

## Getting Murray Right

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*This essay seeks to dispel two common misunderstandings of the argument of We Hold These Truths. Contrary to what is sometimes asserted, it argues, Murray does not turn the American founding into an expression of Thomistic political theory. Although he emphasizes the Christian and medieval roots of the American democratic experiment, Murray also recognizes—even if he does not explore the point systematically—the imprint left on the American founding by distinctively modern intellectual currents. Likewise, it maintains that although the rejection of the natural law tradition under the impact of Enlightenment rationalism figures prominently in Murray’s account of the crisis of the modern West, Murray’s account of the role of natural law in this crisis must be seen against the backdrop of a broader analysis whose focus is theological and spiritual in nature, and which sees the ultimate source of this crisis in modern culture’s rejection of Christian revelation.*

If, some fifty years after its original publication, *We Hold These Truths* continues to be an essential point of reference for American Catholic thinkers, the fact remains that it is a work more often invoked than carefully read and seriously engaged. Indeed, I would suggest that the task of understanding and critically engaging its far-ranging, complex, and subtle argument remains among the most important pieces of unfinished business facing American Catholic thought. Since before we can begin to critically engage *We Hold These Truths* we have to first understand it, what I want to do here is to try to correct two common misunderstandings regarding its argument. The first concerns Murray’s understanding of the political theory of the founding, the second his understanding of the crisis of our times.

Concerning the former, Murray is sometimes accused of turning the founders into Thomists and the founding into an expression of Thomistic political theory. Now it’s true that Murray rejects the view that the American founding was a simple expression of “the philosophy of the Enlightenment,” and he stresses the Christian and medieval roots of the American experiment. The Americans of the founding era, he maintains, “did their thinking within the tradition of freedom” that was their “heritage from England,” a tradition whose roots were not in “eighteenth century rationalist theory,” but in the Middle Ages.<sup>1</sup> Indeed, they did their thinking within the “the “liberal tradition of the West”

(186) whose roots were found in Christianity—in particular in Christianity’s “dualism,” its “distinction between church and state” and the distinction between state and society” to which it pointed (76-77)—and the tradition of natural law “political philosophy” whose “developed expression is found in St. Thomas Aquinas and the later Scholastics” (272) and which “historically . . . has found . . . its intellectual home within the Catholic Church” (54–55). If the Catholic embrace of the American Republic “has been a matter of conscience and conviction,” it is because “the theory” informing the American founding “is recognizably part of the Christian political tradition” (56, 79).

Nevertheless, this does not mean that Murray turns the founders into Thomists. If his account of “the American Proposition” emphasizes the medieval and Christian roots of the American democratic experiment, Murray also recognizes—even if he doesn’t dwell on—the imprint left by distinctively modern intellectual currents on the American founding. His account of the influence of the natural law tradition on the founding is a case in point. While Murray insists that the American democratic experiment was “conceived in the tradition of natural law” (47), he notes that “a subtle alteration” had taken place in this “ancient heritage” before “it reached the shores of America” (55).

For Murray, one might say, the natural law tradition was a mansion with many rooms. At the time of the American founding, political thinking “not only in France, but to a lesser degree even in America” (273) was dominated by a desiccated version of the natural law tradition that he dubs the “law of nature,” an impoverished conception of natural law that emerged under the impact of Enlightenment rationalism and found expression in the writing of figures like Grotius and Locke. Rejecting the metaphysical realism and teleological understanding of human nature that characterized earlier natural law theorizing at its best, the philosophical hallmarks of “the ‘law of nature’ of the Enlightenment” were its nominalism and rationalism (272).<sup>2</sup>

This theory, however, proved to be “as fragile, time-conditioned, and transitory a phenomenon as the Enlightenment itself.” Over the long run, as their philosophical implications became clear, the nominalism and rationalism of “the ‘law of nature’ of the Age of Enlightenment” (270) led to the rejection of the very idea of natural law in favor of the kind of thoroughgoing moral skepticism we see today. “The seeds of dissolution” therefore “were already present in the ancient heritage as it reached the shores of America” (55). And, if at the time of the founding, the rationalism and nominalism of the eighteenth-century law of nature theory had not led to a rejection of the very idea of natural

law, they colored and in some cases subtly distorted the understanding of the political and moral principles constitutive of the Western liberal tradition.<sup>3</sup>

What Murray says about Locke he might also have said about the founders: They “asserted in effect”—albeit sometimes “in debased form”—“the fundamental positions of the natural law philosophy of the state” (e.g., the rule of law, limited government, government by the consent of the people, etc.) while operating “on the periphery” of the natural law tradition (282).<sup>4</sup> Something analogous might be said about the founders’ appropriation of Christian dualism.<sup>5</sup>

The point is that if Murray emphasizes the broad continuity of the American democratic experiment with the Western liberal tradition, he is well aware that the continuity he calls attention to is not the whole story. He recognizes that the experiment was colored to some extent by—in both its political affirmations and the broader theoretical scaffolding supporting them—a voluntarism, rationalism, and individualism deriving from the Enlightenment. The founders, as he liked to say (echoing the Third Plenary Council of Baltimore), built “better than they knew”; and if the thought of the founding era was colored to some extent by the Enlightenment, one can still see behind it “the older philosophy that had been the matrix of the common law” (53). If the continuity between the American experiment in self-government and ordered liberty and the older liberal tradition was not complete, it was nevertheless still substantial and far-reaching.<sup>6</sup>

The second misunderstanding I want to address concerns Murray’s diagnosis and proposed treatment of the crisis he believes confronts us today.

The standard account of Murray’s understanding of this crisis focuses on the idea of natural law and runs something like this: The roots of Western liberty are found not in “the ‘law of nature’ of the Enlightenment,” but in “the ‘natural law’ of the *philosophia perennis*” (272) whose political philosophy acted to tame the state by compelling it to acknowledge the existence of an antecedent “order of human rights” and “justice” (292); to conform its actions to the demands of “the rule of law” (47) and the principle of government by the consent of the governed (48); and to accept that its authority is “limited” to “the temporal and terrestrial order . . . and even within this order . . . not coextensive with the ends of the human person as such” (258).

In modern times, this summary of Murray continues, this natural law philosophy was rejected in favor of the law of nature philosophy of the Enlightenment. As we have seen, however, far from providing a secure foundation for the moral and political affirmations of

the Western liberal tradition, the inherent logic of the law of nature's rationalism and nominalism pushed it relentlessly away from the idea of "a natural law that makes known to us all the structure of the moral universe" (54) and ultimately toward an "ethical relativism pure and simple" (290). The law of nature tradition of the Enlightenment thus culminated in the rejection of the very moral principles that inspired the Western liberal tradition and the American democratic experiment. Inasmuch as the cause of this crisis is found in the abandonment of "the ancient natural law of the Greek, Roman and Christian traditions" (287), its solution consists in a return to this philosophy.

In this account, the crisis that besets us thus has its origins in an intellectual error, a fateful embrace by the liberal tradition of a flawed philosophy, and its solution is found in the embrace of a better philosophy.

Now, this account of Murray's understanding of the crisis of our time is correct as far as it goes. The problem is that *We Hold These Truths* also offers another account that understands the origins of the crisis in theological and spiritual, rather than philosophical and intellectual, terms. Since it is both more complex and less well-known than the one just outlined, I'll have to sketch it at somewhat greater length. This account emphasizes the impact of what Murray calls the "Christian revolution" (191) on Western culture.

On the one hand, there is Christianity's affirmation of "the sacredness of man," of the worth and dignity of the individual human person (89). On the other hand, there is the Christian affirmation of the freedom of the Church (a freedom that encompasses both "the immunity of the Church . . . from all manner of politicization, through subordination to the state or enclosure within the state," and the immunity from "profanation by the power of the state" of "all those things which are part of the temporal life of man" but that, "by reason of their Christian mode of existence or . . . their finality . . . transcend the limited purposes of the political order"); and the dualistic vision of social life in which it issued (188, 187). Taken together, these affirmations combined to revolutionize Western culture's understanding of social and political life.

To begin with, they transformed the relationship of the individual to the community. "Man" is now understood to have "a sacredness of personal dignity which commands the respect of society in all its laws and institutions. His sacredness guarantees him certain immunities, and it also endows him with certain empowerments" (89). At the same time, they transformed the Western understanding of the nature of the state and its role in the overall economy of human social

life. The “pregnant principle” of the freedom of the Church acted to limit, relativize, and secularize the state, which was now understood not as the ultimate milieu of human perfection or authoritative interpreter of man’s destiny, but as “a limited order of action for limited purposes, to be chosen and pursued under the direction and correction of the organized moral conscience of society” (192).

Indeed, the principle of the freedom of the Church not only pointed toward a new vision of social life in which the power of the state was relativized, but provided the means of its institutionalization. This freedom provided “as it were, a corporate or social armature to the sacred order”: The corporate freedom of the Church acted to limit the reach of state power, while, at the same time, “the Church stood . . . between the body politic and the public power . . . mobilizing the moral consensus of the people” so as to assure the state serves the cause of freedom and justice (189).

The Christian revolution thus laid the groundwork both intellectually and institutionally for “the liberal tradition in Western politics” (189).

If liberal modernity broke in fundamental ways with the Christian tradition, in its early “phases” this break was far from complete. Far from rejecting “the whole system of moral values, both individual and social, which had been elaborated under the influence of the Christian revelation,” namely, “all the values which form a constellation about the central concept, *res sacra homo*,” liberal modernity “adopted these values” as its “very basis.” Indeed, it “initially” laid “claim to the effects” of Christianity on “the order of human culture,” attempting “to carry on the liberal tradition in politics, whose roots were in the Christian revolution . . . on a new and revolutionary basis” (197, 191).

On the one hand, liberalism sought to give “this system of values” a new foundation. “Whatever may have been the influence of the Christian revelation” on their emergence, it insisted, these values “are now known to be simply immanent in man.” Indeed, “now” that modernity has “arrived,” Christianity “may disappear” (197). Rejecting the Christian vision of the human person, modernity attempted to ground “the whole system of moral values” that emerged from the Christian vision of the sacredness of the human person in the “naturalistic rationalism” (194) of the Enlightenment.

On the other hand, liberal modernity sought to institutionalize these values in a new way. In a sense preserving the “Christian dualism of Church and state” in “a secular political form, namely, in the distinction between state and society which had been the secular

political outgrowth” of this dualism, liberal modernity nevertheless “discarded” the Christian notion of “the freedom of the Church” as “the mediating principle between . . . the people and the public power.” Instead, it sought “a secular substitute” for this freedom “in the form of free political institutions” through which “the people would limit the power of government,” and “direct” it “to its proper ends” (190).

“The key” to this “whole new political edifice,” in turn, “was the free individual conscience” which was trusted to “effectively mediate the moral imperatives of the transcendental order of justice” and to transmit them “through the workings of free political institutions . . . to the public power as binding norms upon its action.” In this experiment, “the *only sovereign spiritual authority* would be the conscience of the free man. The freedom of the individual conscience, constitutionally guaranteed, would supply the armature of immunity to the sacred order” (190; my emphasis).

The result was a vision of society “ultimately monist in structure . . . and ultimately secular in substance” (194). In opposition to the dualistic vision of society that informed the Christian revolution, therefore, the “premise” animating liberal modernity was simple and straightforward: “One there is by which the world is ruled”—the one in question being “the self-conscious free individual armed with his subjective rights” (193).

The malaises that afflict the contemporary West, and the rise of totalitarianism, Murray suggests, attest to the failure of this experiment, to the fact that modernity’s attempt to put the liberal tradition in Western politics on a new foundation culminates in its betrayal. To begin with, “the profound moral confusion” of late modernity, the gradual “downfall of the concept of moral order amid bits and pieces of purely ‘situational’ ethics,” has discredited “modernity’s hopes that the moral consensus upon which every society depends for its stability and progress” can “be sustained and mobilized simply in terms of a fortunate coincidence of individual private judgments apart from all reference to a visibly constituted spiritual and moral authority” (196).

At the deepest level, this crisis attests to the “falsification of history” and “betrayal of the existential structure of reality itself” inherent in modernity’s claim that “the values which form a constellation about the central concepts, *res sacra homo*” are ultimately “a human possession, a conquest and an achievement of humanity by man himself” (197) which can be sustained on a purely secular basis. In fact, modernity’s claim that these values can be sustained absent Christian revelation, divine grace, and the mediation of the Church is “a mirage projected by prideful human reason into the *terra aliena* of a greatly

ignorant illusion,” that just as unassisted human reason did not discover these, so it cannot by itself sustain or successfully institutionalize them. The “spiritual vacuum . . . created at the heart of human existence” by modern culture’s rejection of “the Christian mode of existence” has inevitably been filled by “an explicitly non-Christian mode of existence,” a mode of existence that has “its own structure and its own substance” which manifests itself “in violence, in all the violence of the chaotic. Violence is the mark of the Architect of Chaos, the Evil One, whose presence in the world is part of the structure of this world” (198–199).

In this telling, political modernity’s apostasy from the liberal tradition is rooted in its prior apostasy from the Christian faith. So understood, the crisis of modernity has its ultimate roots not in a mere intellectual error, not in a mere error in philosophical reasoning, but in a spiritual decision—specifically, in the rejection of “Christian revelation” by “prideful human reason” (197, 198).

Addressing this crisis therefore will involve something more radical than a return to “the ‘natural law’ of the *philosophia perennis*” (272). Insofar as the crisis is spiritual, only a spiritual solution will suffice. Insofar, in other words, as the ultimate source of the crisis is found in the spiritual dynamism unleashed by its rejection of Christian revelation, the “new work of thought” which our circumstances demand presupposes a prior “renunciation” of “what Romano Guardini has expressively called . . . ‘the interior disloyalty of modern times’”—modernity’s simultaneous rejection of Christian revelation and attempt “to lay claim to the effects” of this revelation “on the order of human culture” (197–198)—a renunciation that “is not a political act” but “the work of the Holy Spirit, who ‘corrects the will of man from infidelity unto faith.’”<sup>7</sup> Addressing the crisis of our time, in short, will involve nothing less than repentance, conversion, and a return to faith, to “the Christian mode of existence” (198–199).<sup>8</sup>

My point is not that the loss and recovery of natural law doesn’t figure prominently in Murray’s analysis of the crisis of our time. Rather, it is that Murray’s account of the role of natural law in this crisis must be seen against the backdrop of a broader narrative whose focus is theological and religious in nature.<sup>9</sup>

The obvious question is where this leaves us? The brief answer is that it leaves us with a more complex picture of Murray’s thought than that which we usually encounter. This more complex picture, in turn, points toward a somewhat different cultural posture than that which follows from typical accounts of Murray’s thought. If the reading of Murray’s understanding of the founding outlined here is correct, it

follows that the revitalization of American democracy will involve something more than a simple return to the philosophy of the founding fathers: it will involve the development, enrichment, and purification of this philosophy in the light of the Catholic intellectual tradition, “a tradition of thought, which is wider and deeper than any that America has elaborated” (xv). And, if the reading of Murray’s account of the crisis of our time sketched here is correct, the successful resolution of the crisis of our time will involve more than a simple revival of the natural law of the *philosophia perennis*. Insofar as the crisis is ultimately rooted in modern culture’s rejection of Christian revelation, its successful resolution is unimaginable absent a return to faith, absent the re-Christianization of Western civilization.

Of course, the more nuanced understanding of Murray’s thought offered here doesn’t resolve the question of his argument’s coherence, persuasiveness, or relevance to our day. But getting Murray right—appreciating his argument in its full complexity, subtlety, and depth—is an essential precondition of the type of serious critical engagement that his work deserves and our circumstances demand.

## Notes

1. *We Hold These Truths: Catholic Reflections on the American Proposition* (New York: Sheed & Ward, 1960; Lanham, MD: reprint, Rowman & Littlefield, 2005), 52-53 (page citations are to the reprint edition). Subsequent citations of this work will be given parenthetically.
2. For Murray's account of the natural law tradition and the place of "the law of nature" school within it, see *We Hold These Truths*, 267-300.
3. The impact of the law of nature tradition, for example, can be seen in the individualism the founders shared with their French counterparts, even if in the case of the founders it was not carried "to the point" where it totally obscured "the social nature of man" (52). On the different ways in which the "individualistic" framework shared by "the men of Paris and Philadelphia" (287) played itself out in French and Anglo-American culture, see *We Hold These Truths*, 52, 275-287 passim. Unlike their French counterparts, thinkers in the Anglo-American world "did not draw all the implications" (277) from their individualistic premises.
4. Thus, when all is said and done, although "certain" of the "insights" of figures like Jefferson and Madison "retain validity," the fact is that "the adequacy of their systems can no longer be upheld" (184).
5. America, Murray remarks, "exaggerates the distinction between church and state" (79) and sometimes interprets it through the prism of an "anti-ecclesiasticism" (75) deriving from both the Enlightenment and a "certain wing of Protestantism" (276).
6. If commentators have so often misunderstood Murray here, this is at least in part because *We Hold These Truths* emphasizes the continuity between the political theory of the founding and the Catholic tradition and alludes to the tensions between the two only in passing. In his other writings, however, Murray explores these tensions at somewhat greater length and in somewhat greater detail. See, for example, "Freedom, Responsibility, and the Law," *Catholic Lawyer* 2 (July 1956): 214-222; and "Leo XIII: Separation of Church and State," *Theological Studies* XIV (June 1953): 145-214. For an overview of Murray's thinking on the relationship of Catholicism and the American democratic experiment, see Kenneth L. Grasso, "'Building Better Than They Knew': John Courtney Murray on Catholicism, Modernity, and the American Proposition," *The Journal of Catholic Social Thought* 4 (no. 1, 2007): 163-198.
7. Murray is quoting from the decrees of the Second Council of Orange (A.D. 529).
8. Murray's invocation of Guardini is suggestive of the far-reaching impact of Guardini's work on Murray's understanding of this crisis. See

Guardini, *The End of the Modern World* (London: Sheed & Ward, 1957; reprint, Wilmington, DE: ISI Books, 1998), especially 95–109 (page citations are to the reprint edition). A recent writer has also called attention to the formative influence of Henri DeLubac's *The Drama of Atheist Humanism* (London: Sheed & Ward, 1944; reprint, San Francisco: Ignatius Press, 1995) on Murray's thought. See Robert W. McElroy *The Search for an American Public Theology* (New York: Paulist Press, 1989), 11.

9. This dimension of Murray's analysis has to be taken into account in evaluating the line of criticism that charges Murray with holding an "extrinsicist" understanding of the relationship of nature and grace, and, more broadly, for failing to adequately appreciate the insights of the *nouvelle théologie*. For an example of this type of criticism, see David Schindler, *Heart of the World, Heart of the Church* (Grand Rapids, MI: William B. Eerdmans Publishing Co., 1996).