

The Church and the public forum: John Courtney Murray's method



My interest in public theology was occasioned by the 1973 landmark decision *Roe vs. Wade* which legalised abortion in the United States. Two issues were apparent in the debate which followed the decision. First, of course, were the tortuous personal and professional issues confronting women dealing with an unplanned pregnancy. Second, the emotional and passionate nature of the debate

ignited such intense political passions that it is perhaps one of the ugliest and most divisive public arguments in American history. Both sides did not simply disagree; they hated each other. A divided America is still grappling with the ideological chasm generated by *Roe vs. Wade* and trying to cope with the enormous social and political fallout from this decision.

My desire to make a contribution

to public discourse led me to John Courtney Murray S.J. Many of you may recognise Murray as the chief architect of the Vatican Council Document, *Dignitatis Humanae* (1966).¹ You may not be aware, however, of Murray's unique and distinctive contribution to a number of domestic and foreign policy debates in the 1940s, 1950s, and 1960s, ranging from government financial support to Catholic schools to US foreign policy with the Soviet Union. In these debates, Murray nuanced the historical critical method he developed in his scholarly analysis of the Church/State tradition and the writings of Leo XIII. His method of public argument uniquely suited a religiously pluralist, secular society. In my doctoral dissertation on the public role of religion in modern society, I exposed his method and will share it with you today. Murray's method might be useful in thinking through controverted moral issues in New Zealand public life.

What is public theology?

It is important to note that John Courtney Murray spoke of "public philosophy" rather than public theology *per se*. He did so for two reasons. First, he believed that the public philosophy was the moral foundation of the American Constitutional tradition, and provided a common language for rational discourse in a religiously pluralist democracy. This common language was the natural law tradition which

*permitted America's four great traditions of meaning and value – Protestant, Jewish, secularist and Catholic – to engage in moral dialogue without reference to divisive religious symbols.*²

The notion of a common language was crucially important to Murray because he believed that people cannot even disagree intelligently unless they share a common framework for understanding.

In the United States, the common framework for understanding was the four “truths” of the American Constitution: 1) that the United States is a nation under God; 2) that the natural law tradition is the philosophical foundation for the rights and freedoms professed by the American people; 3) the principle of consent, by which the people agree to obey only those laws in whose formation they have freely participated through their elected representatives; and 4) that a free society required a virtuous people.³ Murray believed that these principles were the moral foundation of the American experiment. They were the “Catholic centre”, so to speak, the plumb lines to which all architects of public policy must refer.

Now the phrase “public theology” is usually attributed to the work of American Protestant theologian, Martin Marty. In *The Public Church* (1981), Marty included mainline Christianity – Protestantism, evangelicalism, and Catholicism – in a “communion of communions” in order to become a “public Church”, a unique microcosm of the larger society.⁴ Marty’s notion of the “public Church” was a “specifically Christian polity and witness” extending to the *pluralism of peoples* (emphasis mine) with whom the Church was engaged in a larger way.⁵ Note again the emphasis on pluralism regarded as a sociological fact as well as a theological challenge.

Another definition of public theology signals the all important relationship between social context and theological vision. In *The Fullness of Faith: The Public*

Significance of Theology (1993), Michael J. and Kenneth R. Himes, OFM define public theology as “the effort to discover and communicate the socially significant meanings of Christian symbols and tradition”.⁶ Because theologians address specific publics, theological vision must fit the social and cultural context. If an error is made in social analysis, the theological vision will not be adequate or appropriate.

Yet another definition of public theology refers to “those spheres in life that embody those moral and spiritual orientations that become embodied in social and ethical *tissues* [emphasis mine] and associations of the common life and that are prior to the formation of political orders.”⁷ In *Pathways to the Public Square: Practical Theology in an Age of Pluralism*, Elaine Graham and Anna Rowlands use the term “tissues” to refer to those extremely

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tenuous structures that form the spiritual and moral matrix of society that “go without saying”, that is to say, that are “second nature to people”. They are what is most dear to us, and so cannot be compromised without our ceasing to be who and what we are. When these values break down, civil society confronts a grave crisis. These spiritual meanings and values cannot be reconstructed like a building. Rather, they emerge from the language, thoughts and feelings of a people. They are the spiritual matrix upon which all else depends.

Now, these definitions of public theology refer to three distinctive, but related tasks today. They are: 1) the search for a common language or common ground for public discourse; 2) how the Church can be credible in a religiously pluralist context where pluralism has come to mean competing values and

judgments about the good life; 3) how to articulate the *res sacra humana* in public life.

This last task is essential given the hegemony of “instrumental reason” in public argument today. The phrase “instrumental reason” was coined by Jurgen Habermas, a prominent thinker of the Neo-Marxist Frankfurt School. It refers to a “morality of means” rather than a morality of ends. It focuses on “procedures” rather than the important question: to what moral end is this policy option directed? It results from the enslaving aspects of technocracy and has increased the “depoliticization” of the public sphere. The movement from democracy to technocracy meant that social problems were resolved by a managerial rationality, and also that the dialogue between the “experts” and the “public” had been mediated by propaganda with the explicit purpose of creating a “mass audience”, easily manipulated and controlled.⁸

In this regard, we must also mention the enormous

influence of the media. In “The Influence of Communications Technology and Mass Media in Modern Society: A Challenge for Public Theology”, Wilhelm Graeb writes: “The mass media mediate, they bring us what we know about the world, about the events taking place in the world, which they make into the news, which they report, and with which they entertain us.”⁹ According to Graeb, this statement would imply that the media have a transcendental function for the construction of reality. They make up the structures of our attitudes toward ourselves and the world. They form part of the condition of our being able to know anything at all. Since they shape our attitudes, they shape our consciousness, our awareness of truth and error, right and wrong.

How then does public theology mediate the social power of

Christianity, or speak meaningfully about the moral ends of the good life?

John Courtney Murray's hermeneutical method

During his lifetime, Murray confronted adversarial elements in the Church and broader society. His "publics" were professional theologians and the general American public. To both publics, he highlighted the legitimate achievements of modernity, which he took to be the emphasis on critical reason, historical consciousness and the autonomy of the political. To both publics, he underscored the need for freedom and persuasion.

He also distinguished between secularisation and secularism. The former removed divisive religious symbols from public life so that political discourse could prevail unhampered by the kind of religious passion which destroys rational public argument. The latter forbids religion a public role. Murray believed that only the latter was the enemy of the Church.

In developing a new theory of religious freedom, Murray applied the historical critical method to the Catholic Church/State tradition to distinguish the timeless doctrine of the *two powers* (the harmony and cooperation between the spiritual and temporal powers), from its contingent application, the Catholic Confessional State.¹⁰

Murray also applied the historical critical method to the writings of Leo XIII to explain why the pope believed his options were either godless Continental Liberalism (the French model of

political liberalism) or the Christian *ancien regime*. The "conspiracy" Leo XIII confronted consisted of the "sects" – masons, anarchists and communists – who were fiercely anti-Christian.¹¹ These sects had determined that the way to victory was to control the government and thus to shape the "new man" in the "new society".

To do this, they placed legal sanctions on the Church and removed public education and family life from the jurisdiction of the Church. French Continental Liberalism understood the separation of Church and State to mean *freedom from religion*. Because he believed the Catholic people to

be in mortal danger, Leo XIII waged a relentless campaign to win over the "*principes*" and thus to restore the Christian nation. The "*principes*", of course, were



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associated with the old monarchy, the *ancien regime*, which the French Revolution had discredited. Leo XIII believed, however, along with many Catholics of his time, that only a restoration of this Christian government could prevent the nation from losing its soul. Murray argued that Leo XIII's preference for the *ancien regime* over against democracy was a paternalistic, yet understandable response to the cultural situation the pope encountered in 19th century Europe.

Today, we see vestiges of French Continental liberalism in the

ideology of secularism which affects public discourse in the United States as in New Zealand. If religion is denied a public role, people cannot easily address the spiritual and moral dimension of social problems with reference to religiously-based moral values. The result is the continued loss of *res sacra humana* in public life and the ascendancy of "instrumental reason" as the only appropriate language to think through dilemmas in public life.

After analysing the cultural adversary Leo XIII confronted, Murray outlined the moral and political contours of the American tradition of political liberalism. Here, the separation of Church and State meant only that no religion was to receive official patronage. Since it emerged from a social and cultural context of religious pluralism, it meant *freedom for religion*, provided that all religious groups respected the social fact of religious pluralism and agreed to play by the rules.

Here we see Murray's embodiment of the autonomy of the political. The State need not assume responsibility for the religious education of the people by censoring the "religious other" (the Catholic Confessional State), but only foster conditions within society that would favour the truth. The Church could do the

rest through those vital culture-bearing institutions in society, like the family, educational institutions, and its own ecclesial life, that touch directly the *res sacra humana* in society. Moreover, the Catholic citizen must accept responsibility freely and without coercion to mediate the truth-claims of the tradition in public life.

The conspiracy of cooperation

Murray called his method of public discourse the "conspiracy of cooperation." He used the word "conspiracy" to mean: a *breathing*

together and *thinking* together. Murray hoped that representatives from the four great traditions of meaning and value – Protestant, Catholic, Jewish, and secularist – would enter into rational, moral discourse to think through domestic and foreign policy in the interests of the common good. He hoped that Catholics would assume a leadership role because the language and categories of the natural law was well suited to address any moral and political problem in a religiously pluralist, secular society, and Catholics could explain its moral and intellectual structure.

Representatives of these four great traditions would see themselves as the artisans of public policy. Murray described these artisans as those who deeply care but “whose care is not an interest.”¹² These artisans are academics, journalists, lawyers, politicians, that is to say, people drawn from professions where great ideas come in touch with the general public.

Murray’s method of pluralist dialogue has four steps:

1. Carefully arrange the social facts and moral principles which will be brought into creative encounter.
2. Translate religious symbols into ethical principles which serve a public purpose.
3. Discern the level of the public conscience on a particular issue.
4. Locate the “Catholic centre” by steering a middle path between ethical extremes.

The first step illustrates Murray’s acceptance of critical historical consciousness. He believed that nothing hindered good public

argument more than “ethical abstractions” which were not anchored in concrete historical circumstances. Thus, a moral principle must be argued in direct

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relationship with concrete historical circumstances.

This step can be linked to the second task of public theology identified above: how to be credible in a religiously pluralist context where pluralism has come to mean competing values and judgments about the good life. Ideas are



embodied historically. They change and develop according to cultural and historical circumstances. Therefore, just as Murray distinguished between two models of liberalism which generated two

different theological responses, public theologians today must unravel any moral or political idea that has blocked awareness of how the *res sacra humana* can be embodied in concrete policy options.

The second step concerns the appropriation of the natural law tradition rather than the use of sectarian religious language which Murray considered divisive. The language of social and political ethics, derived from natural law, provides mediating categories for thinking through issues of controverted morality. Indeed, public theologians will be effective if they learn to speak through these categories instead of simply defining them. Murray showed that there was

no better way to explain a principle than to illustrate it through its use.

This can be linked to the first and third tasks of public theology that we identified: the search for a common language or common ground for public discourse, and how to articulate the *res sacra humana*. In his day, Murray was responding to a kind of “instrumental reason” which denied religious

wisdom a public role. In New Zealand, the hegemony of instrumental reason can be seen in public argument on bio-ethics, etc. The task of public theologians, therefore, is to clearly articulate the “moral ends” of all policy options, so that people can see which policies acknowledge the *res sacra humana* and embody the principles of public order, public peace, public morality, and social justice.

The third step shows the importance of “historical middle terms” in mediating moral principles in public argument. A people’s moral development is a crucial factor in determining how a moral principle can be applied prudently in a concrete policy recommendation. Public theologians must *discern* how an ethical debate is polarised. To ask people to live a collective ideal that is not possible is foolish. This makes the moral principle appear ridiculous, and makes a mockery of the law.

This step is linked to the second task of public theology: how to be credible in a religiously pluralist context where pluralism has come to mean competing values and judgments about the good life. Both within the Church and society, good people disagree on nearly every controverted moral issue under the sun. In the abortion debate, one will come to a very different understanding of the issues if the health and wellbeing of women assume primacy over against the health and wellbeing of

the unborn child. A significant contribution of public theology will be to clarify the competing values and how they might be reconciled.

Fourth, the Catholic centre is a crucial dimension of what Murray called “prudential judgment”. Since politics is the art of the possible, not the ideal, Murray believed that the Catholic centre had been reached if public theologians had artfully presented and illustrated the key moral and political principles in the policy option. An adequate and appropriate “Catholic” solution will lift the level of the public conscience on a controverted moral issue *over time* and result in good law, or gradually repeal a bad one. This last step summarises the three tasks of public theology today.

The adequacy of Murray’s method today

I began this presentation by stating that my interest in public theology was occasioned by the abortion controversy in the United States. I have used Murray’s method to write about the political ethics of abortion.¹³ The strength of the method is threefold: Firstly to unravel the convoluted elements of a public debate so that people can understand more clearly the important moral and political principles; secondly to encourage genuine *understanding* of all points of view, and thirdly to lift the level of the public conscience over time about human dignity, the sanctity of life, and the moral ends of the good society.

Is this enough? Given the ideological divisions in the United States today, achieving these very modest goals would go a long way toward achieving public peace, public order, public morality and social justice. Understanding and tolerance might replace prejudice; the desire to work together to achieve the common good might replace self-interest and individualism.

The method also illustrates the power of ideas and the importance of a liberal arts education in forming the human person to be free, moral, rational, critical, and creative. Even

with all the complexities of modern society, ideas count. People are motivated by good or bad ideas. If the media produce and nourish the consumer by a constant barrage of advertisements, the Church must counter with other ideas, more inspirational, more powerful. Murray believed that a new generation of young Catholics might be motivated to become artisans of public policy and so embrace careers in journalism, education, politics, or law in order to mediate the moral ideals of the Catholic tradition in public life. He believed that a grand conspiracy of cooperation might engage the creative imagination of Protestants, Catholics, Jews and secularists to think through domestic and foreign policy in the interests of the common good. In 1965, Murray had a dream of human possibility. To borrow the wording of G.K. Chesterton, his vision was “not tried and found wanting; it was never tried”.

In New Zealand, of course, the conspiracy will reflect the cultural contours of this nation: Maori, Pakeha, Pacific Islanders, and so on, including Muslims, Asians, etc., who also call these islands home. To be sure, this kind of conspiracy will demand a great effort at cross-cultural understanding. A common language, for instance, may be too much to ask at the outset; is it possible to tolerate ideas and values you genuinely do *not* understand? Are there bases for tolerance and community beyond rationality? Might an inter-religious dialogue be required in the sphere of culture before a “conspiracy of cooperation” is possible in the political sphere? At any rate, it is worth a try. The only thing we risk losing is the muddle we find ourselves in now.

Endnotes

1. Walter M. Abbot, S.J. and Very Rev. Msgr. Joseph Gallagher (eds), “Declaration on Religious Freedom,” in *The Documents of Vatican II* (Chicago, IL: Follet Publishing Company, 1966), 677.
2. John Courtney Murray, “America’s Four Conspiracies”, in John Cogley (ed), *Religion in America* (New York, NY: Meridian Books, 1958), 12-41.

3. John Courtney Murray, *We Hold These Truths: Catholic Reflections on the American Proposition* (New York, NY: Sheed and Ward, 1960), 30-37.
4. Martin Marty, *The Public Church* (New York, NY: Crossroad, 1981), 8.
5. Marty, 16.
6. Michael J. and Kenneth R. Himes, OFM, *The Fullness of Faith: The Public Significance of Theology* (New York, NY: Paulist Press, 1993), 4.
7. Elaine Graham and Anna Rowlands (eds), *Pathways to the Public Square: Practical Theology in an Age of Pluralism* (Piscataway, NJ: Transaction Publishers, 2005), 6.
8. Cf. Charles Davis, *What is Living, What is Dead in Christianity Today? Breaking the Liberal-Conservative Deadlock* (San Francisco, CA: Harper and Row, 1986), 99-100.
9. Wilhelm Graeb, “The Influence of Communications Technology and Mass Media in Modern Society: A Challenge for Public Theology”, in Graham and Rowlands.
10. John Courtney Murray, “Government Repression of Heresy”, *Proceedings of the Third Annual Convention of the Catholic Theological Society of America* (Chicago 1948), 34.
11. John Courtney Murray, “Leo XIII on Church and State: The General Structure of the Controversy”, *TS* 14 (March 1953): 1-30.
12. John Courtney Murray, *We Hold These Truths: Catholic Reflections on the American Proposition*, (New York, NY: Sheed and Ward, Inc., 1960), 123.
13. Mary Eastham, “Hard cases likely to make bad abortion laws”, *The Montreal Gazette* (April 11, 1988).



Mary Eastham has taught in the Department of Human Development at Massey University, now Health and Human Development, and co-ordinated the Graduate Diploma in Subject Studies for Teachers (Christian Education). She was the Director of the Pastoral Centre in Palmerston North from 1996-1999 and was tertiary chaplain for the Diocese from 2001-2004. She has recently been elected President of the Association of Practical Theology in Oceania (APTO).