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*Murray's Balancing Act: The Harmony of Nature and Grace*

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**Abstract:**

John Courtney Murray's vision of dialogue, while influencing the text *Dignitatis Humanae*, has failed to achieve long-lasting consensus in American politics. Specifically, Murray's project to achieve consensus through use of natural law reasoning seems to have become irrelevant. An oft-overlooked historical factor in this failure is the conflict between Murray's view of nature and grace and theologies that became dominant in the post-conciliar period. Examining three periods of Murray's work, the rejection of his project seems to stem in significant part from this conflict. Philosophical changes in the wider culture naturally made his theories difficult to accept, but one should not thereby overlook the fact that theological theories made it difficult for him to reach out to his intended audience - Catholics.

## **Introduction**

John Courtney Murray is openly acknowledged as one of the greatest public political thinkers that American Catholicism has produced. His work significantly influenced the Catholic Church's public understanding of the role of religion in a pluralistic society through his contributions to the *Declaration on Religious Liberty (Dignitatis Humanae)* of the Second Vatican Council. He was even acclaimed in the secular world, appearing on the cover of *Time* (December 12<sup>th</sup>, 1960). His legacy in the area of church-state relations, however, ran into serious difficulties shortly after his death. The causes for these difficulties in contemporary reception of Murray's thought are complicated. Many have alleged that the cause of this non-reception lay in a new religious pluralism in the United States or in a lack of consensus on basic moral or philosophical issues. I will argue, by contrast, that one overlooked, but highly influential, reason for this lack of reception lies in Murray's position on the relationship between nature and grace. The triumph of a competing view in the post-conciliar Catholic Church and wider academy, both in theology and in philosophy, undermined the possibility of Murray's vision finding traction within his own circle of Catholic intellectuals.

After presenting the basic history of the nature-grace debates within Catholic theology that were occurring alongside Murray's work, I will examine three phases in Murray's intellectual development: first, his early work in developing his characteristic position on grace and nature; second, his role in the debates on religious liberty, both domestic and at the Council, showing how he employed this theory in resolving pre-conciliar issues in this area; and, third, his engagement with secularism and atheism after the Council. In a final section examining the reception of Murray's views after 1970 to the present, it will be argued that a major factor in the failure of Murray's views in the post-conciliar period was new theories of grace in Catholic theology. While the breakdown of philosophical support for neo-Thomism also contributed, how developments in theology shaped reception of his views needs further

consideration.

## I. Nature and Grace in the Dock

Catholic theology in the 1950s was occupied in a significant debate over the relationship between nature and grace. Its consequences for theology were immense, and it has only recently been fully appreciated for its impact, which has in turn led to opening the debate anew in our own time.<sup>1</sup> I will only be able to brush the surface of the debate and to address its chief points, but this serves as a backdrop critical for appreciating the significance of Murray's own intellectual trajectory.

Controversies had begun to occur over the respective orders of the natural and supernatural in the 30s, preceding and finding their culmination in the publication of a work in 1946 that would be a theological bombshell: Henri de Lubac's *Surnaturel*.<sup>2</sup> While de Lubac was not the only thinker on this topic, his theory has become the touchstone for the modern revival of the controversy and so needs some context. Henri de Lubac was a French Jesuit scholar, specializing in historical theology, who was an influential player in the "*nouvelle théologie*" that attempted to retrieve "from the sources" (i.e., the medieval and patristic eras) the resources to transform the Catholic Church into a more dynamic force for the modern world.<sup>3</sup> Henri de Lubac's *Surnaturel* not only challenged the dominant interpretation in soteriology, but attacked head-on assumptions made in theological method. The most strident opponents to the *nouvelle théologie* were often those theologians of the so-called "Roman school" who subscribed to a "neo-Thomist" worldview. In the case of *Surnaturel*, the issue at stake was the relationship of nature to grace, but it was intensified because de Lubac charged that neo-Thomism

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1 Two prominent examples of this are: Lawrence Feingold, *The Natural Desire to See God According to St. Thomas and His Interpreters* (Washington, DC: Catholic University of America Press, 2004); John Milbank, *The Suspended Middle* (Grand Rapids, MI: Eerdmans Publishing Co., 2005).

2 An account of the *Surnaturel* debate, both in a bibliography of prominent players and in its contemporary recurrence is given with great detail in a recent doctoral dissertation; see Christopher Smith, "Surnaturel Revisited," in *Excerpta e Dissertationibus in Sacra Theologia*, Vol. 61, No. 3 (2014): 153-237.

3 Jürgen Mettepenningen, *Nouvelle Théologie* (London: T&T Clark International, 2010), 95-97, 100-101.

had corrupted the doctrine of their own beloved Thomas Aquinas on the "natural desire for the supernatural vision of God." At root was a methodological problem: lack of historical consciousness.<sup>4</sup> It had, thus, at least two different tonalities which overlapped at points, but which struck to the heart of the fears many of the older theologians had in regard to *nouvelle théologie*: the fear that it would revive Modernism, a condemned 19<sup>th</sup> century rationalist heresy which held that dogmatic truths were historically relative. *Nouvelle théologie*, with its insistence on the historical, was seen as a form of this view, or at least tending heavily in that direction; this was criticism implicitly taken up by the encyclical *Humani Generis* (occasioned in part by this very debate on *Surnaturel*).<sup>5</sup>

The issue itself was also one that had far-reaching impacts in theology. The relationship of nature to grace forms a critical foundational set of presuppositions for theological anthropology and soteriology. De Lubac was arguing, in sum, that the whole edifice of contemporary systematics needed to be reworked from the ground up. Spurning what had been a tradition of interpretation in Thomism and theology stretching back a few hundred years, de Lubac held that human beings were so made by God that they had a "natural desire" for supernatural beatitude. In prior theory, human beings only had a quasi-natural desire for supernatural happiness; it was considered, by most neo-Thomists, an "elicited desire." If human beings were held to desire supernatural beatitude "naturally", they feared, one skewed the boundaries of what belonged to nature and what to grace. The human being could not receive grace as a gift if it belonged to human nature.<sup>6</sup>

De Lubac's fundamental aim in dealing with the question of a "natural desire" was to show that there were not two separate orders of grace and nature co-existing alongside one another in isolation

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4 c.f., Milbank (cited above), 15-19.

5 c.f., Pope Pius XII, *Humani Generis*, n. 15.

6 Georges Chantaine, SJ, "The Supernatural," in *Surnaturel*, ed. Serge-Thomas Bonino, trans. Williams and Levering (Washington, DC: Sapientia Press, 2009), 31-36.

(which became criticized as a "layer-cake" model), but rather that the supernatural was fulfilling the intrinsic finality of nature as one singular kind of order. In our postlapsarian world, one might distinguish certain effects, but one can't separate the working out of salvation in history. Even the creation of human beings is, in that sense, grace. To attempt to create a hypothetical state of "pure nature" was to attempt to cut human beings off from relationship to God.<sup>7</sup> The spectres in his mind were Marxist or secular humanist conceptions of the human person which held that religion was, at best, something extrinsic to human society and personhood. By contrast to these, de Lubac argued that the supernatural was critical to fulfill even their natural desires. Without God's grace, even "to be a human being" was not truly impossible.<sup>8</sup> Human society was not only perfected by the Church, but required it to be human at all. There were not two ends to society, but one: the supernatural goal of union with God. His more radical followers held that even the natural law required grace to know.

This argument by de Lubac prompted a significant dispute among theologians, especially among neo-scholastics. They were convinced that de Lubac's view confused the two orders in such a way that one was trapped in fideism or naturalism, or at least was interminably confused. De Lubac himself was forced into silence by Roman theological authorities after the publication of *Surnaturel* until he was rehabilitated at the start of the Second Vatican Council and eventually honored with the title of "cardinal."<sup>9</sup> However, in the grander sense of history, de Lubac's view won the field in the immediate aftermath of the Second Vatican Council. There was widespread consensus against the "two-tier" approach to nature and grace that had characterized prior soteriology and anthropology. De Lubac's specific views on Aquinas were not necessarily replicated, but much of modern soteriology was formulated in explicit opposition to neo-Thomism; this trend continues to be the case in much of

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7 Ibid., 27-31.

8 Noel O'Sullivan, "Henri de Lubac's 'Surnaturel'," in *Irish Theological Quarterly* 72 (2007): 3-31, esp. 30.

9 Mettepenningen, 97.

contemporary theology.<sup>10</sup> This intellectual trajectory overlapped in many ways with John Courtney Murray's own project in "political theology", with, however, the final victory of the de Lubacian view of nature and grace making a significant contribution toward making Murray's synthesis unpalatable for many theologians.

## II. Phase One: Two Finalities

John Courtney Murray completed his course of doctoral studies in systematic/fundamental theology at the Gregorian University in Rome, being awarded the degree in 1937 after successfully defending his dissertation on Matthias Scheeben's concept of faith. Murray returned to the United States to hold the chair of scholastic theology at the same Jesuit college in Woodstock, Maryland. During his entire life, despite other commitments, he continued to maintain his position at Woodstock as a systematic theologian until he died in 1967.<sup>11</sup> Murray's views underwent development during that period at Woodstock, especially as he tried to adjudicate debates over church-state relations leading up to and during the Second Vatican Council, where his efforts reached a sort of zenith in his work on *Dignitatis Humanae*. Breaking this development into three different phases can help us see clearly the dominant thread that served as a constant backdrop to his political theory: the duality and complementarity of the orders and finalities of nature and grace. Much of his work served to develop how this view could be deployed into various realms, and, while there is development in how they are formulated and understood, the aforementioned theoretical presuppositions of his theological anthropology, as we will see, remained fairly constant.

A first phase in Murray's thought is represented by his earliest writings: the dissertation on Scheeben and his early articles on Catholic Action and intercreedal cooperation. It was in the

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10 Gilbert Narcisse, OP, "The Supernatural in Contemporary Theology," in *Surnaturel*, ed. Serge-Thomas Bonino, trans. Williams and Levering (Washington, DC: Sapientia Press, 2009), esp. 297-306.

11 Donald E. Pelotte, *John Courtney Murray* (New York, NY: Paulist Press, 1976), 3.

dissertation on Scheeben that he first demonstrates an interest in the nature-grace problematic in the context of theological anthropology. Murray was only (at most) indirectly engaged later in the *Surnaturel* conflict, and in fact wrote his dissertation in the late 1930s before much of this emerged into the open in the 50s. However, the subject matter evinces a remarkable overlap with the nature/grace problem, even if Murray was primarily researching Thomas Aquinas and Matthias Scheeben to deal with a different set of issues (namely, the relationship of church to state, ultimately). Murray's work formed part of the wider movement "back to the sources" which captivated many other young theologians and, which as we saw, had Henri de Lubac as a chief member; he cites de Lubac a number of times, in fact.<sup>12</sup>

Murray's dissertation specifically dealt with the concept of "faith" in Matthias Scheeben, a late 19<sup>th</sup> century "Romantic" German Catholic theologian and a figure who was himself attempting to recover the "authentic" Thomist tradition. Murray focused on Scheeben's understanding of the supernaturalism of the "light of faith" in reference to the power of natural reason.<sup>13</sup> He ends by concluding to the merit of Scheeben's understanding of faith as involving not only intellect, but volition – faith involves submission and sacrifice. Scheeben is clear that faith is a submission to God the Father whose voice is heard in Scripture and in conscience, a sacrifice of the intellect to God in adhering to what is revealed. Scheeben was attempting to avoid theological rationalism, prevalent at that time in Germany, which was condemned at the First Vatican Council.<sup>14</sup> What Murray criticizes in Scheeben is equally instructive: he found Scheeben inconsistent, too philosophically unsophisticated, and eclectic.<sup>15</sup> Scheeben attempted to combine various viewpoints together without providing a clear synthetic unity.

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12 D. Thomas Hughson, editor, "Introduction to the Text," in *Matthias Scheeben on Faith*, in Toronto Studies in Theology, vol. 29, (Lewiston, NY: Edwin Mellen Press, 1987), 4-5.

13 John Courtney Murray, *Matthias Scheeben on Faith*, in Toronto Studies in Theology, vol. 29, ed. D. Thomas Hughson (Lewiston, NY: Edwin Mellen Press, 1987), 57-58.

14 *Ibid.*, 252-253.

15 *Ibid.*, 251.



In a noteworthy step, Murray looked to Aquinas's doctrine to supplement and complete the picture.<sup>16</sup> It was a neo-Thomist *ressourcement* that Murray looked to accomplish, and in the very relationship between supernatural faith and natural reason which exemplified much of the debate between nature and grace that would break out a few years hence.

A few years later, Murray explicitly adverts to a more in-depth metaphysical theory (alongside a more robust religious psychology) as Scheeben's significant lack; specifically, Scheeben requires "a strongly structured metaphysic of finality."<sup>17</sup> These "finalities" are the proper "ends" or expressions of the natural powers of human beings alongside what their supernatural activity in faith, hope, and love can accomplish beyond that. Murray's concerns, for reasons apparently unrelated to any concern for DeLubac's theories, gravitated to attempting to hammer out a more perfect formulation of the relationship between nature and grace. In his mind, grace and nature, to be compatible, must be complementary but independent orders of being. He saw in Scheeben the beginnings of such a theoretical formulation of theological anthropology – the submission of faith is a submission of natural human ends to supernatural ones. As we will see, Murray's later work continues to demonstrate a fundamental indebtedness to Scheeben's understanding of faith. The dissertation might have been surpassed, but the basic insight into the role of volition in faith and two finalities of nature and supernature is clearly a stable influence in his later work.<sup>1819.</sup>

What Murray had sought in Scheeben would later be found in a return to classical Thomistic thought, and interpreters such as John of Paris: a clear theory of two metaphysical orders, independent

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16 Ibid., 244-246.

17 John Courtney Murray, "The Root of Faith," in *Theological Studies* 9 (March 1948): 45-46.

18 D. Thomas Hughson, "Introduction to the Text," in *Matthias Scheeben on Faith*, 18-20.

19 This is true even in *The Problem of God*, where multiple allusions to the primacy of the will in belief are made, with Scheeben clearly in the background: John Courtney Murray, *Problem of God Yesterday and Today* (New Haven: Yale University Press, 1964), 77, 84, 85; c.f., "Religious Freedom and the Atheist," in *Bridging the Sacred and the Secular*, ed. Hooper (Georgetown University Press, 1995): 255-265.

but complimentary. Although this will be treated more in his second and third phases, it is noteworthy that in his first phase, he makes theoretical connections in his theological work to the underlying philosophical assumptions he wishes to endorse; in the case of his dissertation, the parallel drawn between Christ's humanity and divinity, complimentary but independent, is an analogy for the dual finalities of nature. Just as Christ's own natures were unmixed, with divinity perfecting humanity, so we too must respect human freedom and its values, understanding that these are taken up into the order of grace and perfected.<sup>20</sup>

But, in reaction against some of what was popularly criticized in the neo-Thomist theory and in an attempt to improve upon it, Murray also explicitly rejects a "two-layer" approach to nature and grace: "For the Christian humanist is not to be conceived as a man *and* a Christian. His Christian life and his human life are not two lives, but one theandric life. ...It is not a thing apart from grace, an autonomous, second self; it is that which grace inspires and informs, even as the body of man is not a thing apart from the soul, but that which the soul vitalizes and makes human."<sup>21</sup> What this makes clear is that, even before the *Surnaturel controversy*, Murray held a theory of the independence of the two orders of nature and grace, which, cognizant of objections, nevertheless held to a theoretical distinction of these orders alongside the affirmation that they cannot exist apart in our current state of affairs – nature needs the help of grace. His solution was not to abandon the classical set of distinctions, but to re-appropriate them. This insight has practical ramifications for Murray: it is, as we will see, the theoretical foundation for the relations of Church to State.

This examination of nature and grace's relationship was not merely marginal, as it became a

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20 John Courtney Murray, "Toward a Christian Humanism: Aspects of the Theology of Education," in *A Philosophical Symposium on American Catholic Education*, ed. H. Guthrie and G. Walsh (New York: Fordham University Press, 1941), 108-110.

21 *Ibid.*, 113.

guiding star even in this early period. It lay the foundation for his work on intercreedal cooperation in two 1943 and 1944 *Theological Studies* articles. It is important to note that in both of these articles Murray adverts to objections that the natural goal of human nature and reason is so corrupted that it requires faith to rectify our minds' natural powers – the very position beginning to be supported by the partisans of de Lubac. Murray sees the objection to cooperation between Catholics and non-Catholics as one which holds that natural law is insufficient as a foundation for this cooperation. The exigencies of fallen human nature make it impossible that the non-Catholic could have any shared natural law principles with the Catholic party; the implication is that one cannot know natural law apart from grace.<sup>22</sup> Murray's solution is to point to the compatible orders of nature and grace, understood as respectively integral in their own orders, so that there remains a harmony between natural and supernatural orders despite having integral goals (the supernatural does not obviate the natural goal of human nature). In other words, he held that human reason remains at least intact enough to have shared natural principles of morality serve as a basis for dialogue and cooperation.

Murray accents the theological solution to the insufficiency of nature wounded by sin by arguing that this compatibility does not deny that human nature is unable to achieve even its own aims aside from grace. It might be quite true that grace perfects what human nature cannot itself attain in the state of original sin. But, while human nature is in itself insufficient, "what is insufficient is not therefore useless."<sup>23</sup> The tension between each order is a necessary one; they cannot be collapsed into each other. Most importantly, the necessity of the distinction between the orders is clear even if one is necessary to support the activity of the other. Thus, even in this early period, it is apparent that Murray has begun to apply and defend precisely the theory which would shortly be under siege in Catholic

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22 John Courtney Murray, "Co-operation: Some Further Views," in *Theological Studies* 4 (March 1943):110.

23 Ibid., 111. Also, see his, "Current Theology: Intercreedal Co-operation," in *Theological Studies* 4 (June 1943): 260.

theology.

### **III. Phase Two: Debate on Religious Liberty**

A second phase of Murray's research began in 1947, which corresponded to his first attempts to publicly defend "religious liberty" as compatible with Catholic tradition. An early indication of this direction was a talk he gave at the Catholic Theological Society of America, entitled "Governmental Repression of Heresy," which affirmed that the Church is not obligated to seek civil power's aid in the repression of heresies, breaking with the accepted view.<sup>24</sup> Essentially, following out this insight into a wider and complete political theology took up the bulk of Murray's career in dealing with church-state relations. However, there are two important engagements in public politics that Murray pursued in this area. The first was the consideration given to the rise of secularism as such, combating this alongside nativism (which he felt contributed to the former). His interest in combating this wave of "New Nativism" led him into a debate with the dean of the Union Theological Seminary, a debate which was published and received some significant feedback from readers.<sup>25</sup>

Murray dealt specifically in one article on the "secularist drift" of American culture and utilized the dichotomous contrast of nature-grace in dealing with the problem; he states that the secularist undermines human nature itself by failing to acknowledge its openness to God and grace, its finality, and even its rationality!<sup>26</sup> This was in keeping, as we saw, with the general neo-Thomist way of conceiving their relationship: distinct but complimentary and mutually necessary. In another essay from the same period, he notes that the role of grace is to supply the power for human nature to achieve its own ends in political life.<sup>27</sup> As this focus continued throughout the fifties, Murray offered public

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24 Pelotte, 13-14.

25 Ibid., 18-19.

26 John Courtney Murray, "Reversing the Secularist Drift," *Thought* 24 (March 1949): 36-46.

27 John Courtney Murray, "The Role of Faith in the Renovation of the World," *Messenger of the Sacred Heart* 83 (March

responses as to how the Church could respond to political and social issues. His visibility earned him even a place in the Office of the United States High Commissioner of Germany, helping rebuild the country in the aftermath of the war, as well as a position as professor of philosophy at Yale.<sup>28</sup>

However, John Courtney Murray is most famous for his positions on religious liberty, being credited with helping significantly develop the Church's teaching on this question at the Second Vatican Council. Murray's focus significantly shifted in the previously noted 1948 "Governmental Repression of Heresy," when he seems to have made his first decisive shift in favor of John of Paris over Robert Bellarmine's theory of the State (which he had used previously to formulate the relationship). He then explicitly began to use a variety of John of Paris' dual-end theory of Church and State, arising from different ends of nature and grace, to formulate his own account of how Church relates to the State.<sup>29</sup> Prior to this formulation, he had pointed struggles with precisely the relationship between grace and nature; how to formulate not only the distinction, but the mutual necessity? In one of the previously mentioned articles on cooperation, he notes the problematic character of how, while we believe there is a properly "human" natural end alongside supernatural finality, the integrity of the natural is flawed and can only be completed through grace.<sup>30</sup> It was this position on grace and nature that he took in 1937 that continued to play itself out into the new concerns with Church-State relations, even as he was developing its formulation into a more complete theory progressing past mere acceptance into novel attempts at application of the theory to politics.<sup>31</sup>

The chief question was whether and how the Church should intervene in secular affairs. In 1948, Murray notes that John of Paris's triumph lies in seeing both ends as integral, but that he

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1948): 15-17.

28 Ibid., 29-30.

29 Thomas T. Love, *John Courtney Murray: Contemporary Church-State Theory* (Garden City, NY: Doubleday, 1965), 63-64.

30 Ibid., 38.

31 D. Thomas Hughson, "Introduction to the Text," in *Matthias Scheeben on Faith*, 9.

understands the natural finality comes into a harmony with the supernatural, so that while there is a "subordination" of temporal to spiritual ends, "this subordination is not that of the vassal or instrument, but of the free man...."<sup>32</sup> This subordination is precisely a new way of conceiving the relationship between nature and grace, taken from the finality of the Church as instrument of grace: "...the Church has indeed a right to produce effects in the temporal order in virtue of her higher finality, but a right to produce them only indirectly."<sup>33</sup> In other words, they are distinct, mutually necessary, and one need not override the other. There are three general consequences of this way of conceiving the relationship between grace and nature: first, Church does not destroy or corrupt the natural political institution; second, as they are harmonious ends, Church and State achieve perfection in faithfulness to God in their respective orders; and, finally, Church perfects State through achievement of its proper end – if it does, according to its own method, the results will enhance function of the State.<sup>34</sup> As a consequence, when each power operates freely, the free cooperation of powers produces the most benefit to each.<sup>35</sup>

Specific types of interventions by the Church are envisioned in light of its primary role: formation of conscience. When it does intervene extraordinarily in public political affairs, it does so purely in light of conscience and spiritual goals – such as declaring a prince excommunicate in light of her own penalties which might affect the temporal order or in clarifying Christian conscience by declaring obedience is no longer due the potentate.<sup>36</sup> The Church's primary task toward the State is to recall it to its own proper duties, and the State's primary task toward the Church is allowance of freedom to pursue its ends.<sup>37</sup> It is apparent, consequently, how much the view of nature and grace

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32 John Courtney Murray, "Governmental Repression of Heresy," in *Proceedings of the Third Annual Convention of the Catholic Theological Society of America Chicago* (Bronx: Catholic Theological Society of America): 58.

33 *Ibid.*, 70.

34 *Ibid.*, 57.

35 *Ibid.*, 76.

36 *Ibid.*, 60.

37 *Ibid.*, 72-73.

influenced his political theory – it is the indispensable theoretical foundation for formulating any such relationship between Church and State. The maxim *gratia perficit naturam* ("grace perfects nature") is what, with the specificity of John of Paris' theory, underlay Murray's account of that relationship in this period.

Murray also came to a clearer rejection of Bellarmine's position of the indirect power of the Church over the state. His disagreement again lay in the way Bellarmine had formulated nature's relation to grace: "Bellarmine's polemical preoccupations did not permit him to go deep into the idea that is of such great contemporary importance to us—that the finality of the temporal power, though inferior, is a genuine finality in its own right, that bases a large autonomy of the State."<sup>38</sup> As it were, Bellarmine recognizes this finality, but does not give it proper place when it comes to *what kind* of relationship should exist. There is a relation of subordination of temporal to spiritual ends, but one which leaves aside coercion and respects the integrity of purely temporal ends.<sup>39</sup> The weakness, on another level, is Bellarmine's lack of historical consciousness; he did not recognize that the medieval situation was not always and everywhere normative, even though the principles of nature and grace were so.<sup>40</sup> The indirect power Bellarmine envisioned required Christendom in order to be a valid position.<sup>41</sup> Without Christendom, society has a proper finality and orientation toward grace based purely on natural considerations. Here we also glimpse what will come about more fully in Murray's later thought: a move to historical consciousness which, rather than obviating, deepens and provides greater insight into the duality and relationship of nature-grace than was possible in the medieval/reformation period.

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38 John Courtney Murray, "St. Robert Bellarmine on the Indirect Power," *Theological Studies* 9 (December 1948): 504.

39 *Ibid.*, 510.

40 *Ibid.*, 513.

41 *Ibid.*, 518.

Murray's foray into public debates in political theory began after he received his position at Yale in 1951. This time gave Murray the opportunity to engage with secular scholars on these points of church-state relations.<sup>42</sup> After the period at Yale, he began to present more systematically his views in a series of articles in *Theological Studies*, including especially a study of Leo XIII's teaching that would be of more lasting significance.<sup>43</sup> However, this prompted the first beginning of a prolonged conflict with theologians espousing a traditional understanding of church-state relations. Theologians such as Joseph Fenton – a long-standing correspondent and opponent of Murray's who espoused just such a traditional view – would begin expressing public disagreement with the positions Murray began to defend and popularize.<sup>44</sup> What pushed the problem over the tipping point was a lecture at Catholic University in 1954 over Pope Pius XII's address on church-state relations entitled "Ci riesce." Murray argued that the Pope was opening the door for a new understanding of religious liberty that allowed a development past the classical positions that pointed to Spain's established church as a model.<sup>45</sup>

This lecture pointed to deep areas of concern for the traditional theologians, who saw Murray and his friend Gustave Weigel as opening the floodgates of modernism with their attempt to claim that "Ci riesce" had developed doctrine in this area. And, for better or worse, Murray's evidence was not necessarily in his favor – the address was not official teaching and much of Murray's interpretation hinged on vague or ambiguous statements (in all fairness, Pius XII had a habit of so speaking) alongside rumors of "papal displeasure" with Cardinal Ottaviani's attempt in a speech to soften the "Ci riesce" message on religious liberty.<sup>46</sup> Murray continued to write on other issues of the public role of Catholicism, but was, at least in one sense of the term, at the mercy of the opposition – Fenton and

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42 Pelotte, 33-34.

43 Ibid., 34.

44 Ibid., 34-35.

45 Ibid., 46.

46 Ibid., 51



others continued to advocate the traditional thesis in major journals and reviews.<sup>47</sup> Murray took the time, however, to reconsider the best way to present his position in this period.<sup>48</sup>

With the accession of Pope John XXIII in 1959, Murray felt he had found more freedom to publish. He began by publishing a collection of articles on the church-state topic: *We Hold These Truths*.<sup>49</sup> Murray, most explicitly in his essay, "The Doctrine Lives: The Eternal Return of Natural Law," continues to endorse a two-fold theory of nature and grace.<sup>50</sup> In the essay, "Are there two or one?," Murray explicitly links the question of nature and grace to the foundation of his Church-State relations. There he is explicit in continuing to hold two finalities that cannot be reduced to one or the other; by contrast, it is atheist humanism that has led to a monism of ends and refused to see the spiritual end.<sup>51</sup> It might be added that, unless it remains in his private papers, I have not found any reference to de Lubac's theory of nature and grace in any of his published works. Further, under his term as editor of *Theological Studies*, the journal published not a few articles critical of de Lubac's synthesis.<sup>52</sup> While not, again, conclusive in evidence of his rejecting the theory, it fits the general trend of his thinking; Murray remains uncommitted to any of the newer theories of the nature-grace relationship that will arise near the end of his life and seems to endorse a different theory in all of his later works. Rather, he explicitly holds to a neo-Thomist formulation of the relationship and employs it as the theological anthropology at the base of his political thought.

#### **IV. A Digression: The Second Vatican Council and *Dignitatis Humanae***

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47 Ibid., 54.

48 Ibid., 56.

49 Ibid., 75-76.

50 John Courtney Murray, *We Hold These Truths* (New York: Rowman & Littlefield Publishers, Inc., 2005), 269-270.

51 Murray, *We Hold These Truths*, 207-215.

52 Without doing an exhaustive survey: Philip Donnelly, "Discussions of the Supernatural Order," in *Theological Studies* 9.2 (1948): 213-249; "A Recent Critique of P. De Lubac's 'Supernatural'," 9.4 (1948): 554-560; "The Gratuity of the Beatific Vision and the Possibility of a Natural Destiny" 11.3 (1950): 374-404. Also J.P. Kenny, "Reflections on Human Nature and the Supernatural," 14.2 (1953): 280-287; Edward Bruegeman, SJ, "A Modern School of Thought on the Supernatural," 6.1 (1945): 3-34.

What happened after the opening of the Second Vatican Council raised Murray to a new level of prominence both within the American church, but also internationally. Initially, Murray was not invited to the council.<sup>53</sup> However, his publicity in the American ecclesial scene and cordial relations with Archbishop Shehan led to his being able to submit to the same archbishop criticisms on the work of the preparatory commission of the council on the topic of religious liberty.<sup>54</sup> Murray found himself at the center of a controversy in Rome between the American bishops, curial officials, and various "traditionalists" on the church-state question. His contribution to the debate, while not bringing it completely to a close, cemented him in a position as peace-broker and major thinker whose thoughts deserved to be included in the drafts. Specifically, he wrote a reaction and set of comments on some of the American bishops' contributions on religious liberty, summarizing the "traditional" opinion, problems with it, and how traditional church teaching might be reconciled with more contemporary problems and situations.<sup>55</sup>

While Murray's attempt at solution was seemingly rebuffed in the close of the second session, his essay had a significant impact at the opening of the third session. As the debate progressed, Murray encouraged the American bishops to support the then-current draft as a working model and have it re-drafted. After the bishops successfully managed to get this step approved, Murray himself was chosen to rewrite the draft.<sup>56</sup> Murray's draft won approval both from the Secretariat and a good number of the Theological Commission. It was finalized in a fourth draft during a session in spring of 1965, and eventually submitted to the fathers for a successful vote in 1965.<sup>57</sup> Changes that were made in the course of the fifth draft, responding to criticisms of Murray's position by bishops such as Karol

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53 Pelotte, 77.

54 Ibid., 78.

55 Ibid., 88.

56 Ibid., 93-95.

57 Ibid., 97-98.

Woytija, had much to do with avoiding relativism and linking political rights to religious freedom to the inherent transcendence of the human person. David Schindler argues that this had connections precisely to the nature-grace debate. Murray sought to avoid questions of the ultimate goal of the state in the question of the state's positive obligation to the truth, instead preferring his stance of the state's position of non-interference in those kind of ontological issues.<sup>58</sup> We will return to this question, but suffice to say that the issue was read back into the debate and so has played a role in subsequent discussion.

It is particularly noteworthy to see in this not merely a conflict between conservatives and liberals, which is inaccurate, but between a traditional formulation of the problem and a new formulation. Murray endorsed very traditional natural law theory and used much of the traditional thought of Catholic political theory; what was novel was the attempt to clear up ambiguity in these prior magisterial teachings. Murray attempted to take the traditional principles and merely claim that the conditions had shifted in such a way that the principles required a new context for their exercise.<sup>59</sup> A sign of this was the reception of Murray's view by Yves Congar, another contributor. Congar held that the third draft was mediocre in formulating biblical principles and should deal with the questions of freedom of conscience in a universal, theological way. Similarly, he held that the Church required some explicit formulation of how it both apologized for, but did not reject formally, the previous statements opposing democracy.<sup>60</sup> Congar attempted an intervention to do so in the fourth draft, but it was suppressed in favor of the original structure of the draft; in fact, Congar himself changed to support Murray's view for the following reason: Murray's solution was to leave this problem open and merely

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58 David Schindler, "Freedom, Truth, and Human Dignity," in *Communio* 40 (Summer-Fall 2013): 208-316.

59 Avery Dulles, "*Dignitatis Humanae* and the Development of Doctrine," in *Catholicism and Religious Freedom*, eds. Grasso and Hunt (New York, NY: Sheed and Ward, 2006), 61-62.

60 Agnes Dreuzy, "'Dignitatis Humanae' as an Encounter between Two 'Towering Theologians'," in *U.S. Catholic Historian*, vol. 24, no. 1 (Winter 2006): 39-40.

to highlight a continuity of principles in the prior magisterial teaching.<sup>61</sup> In the end, it was this approach that won the most support – it left the door open to theological diversity.<sup>62</sup> Murray's vision for the document, nevertheless, triumphed in the end.

A Protestant observer at the council, George Lindbeck, perceived the role of the traditional nature and grace theory in Murray and in his contributions to *Dignitatis Humanae*; "[Murray] seems totally uninfluenced by the newer investigations into the meaning of 'nature' and 'natural' that are being carried out in Europe by such Catholic thinkers as K. Rahner, Siewerth, von Balthasar, Dondeyne and de Lubac."<sup>63</sup> Natural law, he feels, is too rationalistic a method that fails to take into account modern views that what is truly "natural" requires grace in the concrete order. A view of consensus achieved by natural law alone is unthinkable, for Lindbeck, without the intrinsic and radical nature of grace. However, as he notes in that same article written during the course of the council, "it is chiefly Roman Catholic natural law thinkers in contemporary America who put [Murray's view of natural law] into practice."<sup>64</sup> He thus acknowledges that Murray's immediate successors during and after the council attempted to carry on the natural law program outlined by Murray, and that they were mostly Catholics called to this task by Murray's writings. However, as we will see in the next section, this was not to last. Even at this point, as with Lindbeck, the new theological currents of the time had begun to predispose theologians to find Murray's project incredible because of the theological anthropology it assumed.

## **V. Phase Three: Tolerant by Nature, Free by Grace**

In the final and third phase after the council, Murray resumed and intensified a focused investigation of secularism and atheism. As we have seen, the fight against secularism was an early

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61 Ibid., 41-42.

62 Joseph Komonchak, "The American Contribution to 'Dignitatis Humanae'," in *U.S. Catholic Historian*, vol. 24, no. 1 (Winter 2006): 19-20.

63 George Lindbeck, "John Courtney Murray, S.J.," in *Christianity in Crisis* 21 (November 1961): 215.

64 Ibid., 216.

concern and one which continued with Murray during many other debates on freedom. But in the latter period he evinced a certain renewed interest in this problem. Part of his motivation could have been the focus put on this issue by the 31<sup>st</sup> General Congregation of the Society of Jesus in 1965, which called for just such a study of atheism.<sup>65</sup> Murray delivered a lecture on this topic which garnered attention from the Superior General, as well as devoting a book to this topic in *The Problem of God*, published in 1965.<sup>66</sup> This work could be seen to share concerns with de Lubac's *Drama of Atheist Humanism*, but Murray's position in this work is more reminiscent of his early work with Scheeben and does not evince any connection to de Lubac's theories of grace. In *The Problem of God*, he claims first, that atheism is primarily a problem of will and not intellect;<sup>67</sup> second, that atheism ends up denying or attempting to "recreate" the reality of human nature.<sup>68</sup> The latter point in particular indirectly claims that atheism ignores the natural finalities of human nature which point to God, but making, again, no explicit claim in favor of anything other than a neo-Thomist doctrine.

Instead, there is continued emphasis on the dual orders. In one of his latest essays in 1969, Murray explicitly recalls that human history and salvation history are both of distinct orders, "These two histories the Christian says are distinct but not separate or separable....They are related in such wise (and this I think is the crucial point today) that the salvation of man even within the finite horizons of human history is mysteriously dependent upon another mode of salvation of which the theandric history is the bearer."<sup>69</sup> He distinctly eschewed some of the other contemporary trends toward

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65 "Decree of the 31<sup>st</sup> General Congregation: On the Task of the Society Concerning Atheism," in *Woodstock Letters*, vol. 95 (1966), 143-146.

66 Pelotte, 103.

67 Ibid., 95.

68 Ibid., 115.

69 John Courtney Murray, "Unbelief of the Christian," in *The Presence and the Absence of God*, ed. Mooney, (New York, NY: Fordham University Press, 1969), 70.

accepting, for example, "death of God" theologies.<sup>70</sup> Where he did develop his thinking seems to be in accepting some of the critique of static versus historical consciousness endemic of more mainstream neo-Thomism.<sup>71</sup> His sympathies near the end of his life seem to be in parallel with the thought of another Jesuit of North America, Bernard Lonergan, who is referred to in a few of these penultimate works and with whose ideas he had begun to have contact.<sup>72</sup> It is to be noted, then, that Lonergan did not accept de Lubac's position on nature-grace, instead arguing contrary to that position in various and sundry pieces.<sup>73</sup> Consequently, Murray gives evidence at least of an openness to some contemporary philosophical positions that developed beyond the mainstream neo-Thomism of his younger years, but with continued sympathy for traditional theological conclusions.

Considering the problem of atheism in light of new theories of grace and nature arising from various post-conciliar theologians, Murray continues to hold to a fundamentally identical picture in the third phase – nature and grace are distinct orders, mutually necessary, with grace necessary to complete nature's intrinsic aims. The political implications, in regard to atheists, illustrate this. On one hand, the State need not coerce atheists into religious belief – the State is a natural institution oriented toward maximal freedom. On this note, "the true secularity of society itself is to be recognized...in the sense that the "good society" is to be regarded as an end in itself to be pursued for the sake of the earthly welfare of the human person as such, and in the further sense that the various orders of society—

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70 John Courtney Murray, "The Death of God," lecture given at University of Connecticut (Georgetown University: Murray Archives, file 6-462, Jan. 10, 1967), 23.

71 John Courtney Murray, "The Declaration on Religious Freedom," in *War, Poverty, Freedom: The Christian Response* (New York: Paulist Press, 1966), 3-16.

72 J. Leon Hooper notes this sympathy in "Theological Sources of John Courtney Murray's Ethics," in *Theological Studies* 57 (1996): 35-38. There are two implicit and one explicit reference to Lonergan in Murray's published works, which correspond to contact between Murray and work by Lonergan in the last few years; c.f., he makes implicit reference to Lonergan in the "Toledo Talk" in 1967 and "The Status of the Nicene Creed as Dogma" in 1966; explicitly in "The Declaration on Religious Freedom."

73 An overview and bibliography is given by Brian Himes, "Lonergan's Position on the Natural Desire to See God and Aquinas' Metaphysical Theology of Creation and Participation," in *Heythrop Journal* LIV (2013): 767-783.

political, social, economic, cultural—possess their own respective dynamisms and laws of action, their own autonomy, an indigenous integrity which demands respect."<sup>74</sup> On the other, "no Christian can admit, what the Council refused to admit, that secular government may maintain a neutrality of indifference toward religion, or that secular society may exercise religion from its concept of the common good."<sup>75</sup> Even though two orders exist, the State must respect religious freedom as a central aspect of the common good it pursues, even in the earthly order. Thus, while it does not seek a specific supernatural good as such, it preserves the freedom to so seek it as a *natural* good.

## VI. Murray and Consequences Today

John Courtney Murray's legacy is in a rather unusual position today. On one hand, we have his clear accomplishments, historically speaking, memorialized in influential texts, such as *Dignitatis Humanae*, as well as having influenced a decade of American public policy both directly and indirectly. The campaign of the first Catholic president has Murray to thank for much of its success. Further, we have "successors" of his thinking in public policy today and a resurgence of natural law theory as explicitly a position at major secular law schools in the area of constitutional law (with Supreme Court justices openly espousing this view). On the other, there remains a significant backlash against or forgetfulness of some of his major theses in the church-state relation. All of this contributes to paint a rather strange picture of the legacy of "Murray-ism" in the United States today. The reasons for this are complex and need to be grasped to give a correct assessment of his significance in American Catholic history, let alone to judge whether his positions on public policy and natural law remain tenable.

First, it goes without saying that the political situation of the American church has shifted considerably since Murray's day. As a recent *America* magazine article documented, there has been a

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<sup>74</sup> John Courtney Murray, "Religious Freedom and the Atheist," in *Bridging the Sacred and the Secular*, ed. Hooper, (Washington, DC: Georgetown University Press, 1994), 263.

<sup>75</sup> Ibid.

significant break-down of consensus on even natural law theory in the United States Church.<sup>76</sup> This break-up began shortly after Murray himself died, with Pelotte mentioning what seemed like a radical left-ward shift in American Catholicism in the late 70s already threatening Murray's consensus-building activities.<sup>77</sup> Some have pointed to this breakdown in moral consensus as a primary factor that made Murray's view impossible to implement.<sup>78</sup> Some see lack of such a consensus itself as a failure of Murray's views.<sup>79</sup> Nevertheless, the consensus even of Murray's time was more diverse than many portray it. Murray had to wage a battle against pacifism in some American Catholics, such as Dorothy Day.<sup>80</sup> The disagreement today is possibly more deep on fundamental moral issues, but not necessarily less broad in scope. One also has to consider the cause of this modern fragmentation, as the latter is more a symptom than cause of the failure to accept Murray's natural law views.

Second, Murray's writings seem of limited applicability today, intended as they were to address different contexts and problems that are no longer relevant. *We Hold These Truths* is as close as he got to giving a very systematic presentation of his argument, but this is primarily a collection of essays – many of which are questioned in their historical analysis, for example, of the intent of the Founding Fathers. Similarly, with more contemporary historical studies of Leo XIII, many criticize Murray's study as inadequate today.<sup>81</sup> However, Murray's thought as originally defended is no longer present as a "live" option for most. His successors in "new" natural law theory, nevertheless, have won considerable victories, as has already been mentioned, in the persons of Germain Grisez, Robert George, and John

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76 Michael Baxter, "Murray's Mistake," in *America* (Sept. 23, 2013), accessed December 1<sup>st</sup>, 2013, <http://americamagazine.org/issue/murray%E2%80%99s-mistake>.

77 Pelotte, 189.

78 William Gould, "*We Hold These Truths* and the Pluralist Civilization," in *The Catholic Social Science Review* 16 (2011): 99.

79 Michael Baxter, "John Courtney Murray," in *Blackwell Companion to Political Theology*, eds. Scott and Cavanaugh (Oxford: Blackwell Publishing Ltd., 2004), 163.

80 William Portier, "Theology of Manners as Theology of Containment," in *U.S. Catholic Historian*, vol. 24, no. 1 (Winter 2006): 95-96.

81 *Ibid.*, 97-98.



Finnis. Given this, it seems a bit shortsighted to claim a complete failure of natural law theory as the primary and decisive factor – it continues to flourish in some areas and contexts.<sup>82</sup>

Both of these reasons, however, are not as significant to our final analysis. One of the most decisive reasons for the failure of Murray's views to win consensus is that the theological scene has shifted in such a way that Murray's views no longer seem applicable. The very victories of followers of Murray in proposing a "new" natural law – a natural law essentially stripped of metaphysical assumptions – point to this fact. The prevalence of post-modern philosophical thought and a desire to leave aside metaphysics as contentious that Murray finds himself alienated from theological (and philosophical) discourse. It is not surprising that developments in philosophy probably had a significant role in contributing to the halt of Murray's project, but the theological is not able to be discounted as a significant force in its own right. Theologians after the council tended to embrace different philosophical positions ranging from transcendental Thomism to hermeneutical phenomenology, but were united in opposition to the classical view on grace. Further, as was noted earlier, many of Murray's ardent supporters were Catholics, his own work was as a theologian, and he sought to persuade, first among all his audiences, his co-religionists to embrace his project. His work on *Dignitatis Humanae* itself and in interpreting the document afterward were primarily to educate Catholics. In that context, what was happening in theology, those movements which affected Catholic theologians and philosophers who were the "intended audience" of much of Murray's project, can be considered a distinct influence, despite the waning "secular acceptability" of neo-Thomist metaphysics (if it was ever very high to begin with). In any event, theologians have never let philosophical developments keep them from holding philosophically-outmoded theories.

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<sup>82</sup> Notably, the main new natural law theorists are not theologians and that theory does not seem to hold sway in the world of Catholic theology.

Thus, what Murray found was a hard ground instead of fertile soil. Many theological projects had changed in the wake of theologians attempting to adapt to modern philosophical movements; while too extensive to get into in this piece, this change was not only in response to philosophy. Rather, the Catholic theological academy had come to a new consensus among both progressive and traditional positions (de Lubac himself was not one who held post-modern philosophical positions), and it was a consensus at odds with Murray's view. It is unsurprising then that one of the consistent attacks on Murray's views, as recent as 2006, is that of his problematic or uncritical dichotomy between nature and grace. Murray is criticized for holding the view attributed to neo-Thomists: that there is an "pure human nature" isolated from grace and with its own natural end to which, secondly and accidentally, supernatural grace is added as "icing on a cake."<sup>83</sup>

While de Lubac's view was not necessarily the view that prevailed in the post-conciliar period, new theologies of grace avoided any kind of "integral dual ends" to each order. To most theologians, the concept of "dual finalities," as Murray held it, would be seen as theologically immature and a holdover from a prior era.<sup>84</sup> While it would be quite difficult to complete a survey of literature and show both the widespread acceptance of the "Lubac-ian"-type view of nature and grace, and how this was employed throughout the past 50 years, it is helpful to examine some of Murray's most outspoken defenders and critics throughout this period, as this makes clear that it was precisely over this theological issue that Murray's project ran into difficulty.

As we saw, initially it was primarily Catholics who promulgated Murray's views of a rational natural law consensus. It is hence not coincidental that even Murray's magnum opus, *We Hold These*

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83 Portier, 101.

84 c.f., Chantraine, 36-40.

*Truths*, went out of print in 1970 only ten years after it was released.<sup>85</sup> Murray's book was initially well-received by conservative writers, like William F. Buckley, but shortly was co-opted, partly because of Murray's own response to Cardinal Cushing, by liberal political figures looking to argue for contraception and abortion. Specifically, Fr. Robert Drinan in 1967 called for the repeal of all laws against abortion, citing Murray.<sup>86</sup> Within a few years, nevertheless, Murray's views fell stillborn within Catholic theology. It seemed to be the case that it was implicitly held that his views could not accommodate new theological positions after the council. Fr. John Coleman tried to adapt Murray's views to liberation theology, but noted his own problems that Murray's view lacked significant theological dimension.<sup>87</sup> During much of the 1970s, Murray's view was seen as outdated by Catholics themselves. When Murray's views did survive, they survived in mutated forms, such as the movements begun by David Hollenback and Brian Hehir, who advocated and advised the United States Conference of Bishops in the writing of their pastoral letters on economics and peace issues. These letters and subsequent processes of public dialogue took elements of Murray's position (those dealing with the notion of a public conversation), while leaving or not emphasizing what might be called the "substantive" philosophical and theological theoretical backing that Murray himself advocated for much of that activity.

Fr. Richard McBrien in the 1980s resumed some of Drinan's arguments to support abortion, borrowing from *We Hold These Truths*, but – it is important to note – the context of this has shifted considerably. McBrien claims to move beyond Murray's "world of discourse," instead employing what might be called Murray's 'pragmatic' arguments against censorship. Fairly few liberal Catholics joined McBrien in taking up Murray's banner. This mirrored the same advocating by liberal Catholics of the

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85 John Quinn, "The Enduring Influence of *We Hold These Truths*," in *The Catholic Social Science Review* 16 (2011): 73.

86 Ibid., 78.

87 Ibid., 79.

process of dialogue Murray advocated, without the theoretical substratum that was initially attached to it. It was, however, in the same decade that Murray's views experienced a resurgence among American conservatives. Richard John Neuhaus took "Murray's Project" to be a viable candidate to resuscitate American politics. Similarly, George Weigel became a prominent defender of Murray's views to bridge the divide within American Catholicism.<sup>88</sup>

Nevertheless, even among politically conservative Catholics, there remained opposition to Murray. David Schindler, writing in 1994, criticizes Murray on exactly the question of dualism between nature and grace. He feels that this dualism dooms Catholics to privatize their faith and so fail to engage with the "purely natural" political order. Schindler instead chooses to see Murray's thought as relying on a theological fallacy of the sufficiency of "pure nature." He explicitly looks to de Lubac's view of nature-grace relations, so that instead of respecting two finalities, "grace's influence takes the form of directing nature from within to serve the end given in grace."<sup>89</sup> Murray's "liberalism" is, for him, anathema to Christianity and theology. In further evidence that philosophy had little impact, Schindler is not one who can be accused of siding with post-modernism. Others, holding to a view of tradition and context-constituted reason drawn from Alasdair MacIntyre, hold that what Murray proposes is too "rationalistic" and cannot command consensus without a living tradition (in MacIntyre's image, a new Benedictine movement).<sup>90</sup> Michael Baxter follows MacIntyre in rejecting Murray's acceptance of American exceptionalism and holding that liberal states are corrosive of the virtue required to perceive natural law reasoning.<sup>91</sup>

One finds that many of these thinkers explicitly cite "post-modern" denials of natural law's

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88 Ibid., 79-80.

89 David Schindler, "Religious Freedom, Truth, and American Liberalism," in *Communio* 21, no. 4 (Winter 1994): 732.

90 cf., Robin W. Lovin, "Freedom and Religion," in *John Courtney Murray and the Growth of Tradition*, eds. Hooper and Whitmore (Kansas City, MO: Sheed and Ward, 1996), 188-190.

91 Michael Baxter, "Murray's Mistake," *ibid.*

requisite realist epistemology or a denial of correspondence theories of truth as the biggest obstacle to acceptance of Murray's views.<sup>92</sup> On the other hand, it can be argued that this itself witnesses an equipotent change within those who were defending Murray's views under modification: a new-found reluctance to promote Murray's kind of argument was also a testament to a change in which theological positions (i.e., in anthropology) they no longer saw as persuasive.<sup>93</sup> No longer was that classical theological anthropology persuasive to Catholics, let alone the secular public. Murray's view had been that Catholics were engaged in building of a *metaphysical* consensus, without necessarily assuming its existence in an increasingly "post-modern" world; it was a task, not a starting point.<sup>94</sup> But here the theological ground shifted, there was no consensus among Catholics themselves from which to reach out to secular society, and the very starting points of the appeal were not accepted by those to whom Murray appealed. While different philosophical views were at play among them, there was unanimity in the rejection of the dual order of grace and nature, with differing finalities, each of which could serve as a theoretical foundation for the roles of Church and State, respectively.

Many of Murray's modern defenders hold to non-classical theories of nature-grace and often attempt to adapt Murray's thought to this new situation. Some even have tried explicitly to find, within Murray, the theology of de Lubac on nature-grace in order to make it more theologically palatable.<sup>95</sup> The new natural law theorists are following a similar trend, even if it is not explicitly theological; they do not find the metaphysical argumentation as publicly persuasive and so ignore the theological

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92 cf. David Novak, "John Courtney Murray: A Jewish Appraisal," in *John Courtney Murray and the American Civil Conversation*, eds. Hunt and Grasso (Grand Rapids, MI: William B. Eerdmans Co., 1992), 56-62; Stephen Fields, "The Civic University," in *First Things* (March 2006), accessed December 1<sup>st</sup>, 2013, <http://www.firstthings.com/article/2007/01/the-civic-university-4>.

93 Tracey Rowland essentially makes a claim similar to this in agreement with David Schindler in "Theology and Culture", in *Being Holy in the World*, ed. Healy and Schindler (Grand Rapids, MI: Eerdmans Publishing Co., 2011), 63-74.

94 This is rather apparent in the line of argument Murray makes in *We Hold These Truths*, 199-201.

95 See Joseph Komonchak, "John Courtney Murray and the Redemption of History," in *John Courtney Murray and the Growth of Tradition*, ed. Hooper and Whitmore (), 78-81.

anthropology central to Murray's project. But this is also true of two contemporary trends. On one hand, some attempt to take Murray as a premier theologian of pluralism and discourse, rejecting the "universalist" tendencies of natural law. They look instead to situationally-constituted reason and find grounds in Murray for this view.<sup>96</sup> The other group attempts to find grounds to hold that Murray is advocating a supernaturalism – his natural law is really insufficient apart from a theological basis.<sup>97</sup> Both are united in rejecting a naturally knowable moral law, one rejecting a concept of "nature" or metaphysics that can be publicly sound and the other in rejecting an integral "natural" order with its own finality. In both cases, they reject Murray's *anthropology*. While, as we said, philosophical and theological concerns are here intertwined, in doing so they reject the key feature of Murray's attempt: an independent (either ontological or epistemically knowable) finality of nature alongside grace. As a consequence, there seems to be an implicit theological influence playing a role in leading to modern supporters of Murray to pull the theological grounding out from under his conclusions. It is, at least equally so alongside philosophical positions, a rejection of Murray's theological anthropology that is at stake.

Ironically, Baxter's conclusions are on point when he claims that United States Catholics have been absorbed by the dominant liberal culture and so have lost their ability to influence society as a bloc.<sup>98</sup> However, it is not the modern liberal state that has done this alone. This is at least significantly attributable to a shift in American Catholic *theological* sensibilities connected to relations between nature and grace that led many American Catholic thinkers to reject Murray's neo-Thomist theological anthropology. While postmodernism in secular philosophy, and its rejection of universalizable

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96 cf. William Gould, *ibid.* Robert McElroy, "He Held These Truths," in *America* (Feb. 7, 2005), accessed December 1<sup>st</sup>, 2013, <http://americamagazine.org/node/147163>.

97 cf. Kenneth Grasso, "Getting Murray Right," in *The Catholic Social Science Review* 16 (2011): 85-94; J. Leon Hooper, "Theological Sources of John Courtney Murray's Ethics," in *Theological Studies* 57 (1996): 19-45.

98 Michael Baxter, "Murray's Mistake," *ibid.*

rationality, led to suspicion outside of the Church of Murray's natural law project, the theological shift inside Catholic theology played at least as much of a role in poisoning the well of Murray's primary intended audience and so denying his project potential defenders. While it is not within the scope of this paper to document that shift,<sup>99</sup> it is clear that this was a decisive factor in widespread rejection of Murray's views among Catholic thinkers. And it was the interior shift among Catholics rather than the exterior that was more decisive, because without Catholics supporting Murray's "project" for Church-to-State influence, no other body would be able to accomplish the task.<sup>100</sup>

## **Conclusion**

A final assessment of John Courtney Murray's views will hinge on the reasonability of his model of nature and grace and theological anthropology, which undergirded his views on political relations between Church and State. Leaving aside that question, it is apparent that it was precisely the issue of the theological conceptual relationship between nature and grace that made it difficult in the post-conciliar situation for Catholic theologians and thinkers to adopt Murray's natural law model of discourse; they were united in rejection of the same classical relationship between nature and grace, even when they diverged in which philosophical views they sided with. While Murray leaves behind an ambiguous legacy that fails to command assent from a majority of contemporary Catholic thinkers, a potentially-powerful synthesis is present in his writing. It is the triumph of his natural law ethic in public constitutional law that has been able to serve as a basis for Church dialogue with policy makers. Despite deficiencies in Murray's historical analysis and his lack of systematic continuity, new theological interest in revisiting the nature-grace problem opens the door to seeing Murray's position on complementary, but respectively integral, ends of civil and ecclesiastical society as a reasonable basis

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99 cf. Gilbert Narcisse, "The Supernatural in Contemporary Theology," in *Surnaturel*, ed. Bonino, trans. Williams and Levering (Ave Maria, FL: Sapientia Press, 2009), 295-309.

100 cf., David Novak, 54-55.

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for contemporary political discourse. While it is beyond the scope of this paper to make the case for such a view, the new trends in rediscovering the former "neo-scholastic" view of the relationship between nature and grace can make plausible, among Catholic theologians, the theoretical presuppositions for re-appropriating Murray's project of public dialogue through natural law argument in the public square.