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Liberal Ideology, An Eternal No; Liberal Institutions, A Temporal Yes? And Further Questions

Michael Novak

Michael Baxter's long review provides an outline of David Schindler's useful first book; concentrates on its treatment of John Courtney Murray; gives a free pass to its lengthy ontological and theological speculations; and calls attention to its impracticality. Like Baxter, I share de Lubac's view of grace and nature (mediated to me by three Jesuits, Henry Bouillard, Juan Alfaro, and Bernard Lonergan), although I draw from it practical applications quite different from those of Schindler and Baxter. Further, I agree with the main thrust of Baxter's criticism: just where one wants to test Schindler's grand hypotheses about how grace ought to work in a "civilization of love," particularly with regard to politics and economics, Schindler has almost nothing practical to say, and such few gestures as he offers seem lamely indistinguishable from those he criticizes, for example Murray (on the First Amendment) and Richard John Neuhaus (on the public square). His reading of my own work, too, is excessively polemical.

Three Disagreements

Before turning to properly political themes, I must flag without further comment my strong disagreement with three theological moves made by Schindler and apparently accepted by Baxter. First, it is not true that Vatican II canonized de Lubac's view of nature and grace. Equally, it is not true that Pope John Paul II's views of nature and grace are identical to, or even equivalent with, de Lubac's.

Second, Schindler's views of nature and grace are not precisely de Lubac's; they are an extreme radicalization of de Lubac's. De Lubac always insisted that God did not *owe* grace to nature. Thus, de Lubac's idea of a "unitary final end" is not collapsible into the proposition that grace is either in strict justice owed to nature or "intrinsic" to nature in the way Schindler says.

Third, contrary to Schindler, Murray's views of nature and grace were not only informed by de Lubac's work; they were also direct applications of it. As editor of *Theological Studies*, Murray published the most significant articles of our time on the history of the theory of nature and grace, the "*Gratia Operans*" articles of Bernard Lonergan, well-informed about the work of de Lubac and his colleagues. Schindler's extremism in theology and ontology tempts him to a kind of intellectual imperialism in other spheres, both in the academy and in politics. By contrast and following de Lubac, Murray was far more respectful of the limited but real autonomy of such disciplines as history, political philosophy, statesmanship, the philosophy of law, and jurisprudence, both in the academy and in the life of nations.

An Excursus on Nature and Grace

Although after Adam and Eve there has never been a time of "nature" without the Fall, and "nature" is therefore an abstraction not an historical reality, there *was* a time when Jesus had not yet come. Later, there were places where the grace of Jesus was not known. And there have been both times and places where many men knew of nothing more than reason and experience told them. In these cases, to speak of "nature" as distinct from "grace" seems not only just but illuminating.

To render judgment on the actions of good men and women, who to the best of their abilities pursued the good and the true, Thomas Aquinas, using Aristotle as a sort of numbered painting, filled in a picture of what "nature" *would have been* in these two cases: when persons did not know of the Fall and grace; and what is due to nature in itself, had the Fall and Redemption never happened. "Nature" is in this sense an abstraction, not a concrete reality. It is a theorem, devised as an aid to understanding. "Nature" in one of these two senses has been all that a great many human beings have known.

Yet this defense of "nature" as a theorem for understanding is important. It protects the limited yet real authority of those academic disciplines that prescind from revelation. It guards the arts of painting, sculpture, architecture in their proper respect for objects of nature in their naturalness (of form and matter), as well as literature, philosophy and history. This theorem enabled

Thomas Aquinas to write, against *The Sentences* of Peter Lombard, the classical textbook of the preceding century and a half, that men and women without grace, lacking faith, and ignorant of the Word of God, could in fact accomplish morally good deeds, pursue noble moral purposes, and build good cities ruled by good laws. Without grace, such deeds might not suffice for salvation, but in a plain moral sense they are good. Of course, such persons, too, suffered from the effects of the fall. They, too, stood in need of the full healing and full sanctification effected by the grace of Jesus Christ. But they did not know this, except obscurely and by a kind of inexpressible longing.

This legitimate use of the abstract term *nature* to help distinguish among daily realities of our lives is of high utility. It prevents theological imperialism on the part of Christians. It teaches Christians to be as patient and respectful of the twisting paths of personal biographies as God is. More profoundly, this usage grounded the great flowering of Christian humanism in the three centuries following the death of Thomas Aquinas. The cathedral he built in his *Summa* was matched in poetry (Dante), architecture (Chartres and St. Peter's), painting (Fra Angelico to Michelangelo), and all the liberal arts and newly launched sciences of the many new universities of the West.

We should note, finally, that "grace" too is a theorem, worked out in technical language over many centuries to account for the complex data of revelation. The merit of de Lubac was to remind us that these theorems of "nature" and "grace," so useful for theology as a science, do not alter the concrete facts of the current human condition: everything we see within us and around us is fallen, and everything has been redeemed. As the country priest of Georges Bernanos writes at the end of his *Diary*, "Everything is grace." If we distinguish, it must be in order to unite.

The Vocation of Lay Persons in the World

Nonetheless, having put that much on the record, it would be an error, in a review dedicated to politics, to dwell here mainly on ontology and theology. I appreciate for this reason Baxter's willingness to stick to one main issue, Murray on the First Amendment. Both Schindler and even more radically Baxter go wrong in their criticism of Murray. Political philosophy is a habit

of mind, and not at all the same habit of mind as theology or ontology. More narrowly still, political statesmanship—in this case, the act of actually founding a new republic—is yet another habit. It was this last habit that led to the First Amendment to the U.S. Constitution, an amendment that had been promised, along with others, in the debates concerning ratification. (Constitutional scholar Robert Goldwin has collectively called these first ten amendments “the people’s article” of the Constitution.¹) The American people are a religious people, and they were not satisfied with the relative silence about religion in the body of the Constitution. Many of the ratifying states had established churches, and some required that public officers be believing and observant Protestant Christians. Cumulatively, the states wanted to be certain that the new federal government did not force any one religion upon the people, and did not inhibit the free exercise of religion that the people already cherished.

James Madison was the particular person in whom this habit of statesmanship lived, in him a habit of a very high order. Practically single-handedly he put the Bill of Rights on the agenda of the First Congress, drafted it, and shepherded it through a largely unwilling and otherwise preoccupied Congress, believing that without it the Constitution would not be cherished by the people and would not hold. For the people rightly feared a strong central government.² Because of the false preeminence he is often given in these matters, it should be recalled that during this period Jefferson was in France as ambassador.

Necessarily, then, the First Amendment was a work of prudence. Its passage by a reluctant Congress and then by a majority of suspicious state governments, was no sure thing. Its very wording was carefully crafted under the pressure of intense debate. This was no academic exercise, no ideal statement for a theological manual. The final Bill was the product of serious Protestant minds, chastened by the lessons of the many experiments in religious liberty conducted in all the original

1. From *Parchment to Power: How James Madison Used the Bill of Rights to Save the Constitution* (Washington, DC: AEI Press, 1997).

2. It is not by accident that contemporary abuses of religious liberty date from the centralization of government subsequent to the New Deal.

colonies over some two hundred years. For them, it took a great deal of self-abnegation. In two vital areas they declared the lawmaking power of the Congress simply incompetent: Congress could pass no law establishing a religion ("*a religion*," Madison clarified in the constitutional debate) or inhibiting the free exercise of religion. They denied themselves the power to do these things.

Schindler and Baxter both complain of shortcomings in Murray's analysis of this historic and unparalleled achievement. And there are such shortcomings. Yet Murray had made some effort to acquire four demanding intellectual habits: theological, philosophical, political and historical; in addition, he tried to put himself in the shoes of the statesmen who toil to give ideals flesh in institutions. To acquire all these habits requires many years of work, and even then no one can do everything. To a very large extent, Murray necessarily had to exercise these habits in the arena of ecclesiastical history, rather than in the arena of American political history, since it was in that arena that he was under the fiercest sort of attack.

In this respect, I do not think the criticisms of Murray by Schindler and Baxter advance the argument very much, although they do help us to look at it from a fresh angle. With one exception, Baxter captures well enough the difficulties Schindler faces and the practical self-contradiction into which Schindler falls. However, Baxter follows Schindler in accepting this generation's "liberal" interpretation of the Constitution (for example, in the American Civil Liberties Union, Harvard Law School, and the higher Courts) as essentially the same as the interpretation expressed by the Founding generation. This is a great blunder, both historical and strategic. It is historically false, and it unwisely grants to our theological enemies all the prestige and legitimacy that the Constitution rightly accrued during its first 160 years. (I exempt the period from 1947 on, the period of liberal revisionism.)

Based upon this inadvertence, Schindler argues that "liberalism" presents us with a scam, imposing under the guise of "neutrality" a form of liberal indoctrination. He is quite right about that. That is one reason, among several, why some of us moved in a different direction, which liberals spurned as "neo-conservative." This new direction is that of Acton, Tocqueville, and Aquinas ("the first whig," as Acton called him), not to mention Pope John Paul II. This is the tradition for which, in political philosophy and

in political statesmanship, practical wisdom or *phronesis* is the central natural virtue. (*Phronesis*, blown by the infusion of grace, becomes *caritas*.)

In the American Founding, which was far more religious than liberal scholars of the last fifty years have reported,³ there are plenty of signs both of prudence and of *caritas*. One might consult, for instance, the great sermon of John Witherspoon, President of Princeton for 23 years, “the most influential professor in American history,” signer of the Declaration of Independence, and teacher of James Madison (for an extended one-year tutorial), as well as of 29 congressmen, 21 senators, and 56 state legislators. The sermon in question was published in Philadelphia two weeks before the Declaration of Independence, appealing for self-denying love.⁴ One might also consult, simply, a favorite American hymn:

*America! America! God shed his grace on thee
And crown thy good with brotherhood. . .*

So recently after the religious wars of Europe, which many in America had experienced in their own flesh, and in a context in which a majority of the states already cherished established churches, what would have been the path recommended by prudence and charity for the formulation of the First Amendment for the Republic as a whole—a path also likely to win a majority

3. The Library of Congress unveiled priceless documents to this effect in its new exhibit of June 1998, called “Religion and the Founding of the American Republic.” The interpretive text written as the exhibit’s catalogue by historian James H. Hutson is a primary document in its own right.

4. “I could wish to have every good thing done from the purest principles and the noblest views. Consider, therefore, that the Christian character, particularly the self-denial of the gospel, should extend to your whole deportment. . . . This certainly implies not only abstaining from acts of gross intemperance and excess, but a humility of carriage, a restraint and moderation in all your desires. The same thing, as it is suitable to your Christian profession, is also necessary to make you truly independent in yourselves, and to feed the source of liberality and charity to others, or to the public. . . . [T]he frugal and moderate person, who guides his affairs with discretion, is able to assist in public counsels by a free and unbiased judgment, to supply the wants of his poor brethren, and sometimes, by his estate and substance to give important aid to a sinking country.” (“The Dominion of Providence over the Passions of Men,” *Political Sermons of the American Founding Era*, ed. Ellis Sandoz [Indianapolis: Liberty, 1991], p. 557.)

of the necessary votes? The first task in the order of prudence was to secure religious peace, to prevent state control over religion, and to preserve the sphere of conscience, thought, speech and action free for the pursuit and practice of virtue, widely recognized as the only true happiness. Given historical precedents, this was a great work of divine prudence. So, forty years later, Tocqueville recognized it. So also the Third Plenary Council of Baltimore, looking back on the nation's first one hundred years under the Constitution.

Schindler argues that the First Amendment not only allows for an oath of loyalty to the Constitution on the part of atheists but actually tilts in the favor of atheists and against religion. That the amendment is often so interpreted today, even by the Supreme Court, I concede. But it is also a desecration of the acts of the Founding generation, and a treason against the understanding of all generations prior to about 1950.

Moreover, Schindler's proposal—to put into the First Amendment an understanding of religious liberty as the divine *communio*—directly intrudes state power into consciences. I do not think Schindler has a ghost of a chance of writing Catholic trinitarian doctrine into a new constitutional amendment, to replace the First Amendment. Nonetheless, he could well argue that the best available, and most profound, explanation of the First Amendment is to be found in reflection upon the nature of the human person, invited through Jesus Christ to participate in the trinitarian *communio*. He might well cherish this view in his heart and offer it publicly to all who might be won over by it.

Both Orestes Brownson and Alexis de Tocqueville held that one day Catholics might be the Americans best placed to offer a profound and coherent defense of the American achievement, and to prevent it from eroding, crumbling and losing its intellectual footing. Furthermore, Catholics might also supply (one day) a philosophical defense of the Constitution. Some might turn to Maritain and Murray, others to the phenomenology of the human person such as is found both in Karol Wojtyła's *The Acting Person* and in the not-yet-compiled collection of all Pope John Paul II's statements about the United States, reflecting upon the meaning of this nation in the current history of salvation.

Straussian political philosophers are fond of pointing to a supposed "gap" between the medieval and the modern world. To

this argument, there are many partial rebuttals. But it must be said that Wojtyła has added a dimension of reflection on the person as “subject” that mediates the Thomistic tradition and modern preoccupations, and brings to light the connective tissue between older conceptions of “nature” and modern practices of rights. All this Schindler ignores. Although he often invokes the name of Pope John Paul II, it is surprising how thin are his references to Wojtyła’s thought.

Baxter, as I understand him, turns away from the politics of prudence, and wants to build up the City of God with Scripture and the local communal church as his main supports. This is a radical view, and I applaud him for it. In every generation the Spirit raises up voices such as his, and calls the rest of us to listen well to his challenging complaints. Nonetheless, there are other vocations in the Church, including the vocation to carry the leaven of faith into the dough of ambiguous history, civic turmoil, and human striving. Moreover, in his radical fundamentalism, Baxter sometimes seems confused about the difference between dualism and distinctions. To distinguish in order to unite is not to practice dualism. In the light of eternity and of the trinitarian *communio* that is the proper life of the Church, neither democracy nor capitalism nor pluralism has more than a flickering temporal importance.

Nonetheless, it was in time—the fullness of time—that Jesus Christ under a particular political and economic regime was born, suffered, died, and rose again. So each of us also is called to incarnate the faith in a particular time, in the heat of its social battles, in the ambiguous arena of decisions of policy. We are called to suffer and die, and to allow Jesus Christ to live in us, in a manner worthy of saints and of the grace that is in us. But this, too, must be done with practical wisdom, and with as much knowledge as we can hungrily acquire and open ourselves to receive. Here, too, Thomas Aquinas is a saintly model; also the Chancellor to a problematic King, Thomas More; and many another. Christian humanism of this sort tends to get lost in the extreme (“radical”) theologies of Schindler and Baxter.

The distinctions between *eternal* and *temporal*, *natural law* and *law of love*, *nature* and *grace*, and several of the others that Baxter holds up to mockery as signs of “dualism” are sometimes signs of dualism in the unwary imagination. I remember several preach-

ers of retreats and professors over the years, the hard-working but less profound ones, using metaphors and examples that showed, indeed, a “two-story universe.” But the best of them, even then (my seminary education, back in the Dark Ages, extended from 1947 to 1960), cautioned us not to allow our imaginations to trick us in that way. They had read their de Lubac, and made sure we did too. Of course, in those days, de Lubac was under a papal cloud and one was instructed to use de Lubac intelligently, as an explorer, not as the writer of a text book to be memorized like Denziger. De Lubac on nature and grace can use language in quite ambiguous and even equivocal ways, as any attempt to map his ten or twelve different uses of these terms will soon show the attentive student.

Further, if what de Lubac says about the workings of grace within the only “nature” of which we have experience is true, then we would not expect Aristotle to speak of grace or the Gospels. Yet we would not be surprised to find intimations of precisely those realities, glimpsed perhaps only partially and with some distortion, in parts of his work. We do not expect that our fellow citizens who are atheists see in the First Amendment what we do. Yet we are not surprised when they come up with insights that give us a new way of reading old familiar passages, such as “Give unto Caesar.” It would be wrong for us to put into the First Amendment such language as only committed orthodox Catholics can swear commitment to. As it happens, even God permits each individual soul the opportunity (even right?) to refuse the Light shining into darkness. God, too, for the sake of receiving the love of women and men who are free, practices self-abnegation. If it is without precedent or model in the earlier history of the City of Man, the First Amendment is not without analogue in the divine economy.

For those who love God, the First Amendment is better than the establishment of an official church, on the one hand, or of official atheism, on the other. While there is more that government has done, can do, and ought to do in order to strengthen in the public mind the beliefs and practices of Judaism and Christianity (on which the success of our form of government depends), the First Amendment provides a necessary barrier against coercion by state power. On their lower side, the sound virtues and solid commitments engendered by Jewish and Christian sense of

responsibility are necessary means for the success of the experiment in republican government. Beyond that, they are also the *end* for which freedom was so earnestly pursued in the first place. Under a system of self-government, such virtues are ends in themselves.

The vigor of the First Amendment depends, however, upon a sturdy set of historical and philosophical-theological understandings of certain "truths." It is just these understandings that were for at least three generations in this century allowed to atrophy. During this period, a "liberal" and often explicitly atheistic understanding of the First Amendment captured an influential segment of the law schools and the courts. This doctrinaire and authoritarian revisionism has been a disaster for the moral ecology of the nation. Concomitant with it have come a horrific rise in criminality and crimes of the absurd, and a highly visible decline in basic habits of work, discipline, and respect in the nation's schools.

Our nation's Founders warned us often that without the practice of a sound faith and the habits inculcated by the Bible, our form of government is neither possible nor worthwhile. Our form of government is made to serve certain "truths," revealed to us both in Scripture and in our very reasoning about certain self-evident relations; for instance, the relations among virtue, self-government (in personal as well as public life), and liberty. About such truths our Founders were exquisitely clear.

No doubt the Founders were Protestant, and our understanding as Catholics is rather different. Yet I know of no Catholic body before them that built better. Some comfort may be gleaned from the early efforts on behalf of religious liberty in Catholic Maryland. In sum, I hope that both Schindler and Baxter turn their still youthful energies toward mastering the materials of history, politics, and economics. Then, and only then, will their theology take flesh in the tissues of ideas, institutions, and practices that constitute a civilization moved by the Love that moves the sun and all the stars.⁵

5. Incidentally, the distinction between the actual practices of liberal institutions and liberal doctrines which Baxter finds in a 1994 essay by Joseph Komonchak appears as the structural backbone of my earlier book, *Freedom with Justice: Catholic Social Thought and Liberal Institutions* (1984).