VISION AND PRAXIS IN AMERICAN THEOLOGY: ORESTES BROWNSON, JOHN A. RYAN, AND JOHN COURTNEY MURRAY

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I AM GOING to argue that there are only three deceased American Catholic theologians still worth reading today for more than historic interest.[1] If the proposed population-universe is small, however, it is my contention that these three are giants who rank with any comparable European theologians of their day.[2] While most of American or European Roman Catholic theology in the nineteenth and the first half of the twentieth century was posing what seem like peripheral scholastic questions, such as whether there are one or two *esse*'s in the Christ of the hypostatic union, these three men were addressing the key unresolved issues in post-Tridentine Catholic theology: the relation of nature to grace and the corollary questions about the relation of the contingent and temporal order to the order of salvation and the responsibilities and stance of the Church to the temporal order.[3] The three provide us with rich, often fresh insights to answer our own contemporary questions about the relation of human history as the one locus of truly human liberation to the saving power of God in Christ. The three men are Orestes Brownson, John A. Ryan, and John Courtney Murray.

I propose to extract three central themes, one from each man, which seem to me essential mediating concepts between eschatology and political praxis for a developed liberation theology. In Brownson I will focus mainly on the theme of providence as a mediating religious concept—intermediate between eschatology and praxis—which puts faith and political praxis together in ways which make clear the

[1] Because of the difficulty in judging the work-in-process of still living American theologians, I have restricted myself to a population which is already deceased. For a rather dismal record of the state of American Catholic theology—indeed, melancholy reading—cf. John L. Murphy, "Seventy-Five Years of Fundamental Theology in America, Part I," *American Ecclesiastical Review* 150 (1964) 384–404, and "Part II," *ibid.* 151 (1964) 21–41; George W. Shea, "Seventy-Five Years of Special Dogmatic Theology in America," *ibid.* 151 (1964) 145–65.

[2] For an overview of the state of European theology 1800–1970, cf. T. M. Schoof, *A Survey of Catholic Theology: 1800–1970* (New York, 1970). Schoof does not include any Americans in his survey.

[3] I am persuaded of the importance of rethinking the relation of nature and grace for the possibility of a liberation theology by a paper by my colleague Joseph M. Powers, S.J., "Some Roots of Gutierrez' Liberation Theology in Recent Roman Catholic Theology," delivered at the Pacific Coast Theological Meetings, April 10, 1974.

contributions each makes to the other. From Ryan I will draw upon the developed ethical theory of justice as applied to the economic order. From Murray I will extract the Catholic understanding of a pluralism in social authority in the doctrine of state and society. My treatment of each man is concerned with what they might contribute as a resource for doing liberation theology in North America. My master thesis is that one cannot move from eschatology to politics without the mediation of a developed theology, respectively, of providence, social ethics, and the nature of the state. In effect, I am arguing that we need theological tools of the middle range to take up the yawning gap between eschatology and politics.

Brownson, Ryan, and Murray were theologians in the strict or technical sense of the term. Hence they demanded of their work that it be tested, on the one hand, by a "criterion of appropriateness" to the received revelation of God in Christ as that is mediated through Scripture and tradition. On the other hand, they subjected their thought to the "criterion of adequacy" to human experience.[4]

Theology always involves a faith proclamation. It can never be reduced simply to philosophy, phenomenology of religion, social analysis, or social praxis, although it needs all these as necessary methodological tools for critical reflection on lived faith. Indeed, strictly speaking, theology has no method of its own. It needs to rely on "secular" disciplines such as history, philosophy, the social sciences, and literary and linguistic analysis. Theology is a sustained critical analysis of and reflection upon the *human* meaning and challenge of "the Christian fact." As such, its method of investigation always entails serious hermeneutical analysis of those classical Christian texts, Scripture especially, and experiences which embody the Christian fact. Theology can never restrict itself exclusively to reflection upon contemporary experience or the reading of the signs of the current times. A reasonable faith in the promise of the present guidance of the Spirit is necessarily premised upon appropriated past experiences of the Spirit's presence and guidance. There has never been a time since creation when God has been absent from human history. Nor is God's action in history ever simply discontinuous.

A critical appropriation of the Christian fact avoids, in John Courtney Murray's terms, both archaism, i.e., the belief that the tradition ceased to develop at some fixed point in the historic past, and anachronism, i.e.,

[4] In the section that follows I am following closely David Tracy, "The Task of Fundamental Theology," *Journal of Religion* 54 (1974) 13–35. The terms "criterion of appropriateness," "criterion of adequacy," and "the Christian fact" are derived from Tracy. I want to enter a disclaimer from Tracy's otherwise excellent article: he does not include a discussion of praxis as a crucial way of testing the criterion of adequacy.

the belief that later developments can be found, in any explicit way, in earlier texts and experiences.[5] It also avoids an exaggerated contemporaneity. The criterion of appropriateness to the Christian fact follows from the Christian belief in the gratuity of revelation and the belief that revelation involves the self-disclosure of the presence and activity within our history of the mysterious God, a self-disclosure not totally accessible to ungraced reason.

Murray is referring explicitly to American society. His remarks, however, seem universally applicable as a precondition for the fulfilment of the criterion of appropriateness:

> The Catholic may not, as others do, merge his religious and his patriotic faith, or submerge one in the other. The simplest solution is not for him. He must reckon with his own tradition of thought which is wider and deeper than any that America has elaborated. He must also reckon with his own history which is longer than the brief centuries that America has lived.[6]

Human experience is mediated through both vision (symbols and ideals) and praxis. Human experience can never truly ground revelation, either in the sense of proving the truth of the symbols of faith or showing that they are the only adequate human symbols to express human, even religious, experience. Nevertheless, human experience remains, almost tautologically, the necessary and only testing ground of the *human* meaning and adequacy of the symbols of faith. The necessity of a correlation between the Christian fact and human experience flows from the universal claims in Christianity. On the other hand, correlation is not the same as equation. The criterion of adequacy to human experience is a point-of-contact test for the Christian symbols. Logic or philosophy can demonstrate that they are not unreasonable. Praxis can show that they are not unworkable. In the end, as David Tracy puts it, "the theologian cannot resolve the religious and theistic claims of theology by any ordinary criteria of verification or falsification" either by logic or praxis.[7]

Neither logic nor praxis exhaustively tests the Christian symbols. Christianity remains a faith and a vision. Christian theology retains its conviction that truth is ultimately one, if not univocal. In this conviction it finds the condition for the possibility of a correlation between the Christian fact and human experience. Christian theology maintains, moreover, a piety toward the real. The recalcitrance of even one stubborn contrary human fact provides it with the testing ground for its claims to

[5] John Courtney Murray, *The Problem of Religious Freedom* (Westminster, Md., 1965) p. 101.

[6] John Courtney Murray, *We Hold These Truths* (New York, 1960) p. 11.

[7] Tracy, *art. cit.*, p. 33.

be universally valid for all of humanity. The criterion of adequacy uncovers the conditions for the possibility of a *reasonable* faith.

But how is the method of correlation related to praxis? The truth of the symbols of the Christian faith is more than mere conceptual truth. Their truth lies in their power to make true. Christian symbols, in Durkheim's words, "transfigure the realities to which they relate."[8] All of the Christian symbols are, in some sense, sacramental symbols. They are all directed to the primary sacraments of Christ and the Church, the centers of Christian life. They not only signify or mediate another reality but embody that reality and transfigure the realities to which they relate.

Consequently, praxis, i.e., the making true of the truth of the Christian symbols in human experience and history, is as fundamental to the method of correlation between the Christian fact and human experience as it is to the very truth-claim of the Christian symbols themselves. The Christian symbols exist less to help us to understand the world than to transform it. For example, the very credibility of the Christian claim to adhere to an eschatological vision of the kingdom of God, a kingdom of absolute justice and peace, depends upon the break-through, at points, of partial realizations of transforming justice and peace within history. The eschatological vision implies a task, and the task is sincerely accepted in a concrete praxis. If it is dangerous to identify the City of God and the City of Man, it is not less disastrous to deny them all points of contact within history. The liberation theologians, then, are absolutely correct and absolutely traditional in insisting that praxis lies at the heart of the theological enterprise. They are simply summoning theology to pay heed to its own criterion of adequacy to human experience.

Theology, like human experience generally, is mediated through both vision and praxis. Some caution is needed if we are to understand properly the dialectic between vision and praxis. No vision is totally derived from or fully tested in the forge of praxis. The very nature of symbolic vision is that it becomes a reality *sui generis* related, but not totally reducible, to the activities or events which give rise to it. Put in other terms, culture is always partially autonomous from structure. It is almost never merely ideology or merely superstructure.[9]

A vision unrelated to praxis, to be sure, remains simply visionary, utopian. Through vision and symbol we shape and inform our praxis, as in turn vision is refined by, reformulated and tested in, praxis. On the other hand, there is no praxis which is not informed by some vision, however implicit. Nor is the informing vision really derived from praxis.

[8] Emile Durkheim, *Sociology and Philosophy* (New York, 1974) p. 95.

[9] For an expansion of this point, cf. "Between Religion and Social Science," in Robert N. Bellah, *Beyond Belief* (New York, 1970) pp. 237–60.

It is either a hypothesis, an imaginative projection, or a faith. Indeed, to collapse vision into praxis is to lose the negative, critical quality inherent in vision. It is to lose a transcendent reference which gives to praxis its aim and future orientation. A refusal to see the dialectical copartnership between vision and praxis in asserting the utter priority of praxis leads either to (1) a reification of the *status quo* or (2) the informing of praxis by some pregiven, unreflective vision.[10]

If it is a deep mistake to exclude praxis from the theological enterprise, it is no less misleading to claim that one really *starts* theology with an unmediated reflection upon human praxis. The Christian vision is already given as a starting point in Christian praxis. Praxis is a crucial test of that vision. Here, too, some caution is needed to avoid the pitfalls of vulgar pragmatism. As John Courtney Murray once put it, "it is false to say that what works is true. But it is an altogether sound proposition that what is not true will somehow fail to work."[11] The two criteria of appropriateness and adequacy maintain a dialectical tension between vision and praxis in Christian theology. The criterion of appropriateness guarantees that the vision is truly Christian. The criterion of adequacy impels us to participate in projects of human liberation to test the credibility of our holding that vision. It is only by avoiding a fetishism of either vision or praxis and by eschewing every form of reductionism that we can construct a Christian theology of liberation in the strict sense of the word.

Brownson, Ryan, and Murray were each steeped in the full tradition of Christian theology. Each, however, moved beyond theology to correlate his thought with a secular discipline: philosophy, economics, and political science respectively. All three were significantly involved in discerning the signs of their own times. Indeed, Brownson and Ryan were political activists in contact with the key political figures and movements of their day. The three were, in Martin Marty's phrase, "public theologians" who drew upon their Catholic tradition to address issues and audiences in the wider American or international context. Brownson is the only leading American Catholic theological thinker to have ever developed a Roman Catholic theology out of indigenous American philosophical resources. Ryan and Murray left a significant impact on the episcopal or conciliar magisterium of the Church.

Each was unmistakably the leading American Catholic intellectual spokesman of his day. All three were mainly interested in the political

[10] I am informed, in my contention of the nonreducibility of vision to praxis, by the discussion of the work of the Frankfurt School in Martin Jay, *The Dialectical Imagination* (Boston, 1973) pp. 108 ff., and by the extraordinary book on vision and praxis in politics by Sheldon Wolin, *Politics and Vision* (Boston, 1960).

[11] *We Hold These Truths*, p. 92.

and public character of their faith. Each combined Catholic vision with political praxis. In a sense, Murray captured the understanding that all three had of the task of theology in a way which combines the criterion of appropriateness to tradition with that of adequacy to human experience. For Murray, the task of theology is "to discern the 'growing end' of the tradition; it is normally given by the new question that is taking shape under the impact of the historical movement of events and ideas. There remains the problem of synthesis—of a synthesis that will be at once new and traditional."[12]

LEGACY OF BROWNSON: A THEOLOGY OF PROVIDENCE

It is customary to view the life and thought of Orestes Brownson as a kind of pilgrim's progress.[13] There are, admittedly, apparent discontinuities in Brownson's life and work.[14] Born an unchurched American in Stockbridge, Vermont, on September 16, 1803, Brownson became in his teen-age years a strict Calvinist Presbyterian. In the process of shedding, in early manhood, that lightly-worn identity, Brownson discovered two lifelong convictions. In rejecting strict predestination, he asserted his belief in the correlative freedom of God and the freedom of humanity. In his spiritual autobiography *The Convert*, written in 1857, thirteen years after he became a convert to Catholicism, Brownson wrote lyrically on the topic of the freedom of God. He asserted, on the one hand, that "while God binds nature, nature can not bind him"; on the other, "in God's freedom, I had a sure pledge of my own."[15] The correlative freedom of God and human freedom forms one cornerstone of Brownson's doctrine of providence.

The second lifelong conviction which Brownson made his own in rejecting Presbyterianism was the impossibility of postulating a radical break between nature and grace or between reason and revelation. Convinced of the unity of life and truth, he joined the Universalists in 1824 and became a preacher. In reflecting upon this choice for the "reasonable faith" of Universalism, Brownson asserts: "If I understood reason better, I should perceive no discrepancy, because God can never

[12] *The Problem of Religious Freedom*, p. 102.

[13] Cf. Arthur Schlessinger, Jr., *Orestes Brownson: A Pilgrim's Progress* (Boston, 1939).

[14] I am prepared to argue that the two major periods of discontinuity in Brownson's thought, 1844–56 and 1868–76, are due to the interference of Church authorities in his work. In an earlier period he wrote under the censoring eye of his bishop, John Fitzpatrick. In the later period he was under the spell of Pius IX's *Quanta cura* and its Syllabus of Errors. I think it much more productive to stress the continuities in Brownson's work. For a good example of this, cf. Richard M. Leliaert, *Orestes Brownson: Theological Perspectives on His Search for the Meaning of God, Christology and the Development of Doctrine* (unpublished doctoral dissertation, Graduate Theological Union, Berkeley, 1974).

[15] Orestes Brownson, *The Convert* (New York, 1886) p. 238.

teach us one thing in his word and a contradictory thing through our natural reason. What he tells us in his word may be above reason, but can not be against it."[16]

Doctrine of Life in Communion: Nature and Grace

Throughout his life Brownson wrestled with the ontological and epistemological implications of his assertion of a unifying correlation between nature and grace, between God and the world. He was always looking for unities. Part of his mind showed a strong philosophical bent. Indeed, on two different occasions he almost accepted offers to assume an academic position as professor of philosophy, once at Harvard University, on the advice of Benjamin Constant, and once at Newman's Irish University, on the strong urging of Lord Acton. Brownson is perhaps the finest (albeit self-taught) philosophical mind of the American nineteenth century, certainly within his Catholic America. In his mature years Brownson struggled with a careful study of Kant and Plato and drew upon the unlikely philosophic resources of the French eclectics Benjamin Constant, Victor Cousin, and Pierre LeRoux, as well as on the thought of his circle of transcendentalist friends, Channing, Emerson, Parker, and Thoreau, before coming to his settled position of the doctrine of all life in communion.

From his years as a transcendentalist Brownson retained a lifelong belief in the importance of sentiment, intuition, and personal experience in the life of the mind and religion. His focus on sentiment provided him with a philosophy which bridged the gap between subjective intuition and objective evidence, between existences and Being. One of his strictures against the scholasticism to which he was forced by his bishop, John Fitzpatrick, to mold his thought and writings in his early years as a Catholic, was its sterile objectivism. Brownson also agreed with the transcendentalists that there was something divine in humanity. With them he sought a God who was immanent in human history. He shared, as well, their romantic nature mysticism. His break with the transcendentalists came over their identification of God and man. As he once put it, in commenting on the work of William Ellery Channing, "Dr. Channing makes man a great god, but God a little man."[17]

Brownson opposed Theodore Parker's assertion that religion was natural because it originated in human sentiment. He viewed religion as natural because he saw

> thought and life as the joint product of the inter-communion of subject and object.... While admitting still the religious sentiment as in some sense natural to man and therefore proving that man may be religious without violence to his

[16] *The Convert*, p. 51.

[17] *The Convert*, p. 126.

nature, indeed in harmony with it, I now explicitly rejected that sentiment as the origin and ground of religion and denied that religion is simply the result of its development.[18]

In his search for unities Brownson was looking for a way to bridge the dichotomy between subject and object. He found the key in the thought of the French Saint-Simonian Pierre LeRoux, especially in his insistence that human life and thought is a joint product of subject and object. All of life and all of truth exists in relation. The transcendentalists had been correct in asserting a universal inspiration in humanity, though wrong in their premises. Man was divine because there had taken place "a real infusion of a Divine element into human life, by which that life should be supernaturally elevated, and rendered progressive."[19] Hence "man lives and can live only by communion with what is not himself."[20] "Man lives by immediate communion with God as his object and, therefore, the objective element of his life is divine, and through this objective element his life is the life of God. Man thus *in his natural life even* partakes of God and this partaking of God I called inspiration."[21]

Brownson's quest for a correlation between the order of nature and the order of grace, between God and the world, led him, long before the *nouvelle théologie* in postwar France, to reject the hypothesis of a *natura pura*. From the beginning there was but one order of reality: the world under the economy of grace and the Incarnation:

> It is nessary to show, not merely assert, that the two orders are not mutually antagonistic; that one and the same principle of life runs through them both; that they correspond one to the other, and really constitute but two parts of one comprehensive whole, and are equally embraced in the original plan and purpose of God in creating. God could have created man, had he chosen, in a state of pure nature; but in point of fact, he did not, and nature has never for a single instant existed as pure nature. It has from the first moment of its existence been under a supernatural providence; and even if man had not sinned there would still have been a sufficient reason for the Incarnation to raise human nature to union with God, to make it the nature of God, and to enable us, through its elevation, to enjoy endless beatitude in heaven. The doctrine that all dependent life is life by communion of the subject with the object, shows that this is possible, shows the common principle of the two orders.[22]

Communion between God and man is possible, although only like communes with like, because man has in his nature a likeness to God. Human reason is the likeness in man of the Divine reason, and hence, nothing hinders the intercommunion between the reason of God and the reason of man.... By this communion the subject partakes of the object, the human reason of the Divine reason, which

[18] *The Convert*, p. 263.
[19] *The Convert*, p. 254.
[20] *The Convert*, p. 214.
[21] *The Convert*, p. 234.
[22] *The Convert*, pp. 296–97.

is infinite, absolute truth. The Divine Being, in this communion established by himself, communicates the life of his own reason to the life of the subject, so that our reason lives in and by his reason. This is the origin and ground of the truth of natural reason; and this natural reason, thus in communion with the Divine, is the source and ground of the unity of the human race in the natural order and the formative principle of natural society....

The infinite and the finite, then, are correlative. Brownson caps the above citation with a reaffirmation of the freedom of God over against nature and human history. "God does not exhaust his light in natural reason, any more than he does his creative power in natural creation."[23]

Doctrine of Life in Communion: Reason and Revelation

If the order of being was somehow one, it followed that the orders of knowledge and action must be as well. Brownson developed the epistemological and political implications of the correlation of nature and grace. Much of his life he was hounded by accusations of ontologism, the assertion that human knowledge could achieve a direct intuition of God, largely because of his sympathetic reading of the Piedmontese philosopher-theologian Vincenzo Gioberti. Brownson seems, however, to have held a moderate realism, closer to Bonaventure than to Aquinas, which granted a large role to intuition, emotion, and sentiment in human knowing. God was immanent in human knowing not as the knowing subject or the object of knowledge but as the light in which we see all existence.

The Divine reason, indistinguishable from the Divine Essence or Being, at once creates human reason and presents itself as its light and its immediate object. We see all things in God, as we see visible objects in the light which illuminates them, though not simply as ideas in the Divine Mind, as Malebranche appears to have held; for we see existences themselves in their concreteness and reality, not merely their ideas, or possibility of being created.[24]

Perhaps he never stated so clearly his position on the epistemological consequences of his organic view of ontology, which held that divine life really flows into our life, as in this passage from *The Convert:* "it is not God who knows and loves in us, but God in us who creates in us our power to know and love. The Divine reason is not our reason, but, so to speak, the reason of our reason. It creates our reason, and is its immediate light and object."[25]

Just as all life exists in relation or communion, so all truth exists in relation. Brownson would never allow a radical break between reason and

[23] *The Convert*, pp. 307–8.
[24] *The Convert*, p. 214.
[25] *The Convert*, p. 235.

revelation or between science and religion. In an essay on "Science and the Sciences" he pleaded for the freedom of inquiry in the sciences, since there could be no real contradiction between the findings of science and those of the faith. He also argued for the need to correlate the findings of the sciences with the "science" of faith. Thus, "in the field of science, as distinguished from that of faith, revelation is adjutative rather than imperative. Its light and that of reason coalesce and shine as one light."[26] In a similar way he rejected Bossuet's position that God's providence could be restricted to Israel and the Christian Church. For Brownson, there is something hideous about the restriction of providence to a special religious empire. "It would be unjust to leave all the rest of mankind to the mere law of nature, and untrue to say that no rays of divine light had penetrated to them but through the inherent and necessary laws of nature and humanity."[27]

Doctrine of Life in Communion: Eternity and the Temporal Order

Brownson's temperamental quest for unities would never have allowed him to read the relation between eternity and the temporal order as a tale of two cities. He continued, throughout his life, to believe that religion and politics were virtually inseparable, although he never wavered in his support of the institutional separation of Church and state. His pilgrim's progress entailed a twofold quest: (1) an earnest wrestling for religious certainty, for the truth of his personal relation to God and the Church; (2) a lifelong quest for justice between person and person; political liberty and order; the good of the earthly city. For Brownson, the two quests could never be separated.

A journalist and political activist all his life, Brownson was always concerned about the relation of religion to temporal and contingent realities. Neither dualistic nor reductionist, Brownson knew that "the world has its place in the Christian economy, and is God's world, not Satan's. The earth according to the Copernican system is one of the celestial bodies. *Natural society is not our end, but it is as necessary to it* as the cosmos is to palingenesia. Civilization is initial religion."[28] Thus the "religion that neglects civilization is in principle as UnCatholic as the civilization that neglects religion."[29] These assertions flowed from his doctrine of communion. Human well-being and progress depended on

[26] Cf. Alvan S. Ryan, ed., *The Brownson Reader* (New York, 1955) p. 253.

[27] "The Philosophy of History," in *The Brownson Reader*, p. 197.

[28] "The Dignity of Human Reason," in *The Brownson Reader*, p. 248. This essay should be read as Brownson's definitive defense against the charge of ontologism. In it he compares his position to that of Aquinas.

[29] "Essay on Lacordaire," in *The Brownson Reader*, p. 347.

communion with nature, humanity, the generations across history and God.

In his mid-twenties Brownson drifted away from Universalism and came, for a spell, under the sway of the early feminist and humanitarian reformer Fanny Wright, an atheist. He fell under the influence of Robert Owen, William Godwin, Robert Jennings, and George Evans. In his own terms, he became a world-reformer; in ours, a socialist. In 1828 he was instrumental in founding the first Workingmen's Party in modern history in Philadelphia. By adding American political thinkers such as Jefferson and Tom Paine to the thought of European socialists, Brownson sought to achieve social as well as political equality. He also sensed that an American socialism could only grow out of some indigenous American seeds. He realized that the American ideal of political democracy was unworkable without a concomitant social equality: "Political equality may be a blessed thing; but to be real, anything more than a delusion, it must rest for its basis on social equality; equality in wealth, position, education, ability, influence. Man against man and money is not an equal match."[30]

From 1828 until 1840 Brownson was the intellectual spokesman for a radical new economic order in America. In the words of his biographer, Arthur Schlessinger, Jr., he was "the nearest forerunner of Marx in America," and in those of his friend and disciple, Isaac Hecker, "the American Proudhon." By 1831 Brownson took up again his personal search for religion and became, under the influence of Channing, a Unitarian. In so doing, he tried to join in a unity the Universalist's concern for external nature with the Unitarian's focus on the inner man. Both needed to be fed into the struggle for institutional social reform.

In 1836 he organized the Society of Christian Union and Progress in Boston, to reach the laboring masses untouched by the mainline churches. He was active as a pamphleteer, lecturer, and journalist. In the latter part of the 30's he began to be deeply influenced by the work of the French socialist Henri Comte de Saint-Simon. He also became an active Jacksonian Democrat. Indeed, his social pamphlet "The Laboring Classes" fell like a bombshell in the midst of the 1840 presidential campaign. It is sometimes credited with scaring off the voters in that election from casting their lot with the "radical" Democrats.

The failure of the 1840 campaign to usher in the new religion of social democracy convinced Brownson of "the inadequacy of an individual-oriented approach to social reform."[31] It also provided him with both a growing bias against New Pelagianism and a deeper sense of the powerful

[30] *The Convert*, p. 169.

[31] Leliaert, p. 201.

reality of sin. These two biases, as well as his conviction of the fundamental necessity of *institutional* reform, led him to maintain a polite distance from the utopian commune experiment at Brook Farm, an experiment he otherwise viewed benignly. Through the thought of Saint-Simon, Brownson, in his search for social justice, tended to focus on objective institutions or church substitutes in the form of the Workingmen's Party, his own "church of the future," and the Democratic party. Saint-Simon also convinced him that institutional reform of the political or social order, while necessary, was not enough. A genuine moral regeneration and spiritual renewal in the form of a new religion of humanity was called for, if the institutional reforms were not to ring hollow. Moral and spiritual regeneration must go hand in hand with social reform. Always Brownson sought for the unities.

Brownson never lost his predilection for the cause of the workingman or his animus against disproportionate wealth. In switching from the narrowly class-based Workingmen's Party to the wider-based Democratic party, he seemed to sense that in America, with its multiple and interlayered class system (at least through the middle class), an organization anchored in one class base alone was insufficient to generate substantive social change. In the United States the major motor for reform and social change has never been an economic class but the social movement—partly religious, partly political, and based on a constituency which joins lower-class rights and demands in a coalition which includes several classes. Brownson expresses his change of mind on this question:

> I wished sincerely and earnestly to benefit the working-men but I saw as soon as I directed my attention to the point that I could effect nothing by appealing to them as a separate class. My policy must be, not a working-men's party, but to induce all classes of society to cooperate in efforts for the working-men's cause.[32]

In his Catholic period (1844–76) Brownson always insisted that property and inheritance was a "municipal" or conventional right, not a natural right based on some metaphysical property. Even in his late and only systematic work *The American Republic: Its Constitution, Tendencies and Destiny* (1866), written in a period when Brownson's political thought, under the impact of the work of Joseph de Maistre, became more organicistic and conservative, many of the older themes break through.[33] Thus, his abiding concern for social democracy remains apparent in such reminders as "property is not entitled to govern.... The rich have in their riches advantages enough over the poor, without

[32] *The Convert*, p. 104.

[33] Orestes Brownson, *The American Republic* (New York, 1866).

receiving from the state any additional advantage."[34] "Let government take care of the weak; the strong can take care of themselves. Universal suffrage is better than restricted suffrage, but even universal suffrage is too weak to prevent private property from having an undue political influence."[35] *The American Republic* also attests to Brownson's new-found theological liberalism in its rejection of an established church. Greatly influenced by Lacordaire and the *L'Avenir* group in France, Brownson was unequivocal on the point. "Faith can not be forced."[36] "Since her kingdom is moral and spiritual [the Church] has and can only have moral or spiritual power. She can resort neither directly nor indirectly to physical force, for that would make her a secular kingdom—a kingdom of this world—and belie her own spiritual nature."[37]

Brownson even went so far as to attack the temporal power of the papacy. On one point of then current Catholic political theology he was absolutely clear. "It is impossible, even if it were desirable, to restore the mixture of civil and ecclesiastical governments which obtained in the middle ages."[38] Brownson was no believer in the ideals of a Christendom. Long before John Courtney Murray, Brownson argued that state and Church should agree on the institutional freedom of the Church and religious freedom. If the Church had a right to proclaim its institutional freedom from the interference of the state, the state was to be no less free from Church meddling: "Though derived from God only through the people, civil authority still holds from God and derives its right from Him through another channel than the church or spiritual society, and therefore has a right, a sacredness, which the church herself gives not, and must recognize and respect."[39]

Although he was relatively late in taking up the cause of the antislavery movement, largely because of his support of the Federalist principle of states' rights (he agreed with Calhoun) and some personal antipathies toward some of the leaders of the abolitionist movement, by 1860 he threw in his lot with the antislavery unionists. He resumed vigorous political activity as an active patriot, traveling across the land giving lectures. He actively lobbied, and directed political appeals through his friend Charles Sumner. He toyed with the idea of running for Congress. As early as 1861 he urged Lincoln, who had attended his lectures, to issue the Emancipation Proclamation. Especially when

[34] *The American Republic*, p. 136.
[35] *The American Republic*, p. 383.
[36] "Freedom" (1864), in *The Brownson Reader*, p. 353.
[37] *The Brownson Reader*, p. 352.
[38] *The American Republic*, p. 415.
[39] *The American Republic*, p. 121.

weighed against the ominous silence of the official Catholic Church on the greatest moral issue of the day and the irritation of Archbishop Hughes and the leading members of the hierarchy at Brownson's prounionist sentiments and activity, it is no exaggeration to assert, as Brownson's biographer Theodore Maynard does, that "on the central question of slavery he was one of the few Catholics who had something of importance to say."[40] It is perhaps typical of Brownson's sense for unities that in *The American Republic* he proceeds from a carefully argued case that the Southern States had no constitutional right to secede from the Union to a plea against sentiments of rancor or severity in the postwar task of reconstruction.

Providence and Politics

In a peculiar sense the relation between providence and politics was Brownson's most central intellectual concern. On the one hand, Brownson saw the temporal common good of man as directed toward his ultimate good. On the other, he was reluctant to identify the religious qualities inherent in the achievement of historical forms of justice with the eschatological City of God. Providence provided him with an intermediate concept. Providence had about it the same smell of contingency and the humble acknowledgment of imperfect knowledge as had those "Providential Men" Brownson wrote about in his Unitarian period, whose function was to mediate for individuals some objectivity and direction in the quest for religious truth and action without themselves being totally identical with the divine.

In his important essay "The Philosophy of History," Brownson scores the transcendentalists for their ahistorical political stance. A doctrine of providence would alert them to the changing moods and circumstances of history, the possibilities inherent in one epoch or culture which are absent in another. Against them he asserts the continuous operation of God's providence in human history. Nor will it do to hold for "the non-intervention of Providence save through the fixed and permanent laws of human nature," as Victor Cousin did. This restricts too much the freedom of God. Also, "it will not suffice to explain and account for the facts of human history." Next, Brownson objects to Bossuet's philosophy of history, which, while good on the subject of the freedom of God, is too narrow in restricting the activity of God's providence to the explicitly religious realm: "we are not willing to regard the effects of this providential interference as shut up within the limits of this empire or as

[40] Theodore Maynard, *Orestes Brownson: Yankee, Radical, Catholic* (New York, 1943) p. 320.

confined exclusively to the peculiar people of God."[41] The Church exists for all humankind. Moreover, Bossuet does not do justice to the freedom of humanity.

Brownson sees three agencies active in human history: nature, humanity, and providence. Nature sets some fixed limits to the flexibility of human history. Brownson maintains a modified version of natural-law theory as the norm of just law. God's freedom respects, but is not totally restricted to, nature and the freedom of humanity. Thus "Providence is God intervening through the laws he, by his creative act, gives to creatures, not their suspension or abrogation."[42] Human freedom makes a difference to the direction and ultimate meaning of history. Hence "the course of human history depends in no slight degree on the voluntary activity of individuals.... All humanity shall fare worse, if we do not act."[43] Human history was not for Brownson, in John Courtney Murray's telling phrase, merely basket weaving.

The eschatological kingdom of God is primarily God's activity. It is a grace, a judgment, and a gift. It is a kingdom of absolute justice and peace. It will never be fully realized in history. Within history, God is restricted in His activity. He desires the kingdom of God and invites toward it, but only as that is possible within the limits of providence by which God uses human freedom and circumstances as His instruments. In Ernst Troeltsch's poignant phrase, within history "history can only be overcome by more history."

The doctrine of providence alerts us to the "distinction between the purpose inherent in a free human act and the further purpose to which God can direct this same act."[44] The freedom and providence of God directs us to the deeper possibilities in human praxis and achievements. It may lead us to acknowledge the flaws and failures in what seem, at first glance, triumphs, and the grounds for hope in what seems a humanly hopeless praxis. Even a prolonged total failure to achieve human liberation may have its purposes in the providence of God, although we are continuously called upon to work for justice, since we know that this is the will of God. Providence reminds us that there is more to human history than praxis. Providence, to be sure, has often been used in the history of theology as a conservative doctrine, especially when it is ex-

[41] For the above citations, cf. "The Philosophy of History," in *The Brownson Reader*, pp. 189–205.

[42] *The American Republic*, p. 173. [43] *The Brownson Reader*, p. 205.

[44] Stanley J. Parry, "The Premises of Brownson's Political Theory," *Review of Politics* 16 (1954) 196. Parry's article contains a substantive treatment of providence and politics in Brownson's political writings.

clusively related to creation and the good of order. Brownson, however, insisted that providence entailed a providential task, a mission. It was as much directed to eschatology as to creation, as much to the good of societal transformation as to order.[45]

In *The American Republic* Brownson again deals with the central concept of providence. He asserts that "every living nation has an idea given it by Providence to realize, and whose realization is its special work, mission or destiny."[46] He thought the mission of the United States "is to bring out in its life the dialectic union of authority and liberty, of the natural rights of man and those of society."[47] In another place he asserts that its mission is to find a middle way between individualism and socialism, a mission which had been Brownson's own since the days when, under the influence of Saint-Simon, he sought a socialism with a human face in the union between political democracy and social equality.

Throughout *The American Republic* Brownson attacks the ideas of Hobbes and Locke, who maintained that the common good was simply the result of the conciliation of private interests. Nor is it the case that the government, as Augustine held, is merely *propter peccatum*. Government constitutes a kind of social providence:

> Government would have been necessary if man had not sinned, and it is needed for the good as well as the bad.... Its office is not merely repressive, to restrain violence, to redress wrongs and to punish the transgressor. It has something more to do than to restrict our natural liberty, curb our passions and maintain justice between man and man. Its office is positive as well as negative. It is needed to render effective the solidarity of the individuals of a nation and to render the nation an organism and not a mere organization—to combine men in one living body and to strengthen all with the strength of each and each with the strength of all—to develop, strengthen, and sustain individual liberty and to utilize and direct it to the promotion of the commonweal—*to be a social providence*, imitating in its order and degree the action of the divine providence itself and while it provides for the common good of all, to protect each, the lowest and meanest, with the whole force and majesty of society.[48]

Brownson directed political thinkers to take cognizance of the priority of social conditions and circumstances over political forms. Thus he distinguished between the state or nation, what he called "the providential constitution," and government. No reform or change in the political

[45] I was first led to reflect upon the need for a doctrine of providence for a developed liberation theology and the importance of relating providence to eschatology in a course conducted by Langdon Gilkey, "History, Politics, and Providence," offered at the Divinity School of the University of Chicago in the spring of 1974.

[46] *The American Republic*, p. 3.

[47] *The American Republic*, p. 5.

[48] *The American Republic*, p. 57.

constitution of a government would be successful if the social preconditions were lacking. As he put it, "there must be for every state or nation a constitution anterior to the constitution which the nation gives itself and from which the one it gives itself derives all its vitality and legal force."[49]

In a homely simile, he likened forms of government to shoes. If a form of government fitted the social conditions and circumstances, it was part of the providential design for the nation. "No one form of government is Catholic in its nature or of universal obligation."[50] The necessity of uncovering the providential constitution of a nation—what we would call the economic and structural conditions and the limits and possibilities of a national ethos—was the work of prudential discernment. Brownson stood with the classical assertion that there could be no *science* of the contingent aspects of politics, no science of praxis. Praxis was governed by prudence and not science. As such, his doctrine of a providential constitution and providence as a mission reminds us that uncertainty and ambiguity remain permanent elements of the political order. Brownson's own preferences remained firmly fixed on democracy and a limited form of government; he opposed all totalitarianism; for "man does not depend exclusively on Society, for it is not his only medium of communion with God, and therefore its right to him is neither absolute or unlimited."[51]

Sydney Ahlstrom has said of Brownson: "Perhaps no American before the civil war testified more strenuously to the significant relationship between religion and social problems."[52] I have argued that he provides us with a doctrine of providence to serve as a necessary mediating concept between eschatology and politics in doing a liberation theology. The problem with eschatological symbols in politics is that they yield "little of positive and constructive significance in making practical and material moral judgments about particular conditions."[53] In the end, unmediated use of eschatological symbols in political thought either functions as a kind of vague "eschatological impatience" with the *status quo* but with an appalling paucity of content, or, more disastrous, lends itself to an identification of some particular social movement, class, or institutional restructuring of society with the ushering in of the kingdom of God in history. Providence as task is, in Tillich's term, a kind of *kairos*, an opportunity which may not come again. Providence directs us to read the signs of the times in the light of the eschatological vision of the

[49] *The American Republic*, p. 144.

[50] *The American Republic*, p. 173.

[51] *The American Republic*, p. 57.

[52] Sydney E. Ahlstrom, *A Religious History of the American People* (New Haven, 1972) p. 640.

[53] For this criticism of an unmediated move from eschatology to politics, cf. James M. Gustafson, *Theology and Christian Ethics* (Philadelphia, 1974) p. 187.

kingdom. It reminds us, however, that the signs of the kingdom are not the same as the kingdom itself. When related to eschatology, providence is a way of saying that the temporal order makes a real difference to the shape of the kingdom of God and that nothing of justice, truth, or liberty in human achievement will ever be lost in eternity. Providence moves us to a concrete praxis. The kingdom remains eschatology, a faith and vision from whose transcendent reference we have continuous critical leverage on every human achievement.

Providence is more likely than directly eschatological symbols to keep us realistic in our expectations and religiously motivated, enthusiastic, and persistent in our commitments to social justice and a liberating transformation of societal structures. Brownson's life illustrates for us that a steady passion for justice need not be premised on Joachimite illusions about the millennium. Arthur Schlessinger sums up the reasons why Brownson might still be considered a resource for doing liberation theology in America: "His life still touches contemporary nerves—from the antagonisms of capital and labor to the place of the Catholics in American society, from the nature of American culture to the death of God."[54]

LEGACY OF JOHN A. RYAN: A DEVELOPED ECONOMIC ETHICS

The best way to capture the flavor of the life and work of the "Right Reverend New Dealer" Msgr. John A. Ryan is in the phrase he chose for his autobiography, *Social Doctrine in Action*.[55] Born in the latter part of the nineteenth century in Vermillion, Minnesota, Ryan came early under the spell of the Populist movement. He inherited a distaste for monopolies from his father, whom he frequently accompanied to the meetings of the National Farmers' Alliance. The Populist orator-agitator Ignatius Donnelly, who later founded the Anti-Monopoly Party, was one of John Ryan's boyhood heroes. The son of Irish immigrants, Ryan read each week the copy of the *Irish World* which came to his home. Under the editorship of Patrick Ford, the *Irish World* was constantly attacking the abusive power of the corporate trusts. Through Ford, who espoused George's New York mayoral campaign, Ryan also came to read, with sympathy, Henry George's program for a single tax on the land, *Progress and Poverty*.

When Ryan went down to St. Paul to attend John Ireland's seminary, he imbibed that indefatigable prelate's Americanist enthusiasms. He recalls especially being stirred by Ireland's words: "These are days of

[54] Schlessinger, *Orestes Brownson*, pp. xi–xii.

[55] John Ryan, *Social Doctrine in Action* (New York, 1941); cf. also Francis L. Broderick, *Right Reverend New Dealer: John A. Ryan* (New York, 1963).

action, days of warfare.... Into the arena, priest and layman! Seek out social evils, and lead in movements that tend to rectify them. Speak of vested rights, for this is necessary; but speak, too, of vested wrongs, and strive, by word and example, by the enactment and enforcement of good laws to correct them."[56]

In the seminary Ryan read Leo XIII's Encyclical *Rerum novarum*, for the first time in 1894. From Leo he derived an abiding belief in natural law and the absolute right of every citizen to a living wage. Ryan also began to nourish his single passion—one might almost call it the substance of his interiority—for social and economic justice.[57] While in the seminary, he commenced his lifelong serious reading and study of economics. From the British economic historian William Lilly Ryan derived what would remain a cornerstone of his mature thought, his convictions about the inherent limitations upon the right of private property and the social responsibilities of property. As he was later to write in his most important theoretical work *Distributive Justice*, "It is the exigencies of reasonable distribution that constitutes the fundamental justification of every title to ownership.... *All titles of property, productivity included, are conventional institutions which reason and experience have shown to be conducive to human welfare.* None of them possesses intrinsic or metaphysical validity."[58] Again, he asserts, in arguing for a legal limitation of large fortunes, that "There is nothing in the nature of things nor in the purpose of property to indicate that the right of ownership is unlimited in quantity any more than it is in quality. The final and only justification of individual rights of property is human welfare; that is, the welfare of all individuals, severally and collectively."[59]

In the same work he appeals to the social nature of capital property to ground his conclusion that the employer is bound to distributive as well as commutative justice:

> The employer has obligations of justice, not merely as the receiver of a valuable thing through an onerous contract, but as the distributor of the common heritage of nature. His duty is not merely contractual, but social. He fulfills not only an individual contract but a social function. Unless he performs this social and distributive function in accordance with justice, he does not adequately discharge the obligation of the wage contract. For the product out of which he pays wages is not his in the same sense as the personal income out of which he

[56] John Ireland, *The Church and Modern Society* 1 (Chicago, 1896) p. 78.

[57] Ryan was accused of a lack of concern for interiority by the Benedictine liturgist and social reformer Virgil Michel; cf. David J. O'Brien, *American Catholics and Social Reform* (New York, 1968) p. 147.

[58] John Ryan, *Distributive Justice* (New York, 1927) p. 130. Hereafter cited as *DJ*.

[59] *DJ*, p. 260.

repays a loan.... How futile, then, to endeavor to describe his employer's obligation in terms of mere equivalence and contractual justice. It is governed by distributive justice also.[60]

After ordination, Ryan enrolled at the Catholic University of America for a graduate degree in moral theology. His two most influential teachers were the sociologist William Kerby, a champion of the cause of labor unions and consumers' co-operatives, and the Belgian moral theologian Thomas Bouquillon. From Bouquillon, the director of his dissertation, Ryan learned his method in theological ethics. Bouquillon

tried first to understand the sociology and economics of a problem before passing on to its morality. He complained that existing theological manuals were out of touch with contemporary life, and he warned that moral theology would not regain its position of true distinction until theologians would intelligently apply Judaeo-Christian principles to the social, religious and civil problems of the modern individual.[61]

In preparation for his dissertation *The Living Wage*, Ryan immersed himself in a study of the medieval scholastic doctrine of the just price and the social teaching of Catholicism on the ownership, use, and responsibility of property. He also read widely in economics: the Webbs, Hobson, Richard Ely, and William Ashley's *Introduction to English Economic History and Theory*. With Ely, the founder of the American Economic Association and an influential figure in the American social-gospel movement, he was in constant correspondence.

After four years in Washington, Ryan returned to St. Paul to teaching duties at Saint Thomas' Seminary. In 1905 his completed dissertation was published by the Macmillan Company with a preface by Ely. Ely claimed that Ryan was the only man in America who combined a thorough competence in ethical theory with an equal proficiency in economics. The book was received with favorable notices in the United States, England, and Ireland. In his years of teaching in St. Paul, Ryan began to gain a national reputation. He worked actively for the passage of minimum-wage laws across the country, authoring the first such bill for the Minnesota legislature in 1913. He also pressed for legislation outlawing child labor. He became active in Minnesota civic organizations. Born into the Populist era, he joined organizations connected to the "progressive movement" for economic, social, and political reform. He urged his fellow Catholics to follow suit. Meanwhile, scholarly articles poured from his pen, most notably a careful moral study of monopoly and an ethical analysis of the practice of stock watering. He urged reforms in the practice of stock speculation.

[60] *DJ*, p. 328.

[61] *Right Reverend New Dealer*, p. 34.

In 1914 Ryan was catapulted into national prominence when he was invited to join Morris Hillquit, the leading theoretician of the American Socialist Party, in a debate on the question "Socialism: Promise or Menace?" in the pages of *Everybody's Magazine*.[62] Ryan's main objections to socialism, at that period, rested on its theory of economic determinism and its antireligious and antimoral (e.g., free love, divorce) tenets. He thought socialism economically impractical and feared its centralizing tendencies. Nevertheless, Ryan was no defender of the *status quo*. His option was for "the existing system, greatly, even radically, amended."[63]

Ryan pointed to three major evils in the present system: (1) insufficient wages, (2) excessive income, (3) the concentration of capital ownership. The third was crucial. "The narrow distribution of capital ownership is more fundamental than the other two evils because it threatens the stability of the whole system."[64] Because he feared a totalitarian tendency in socialism, Ryan preferred in its stead a widespread people's capitalism embracing industrial democracy and consumer and productive co-operatives. His program was a far cry from *laissez faire*. He exhorted to a vigorous governmental intervention through antitrust legislation and the regulation of prices and interest rates by government agencies. If necessary, the government should inaugurate state-financed and state-run competitive corporations to bring about true competition. "The state should compete with some of the obstinate and intractable trusts by manufacturing and selling their own kinds of products."[65] Nor was Ryan totally unsympathetic to socialism. He would not give the time of day to routine or doctrinaire denunciations of socialism. In an extended review of the European moralist Victor Cathrein's widely-read book *Socialism and Christianity*, Ryan commented that Cathrein failed to do justice to the truth in Marx's insight about the predominant role of economic factors in history.

In 1916 Ryan returned to Washington, D.C., to become a professor of moral theology at the Catholic University of America, where he also offered courses in the department of economics. Washington became a congenial home base for this intensely political animal. In his years in Washington, Ryan began to join his voice to that of progressives such as Brooks Adams and John R. Commons. He became active in the National Catholic Welfare Conference and was appointed in 1920 the first chairman of the Social Action Department of that Conference, where his was an influential voice in national Catholic social pronouncements. He

[62] Morris Hillquit and John A. Ryan, *Socialism: Promise or Menace?* (New York, 1914). Hereafter cited as *Socialism*.

[63] *Socialism*, p. 13.

[64] *Socialism*, p. 41.

[65] *Social Doctrine in Action*, p. 190.

kept a busy pace lecturing, lobbying for social legislation, and writing on topics of social justice.

In 1919 the American hierarchy published a paper, which Ryan had originally written for delivery before a Knights of Columbus audience in Louisville, as their national pastoral letter on "Social Reconstruction." In this pastoral—originally intended as Ryan's response to the program of the Fabian socialists in England—he argued his welfare program: minimum-wage legislation; social insurance for unemployment, old age, and sickness; a national employment agency to guarantee full employment to returning veterans; public-housing projects to insure low-cost housing; the legal right of labor to organize; the regulation of public utility rates in the consumers' interest; government competition to regulate monopolies; labor's participation in the decisions of management; the establishment of consumers' and productive co-operatives. The Bishops' Pastoral Letter of 1919 caused a storm. The president of the National Association of Manufacturers, himself a Catholic, was stirred up to brand Ryan a socialist. The socialist Upton Sinclair was provoked to proclaim it as a "Catholic miracle."

The 1920's were very difficult years for Ryan. He saw the postwar return to normalcy in the presidencies of Harding, Coolidge, and Hoover as a triumph of graft, greed, and self-interest over the common good. A conservative Supreme Court overturned the most minimal social-welfare legislation. The American hierarchy opposed legislation abolishing child labor for fear that such laws would set a precedent of state control over the family and impinge upon the freedom of the parochial schools. Ryan became, against his will, embroiled in the Smith campaign because of his defense of the classic Catholic thesis-hypothesis position on separation of Church and state in his book *The State and the Church*. He became sick at heart at the bigotry that re-emerged, even from liberals, during the Smith-Hoover election.

During that same decade Ryan became an active civil libertarian. He reacted sharply to the anti-Bolshevik scares of Attorney General A. Mitchell Palmer. He wrote Morris Hillquit, in a public telegram featured in the national press, congratulating him for his legal defense of the socialist assemblymen who were barred from taking office in New York State. He wrote and spoke against the antisedition laws and joined the American Civil Liberties Union (he was, for a time, a vice president). He pleaded for amnesty for the political prisoners who had refused to serve in the armed services in World War I. During the same period, the warm and mutual friendship between Ryan and another civil libertarian, Louis Brandeis, began.

At first Ryan was a reserved, if reluctant, defender of the moral and obliging character of the Volstead Act. By the mid-1920's, however, he

began increasingly to attack prohibition. He noted the class-based Toryism of the Anti-Saloon League. By the end of the decade he was urging, in carefully argued moral analysis, not only the right but the necessity of civil disobedience to national prohibition. The Volstead Act was bad law. It attempted to use prohibition instead of control of liquor as a means of curtailing the abuse of something whose normal and temperate use was morally good. It did not properly distinguish between private manufacture and use of liquor and profiteering manufacture and export. The law had done grave harm to the common good, giving rise to criminal extortion and government graft in bootlegging. Civil disobedience was called for, since the law was a constitutional amendment. Ordinary legislative redress was not available. In response to Ryan's writings, President Hoover was prompted in a speech on national radio to attack professors of ethics who asserted that individuals had the right in conscience to decide whether a law was binding or not.

In the 1920's Ryan's thought also turned to problems of the international order. He worked actively for disarmament and strongly supported the League of Nations. Largely influenced by John Maynard Keynes, Ryan fought for the cancellation of the crippling German war debt. In 1927 he attended the first International Catholic Conference on disarmament and peace held in The Hague.

Distributive Justice

Ryan's first interests and efforts remained directed to the ethics of the economic order. In 1927 he published his abiding theoretical work *Distributive Justice*. It is a masterpiece of cogent style, closely-reasoned argument, and practical wisdom. Probably no work on economic ethics has ever, before or since, combined Ryan's magisterial command over both disciplines. In his book Ryan deals systematically with the rights and duties, titles and limitations to landownership, taxation, interest, profits, a fair wage and prices. He dissects the defects in the then existing American land, corporate, wage, price, and interest systems and proposes a specific program of reforms. He is always careful to qualify the degree of certitude with which he asserts any proposition and to cite the evidence on which his conclusions are based. He presents a canon of diverse criteria for determining distributive justice and specifies the priorities in case of conflict. The book must be read in all the entirety of its tight argumentation to be really appreciated. I cannot here do more than give a sample of its flavor.

Landownership

Ryan commences his book with a discussion of the right of private property in landownership. He asserts that such private ownership has

been widespread in history and *seems* more conducive to a sense of individual well-being, responsibility, and incentive than state ownership. He is careful to nuance his claim. "Private landownership is a natural right because *in present conditions* the institution is necessary for individual and social welfare."[66] The criterion of social welfare is the only claim on which a right of private property can be based. It is never an inherent or metaphysical right. Moreover, it is a restricted right, "strictly limited in the interest of non-owners and of the community as a whole."[67]

The right to ownership of land for own use is not the same as the right of ownership of land as a source of income through rent or speculation. Landowners have a right to a fair rent based on their sacrifice of alternative uses of the land. Their right to rent, however, is inferior to the fundamental right of their tenants to a decent livelihood. In a case of conflict, the latter takes priority. "The landowner has not a right to the full economic or competitive rent. His right thereto is morally inferior to the tenants' right to a decent livelihood, just as the capitalist employer's right to the prevailing rate of interest is morally inferior to the laborer's right to a living wage."[68] Ryan saw three defects in the existing land system in America: (1) monopoly; (2) excessive gains: it enables some men to take a larger share of the national product than is consistent with the welfare of their neighbors and of society as a whole;[69] (3) exclusion from the land: owners of the large estates refuse to break up their holdings by sale; many proprietors are unwilling to let the use of their land on reasonable terms, and a great deal of land is held at speculative prices instead of at economic prices.[70]

As specific reforms, Ryan urged that the government lease instead of sell any government-owned land. He also advocated municipal ownership of *all* city land to abolish urban land speculation. In the absence of that, he proposed a confiscatory tax which would take away the entirety of increment values of land derived from speculation. "Investments in land which have as their main object a rise in value are an injury rather than a benefit to the community; for they do not increase the products of the land, while they do advance its price, thereby keeping it out of use."[71]

Capital and Interest

In his treatment of the morality of private capital and interest, Ryan discounts the labor theory of value. He argues: (*a*) labor produces some things which have no value; (*b*) some things have value—exchange

[66] *DJ*, p. 66.
[67] *DJ*, p. 21.
[68] *DJ*, p. 69.
[69] *DJ*, p. 78.
[70] *DJ*, p. 83.
[71] *DJ*. p. 94.

value—which is not due to labor; and (*c*) utility, scarcity, and demand have some moral claim to contribution to value. Nevertheless, he shows sympathy toward the "ethical intuition which connects reward with effort and which inclines to regard income from any other source as not quite, in the same sense, moral."[72]

Ryan concedes to the capitalist a right to interest and a fair profit: "In a general way we may say that they have a strict right to interest on the intrinsic ground of sacrifice. Inasmuch as the community benefits by the savings, it may quite as fairly be required to pay for the antecedent sacrifices of savers, for the inconvenience undergone by the performer of any useful labor or service."[73]

In an important caveat Ryan distinguishes between small businesses and the large trusts. If it is true that interest possesses the same moral claim as rent, the same moral argument for breaking up large and excessive holdings in land applies to corporate capital. He notes that this distinction "is too often overlooked in technical treatises."[74]

Moreover, any right to interest or profit is inherently limited by the laborer's opposing right to a fair, living wage. The latter takes priority in a conflict of rights. "Perhaps, the most important difference between the moral claims of the capitalist and laborer is the fact that for the latter labor is the sole means of livelihood."[75] Again, he writes: "the right to any interest at all, except as a return for genuine sacrifices in saving, is not certain, but only presumptive. Consequently, it has no such firm and definite basis as the right to a living wage."[76] Like a refrain running through the entire book is Ryan's reminder that "no industrial right is absolute."[77]

Ryan saw glaring inequities in the modern industrial system's protection of the right of interest and profits. As his solution, he prescribed remedies which would reduce the sum total of interest and profit. He argued for redistribution of the national wealth by a system of progressive taxation. Because he saw first occupancy rather than labor, scarcity, or contribution to productivity as the *original* title to ownership, he could argue that "the future increases of land value may be regarded as a sort of no man's property, which the state appropriates for the benefit of the community."[78] Similarly, collective bargaining through unions had its fair claim to whatever share it could get from an increase in profits or interest within the industrial systems. "The interest share of the produce is morally debatable as to its ownership. It is a sort of no man's

[72] *DJ*, p. 181.
[73] *DJ*, p. 164.
[74] *DJ*, p. 179.
[75] *DJ*, p. 158.
[76] *DJ*, p. 324.
[77] *DJ*, p. 227.
[78] *DJ*, p. 99.

property... which properly goes to the first occupant as determined by the processes of bargaining between employers and employees."[79]

Ryan looked to institutional reforms such as producers' and consumers' co-operatives, credit unions and copartnership between capital and labor in owning and operating business, as the means of more widely distributing incomes derived from interest and profits. His ideal was a sort of people's capitalism based on co-operatives.

Ryan is especially stringent in his judgment of monopolies. Monopolies are unjust institutional arrangements which use unfair methods (discriminatory underselling, exclusive-selling contracts, advantages in transportation) to perpetrate injustice against competitors and consumers. The state is obliged to intervene for the common good. Prevention and dissolution of the trusts through government intervention rather than permission or a compromising regulation is the only way to break the stranglehold of the large trusts. If necessary, the government should go into competition to tame a monopoly. Ryan did not think that a legal limitation on inheritance or large fortunes constitutes an infringement of the social good which flows from a limited right to private property. He could also argue that "the receivers of exceptionally large profits are bound in equity to share them with those persons who have cooperated in producing and providing them, namely wage earners and consumers."[80]

Principal Canons of Distributive Justice

In what is perhaps his most original contribution to ethical theory, Ryan devised a five-item canon of distributive justice. He argued for a pluralism of claims to the distributive share of the wealth of a nation. An exclusive appeal to any one item in the canon would not yield justice.

1) *The Canon of Equality*. All persons are equal as moral entities. As human persons, however, they are unequal in desires, capacities, and powers. It would be unfair, then, to restrict distributive justice to an appeal to the fundamental equality among persons. "Justice in industrial distribution must be measured with reference to welfare rather than with reference to incomes.... Any scheme of distribution which provided equal incomes to all persons would be radically unjust."[81]

2) *The Canon of Needs*. Proportional need is a genuine factor in determining distribution. Indeed, human needs constitute the primary title or claim to material wealth. They are not the only title. "Justice would seem to require that in each case compensation should be proportionate to exertion rather than needs. At any rate, the claims of

[79] *DJ*, p. 348.
[80] *DJ*, p. 225.
[81] *DJ*, p. 213.

needs should be modified to some extent in favor of the claims of exertion."[82]

3) *The Canon of Efforts and Sacrifice* (Labor Theory). Efforts and sacrifice have a just claim upon wealth. They must be balanced against the claims based on need and contribution to productivity.

4) *The Canon of Productivity*. The industrialist has some claim to have contributed to the productivity of output on the basis of which interest and profit is justified.

5) *The Canon of Scarcity*. The claim to a share of the wealth on the basis of the scarcity value of one's goods and services is, according to Ryan, reductively based on reward for sacrifice and the contribution of this sacrifice to productivity. Sheer speculation on the basis of falsely-created scarcity, in his opinion, should be outlawed. "It is increase of utility and not either actual or virtual increase to which men attribute a moral claim."[83]

Ryan sums up these five items in his own inclusive canon of human welfare for determining distributive justice:

> The canon of human welfare includes and summarizes all that is implied in the five other canons. This is its individual aspect. It requires that all human beings be treated as persons, as possessed of natural rights. This is equality. It demands that all industrial persons receive at least that amount of income which is necessary for decent living and reasonable self-development. This is a recognition of needs. The canon of human welfare declares that some consideration must be accorded to manifestations of good will by those who take part in the processes of industry. This is a recognition of efforts and sacrifices. And it gives reasonable recognition to the canons of productivity and scarcity.[84]

Ryan also provides priority rules. Needs have first priority to reward. Next, "efforts and sacrifices are superior to productivity as claims to reward."[85] Finally, productivity has priority of moral claim over scarcity. By stressing the first priority of needs, long before John Rawls, Ryan was arguing that the industrial system's scheme of distributive justice must be so arranged that it is to the advantage of the least advantaged.

Duty of Distributing Superfluous Wealth

Ryan turned to the theological tradition to ground his assertion of a doctrine of ownership as a kind of stewardship of resources which are, in some original sense, common. He distinguishes three separate levels of wealth:

[82] *DJ*, p. 214.
[83] *DJ*, p. 47.
[84] *DJ*, pp. 220–21.
[85] *DJ*, p. 307. It is instructive to contrast Ryan's concrete lexical ordering in his canon of distributive justice, based on economic as well as ethical analysis, with that of John Rawls, *A Theory of Justice* (Cambridge, Mass., 1971).

1) *Wealth sufficient to provide the necessities of life.* This is the definition of a minimum living wage. Appealing to the medieval criterion which used a *communis aestimatio* for the determination of a just price, Ryan defines the minimum living wage as "that quantity of goods and opportunities which fair-minded men would regard as indispensable to humane, efficient and reasonable life."[86] Ryan attempted, in constantly revised forms, to determine the dollar value of an annual minimum living wage to meet these standards.

2) *Wealth sufficient to provide the conventional necessities and comforts of one's own social plane or station in life.* Ryan conceded the justice of some inequalities of wealth and position within society, although he would keep the disparities to a reasonable limit. He seemed to regard upper-middle-class wealth (or the lower reaches of it) as the utmost moral limit to material possessions. Anything beyond that constituted superfluous luxury. Ryan also tried to determine this level of wealth in absolute dollar values. He estimated, for example, that any income (1927 values) in excess of $20,000 a year would be superfluous.

3) *Wealth that is superfluous to maintain the standards of a decent livelihood or one's station in life.* Once again Ryan provides priority rules in cases of conflict. Thus, no one who is at level one is obliged in justice to forego any portion of his/her minimum living standard to meet the needs of others below that minimum. In case of relatively equal need, self-interest can prevail over other-interest. At level two, the claims of any who have fallen below level one take priority over one's own claims to a standard of living consonant with one's own social plane or station in life. Level one has absolute priority over level two. On the other hand, one's own right to wealth sufficient to provide the conventional necessities and comforts to one's own social plane or station in life need not yield to others who fall below level two but are at least at level one. In this case, also, self-interest can prevail over other-interest. While Ryan allows, correctly I think, some role to self-interest as a moral motive, he is most careful to circumscribe its limits. He is no utilitarian in morals, let alone an egoist.

Finally, no one has a right to retain or use wealth at level three. To make this point, Ryan draws on the long history of moral theory to conclude:

> In other words, *the entire mass* of superfluous wealth is morally subject to the call of grave need. This seems to be the unanimous teaching of the moral theologians. It is also in harmony with the general principle of the moral law that the goods of the earth should be enjoyed by the inhabitants of the earth in proportion to their essential needs.[87]

[86] *DJ*, p. 322.

[87] *DJ*, p. 274.

To those who argued that the distribution of superfluous wealth would entail deleterious economic results, since it would rob the market of necessary large sums of capital for investment purposes, Ryan's rejoinder was curt. The money could be transferred to the investment portfolios of charitable institutions that could live off its interest while investing the capital. No sums of capital need be siphoned off the market.

Ryan ends his book with a treatment of theories of wage justice. He rejects prevailing-rate theories because they wrongly assume that "the dominant thing is always the right thing. Justice is determined by the preponderance of economic force."[88] No more than in politics does might make right in economics. He finds exchange-equivalence theories of wage justice faulty because they leave wages to the whims of an impersonal market where wage contracts are usually not really free. An appeal to common class needs is also insufficient: "For it makes no provision for those laborers who deserve a wage in excess of the cost of living of their class; nor does it furnish a principle by which a whole class of workers can justify their advance to a higher standard of living. It is not sufficiently elastic and dynamic."[89]

Moreover, the labor theory of value, i.e., the theory that labor has the right to the whole product, is not very helpful. It gives us "no rule for determining distributive justice as between different classes of labor."[90] It also neglects to honor the just claims of needs, sacrifices, and contribution to productivity. Finally, Ryan proposes his own solution: (*a*) a living wage as the minimum of justice and (*b*) eventual complete wage justice through labor organization and legislation. A decade before the emergence of the C.I.O., Ryan argued for industrial unions as superior to craft unions in giving to labor an organizational power relatively equal to capital.

Toward the end of the book Ryan betrays a growing pessimism about the modern industrial system as compared to his hopes for reform in the debate with Hillquit. "Our industrial system as now constituted is well-nigh bankrupt."[91] He agrees with Brownson's earlier contention that social reform and spiritual renewal must go hand in hand:

> Neither just distribution, nor increased production, nor both combined, will insure a stable and satisfactory social order without a considerable change in human hearts and ideals.... The only life worth living is that in which one's cherished wants are few, simple and noble. For the adoption and pursuit of these ideals the most necessary requisite is a revival of genuine religion.[92]

[88] *DJ*, p. 287.
[89] *DJ*, p. 297.
[90] *DJ*, p. 307.
[91] *DJ*, p. 389.
[92] *DJ*, p. 397. Simplicity of life was a constant theme in Ryan's writings; cf. his 1907 *Catholic World* article "The Fallacy of Bettering One's Position," in *Social Doctrine in Action*, p. 100.

Ryan's pessimism turned again to a qualified hope in the 1930's with the election of Roosevelt and the issuance of *Quadragesimo anno* by Pius XI. His colleagues at Catholic University greeted the Encyclical as a vindication of Ryan's life's work. Ryan became an enthusiastic New Dealer. He served for a time on the appeals board of the National Recovery Act, which he saw as an embodiment of Pius XI's occupational-groups system. He was bitterly disappointed at the Supreme Court which ruled it unconstitutional. Ryan helped deflect the attacks on Roosevelt in the 1936 campaign by the demagogue radio priest Charles Coughlin, who bestowed on Ryan the soubriquet "The Right Reverend New Dealer." In return, Roosevelt invited him to give the benediction at his second and fourth inaugurations.

In 1940 Ryan authored a second landmark social pastoral of the American bishops on the "Church and the Social Order," which pleaded, among other things, for an industrial democracy and workers' councils as part of management. In the 1940's, now an old man, Ryan moved to a concern for race relations and problems of postwar reconstruction. In 1944, in a talk to the Catholic Economic Association, he made his first concerted attempt to apply his principles of social justice to the international economic order: "Just as the common right of property is morally superior to the private right; just as the social element in ownership takes precedence, in some situations, over the individual elements; so the common right of mankind to the natural resources of a particular country is sometimes superior to the right of that country's inhabitants."[93]

Ethics and Politics

I have turned to the life and thought of John Ryan as a resource within American Catholic theology for doing liberation theology in North America. Ryan's developed economic ethics, or something much like it, seems to me a necessary intervening variable for the move from eschatology to politics. The vision of eschatology is too broad to provide concrete norms for political action. The praxis of politics is too restricted to contingent situations to yield ethical norms. Ethics, like providence, provides eschatology with a theory of the middle range to effect its translation into political praxis.

It is apparent, in making this point, that I agree with James Gustafson's strictures about attempts "to move from theology to history or politics without going through a stage of more careful *ethical* reflection—both about why certain things are judged to be bad and about what concrete proposals are necessary to make them better."[94] I am suggesting, then, that liberation theology must become much more a

[93] Cited in *Right Reverend New Dealer*, pp. 273–74.

[94] James M. Gustafson, *Theology and Christian Ethics* (Philadelphia, 1974) p. 188.

social ethics than it has so far, if it is going to be an effective instrument in suggesting concrete political praxis. The peculiar genius of the social-ethical tradition in America has been its ability to make particular moral judgments about particular social proposals and to suggest, among optional courses of moral action, those which might be judged morally approvable. There has generally also been a tendency in America to pay careful attention to the historical character of ethical issues. Gustafson notes that while this approach to social ethics has sometimes led to an uncritical acceptance of the institutional framework in which certain problems are posed, this need not be the case. John Ryan stands squarely in this tradition of social ethics.

There are historical limits, of course, to Ryan's vision. He was perhaps not sufficiently aware, in his New Deal enthusiasm, of the dangers of government centralization. His thought shows a certain rationalistic bias. It deals inadequately with the reality of power. He did not push his work enough into the context of international economic justice, although much of his ethical analysis seems translatable to the international arena. Ryan was too sanguine about the possibilities inherent in legislative action, although in his more sober moments he knew that there is "an inherent contradiction between the spirit [of] political democracy and industrial autocracy."[95] Living and writing as he did in the first generation after the rise of the large trusts in America, he still thought their progress could be halted and a people's capitalism of small enterprises instituted. His vision of a successful co-operative movement never materialized. For some, his conviction that underconsumption and oversaving are the main causes of industrial slumps and depressions smacks of a dated Keynsian view in economics. Like almost every other economist of his generation, Ryan was unable to conceptualize inherent natural limits to ever-increasing industrial production. For others, he remains too much the scholastic Thomist.

Ryan always refused to accept socialism as a solution, although this seems to have been conditioned much more by the historic antireligious stance of the socialism that he knew than by its economic doctrine. Perhaps he was also smitten by the time-conditioned allergy toward socialism implicit in historic social Catholicism.[96] And yet, as one

[95] *Social Doctrine in Action*, p. 18.

[96] Historically, the thought of social Catholicism sought a middle way between individualism and socialism. Its emphasis on the priority of the common good and its model of a kind of guild society made it closer to socialism in its economic doctrine than to individualism. My own intuition is that social Catholicism objected more to nineteenth-century socialism's monistic doctrine of social authority than to its economics. It also rejected its antireligious bias. Unfortunately, social Catholicism in practice often turned out to look more like economic individualism. For a history of social Catholicism, cf. J. B. Duroselle, *Les débuts du catholicisme social en France* (Paris, 1951), and Alec R. Vidler, *A Century of Social Catholicism 1820–1920* (London, 1964).

historian of American socialism has commented, "Ryan's ideas were more radical than the program of a good many moderate dues-paying socialists."[97] In the conclusion of his last book, written as the New Deal was entering its third term, Ryan wrote: "Historical capitalism cannot and ought not to survive."[98] It is only by turning to careful ethical and economic analysis—*both* together, since it is simply not true that good economics makes good ethics—similar to his that we, who perhaps know better than he the justice of his remark, can both ground that conclusion and begin to construct, piece by piece, an alternative ethical program and vision of what should take capitalism's place.

LEGACY OF JOHN COURTNEY MURRAY: A DOCTRINE OF SOCIAL PLURALISM

My treatment of the work of John Courtney Murray will be both more brief than that of Brownson and Ryan and less biographical. Murray's life and work stand closer to our own time. It is easily accessible in his own major works, *We Hold These Truths* and *The Problem of Religious Freedom*. Murray was more of an intellectual than an activist. Still, his eager participation in the early ecumenical movement, his involvement in public-policy discussions at the Fund for the Republic and the Center for Democratic Institutions in Santa Barbara, and his years as a *peritus* at Vatican Council II, where he engineered the writing and passage of the document on religious liberty, gave to his intellectual vision the taste of praxis. What lends a peculiar stamp to his theological work is its combination of careful hermeneutic of the classic documents of social Catholicism with a wide knowledge of constitutional law and history.

With Maritain, whose work, especially *Man and the State*, Murray influenced, Murray stands as the major reinterpreter of the Thomist position on politics and the state in the postwar period. From Aquinas, Murray derived the cornerstones of his political thought. He held firmly to "the idea that government has a moral basis; that the universal moral law is the foundation of society; that the legal order of society—that is, the state—is subject to judgment by a law that is not statistical but inherent in the nature of man; that the eternal reason of God is the ultimate origin of all law."[99] Murray held also to the doctrine of a natural law: "that man is intelligent; that reality is intelligible; and that reality, as grasped by intelligence, imposes on the will the obligation that it be obeyed in its demands for action and/or abstention."[100] He adds to the

[97] Ira Kipnis, *The American Socialist Movement 1897-1912* (New York, 1952) p. 428.

[98] *Social Doctrine in Action*, p. 280.

[99] John Courtney Murray, *We Hold These Truths* (New York, 1960) p. 53. Hereafter cited as *WHTT*.

[100] John Courtney Murray, *The Problem of Religious Freedom* (Westminster, Md., 1965) p. 19. Hereafter cited as *PRF*.

tradition of the natural law, however, a keen sense of that "historical consciousness that ought to preside over all argument about human rights." Thus he can speak of "a demand of the natural law in the present moment of history."[101]

From Aquinas, Murray also extracted the conclusion that reality exhibits an analogical structure. This led him to make three crucial distinctions:

1) *The distinction between the secular and the sacred.* For Murray, it is not possible to collapse the two orders of authority within society, the temporal and the spiritual. The world is ruled "by a dyarchy of authorities within which the temporal is subordinate to the spiritual, not instrumentally, but in dignity."[102] The Catholic may not submerge his religious faith into his patriotic allegiance. Murray was a realist. Religious pluralism is against the will of God. Nevertheless, "Religious pluralism is theologically the human condition."[103] Since the state has no province in the *cura animarum*, "the public powers are not competent to judge whether conscience be erroneous or not."[104] The public powers may not make windows into men's souls. Hence, in the temporal order, the public care of religion is limited to the public care for religious freedom. The First Amendment establishment of religious freedom is the only establishment consonant with the Catholic doctrine of a limited character of state authority.

2) *The distinction between society and the state.* Murray was a firm advocate of limited, constitutional government. Government is not coextensive with man's existence, because "the whole of man's existence is not absorbed in his temporal and terrestrial existence."[105] There is a distinction between the order of politics and the order of culture which grounds the right of freedom of inquiry and academic freedom. The institutions of the *imperium* and those of the *studium* are not to be merged. Moreover, "the purposes of the state are not coextensive with the purposes of society. The state is only one order within society, the order of public law and political administration."[106]

As an advocate of social pluralism in societal authority, Murray held that the authority of the Church as an institution and of the family are not derivative from the state. The rights to assembly and organization into voluntary associations are also inherent natural rights in society. Intermediate organizations within society do not exist at the whim of the state. Murray appeals both to the Catholic principle of subsidiarity and to the limited character of the state to ground the general right of voluntary association: "This latter right is based on the social nature of

[101] *WHTT*, p. 113.
[102] *WHTT*, p. 32.
[103] *PRF*, p. 109.
[104] *PRF*, p. 22.
[105] *PRF*, p. 28.
[106] *PRF*, p. 29.

man, whose sociality is not exhausted by his citizenship in the body politic. It is likewise based on the principle of subsidiary function as a principle of social organization."[107]

3) *The distinction between the common good and public order.* Social justice depends upon the achievement of the common good of all individuals within society. Public order—the order of jurisprudence and law—stands under the judgment of the common good. Murray would not countenance a cynical divorce between law and morality, although he was careful to distinguish, in accord with his position that reality exhibits an analogical structure, between individual and public morality. There should not be a law for every vice. The goods of the public order, freedom, and the common good may lead legislators to leave to the private sphere those vices which involve no real "victims." Murray was no Puritan.

Murray asserted, on the other hand, the service character of the state. It exists as an instrument to promote justice and liberty. The ends of the public order are fourfold: public peace, public morality, justice, and the freedom of the people. "The democratic state serves both the ends of the human person (in itself and its natural forms of social life) and also the ends of justice. As the servant of these ends, it has only a relative value."[108]

If the state is both subject to and the servant of the common good, it "is not the sole judge of what is or is not the common good." Moreover, "in consequence of the distinction between society and state, not every element of the common good is instantly committed to the state to be protected and promoted."[109] There are inalienable civil liberties. Furthermore, the people must be consulted, both through constitutional consent and through the channels of public opinion, about the nature of the common good. Murray assumes that the authority of any government, derived from God and not from the Church, devolves upon it through the consensus of the people. Murray is an ethical democrat. "There is a sense of justice inherent in the people, in virtue of which they are empowered, as the medieval phrase had it, to 'judge, direct, and correct' the process of government."[110] Nevertheless, he is careful to respect the evidence of diversity. There can be no ideal instance of constitutional law. Any attempt to canonize one constitutional arrangement involves a contradiction in terms.

If justice was the predominant passion of Brownson and Ryan, liberty was Murray's. He could say that "ideally, I suppose, there should be only one passion in the city, the passion for justice."[111] Liberty, however, is a

[107] *PRF*, p. 36.
[108] *WHTT*, p. 308.
[109] *PRF*, p. 42.
[110] *WHTT*, p. 45.
[111] *WHTT*, p. 20.

demand of justice itself. Murray is best known as the theologian who demolished the classic Catholic position of a thesis-hypothesis on the question of religious establishment. By a painstaking historical reconstruction, he charted the "growing end" of the tradition on religious liberty from Pius IX and Leo XIII through Pius XII and John XXIII, to show the appropriate linkages of a doctrine of religious freedom to the corpus of Catholic social thought. Murray's argument for religious freedom was of a piece with his case for civil liberty in general. His was a single complex insight: the free person under a government of limited powers.

> The personal or corporate free exercise of religion as a human and civil right is evidently cognate with other more general human and civil rights—with the freedom of corporate bodies and institutions within society, based on the principle of subsidiary function; with the general freedom of association for peaceful purposes, based on the social nature of man; with the general freedom of speech and of the press, based on the nature of political society.[112]

Murray would not allow himself to claim a freedom for the Church and deny similar liberty to other religious or human intermediate associations: "Constitutional government, limited in its powers, dedicated to the defense of the rights of man and to the promotion of the freedom of the people, is the correlate of religious freedom as a juridical notion, a civil and human right, personal and corporate."[113]

In his reading of the signs of his time, Murray saw that the demand of natural law in the present moment of history was a demand of freedom in regard to the goods of the human spirit: "the search for truth, the free expression and dissemination of opinion, the cultivation of the arts and sciences, free access to information about public events, adequate opportunities for the development of personal talents and for progress in knowledge and culture."[114] He grounded his case for civil freedoms, in his arguments about the service character of limited, constitutional government, in his assertion that "the freedom of the people is also the higher purpose of the juridical order, which is not an end in itself. Furthermore, freedom is the political method *per excellentiam*."[115]

For Murray, the basic rule of jurisprudence remains freedom under the law. Its dictate runs: let there be as much freedom, personal and social, as is possible; let there be only as much restraint and constraint, personal and social, as may be necessary for the public order. Indeed, in his treatment of the ethical justification of coercion, he boldly affirms that coercion can only be morally tolerable if it is exercised in the name and for the sake of freedom. Thus, in treating of possible governmental

[112] *PRF*, p. 26.
[113] *PRF*, p. 67.
[114] *PRF*, p. 19.
[115] *PRF*, p. 31.

restraint of the freedom of religion, he is careful to circumscribe state power:

> In what concerns religious freedom, the requirement is fourfold: that the violation of the public order be really serious; that legal or police intervention be really necessary; that regard be had for the privileged character of religious freedom, which is not simply to be equated with other civil rights; that the rule of jurisprudence of the free society be strictly observed, scl., as much freedom as possible, as much coercion as necessary.[116]

Murray laid to rest, with the publication of *We Hold These Truths* in the year John Kennedy was elected president, non-Catholic fears of Catholic authoritarianism. Throughout the nineteenth century, Catholic social thought had failed to come to grips with two central movements of the modern era: socialism and the quest for the freedom of the individual. In the thought of Brownson and Ryan lie perhaps the seeds of a rapprochement between Catholicism and socialism; in that of Murray, the definitive Catholic position on the free individual. Let Murray make the case for himself:

> The spiritual order of society is founded on truth—on the true view of man, his dignity, his duties and rights, his freedoms and obligations. This order must be brought into being under fidelity to the precepts of justice, whose vindication is the primary function of the public power as well as the primary civic duty of the citizenry. This order needs to be animated and perfected by love; for civic unity cannot be achieved by justice and law alone; love is the ultimate force that sustains all humans living together. Finally, this order is to achieve increasingly more human conditions of social equality, without any impairment of freedom.
>
> Truth, justice, and love assure the stability of society; but freedom is the dynamism of social progress toward fuller humanity in communal living. The freedom of the people ranks as a political end, along with justice; it is a demand of justice itself. Freedom is also the political method whereby the people achieve their highest good, which is their own unity as a people. A society of men achieves its unity (*coalescit*) by freedom, that is, by methods that are in keeping with the dignity of its citizens, who are by nature men of reason and who therefore assume responsibility for their own actions. Society is bound to the usages or methods of freedom (*libertatis consuetudinem teneat*) in its constant effort to base itself on truth, govern itself with justice, and permeate itself with civic friendship. When the freedom of the people is unjustly limited, the social order itself, which is an order of freedom, is overthrown.[117]

Civil Liberty and Liberation Theology

The thought of John Courtney Murray puts us in contact with what seems to me to be the permanent legacy of social Catholicism: the theory of societal pluralism in authority and a doctrine of social and civil rights

[116] *PRF*, p. 43.

[117] *PRF*, p. 82.

of the human person within society. Parts of social Catholicism need to be outgrown, e.g., Leo XIII's almost metaphysical insistence on the right of private property and a false distinction of planes between the Church and the temporal order. The doctrines of subsidiarity and a pluralism in social authority, however, form a bedrock legacy of social Catholicism to which Murray both attests and contributes.

I take it that the fundamental task for a liberation theology in North America is to achieve a species of socialism with a human face; to find a viable alternative to the false dichotomies of individualism and monistic socialism of the nineteenth century; to combine the goods of justice and liberty in a new synthesis. There are dangers, of course, in overemphasizing the doctrines of subsidiary functions and civil liberties. By appealing to a one-sided political analysis—as Murray sometimes does—and scouting the economic order of welfare and material justice, one can run the risk of an abuse of a putative order of civil liberties in order to protect special privilege and institutionalize injustice. The language of the civil libertarian tradition is not without its ideological social uses.[118] Nevertheless, in a modern world where the realities of a smothering bureaucratic centralism seem the mark of all currently competing economic and political systems, the language of pluralism and subsidiarity gains an added luster.

I find it rather surprising that the treatment of social Catholicism by the Latin American theologians of liberation mainly focuses on the outmoded, and justly discarded, doctrine of a distinction of planes between the natural and supernatural and a false Church-world strategy which assumes that the Church stands as an arbiter of temporal reality and culture. The Latin American theologians are correct in rejecting, as archaic, the concept of Christendom. They urge us to adopt a new strategy to relate the Church to the world. They say almost nothing about the doctrine of the state.[119] They are curiously silent about the whole question of social pluralism, subsidiarity, and civil liberties, perhaps because of a justifiable fear that libertarian language in their context will undergird a *laissez faire* economic liberalism.[120] The two

[118] Yet, cf. Ivan Illich, *Tools for Conviviality* (New York, 1973) pp. 104–5, where he remarks that "the abuse of the formal structure of common law does not corrupt the structure itself" and "people can defend language and law as inherently theirs."

[119] For relevant passages cf. Gustavo Gutierrez, *A Theology of Liberation* (Maryknoll, N.Y., 1973) pp. 53–58, and Juan Luis Segundo, *The Community Called Church* (Maryknoll, N.Y., 1973) pp. 128–32. Neither Gutierrez nor Segundo even mentions the doctrine of societal pluralism or subsidiarity in their brief treatments of social Catholicism, which they tend to repudiate.

[120] In a sympathetic personal communication, Peru's Ricardo Antonsich informed me that in Peru civil libertarian language has such a history of ideological use that it is difficult to retrieve its liberation meaning.

doctrines need not coincide.[121]

To be perfectly honest, we have never yet seen a socialism with a civil libertarian base. Nor was politics and the doctrine of the state the strong point of Marx, the master unmasker of the economic factor in history. Neither has it been the long suit of those who work in his tradition of thought, certainly not of those who have already assumed the reigns of power, but also not of those who now seek political power, perhaps because, as outsiders to the seats of political power, they have been justifiably more concerned with the politics of gaining power than with the visions of its political uses—and the need for its limit—once they reach the seat of power.[122]

I think it would be a grave mistake for liberation theology to enter the dialogue with Marxist social analysis, as it certainly should, while forgetting its own major contribution in such a dialogue, its tradition of social pluralism, political liberty, the nature of politics and the state. An unmediated passage from eschatology to political praxis without the intervening variable of a social ethics of the state and the ends and limits of political society could mean a descent into hell. It seems clear enough that in the North American context the tradition of civil liberties, due process, and common law continues to constitute in the present, as it has in our past, a key weapon in the fight for social justice. As Ivan Illich remarks,

> It could even be used to preserve the continuous development of a set of laws that fit an inverted society. There is nothing in most constitutions that prevents the passage of laws setting upper limits to productivity, privilege, professional monopoly, or efficiency. In principle, the existing process of legislatures and courts can, with a reversal of its focus, make and apply such a law.[123]

There are those, in our own time, who are predicting anyway a descent into hell and the inevitable emergence of totalitarian regimes in the West.[124] It is neither a pleasant nor a necessary prospect. It seems to me that in this climate of easy acquiescence in the default of the rule of limited, fair, and constitutional law in the furtherance of justice, Catholic theology will represent a force for liberation by recalling with pride, as a *cri du coeur*, the legacy of Murray. As Murray put it trenchantly, "in the present moment of history, the freedom of the people of God is inseparably linked with the freedom of the peoples of the world."[125]

[121] For a good attempt at putting together the civil libertarian language with a case for socialism, cf. Stephen Lukes, *Individualism* (Oxford, 1973).

[122] For a treatment of the antipolitical elements in the thought of Marx and his lack of a developed doctrine for the state, cf. Sheldon Wolin, *Politics and Vision* (pp. 416–17).

[123] *Tools for Conviviality*, p. 103.

[124] Cf. Robert Heilbroner, *An Inquiry Into the Human Prospect* (New York, 1974).

[125] *PRF*, p. 70.