PETER AND CAESAR

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But the ideal society is not more real than the ideal gas of physics. Not that the true and the good are to be denied; rather, on the contrary, from the errors and evils that must inevitably arise, we ought to draw lessons in the ways of acting with greater prudence and wisdom. That is the meaning of “ideal” in politics, its meaning from the point of view of action.

The title of Mr. Goerner’s book, as the title of this essay, might suggest that its central concern is the problem of religious liberty. In fact the problem of religious liberty is tangential to the main inquiry: how can every Christian who is in the world conform “the structure of the common action in which he moves” to “the archetypal Christian action?” Mr. Goerner’s Caesar is thoroughly baptized and very much aware of his own lay priesthood; Peter is deeply concerned for the “secular city,” schooled in St. Thomas Aquinas’ teaching that the world was made to be man’s habitation and “hence (he) loves the whole world naturally and consequently desires its good.”

Thus we have here something rare among Catholic Scholars and writers: a contribution to a matter of current social concern that shows a special Catholic competence within a secular discipline—in this case, political science. Someone has remarked that what is most evident in contemporary works of Catholic scholars—sociologists, economists, political scientists—is the curious and striking absence of any constitutive part played by their Catholic faith in the development of their scientific interests: we have sociologists who happen to be Catholics. Political scientists who happen to be Catholics—victims, it has been suggested, of the Church’s four centuries of withdrawal from and suspicion and hostility to the mainstreams of world thought. Mr. Goerner is not one of these victims—except, perhaps, by over-reacting. Indeed, as I shall try to make clear, his criticism of Father John Courtney Murray is precisely that Murray’s courageous spirit and generally right instincts on the church-state question betray nonetheless the effects of the long estrangement of the Church’s intellectual tradition from the modern world.
Speaking, in the Introduction, of the fateful encounter between Socrates and Athens, Mr. Goerner gives us the underlying principle that guides his whole study: the principle of the great Western tradition of political wisdom that the quality of human life is the ultimate concern of government. (Father Murray is charged with “a curious demoralization of politics” and with reducing its concern “to mere housekeeping functions.”) A second principle of the great Western tradition of political wisdom—freedom for the spirit, which prohibits the state from directly regulating by law the quality of human life—is of secondary interest to Mr. Goerner; though what he has to say on it shows, I believe, that he knows how to secure it in political principles better than does Father Murray.

Nonetheless, Mr. Goerner’s special preoccupation with the deeper levels of existence at which society lives leads to a blurring of the distinction between the good that characterizes political society and those goods which transcend the political order. Thus it is that the four major medieval theories on the relation of church and state, examined in the first half of the book, are evaluated chiefly by their comprehension of society’s roots in spiritual reality. What Mr. Goerner most deplores in the extreme papalist position of Giles of Rome is not what one might expect it to be—its denial of the independence on human law grounded in purely natural reason; rather, Giles is reproached for his failure to see that “the political order is (also) directed to procuring a natural spiritual perfection or virtue in its members.” Giles must shoulder the chief responsibility for “the depths of the disaster that papalist views helped to produce in the West”—the wholesale secularization of politics, whose first representative was Marsilius of Padua (and whose latest is John Courtney Murray?).

Again, John of Paris, who attempted a moderate position, is criticized by Goerner not so much for his faulty understanding of the Gelasian theory of the distinction of the two powers, as for the “flavor” of Semi-Pelagianism in his writings and for his failure (here Mr. Goerner’s zeal for his Father’s house seems to be a bit consuming) to develop a “theology of the layman.” Mr. Goerner appears to favor the view that the whole development of the question of church and state was essentially “a dispute about the nature of priestly power, rather than a dispute about the limits of priestly authority vis-a-vis political authority” (p.231). One gets the impression that Mr. Goerner has a theocratic conception of the civil community. The absence of a theology of the layman “undermines all attempts at an adequate Church-State doctrine.”

But apparently the absence of a theology of the layman was not quite the root difficulty. That “tangential” question of religious liberty is inescapably there, and Mr. Goerner now feels that “the first prerequisite
of a more satisfactory solution does not seem to be the much-called for 'theology for the layman.' The problem is deeper that that. It seems that a renewed and deepened theology of the Holy Ghost is needed (pp. 252-253). And, as Mr. Goerner observes in his Introduction, "the spirit blows where it will." The absence of a deepened theology of the Holy Ghost was the chief defect in St. Robert Bellarmine's theory of Church and State; he did not sufficiently take into account the fact that "the time between the Incarnation and the Second Coming is characterized by a pluralism in every society." Bellarmine would not have been averse to using those twelve legions of angels whose aid our Lord declined to call upon.

It is in terms now of response to the need for a renewed theology of the Holy Ghost that the contemporary positions on the church-state question are examined in the second half of Peter and Caesar. The "canonists," the "integrists," and the "prophetic critics" are guided in varying degrees by the light of "the pole-star of the apocalyptic vision of the City of God." John Courtney Murray, although he is given a chapter in this section, is given little else; he is considered to have so tied himself to "the rationalistic language of the absolutized individual rights" as to have in effect converted the religious essence into human essence. Father Murray has indeed said things that would lead one to suppose that the Holy Ghost is an historically conditioned concept in which man has expressed his experiences for his longing for truth and unity at a given historical time, and which now appears as "the personal and political consciousness of contemporary man."

The "deeper ground for the concern with religious pluralism as a political problem" is, then, to be discovered in man's longing for truth and unity. Mr. Goerner supplies us with an indication of the deeper ground of the political problem: H. Richard Niebuhr is quoted as saying that, "The union of church and state, of state with state and class with class, and the union of all these with the supernatural Lord and Companion is the ineluctable desire of the believer." The "canonists" (prominently among whom are Monsignor Joseph C. Fenton, Father Francis Connell, and George W. Shea) though unimaginative and "boring" express, nonetheless, "in the relatively narrow terms appropriate to legal obligations the center of . . . the integrist hope (which) rightly demands the Christianization of every aspect of man's life, rightly regards as religious-secular schizophrenia as abnormal" (pp. 263; 268). The "integrists" are the "canonists" canonized. The integrist understands that the "political community is a shared structure of action"; he perceives that "the archetypical human action is liturgical worship," and that the profound reconciliation between God and man.
"calls forth and regenerates the depths of that civil amity" which Aristotle himself had prized as a binding force greater even than justice.

But the integrist has his own temptation. He is tempted to accept externals in lieu of the immense and never-ending struggle to Christianize politics—a process of interiorization of the true and the good which respects freedom of conscience. "What is involved is the utterly intimate and total spiritual condition of an existential human whole." Mr. Goerner presents in this section a profoundly moving description of the responsibilities of the baptized and confirmed Christian for the public order of action. He suggests two main objectives: that the assent of the laity ought to be required in actions of the Church that directly affect the political order, and that "the institutions through which lay assent is to be expressed must conform to the extra-ecclesiastical structure of the common life of the people concerned." There is no development of these points, and it is not clear how they are related to the vocation of the prophetic critic. Again, the main impression that Mr. Goerner leaves us with is that of a theocratic community. He indicates no awareness of the fact that although the separation of the two perfect societies of church and state does not prevent the church from having a social doctrine of its own, assent to this doctrine, insofar as it is the church's, cannot be required of citizens of the state.

I have said that Mr. Goerner gives the impression of a theocratic conception of the civil community; the civil community seems to live only insofar as it operates through "the spiritual style" of "prophetic criticism." Impelled by a deep sense of "the responsibility that men inescapably bear for the whole shape and thrust of their common life," he allows this passion to obscure somewhat the line that separates the good that characterizes the political order from the good that transcends that order—including specifically natural goods. There is undoubtedly in the heart of the Christian a subordination between the respective ends of church and state, and one may even say that the viability of the political structure depends on a dynamism that is meta-political. The classical political philosophy understood, as does Mr. Goerner, that political philosophy is ultimately compelled to transcend the dimension of political life as such: that political philosophy points toward a discipline that is no longer concerned with political things in the proper sense. But political things in the proper sense remain, and it is these that Mr. Goerner's theocratic tendencies bring into eclipse.

Although he would insure religious freedom, he makes this depend on the "spiritual style" of the prophetic critic (as opposed to canonist and integrist). The reason for placing responsibility for
religious freedom in the hands of the prophetic critic is that “the deeper ground for the concern with religious pluralism as a political problem” is not the pluralism which, given the human condition, is humanly ineluctable; what puts the care of society in the hands of the prophetic critic is the ineluctable drive toward the moral and intellectual unity of society. The political community appears to become truly such only with the emergence of the best regime—that optimum genus reipublicae that Father Murray believes to be a “perilous” notion. But Mr. Goerner has, I believe, a not quite accurate notion of “ideal society.” The conception he has of it is precisely the one that Father Murray rightly finds “perilous.” The proper notion may be understood by considering the fact that the pluralism that is humanly ineluctable is so essential to the nature of political life that political life can not be understood without it: virtue is, to be sure, the end at which every lawmaker aims but it does not itself come under the precept of law. As St. Thomas says, “it is enough that the citizens be so far virtuous that they obey the commands of their rulers.” Mr. Goerner gives the impression of supposing that political society achieves existence only when it attains moral and intellectual unity. It can, indeed, be so understood—ideally, precisely: but the ideal society is not more real than the ideal gas of physics. Not that the true and the good are to be denied; rather, on the contrary, from the errors and evils that must inevitably arise, we ought to draw lessons in the ways of acting with greater prudence and wisdom. That is the meaning of the “ideal” in politics, its meaning from the point of view of action. We may recall that although Aristotle believed the monarchical form of government to be the best so long as it commanded the consent of the people, he also believed that it was the most risky and lent itself more readily than less ideal regimes to the destruction of the very nature of the political community.

Not having presented an entirely correct notion of “ideal society,” Mr. Goerner’s allusion to “the basic typology of constitutional systems in terms of their fundamental psychic structure” is no more than that; it lacks the substantive force of argument against the view it intends to combat—Father Murray’s view. Strangely enough, Mr. Goerner and Father Murray share the same inadequate understanding of the notion of ideal society. The difference is that Mr. Goerner’s view on the politics of church and state—to apply a paraphrase of the epigram of Maritain on Bergsonian ethics—preserves all of politics except politics itself, while Father Murray, finding the notion of ideal society a perilous one, abandons it altogether and destroys all of politics including politics itself.
In “The Problem of Religious Freedom” (Theological Studies, December, 1964), Father Murray expresses the view that the argument for religious freedom should begin “in the order of historical fact,” not “in the order of universal truth.” This position is amplified in the following statements:

The fact is that religious freedom is an aspect of contemporary historical experience...

...religious freedom is not (an)...idea that has had no history but has always somehow been ‘there’ to be seen by anyone who cared to look at it. Religious freedom is the reasonable affirmation of the contemporary consciousness...the basis for a systematic doctrine of religious freedom (is) the concrete exigencies of the personal and political consciousness of contemporary man.

The French-speaking theologians at the Council, while agreeing with Father Murray against the “traditional” view (that those in error can have in principle no right within civil society) launched the accusation that Father Murray’s view was “juridical modernism.” This is certainly a reasonable charge. If, as Father Murray avers, religious liberty is simply “an aspect of the contemporary historical experience,” then it has no trans-historical exigencies. And if this is so, then the concept of religious liberty is not everywhere and at all times valid. Unlike the French-speaking theologians, who wished to establish religious liberty in ethical and theological principles, Father Murray establishes it in “the concrete exigencies of the personal and political consciousness of contemporary man.” If, with the French-speaking theologians, one has formally and in the first instance established the right of religious liberty in the trans-historical exigencies of ethical and theological principles, then one may indeed readily acknowledge that the juridical notion of religious liberty reflects a genuine intellectual and moral progress. But the notion itself of religious liberty is not the fruit of this progress, is not formally and in the first instance a juridical notion whose validity is found in “the order of historical fact.”

If Mr. Goerner holds (as he appears to do) that political society has no life unless it is living at the height of its principles and beyond, Father Murray has deprived the body politic of the very principle of life. As I have pointed out, if virtue is indeed the end at which law aims, virtue itself does not come under the precept of law; and it is useful now to observe the reason for this. It does not belong to the civil authority to determine exactly what makes the good man. If it did, political life and
citizenship would be impossible: for it belongs to the very notion of
citizen that he act on his own, that he be causa sui. Hence if virtue itself
came under the precept of law, the public power would become despotic,
thus the opposite of political power.

When Father Murray establishes the basis of a systematic
doctrine of religious liberty in the affirmation of the personal and
political consciousness of contemporary man, he identifies “virtue” with
the simple affirmation of the political consciousness; he thus abandons
the notion of “ideal” altogether, and in doing so he destroys the liberty
of contrariety that defines the citizen. He destroys the distinction made
by Pius XI between “freedom of consciences” (which is political) and
“freedom of conscience” (which is despotic). He resolves— to use words
of Marx— the “religious essence” into “human essence.” Father
Murray’s statements curiously suggest Erich Fromm’s view that “the
concept of God is an historically conditioned one, in which man has
expressed his experience of his higher powers, his longing for truth and
unity at a given historical period,” that “the realm of love, reason and
justice exists as a reality only because, and inasmuch as, man has been
able to develop these powers in himself throughout the process of
evolution.” Indeed, Father Murray’s theoretical formulations allow us to
ask whether legal intolerance may not— should it express the concrete
exigencies of some future political consciousness— be quite justified. It
is not without reason that Mr. Goerner hints that Father Murray’s views
are a lineal descendant of those taught by Marsilius of Padua.

The fears expressed by Mr. Goerner lest Father Murray’s views
be incorporated in the Schema on Religious Liberty of Vatican II have
not, fortunately, been fulfilled. The Council Schema not only turns down
the “traditional” view that those in error have in principle no right in
civil society, but it turns it down by firmly establishing such a right in
trans-historical exigencies, in theological and ethical principles. The
language of the Schema appears to be that of Father Murray, but the
voice is not: “A sense of the dignity of the human person has been
impressing itself more and more on the consciousness of the
contemporary man. . . . The right of religious freedom has its foundation
in the very dignity of the human person as this dignity is known through
the revealed word of God and by reason itself. This right of the human
person to religious freedom is to be recognized in the constitutional law
whereby society is governed and thus it is to become a civil right.

Mr. Goerner seems to have focused his attention on the
dynamics rather than on the structure of politics— on principles that in
themselves are meta-political. He writes:
The whole structure of the modern view of knowing and the knowable has excluded the possibility of science centered on a contemplative activity, since it has excluded the knowability of a contemplative object. This has been commonly accepted since Kant. It was already seen by Hobbes, Locke, and Rousseau. All of them understood that the scientific destruction of the religious and metaphysical traditions of antiquity and the Middle Ages carried with it a profound threat to public order. (p. 206)

If the contemplative life offers, as it were, the solution to the problem of what keeps the political life in motion, this life is strictly meta-political, which is to say that the civil community cannot demand adherence to these higher principles as a condition of citizenship. When — as is the case in almost all of the modern systems of political theory — there is an attempt to “overcome” these higher principles by concretizing them in the political order (Father Murray’s position), the political structure itself is destroyed. In short, if indeed there is no analytical connection between metaphysics (theology) and politics, there is, in the order of things themselves, a profound connection — it is the very dynamism that keeps the political structure going. Mr. Goerner thoroughly understands this, and it is the chief theme of his book. But the intensity of his gaze keeps his attention from the political structure itself as a properly human perfection. Notwithstanding, Mr. Goerner has sensed the fact that it is not the church and the state that confront each other today; it is, rather, the Earthly City and the City of God. In this perspective it may very well be that the priesthood of the laity, as the adjurors Dei, may be the vehicle for restoring the political structure as a properly human perfection.