Whose New Horizon?
-by Adrian Walker

Mark Lowery's *The Dialogue Between Catholic "Neoconservatives" and Catholic "Cultural Radicals": Toward a New Horizon* is not merely a commentary from the sidelines on the almost eleven-year-old debate between David Schindler and the Neoconservatives, but, above all, an appeal to the two parties not to let their "legitimate differences" about the application of the Gospel to the American question produce further "unnecessary disagreements and antagonisms."[58] Lowery calls upon the disputants to abandon extreme views and to move towards a middle position that combines acknowledgment of the basic soundness of liberal institutions with a healthy skepticism regarding the state of the culture.

Central to Lowery's proposed *via media* is the claim that, while neither totally corrupt nor a utopia, the American regime "participates" in Catholic truth. Lowery bases his argument for America's "participatory relation" to Catholicism on the premise that "the American experiment, while by no means a mirror image of Catholic truth, is compatible with Catholic truth," because, "when working properly, it respects the essential dignity of the human person and allows all voices to be heard in the public conversation about precisely how to order our liberty."[46] To be sure, the regime, being "premised on religious liberty," cannot institutionally privilege a distinctively Catholic account of the nature of human freedom. Yet this very arrangement is, Lowery argues, the core of "compatibility" itself, insofar as, in his view, it guarantees Catholics the freedom to join in the public conversation while remaining, as Lowery puts it, "integrally Catholic." For Lowery, then, participation means that the American regime offers a valid institutional framework for Catholic involvement in public life in a post-Vatican II context:

In a word, we are to work in, through, and by means of liberal institutions. . . If we are to work within the context of *Dignitatis humanae* and *Centesimus annus*, it would seem that we must affirm the legitimacy of liberal institutions, while simultaneously denying a liberal ideology, that is, the notion that the individual is an atomistic and autonomous center of rights.[50]

As this passage suggests, Lowery's account of participation hinges on the assumption that liberal institutions are genuinely neutral. To be sure, Lowery decries what he calls "liberal ideology." Yet he identifies this "liberal
ideology" with a radical individualism that, in his view, "need not accompany liberal institutions."[58] In other words, for Lowery liberal institutions as such are genuinely neutral: they are simply a juridical framework for freedom and therefore do not enshrine any substantive conception of freedom (at least no substantive conception of freedom that might be objectionable from a Catholic point of view).

Lowery not only believes that liberal institutions are genuinely neutral, but also holds that this putative juridical neutrality is necessary to safeguard freedom. This is why he thinks that Schindler's critique of liberal institutions in the name of a substantive, Catholic anthropology leads inevitably to a "certain type of sectarianism."[56] Lowery rightly observes that Schindler is calling for a kind of "infusion of grace" into American institutions. But in Lowery's view such an infusion would require the imposition of distinctively Catholic beliefs on otherwise neutral institutions, an imposition which for Lowery is the essence of sectarianism. Lowery thus concludes that Schindler finds himself in a dilemma: either Schindler faces up to the sectarian implications of the infusion of grace for which he is calling, or else he subscribes to Lowery's idea of participation, acknowledging that Catholics can accept the legitimacy of liberal institutions (though without buying into "liberal ideology").

Lowery traces Schindler's critique of liberal institutions to Schindler's supposed belief that America is almost "totally corrupt." Intentional or not, this is an unfortunate caricature. In reality, Schindler's argument bears on the logical implications of the very claim of juridical neutrality that, as we have just seen, Lowery takes for granted. In other words, the burden of Schindler's argument is not, say, that the American "establishment" is totally corrupt, but that the claim of neutrality itself, by its own inner logic, enshrines a dubious autonomy in the "public square." Schindler's critique of liberal institutions, which focuses on the anthropological implications of the neutrality claim, is thus certainly radical, but it is much more subtle--and therefore much more difficult to dismiss--than Lowery acknowledges. Let us, then, briefly clarify Schindler's position regarding so-called juridical neutrality.

Schindler finds a classic formulation of the claim of juridical neutrality in John Courtney Murray's account of religious freedom.¹ It is well-known that for Murray the right to religious freedom consists--so far as the juridical order is concerned--essentially in immunity from coercion. But, as Murray himself argues, the individual's immunity from coercion is not so much a claim on government as an assurance against it. In this sense, immunity from coercion entails that the state qua state has no positive relation to the actual content of religious truth. Or, as Murray puts it, "the object of religious freedom as a juridical conception is not the actualization of the positive values inherent in religious belief, profession, and practice. These values, as values, are juridically irrelevant, however great their religious, moral, and social significance."²

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As this passage makes clear, so-called juridical neutrality—what Murray terms "juridical irrelevance"—means that the state as such has no positive relation to the specific content of religious truth. Certainly Murray intends this "juridical irrelevance" of religious truth to secure the public rights of religion, not to banish it from the public conversation. After all, Murray champions the "religious, moral, and social significance" of religious truth. But, as Schindler points out, Murray's rigorous exclusion of any positive relation to religious truth on the part of the state means that, so far as the state is concerned, religious truth is not relevant qua religious truth, but only insofar as it is the object of a personal choice to embrace it. The "juridical irrelevance" of religious truth thus enshrines, in the juridical order, a priority of (empty, hence, indifferent) freedom of choice over man's relation to God, which just so far becomes a private matter related only per accidens to what counts juridically as freedom.

Schindler critiques this primacy of freedom of choice in the light of the doctrine of man as the image of God, which implies, inter alia, that relation to God is constitutive of freedom and therefore gives freedom its distinctive structure and meaning—what Schindler calls freedom's "form." Schindler's point, of course, is not that Murray explicitly denies either man's constitutive relation to God or the doctrine of the *imago Dei*. Rather, he simply notes that the primacy of freedom of choice carried in the "juridical irrelevance" of religious truth logically entails a transformation of man's constitutive relation to God. That relation now becomes, from the juridical point of view, a voluntary one. Relation to God, which God himself gives to the creature at the first moment of its existence, becomes—again, for juridical purposes—something first chosen or constructed by, and just so far added to, the creature. In a word, the "juridical irrelevance" of religious truth, with its primacy of freedom of choice, implies that relation to God, instead of giving freedom its first and deepest "form," is freedom's (arbitrary) object—an implication that turns Christian anthropology upside down.3

The essence of Schindler's critique of the claim of juridical neutrality, represented here by Murray's argument for the "juridical irrelevance" of religious truth, is thus that what is called neutrality is not genuinely neutral at all, but in fact "establishes" a substantive conception of freedom (as empty, hence, indifferent freedom of choice) that undercuts man's creatureliness. Lowery is therefore wrong to suggest that the debate between Schindler and the Neoconservatives presents us with a choice between an "official" anthropology, on the one hand, and institutional neutrality, on the other: the debate is in fact a clash of rival anthropologies. Moreover, if the neutrality claim does not so much guarantee religious freedom per se as filter it through the lens of an *inadequate* anthropology, there is no *a priori* reason to assume that Schindler's christocentric anthropology is automatically coercive, whereas a "Murrayan" one is somehow necessary to secure religious freedom. Thus, the real question in the debate is not whether we shall have an "official"
anthropology or religious freedom, but which anthropology, Schindler's or the sort represented by Murray and his heirs, secures a fuller, more genuine religious freedom. Let us, then, briefly outline Schindler's theoretical account of religious freedom.

Let it be clear from the outset that Schindler does not question the importance of immunity from coercion, but only denies that it is the primary content of religious freedom. That is, Schindler challenges Murray's assumption that every positive relation to man's final end on the part of the state is necessarily coercive. Schindler's basic premise is that all genuinely human activity, even political activity, has its "legitimate autonomy" thanks to man's constitutive relation to his final end, which is participation in the Trinitarian communio. Given this account of "legitimate autonomy," it follows that, while there remains a necessary distinction between Church and state as juridical entities, each with a distinct competence, the state can have a positive relation to man's final end--which is made present sacramentally in the Church--without ipso facto being coercive. The key to Schindler's account of religious freedom, as well as to his response to Murray, is that the true foundation of religious freedom lies precisely in man's constitutive relation to God understood as triune communion revealed in Jesus.

Schindler turns to the Catechism of the Catholic Church, which grounds the juridical right to religious freedom in the duty to seek the truth, which duty, it goes on to explain, is both individual and social. However, as Schindler points out, the Catechism is not simply returning behind Vatican II, but is interpreting Dignitatis humanae in the light of the christocentric anthropology that John Paul II has highlighted as the hermeneutical key to the entire Council. In other words, the "truth" about the final end that it is our individual and social "duty" to seek is communio: God's love revealed in Jesus Christ. But since acknowledgement of, and participation in, this love are impossible without unconditional affirmation of the worth of each person, any public recognition of communio as the "truth about man" includes, necessarily and as a matter of principle, recognition, even juridical recognition, of the right to freedom of conscience. Schindler, following the Catechism, does not repudiate the constitutional right to religious freedom, but interprets it in terms of man's constitutive relation to the triune God of love revealed in Jesus Christ:

In sum, then: the pope unequivocally affirms the right to religious freedom enshrined in the Council's Dignitatis humanae. Nevertheless, in so doing, he develops a theoretical interpretation of religious freedom that differs significantly from the interpretation typically assumed in North America. The pope neither demands an empty juridical order nor does he think it necessary to conceive religious freedom primarily in the "negative" terms of immunity from coercion, even for purposes of juridical order. My argument has been that the key to the pope's emphasis is his new . . . understanding of truth (the imago Dei) in terms of love. The primacy of truth ties the pope's position intrinsically to the "traditional" view, even as the notion of truth as love
transforms the traditional position and incorporates the "modern" view, by virtue of love's inherent inclusion of freedom.\(^6\)

Let us return, then, to Lowery's dilemma: either an "infusion" of grace into American institutions, which supposedly leads to sectarianism, or acceptance of the legitimacy of liberal institutions (though without buying into the "liberal ideology" of individualism). In one respect, Lowery is right: Schindler is indeed calling for an "infusion of grace" into America. Lowery errs, however, in thinking that this infusion of grace leads automatically to "sectarianism." For, as the foregoing discussion suggests, Schindler's anthropological approach enables him to critique the neutrality claim without sacrificing religious freedom. Indeed, Schindler's anthropological approach not only avoids sectarianism, but also reveals the falsity of the assumption, which Lowery seems to take for granted, that so-called juridical neutrality is the only alternative to sectarian coercion. Ironically, then, Lowery, who repeatedly accuses Schindler of question-begging, is himself guilty of a fundamental petitio principii, inasmuch as he presupposes a "Murrayan" account of religious freedom while at the same time ignoring the alternative interpretation that Schindler has convincingly set forth in his exchanges with the Neo-conservatives.

This is not to say that Schindler altogether rejects the notion of participation. On the contrary, he insists that Catholics must participate, if participation means constructive engagement with American culture. Schindler's point is simply that such constructive engagement does not require uncritical acceptance of liberal anthropology, but rather calls precisely for a transformation of liberal anthropology in the light of man's constitutive relation to God—not in order to destroy, but, as Schindler puts it, in order to "save the achievements of liberalism."\(^7\)

In conclusion, we could say that Schindler takes seriously the implications of the Incarnation for the Church's worldly mission—even, and especially, in America—in a way that his interlocutors do not. In the Incarnation, Schindler tells us, the Son of God took possession of man's freedom from its inmost center, thereby inaugurating a real transformation "from within" that, to use the terms of our discussion, goes beyond the conventional either-or of sectarianism (withdraw or overpower from the outside) or uncritical acceptance of man's entrenched self-understanding. To be sure, Schindler would have us entertain no utopian delusions about turning America into a perfect "Catholic" society any time soon. He is much too aware that the Lord's "full immersion" into humanity leads inescapably to the Cross and he does not desire, let alone expect, such superficial "success." Nonetheless, his project warrants the confidence that a Christologically informed engagement with American culture can share, however insignificantly, in the Lord's eucharistic fruitfulness for the world, which, after all, reached its unsurpassable highpoint precisely on the Cross. Indeed, if Schindler is right, as I believe he is, then it
is upon our receptivity to this Christological paradox of fruitfulness—what Hans Urs von Balthasar has called a "world affirming death to the world"—that the chances of a truly "new horizon" for the Church's public mission in America depend.

Notes


3. In this context, see Joseph Ratzinger's 1968 commentary on the anthropology of Gaudium et Spes, on which Schindler often draws. Ratzinger highlights the distinction between what he calls "dominion" (man's creative freedom) and "capacity for God" in our basic conception of man as the "image of God." Ratzinger insists that "capacity for God" is the content of the imago Dei, whereas "dominion" is its consequence, and he emphasizes that post-conciliar discussion has not sufficiently taken this distinction into account (Commentary on the Documents of Vatican II, ed., H. Vorgrimler, vol. 5 [New York: Herder and Herder, 1969], 121-122). In the light of this distinction, Schindler argues that, far from being neutral, Murray's "juridical state," with the primacy it accords empty (creative) freedom, in fact colludes with the "procedural tyranny" lying at the heart of what Pope John Paul II has identified as a growing "culture of death" (cf. "Reorienting the Church on the Eve of the Millennium" 746-752).

4. Cf. Catechism of the Catholic Church, 2104-2109; on this point, 2104-2105.


6. Ibid., 770.

7. Lowery misses the scope of Schindler's anthropological critique, which he mistakenly interprets as a gloomy rejection of a "totally corrupt" America. In reality, Schindler's claim is that liberalism is an inadequate instantiation of distinctively modern values, such as subjectivity, historicity, and freedom, which are in themselves good. Accordingly, he does not simply reject the values that liberalism is trying to affirm, but critiques the way in which liberalism affirms them. The point of Schindler's project, then, far from an unqualified rejection of liberalism tout court, is rather a re-integration of the distinctively modern values that liberalism inadequately affirms. Oddly, Lowery omits to mention the fifth chapter of Schindler's new book, Heart of the World, Center of the Church, entitled "Saving the Achievements of Liberalism," where Schindler says with all desirable clarity that his "purpose [in HWCC]. . . has not been to attack the positive features of liberalism but rather to urge the (re)integration of those elements into an authentically Catholic anthropology, not only for the sake of the Church's worldly mission, but also in order to save the achievements of liberalism itself," David L. Schindler, Heart of the World, Center of the Church: Communio Ecclesiology, Liberalism, and Liberation (Wm. B. Eerdmans Publishing Company, 1996), 177; (emphasis in the original).