "Treatise on Law," 90.1; Aristotle, *Politics*, 1284a 4-15; 1288a 15-29.

<sup>213</sup> Strauss, "On Natural Law."

<sup>214</sup> Ibid, 137.

rational is the most virtuous and superior. The *superior dignity* of the most rational persons resembles their excellence. Accordingly, the most legitimate political system is the one in which the most rational persons rule everybody.

### 3. Conclusion: Unity-in-Hierarchy and Degrees of Human Dignity

The dignity of the human person is one in nature but plural in degrees because of a double hierarchy. The first hierarchy defines and establishes degrees of dignity through Brazil's self-understanding. It suggests that dignity is the value a person has according to undeserved socioeconomic "modes of existence." The second hierarchy grounds the first and establishes that the dignity of the soul is superior to the dignity of the body. Both emanate from Thomas Aquinas's substance dualism. The soul's superior dignity derives from its intellectual nature and constitutes the human dignity. The body, the soul, and the person are human and have dignity inasmuch as the soul is superior to the body.

In Brazil, a person exists as a value unit and because of the two hierarchical relations – individual and collective. The body-soul and natural-supernatural hierarchies define personhood as well as actual persons. A person as such is the "unification" of the disproportionate weights that someone has in the two hierarchical axes.

Also, Brazil is a unity-in-hierarchy. Hierarchy is the foremost political value. So the national unity demands a hierarchy of dignity.<sup>215</sup> Unity-in-hierarchy begets relations based on command and obedience and allegedly undergone for the common good. People exist only in relations of subjugation and domination. So, the actual dignity is the value that is relative to the person's social and economic positions. For one person's dignity to increase, another must have less dignity or even lack it absolutely.

From these conclusive remarks emerge four implications. First, human dignity is always relative. Actually, it results from the sum of comparisons among actual persons living in disproportionally valued "modes of existence." Many have zero dignity. Second, the problem of human dignity is simultaneously theoretical and empirical. A people's self-understanding is an a priori condition for the possibility of actual dignity because real humans co-create their economic and political relations. Third, hierarchical relations satisfy a hierarchical common good, one that maintains unequal individual statuses. In a hierarchical

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<sup>215</sup> The use of power is only legitimate if it serves the vulnerable. Gl. 5,1. 13; Boff, *O Destino*, 60.

culture, the final end is the conquest of positions of superiority and command. The "common good" is achieved through the popular struggle to attain positions of dominance. The "good" of the common becomes the maximization of the socioeconomic ranking; Fourth, the "value" hierarchy corrupts the notion of self-transcendence, presenting the goal of domination as one of liberation.

An alternative and horizontal concept is urgently needed. Perhaps, an interactive notion is a better start. Since humans are "more relations than being," dignity depends more on relations that are based on a love attitude-response. The body has the same dignity of the soul because it makes us present and open to each other. There is no person without a body given the human existence depends on interaction, of which the body is a *sine qua non* condition. For dignity to truly exist, it must be at once "corporeal and spiritual."