



Freedom Without Roots

The predicament of Western liberalism and the teaching of Pope Benedict XVI

A discussion on the occasion of the publication in the U.S. of *Without Roots*, by Joseph Ratzinger and Marcello Pera

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Europe, America, and Pope Benedict XVI

by Marcello Pera

1. Three questions

The book we are discussing today – *Without Roots* – deals with the West and Europe from several standpoints, philosophical, political, historical, religious. It maintains one main view, that the West, and Europe in particular, is passing through a serious state of crisis, both moral and spiritual.

This view is certainly not original, because it has been upheld by many scholars in the recent past, and it is much debated today in the press, among cultural and academic circles, as well as political thinkers and leaders on both shores of the Atlantic. However, to the best of my knowledge, this view has never been argued in such alarming terms as those used by Pope Benedict XVI. To give you an idea, this is what he writes:

“The victory of the post-European techno-secular world and the universalization of its lifestyle and thinking have spread the idea that Europe’s value system, culture, and faith – in other words the very

foundations of its identity – have reached the end of the road, and have indeed already departed from the scene (66)

Again:

“There is a clear comparison between today’s situation and the decline of the Roman Empire. In its final days, Rome still functioned as a great historical framework, but in practice it was already subsisting on models that were destined to fail. Its vital energy had been depleted” (66-67).

Yet again:

“[Tere is] a peculiar Western self-hatred that is nothing short of pathological... All that [the] West sees in its own history is the despicable and the destructive; it is no longer able to perceive what is great and pure” (78-79).

I do agree with this view, and I would like to present and discuss it. In particular, I shall raise three questions.

1. What are the symptoms of this crisis?
2. Why is this crisis stronger in Europe than America?
3. What remedies, if any, can we make use of to overcome this crisis?

Since the Pope’s view is so authoritative, I shall endeavour to answer these questions using his words and then add my own just to support and complete what he says.

2. *The symptoms of the crisis*

Let me begin with the symptoms of the European crisis. Here are the main ones.

First symptom. Europe refused to mention its Judaeo-Christian roots in the Preamble to the European Constitutional Treaty, which has failed following the French and Dutch referendums. Regarding Europe’s cultural and spiritual origins, the Treaty adopts two slightly different formulations which were accepted after a long debate and many quarrels. One states that “the peoples of Europe ... [are] conscious of its spiritual and moral heritage”. The other refers to the “cultural, religious and humanistic heritage of Europe”. It is patent that both these formulations are extremely poor and deliberately reticent, because neither of them defines exactly *what* heritage and *what* religion Europe stems from. The question then is: can Europe unify economically, socially and politically

if it lacks the strength even to mention the religious tradition without which it would not even exist? My answer is: no, it cannot.

Second symptom. The Pope states that fundamental human rights, above all the right to the dignity of the person, are neither created nor granted by the State but *recognized*. This amounts to the general principle that fundamental rights pre-exist law, politics, parliamentary acts and cannot or should not be affected by any political decision. However, this principle, which is widely recognized in Europe, is often violated in practice. As the Pope writes:

“If one considers cloning, the storing of human fetuses for research purposes and organ harvesting, and the whole field of genetic manipulation, no one can fail to have noticed the thread represented by the slow erosion of human dignity” (75).

Third symptom. What role is played by religion in European society? After the wars of religion, Europe slowly attained the separation between State and Church. This separation – which actually stems from the Gospels – is a civil achievement of which we should be proud but about which we should not be confused. It refers to political *institutions* and their limits, not to human *dimensions* and their domains. In other words, the separation between State and Church does *not* imply that religion must be expelled from social life, considered to be only a private affair, and relegated to a “ghetto of subjectivity”. This is however what happens in Europe. Religion is not allowed to express itself in public. As a consequence, religion cannot nourish our civil customs, provide a spiritual ground for our societies or act as a support for our public rules and behaviour.

There is something worse. Not only is the principal religion of our tradition, that is the Christian or Judaeo-Christian religion, deprived of any significant social role, it is actually discriminated against with respect to other religions. As the Pope says:

“In our contemporary society, thank goodness, anyone who dishonors the faith of Israel, its image of God, or its great figures must pay a fine. The same holds true for anyone who dishonors the Koran and the convictions of Islam. But when it comes to Jesus Christ and that which is sacred to Christians, instead, freedom of speech becomes the supreme good” (78).

The storm spreading these days all over Europe after the publication by a Danish newspaper of a few satirical cartoons about Islam and Muhammad is the best evidence of what the Pope says and is emblematic of how feeble Europe’s religious identity has become. To the best of my memory, no one of those politically correct commentators and leaders who today blame those cartoons has ever before blamed those much more blasphemous publications, movies, TV sketches, commercials about Christianity, Jesus

Christ and the Pope himself, and Moses and rabbis, which are so widespread in Europe. In this case the principle that we have to combine two values – freedom of speech and respect for the people – has rightly been invoked. But does this principle hold good for Islam alone?

The *fourth symptom* is multiculturalism, that is the view that communities have rights over the individuals. As a result of its declining birthrate and the growth of immigration, also Europe is becoming an increasingly multicultural society. “However – as the Pope says – multiculturalism cannot survive without common foundations, without the sense of direction that is offered by one’s own heritage” (79). Instead, in Europe, multiculturalism “sometimes amounts to an abandonment and denial, a flight from one’s own heritage” (79). This means that Europe no longer knows where it comes from, who it is, and what it wants to be.

The *fifth symptom* is relativism. When applied to politics, relativism is the doctrine that every culture, every civilization, every form of life is as good as any other and there is no way of regarding it to be better than any other. In that cage of hypocrisy that goes by the name of “politically correct language”, the term “better” is applied at best to cuisine, works of art, fashion but not to political regimes. The Pope rejects this way of thinking. He writes:

“Political correctness ... seeks to establish the domain of a single way of thinking and speaking. Its relativism creates the illusion that it has reached greater heights than the loftiest philosophical achievements of the past ... I think it is vital that we oppose this imposition by a new pseudo-enlightenment, which threatens freedom of thought as well as freedom of religion” (128).

The *sixth*, and final, *symptom* that I shall mention is a consequence of the fifth. It is pacifism. If cultures or civilizations are incommensurable because each of them have their own standards, therefore, if European Christian civilization is as good as any other, because it has no intrinsic special merits, why use force to defend it? Before even French President Jacques Chirac unexpectedly announced that nuclear weapons could be used against terrorist states – a view not different from President Bush’s theory of preventive war – many European political leaders and the majority of intellectuals had brought back Kant’s old theory of “perpetual peace” as if this ideal state of affairs were really attainable.

This is not all. Europe has developed a sort of “guilt-syndrome”. If Islamic terrorists have declared a *jihad* against us – many intellectuals and political leaders still argue – they must feel resentful towards us. If they feel resentful, this must be the result of social and economic inequalities. If such inequalities exist they must be the fault of the West. If

it is the fault of the West, it is the fault of the most powerful country of the West, America, because of its economic expansion, military imperialism and cultural arrogance. Ultimately, if the West is guilty of all this – as indeed it is, because it tries to promote and export its own life style as though it were valid for everyone everywhere – then the West deserves everything that happens to it. The conclusion is: it is all our fault. More exactly: it is all America's fault. Is not also this way of arguing a sign that, according to European culture, there are no longer any values worth defending?

The Pope does not discuss the issue of the war, but in his reply to me he writes:

“You and I are of a single mind in rejecting a pacifism that does not recognize that some values are worthy of being defended and that assigns the same value to everything. To be in favor of peace on such a basis would signify anarchy, which is blind to the foundations of freedom. Because if everyone is right, no one is right” (108).

The total of all these symptoms reveals a serious illness. Europe is going through a *crisis of identity*. If Europe does not generate enough children any more, if it does not progress at the desired pace, if it is not competitive, if it is absent from the international scene, if it shuns its responsibilities, this is also a consequence of its moral and spiritual crisis. One who does not know who he is, does not know where to go either. And he who does not know where to go is annoyed if his partner presses him to go somewhere in particular. It is also for this reason that Europe gets annoyed with America.

3. *Europe and America*

This brings me to the second question I raised. Does the crisis of identity affect only Europe or the whole of the West?

The difference between Europe and America cannot be denied. The split is not between Europe-Venus and America-Mars, according to the well-known thesis put forward by Robert Kagan, because these two roles can be exchanged and played alternately. The difference is not even that Europe wants to be multipolar while America, being a superpower, tends to be unipolar, because these roles, too, can change according to the circumstances.

In my view, the true difference – indeed a deep fracture – is that Europe, unlike America, believes today that a Venus-like world is a state of nature or a natural right, which therefore should never be violated by any unilateral act, no matter what the consequences are. Accordingly, for Europe, multipolarism is the only way of living in a Venus-like world. It is not without reason that, in Europe's view, the United Nations is

the best institution for dealing with international affairs, no matter how frozen or stuck it is.

The main reason for this difference is, in my opinion, that America is not going through the same crisis of identity as Europe. I do not know whether Chesterton's famous definition of America still holds today – “a nation with the soul of a church”. I know, however, that no Tocqueville would find in today's Europe anything akin to what he found in America.

In the United States, the Declaration of Independence, the Bill of Rights and the Constitution have a religious foundation, and religion still plays an important role within society. In Europe, after the Enlightenment and the French Revolution, this has no longer been the case. Not only have European states become secularized, European society has become de-christianized. As the Pope writes, “Europe, unlike America, is on a collision course with its own history. Often it voices an almost visceral denial of any possible public dimension for Christian values” (109).

It follows that, whereas in Europe religion is confined to the private sphere and excluded from public life, in America, as the Pope writes, “the private sphere has an absolutely public character. This is why what does not pertain to the state is not excluded in any way, style or form, from the public dimension of social life” (111).

This has devastating effects on Europe. In the absence of any deep belief, strong faith, spiritual bond, what can we hang on to and how can we justify all those noble values – freedom, democracy, tolerance, respect, fraternity, etc. – which are nevertheless professed by Europeans? If the God of the Judaeo-Christian tradition is dead and we want to live as though God did not exist, how can we believe in, and devote our destiny to, anything deserving commitment and sacrifice? How can we hope to find an identity, and respect and defend it?

This brings me to my third and final question. What remedies can we use to break free of the crisis of Europe?

4. *The remedies*

The Pope mentions the role of “creative minorities” and affirms that “Christian believers should look upon themselves as just such a creative minority” (80). In my contribution to the book I suggest that they should develop a *non-confessional Christian civil religion*. “Civil” because it should be incorporated in our behaviour as a social custom. “Christian” because the Judaeo-Christian tradition is an undeniable historical fact of Europe. And “non-confessional” because it should unite both believers and non-believers.

The Pope does not reject this thesis, although he makes two conditions: first, that believers and non-believers should be willing to engage in effective dialogue, without any barriers; second, that non-believers should not exclude that the reason they refer to should be open to the religious dimension.

Personally, I think that both points can be accepted. More exactly, I believe that a common ground already exists on which it is possible to begin working. This consists of the *fundamental human rights*. The problem they raise is: if, as our European constitutions lay down, these rights are not created by the state, where do they come from?

The Pope's answer to this question can only be as follows: "The existence of values that cannot be modified by anyone is the true guarantee of our freedom and of human greatness; in this fact, the Christian faith sees the mystery of the Creator and the condition of man, who was made in God's image" (75).

The answer of non-believers cannot refer to Christian revelation. However, if they are willing *a)* to use the force of reason as their sole basis and *b)* ensure that these rights are guaranteed to anyone, then it is the non-believers' duty to develop a rational theory of fundamental rights, that is, a universal anthropology or ethics in which these rights are considered the imprint of every man insofar as he is a man.

From a negative standpoint, this means rejecting many views current today in Europe and also in the United States: ethnocentrism, according to which fundamental rights are an asset pertaining to westerners alone; relativism, according to which they have no rational foundation; conventionalism, according to which they are stipulations that have been agreed upon and embodied in our laws through a political decision; and historicism, according to which they are mere accidental facts due to the development of our material conditions.

On the positive side, the search for rational justifications of fundamental human rights means committing oneself to a research programme in which all can and must take part.

And in the meantime? In the meantime, I would suggest accepting the exhortation the Pope addressed to non-believers: follow Pascal's and Kant's old invitation to live "as though God existed" (*velut si Deus daretur*). In my view, this is a wise solution as it makes us all morally more responsible. If God did exist, there would be moral limits to my actions, behaviour, decisions, projects, laws, and so on.

I shall conclude by saying that what the Pope writes in this book can be beneficial to Europe, call America's attention to the values of its origins, contribute to bridge the gap between the two shores of the Atlantic, possibly unite the West and make the world a better place.

The West does not necessarily have to set itself against other areas of the planet. But if the West loses its identity, it cannot even engage in that dialogue with the other areas of the planet to which it says is committed. For my part, I consider this to be a cultural and political programme worthy of being pursued by those creative minorities that are concerned about how things are going in Europe, America and elsewhere.

I understand this programme is hard and requests strong efforts, but how can creative minorities, including an Italian senator, hope for a easy life?

Truth, Freedom, and Relativism in Western Democracies:

A Comment on Pope Benedict XVI's Contributions to *Without Roots*¹

By David L. Schindler

This presentation consists of three unequal parts: first, a brief (and necessarily presumptuous!) summary of what seems to me the theological center of Pope Benedict XVI; second, an outline of some main points of his two contributions to *Without Roots*; and, third, a formulation of an important issue for reflection, particularly with respect to North America, that emerges from the Pope's contributions.

I

(1) We belong to the truth before the truth belongs to us. Although both of these statements are true, a reversal in their order changes the meaning and integrity both of the truth and of ourselves.

(2) This truth to which we belong is ultimately a matter of love. Ultimately: that is, what is ultimately true and supremely real—God—is love. Hence Benedict's first encyclical, *Deus Caritas Est*. God is a trinitarian circle of love.

(3) This divine truth as love has a human face and a human heart in Jesus Christ. In Christ, God assumes flesh and blood, hence the whole of human being, and this assumption takes a Eucharistic form: the total gift of self as the way of communion.

¹*Without Roots: Europe, Relativism, Christianity, Islam*, by Joseph Ratzinger (Pope Benedict XVI) and Marcello Pera (New York: Basic Books, 2006). This article is a slight revision of a presentation given at Columbia University on February 6, 2006, on a panel with George Weigel and co-author Pera. The panel was sponsored by the publisher. The citations are drawn from the uncorrected pages of an advance copy of the book.

In sum: to belong to the truth is to belong to a love that, especially as seen in the light of the Incarnation, is simultaneously God-centered and humanity-centered.

II

How are we to understand Benedict's contributions to *Without Roots* in this context? What are the key elements in his assessment of the (spiritual, political, and cultural) situation in the West and especially Europe today, as set forth in these contributions?

President Pera in his Preface says that "The only thing worse than living without roots is struggling to get by without a future" (xiv). Of course the two are related, because absence of memory is itself already a forgetfulness of destiny. Without a living memory of who we are, there can be no hope in the face of what we are to become.

The question, then, is: who are we? The "we" here of course refers primarily to Europe but thereby also to the West and hence also includes America.

Passing over the rich historical reflections of Benedict, I will mention only the key moral elements that he sees as central to European identity. "Is there," he asks, "a European identity that has a future and to which we can commit wholeheartedly?" (72). Though he does not wish to enter into discussion of the matter of the European Constitution, he indicates the three basic elements that he says should not be omitted.

(1) (a) First, there is "the unconditionality with which human rights and human dignity should be presented as values that take precedence over any state jurisdiction" (72). "The value of human dignity . . . refers to the creator: only he can establish values that are grounded in the essence of humankind and that are inviolable" (73). "The fact that values

exist that cannot be modified by anyone is the true guarantee of our freedom and our greatness; in this fact, the Christian faith sees the mystery of the Creator and the condition of man, who was made in God's image" (73). Although today almost no one would deny the primacy of human dignity outright, says Benedict, "in the concrete sphere of the supposed progress of medicine there are very real threats to these values"—for example, cloning, storage of fetuses for research or organ harvesting, the whole field of genetic manipulation, and the like (73f.).

(b) "A second element that characterizes European identity is marriage and family. Monogamous marriage—both as a fundamental structure for the relationship between men and women and as the nucleus for the formation of state community—was forged already in the Biblical faith" (74). "Europe would no longer be Europe if this fundamental nucleus of its social edifice were to vanish or to be changed in an essential way" (74). Benedict cites here the problems of cohabitation and the increasing demand for recognition of marriage between homosexuals.

(c) "The last element of the European identity is religion" (74). The pope stresses that fundamental to all cultures is "respect for that which another group holds sacred, especially respect for the sacred in the highest sense, for God, which one can reasonably expect to find even among those who are not willing to believe in God" (75f.). When this respect—this religious sense that is natural to humankind—"is violated, something essential is lost" (76).

(2) But here Benedict turns to the problem of multiculturalism, and in this context to the problem of the West's peculiar self-hatred, and of love for its own values (76). He stresses that "multiculturalism cannot survive without common foundations, without the sense of direction offered by our own values"(77). It definitely, he says, "cannot survive without respect for the sacred. Multiculturalism teaches us to approach the sacred things of others with respect, but we can only do this if we, ourselves, are not estranged from the sacred, from God" (77). "With regard to others, it is our duty to cultivate within ourselves respect for the sacred and to show the face of the revealed God, of the God who has compassion for the poor and the weak, for widows and orphans, for the foreigner; the God who is so human that he himself became man, a man who suffered, and who by his suffering with us gave dignity and hope to our pain" (77).

In short, "unless we embrace our own heritage of the sacred, we will not only deny the identity of Europe, we will also fail in providing a service to others to which they are entitled. To the other cultures of the world, there is something deeply alien about the absolute secularism that is developing in the West. They are convinced that a world without God has no future. Multiculturalism itself thus demands that we return once again to ourselves"—that is, to our own roots (77-78).

(3) In his subsequent letter to President Pera, which makes up his second contribution to *Without Roots*, the theologian Ratzinger (Benedict) takes up clarification of the notion of civil religion—that is, in particular, of the relation between a religion that reaches beyond the limits of denominationalism, on the one hand, and the faith of the Catholic

Church, on the other (106). And here he makes reference to the example and distinct contribution of America. “American society was built for the most part by groups that had fled from the system of state churches that reigned in Europe, and they found their religious bearings in free faith communities outside of the state church”(108). Thus American society from its beginning had “an implicit recognition that the religious and moral foundations bequeathed by Christianity is greater than any single denomination” (108). At the same time “you could say that American society was built on the foundations of a separation of church and state” (108). This separation was vastly different from that imposed in Europe by the French Revolution (108-109). In America, “it is in the nature of the state to recognize and permit different religious communities in their particularity and non-membership in the state,” and the separation of church and state is thus “conceived positively” in terms of the freedom of religion to be and fulfill itself (109).

Now Benedict points out that the Catholic principle, rightly understood, does not at all involve a state church system; and he notes as well the complications—the strength and the weaknesses—of the Protestant kinship with the Enlightenment (115) and its “profound intertwining with modern culture” (116). Regarding the latter, he notes in particular its “fatal tendency to conform to the times—which led Protestantism to the brink of dissolution during the Enlightenment—and is alive and well today, as the traditional Protestant churches in the United States demonstrate” (117). The point, says Benedict, is that, although Protestantism can help us in the matter of the development of a civil

religion, “its current crisis . . . demonstrates that ‘de-confessionalization’ does not automatically,” in and of itself, resolve the problem (117).

(4) Regarding the notion of civil religion, then, the Pope says in summary: “an ambiguous light is . . . cast on the concept of civil religion: if it is no more than a reflection of the majority’s convictions, then it means little or nothing. If instead it is a source of spiritual strength, then we have to ask what feeds this source” (118).

Benedict’s answer to what can serve as this source of spiritual strength is expressed in a single fundamental principle, which he explains in four corollary theses. The principle is that “Something living cannot be born except from another living thing” (118). “This is why it is so important to have convinced minorities in the Church, for the Church, and above all beyond the Church and for society: human beings who in their encounters with Christ have discovered the precious pearl that gives value to all life (Matthew 13:45)” (119). “There is nothing sectarian about such creative minorities; through their persuasive capacity and their joy, they also offer other people a different way of seeing things and reaching everybody” (119).

The four corollary theses are as follows: (a) first, “a civil religion that truly has the moral force to sustain everybody presupposes the existence of convinced minorities that have ‘discovered the pearl’ and live it in a manner that is also convincing to others. Without such motivating forces, nothing can be built” (119f.).

(b) Second, “we all need forms of belonging or of reference to these communities, or simply of contact with them” (120).

(c) Third, “these creative communities can clearly neither stand nor live on their own. They live naturally from the fact that the Church remains as a whole, and that it lives in and stands by the faith in its divine origins, which it did not invent but that it recognizes as a gift that it is duty-bound to transmit” (121).

(d) Fourth, “both lay people² and Catholics, seekers and believers . . . must move toward each other with a new openness. Believers must never stop seeking, while seekers are touched by the truth and thus cannot be classified as people with [no] faith or no Christian-inspired moral principles. There are ways of partaking of the truth by which seekers and believers give to and learn from each other” (121).

²Benedict explains that, in the broadest sense of the term, “lay” as used here means “to belong to the spiritual current of the enlightenment” (114). It can also “mean[] free thinking and freedom from religious constrictions,” “the exclusion of Christian contents and values from public life, which leads to a “tendency on the part of modern conscience to treat the entire realm of faith and morals as ‘subjective’” (114).

(5) In light of the foregoing reflections, Benedict asks why it is that the Christian faith is struggling so much today to convey its great message to people in Europe. His answer is twofold: (a) the first reason is expressed by Nietzsche, who says that, “as long as one does not perceive Christian morality as a capital crime against life, its defenders will always have an easy game” (123). The decisive issue, in other words, is that of whether Christianity provides a convincing model for life: “the decisive reason for the abandonment of Christianity, says Benedict, is that “its model for life [has] clearly [been] unconvincing. It seems to place too many restraints on humankind that stifle its *joie de vivre*, that limit its precious freedom [and so on]” (123).

(b) The second reason for the crumbling of Christianity is “that it seems to have been surpassed by “science” and to be out-of-step with the rationalism,” or the conception of reason, of the modern era (124-125).

The principles of Benedict’s response to these two failings of, or objections to, Christianity, have already been indicated: “the Christian model of life must be manifested as a life in all its fullness and freedom, a life that does not experience the bonds of love as . . . limitation but rather as a opening to the greatness of life” (124). Thus the importance again of the creative minorities already referred to. But, further, these minorities need to enter into dialogue with “lay” people (the broader secular culture), engaging them in the basic questions of our time such as: “Does matter create reason? Does pure chance produce meaning? Or do intellect, logos, and reason come first, so reason, freedom, and the good are already part of the principles that construct reality?” (125). “A valid civil

religion,” he says, “will not conceive of God as a mythical entity but as a possibility of reason” (126).

(6) Benedict then introduces the problem of relativism, of the intolerance and dogmatism spawned by an increasingly widespread relativism in Western democracies (126f.). Recalling an earlier comment of the Pope, we see that this growing relativism is bound up with the “tendency on the part of modern conscience to treat the entire realm of faith and morals as ‘subjective’” (114). Which is to say, this dogmatism is expressed in the tendency to treat all claims to truth as equal—to reduce all such claims equally to matters of merely subjective preference. This increasing dogmatic tendency to reduce all claims of truth to expressions of subjective preference includes the essential truths that Benedict says lie at the roots and hence identity of European society: the inviolable dignity of each human being from the natural beginning to the natural end of life; monogamous marriage between a man and a woman, and respect for the natural religious sense of humankind. I will return to this problem of dogmatic relativism below.

(7) First we turn to a final observation by Benedict, which bears on a fundamental problematic that runs through all the foregoing reflections. Our modern cultural situation is characterized by the presence of many different faiths—different forms of theism and indeed of atheism. In such a situation, Christians, says Benedict, “can only reclaim that which belongs to the human foundations that are accessible to reason and which is therefore essential to the construction of a sound legal order” (128). (Recall the three essential truths just mentioned.) It is just here, he says, that “the dilemma of human life

emerges fully. . . . The Christian is convinced that his or her faith opens up new dimensions of understanding, and above all that it helps reason to be itself. There is the true heritage of the faith (the Trinity, the divinity of Christ, the sacraments, etc.), but there is also knowledge for which faith provides evidence, knowledge that is later recognized as rational and pertaining to reason as such, and thus also implying a responsibility toward others. The person of faith, who has received help in reason, must work in favor of reason and of that which is rational: this, in the face of dormant or diseased reason, is a duty he or she has toward the entire human community” (128-129).

Benedict then cites again areas where this issue has especially important significance today, such as genetic manipulation and the institution of marriage (129-132). He stresses the importance of exhibiting a “rationality of argument” in such cases that will lead to an “ethics of reason” that somehow bridges the gap between a strictly secular ethics on the one hand and a strictly religious ethics on the other, or again between the empirical and the philosophical. As an example of where development of such an ethics of reason might be expected is in the area of when human life begins. In this case, says Benedict, an ethics of reason entails “a deduction for the legislator: *if this is the way things are*, then the authorization to kill an embryo means ‘the state is denying the equality of all before the law’”(emphasis added) (131).

On the other hand, there are areas where it may not be possible today to reach a consensus on the basis of such an ethics of reason. For example, though the Church

rejects both homologous and heterologous artificial insemination, it may not be possible, given today's society, to achieve a consensus regarding prohibition of the former.

Affirming, then, that Christians cannot “simply impose all aspects of their morality on the political order,” Benedict says that there will be times when it will be necessary for them to claim from legislators the right to conscientious objection (133). Failing recognition of even this right, Christians should claim “the right to passive resistance and thereby offer the testimony of conscience that . . . could make people reflect and lead to the formation of a new conscience” (133). In all of this, the creative minorities to which Benedict referred earlier will play a central role. Indeed, following the road to conscientious objection and passive resistance “will become less necessary the more we succeed in developing a civil Christian religion that gives shape once again to our conscience as Europeans and—going beyond the separation between lay people and Catholics—manifests the reasonable and binding value of the great principles that have [built] Europe and must and can rebuild it” (133).

III

Let us return now in conclusion to the problem of relativism, and frame the issue with particular attention to the separation of Church and state that has been a distinct contribution of America to the problematic of Europe's heritage and identity. The issue is that of a growing intolerance and dogmatism: that is, the increasingly widespread public imposition of the idea that claims of truths—such as those regarding the inviolable dignity of the human being, monogamous marriage, and respect for the natural religious sense of

humankind—are expressions of merely “subjective” preferences rather than genuinely “objective” truths, indeed truths indicative of the “human foundations that are accessible to reason and . . . essential to the construction of a sound legal order” (128).

On December 4, 2005 (*Angelus*, St. Peter’s Square), commemorating the 40th anniversary of *Dignitatis Humanae*, Benedict stated that “religious liberty derives from the special dignity of the human person”; that it “is in accordance with their dignity that all men, because they are . . . endowed with reason and free will . . . , are both impelled by their nature and bound by a moral obligation to seek the truth, especially religious truth” (*DH*, n. 2). In light of this, he goes on to say that “the Second Vatican Council reaffirms the traditional Catholic doctrine which holds that men and women, as spiritual creatures, can know the truth and therefore have the duty and the right to seek it” (referring to *DH*, n. 3). “Having laid this foundation, the Council places a broad emphasis on religious liberty, which must be guaranteed both to individuals and to communities with respect for the legitimate demands of the public order. . . .” “Religious liberty is indeed very far from being effectively guaranteed everywhere: [sometimes . . . ,] although it may be recognizable on paper, it is hindered in effect by political power or, more cunningly, by the cultural predomination of agnosticism and relativism.”

Note how Benedict approaches here the problem of religious liberty—and indeed, by implication, of pluralism and multiculturalism. In the face of the problem of multiple claims to truth, especially religious truth, his response is to defend freedom and rights and respect for difference—by way of appeal to . . . *truth itself*. According to Benedict,

genuine respect for others in society, for “secular” people and people of other religious faiths or of no religious faith at all, is safeguarded most properly and profoundly, not by detaching the right to freedom, especially religious freedom, from the truth but on the contrary by situating that right to freedom within the truth that alone can in the end really liberate: the *truth* of freedom *as love*. Benedict anchors the problem of respect for cultural and religious and moral differences in our society, not in a rationality or freedom conceived neutrally, but rather in a definite notion (content) of the truth itself.

Benedict, in the text cited, says that *Dignitatis Humanae*, in tying the right to religious liberty to the duty and the right to seek the truth, thereby affirms the traditional Catholic doctrine. This of course is true—though we should recognize with Benedict how this Gospel- and Creed- founded understanding of *truth as love* has been developed in the pontificate of John Paul II (in the latter’s emphasis, for example, on *Gaudium et Spes*, par. 22, as the key to the teaching of the Council, on a *communio* ecclesiology and the “communion of persons,” and on the “nuptial” meaning of the body), a development now carried further in Benedict’s first encyclical, *Deus Caritas Est*.

The point, then, is that Benedict does not speak of freedom here first or most properly in terms of “immunity from coercion,” which is to say, he does not adopt the primarily juridical interpretation of freedom in *DH* that has prevailed—among Catholics—in Western democracies, certainly in the United States. In a word, the legitimate separation of state and Church affirmed by Benedict in the name of a rightly understood Catholic principle—and indeed to the understanding of which the United States has made a special

contribution—does not entail for him a separation of the state *from the question of truth*: does not, in a word, entail embrace of a primarily-purely juridical state. This does not mean, of course, that the sense of freedom as an immunity from coercion does not remain an essential dimension of freedom in the (primary) sense as truth. Indeed, the point is to *make explicit* the non-relativistic *truth* that alone can *ground*, and provide the proper inner form and condition *of*, freedom as entailing immunity from coercion.

The importance of the issue raised here becomes clear when we recall the reference by Benedict to the growing tendency of democratic societies to impose the view that truths such as those he cites as essential for the construction of a sound legal order are matters merely of subjective preference. The question I thus mean to press, in light of Benedict's concerns and his comments regarding *Dignitatis Humanae*, is whether this dogmatic imposition of relativism is not bound up in a fundamental way with the adoption by Western states—for example, by Americans in their interpretation of the First Amendment of the United States Constitution—of the juridical notion of freedom as primarily an “immunity from coercion.” By definition such a notion of freedom protects freedom as an act of choice conceived first and most properly in abstraction from the truth—or order—(yet to be) chosen. The order chosen in the exercise of that act, in other words, becomes now, *eo ipso, private*: a matter of the preference of this or that individual subject or group in society. To be sure, an individual subject (or group) might well insist that the truths it defends make reasonable and objective demands on others—indeed, make a universal demand on the community. The relevant point, however, is that, for all of this insistence,

these truths, for purposes of public (legal-constitutional) order—again, given the juridical reading of that order—will and can only be treated as private preferences among which the state is to referee but the substantial content of which the state can in no way judge and toward which it must remain officially indifferent.³

³President Pera is quite right to insist that “the modern democratic . . . state is especially protective and moral. In its desire to care for its citizens (from cradle, if not sooner, to grave) it must necessarily adopt and safeguard within its own public sphere many values that are widespread in the private sphere of individuals, groups, or categories” (95). And Pope Benedict is likewise right to say that some moral truths make demands on the legislator (*qua* legislator, not merely *qua* member of society) (“if this is the way things are, . . .” [131]); and that there are “human foundations that are accessible to reason and [are] therefore essential to the construction of a sound legal order” (128). What I am suggesting here is that these important claims can be sustained in their required substantial sense only insofar as their implied recognition of the state as more than and distinct from a purely juridical entity is drawn out. To draw out this implication, I am proposing, one must defend freedom as a truth along the lines indicated by Benedict apropos of a proper interpretation of *Dignitatis Humanae*. One must, in other words, clarify how a state with a properly truthful-moral purpose—and hence with a freedom that is always already an order of truth (e.g., as love)—differs from a state whose constitutional order is conceived in purely juridical terms as “articles of peace” (John Courtney Murray)—and hence whose freedom is properly an (empty-neutral) act of choice the truthful-moral content of which is always and in principle something yet to be (privately) chosen. As indicated earlier, this latter sense of freedom as an immunity from coercion remains essential, though it does so now as ontologically subordinate to, and inside, freedom in its former (primary) sense as an order of truth.

In a word, we can see the peculiar if paradoxical way in which, given a primarily juridical notion of freedom, democracy tends to invert into totalitarianism—in which democratic relativism tends to become dogmatic. Insofar as they adopt the juridical notion of freedom as first and properly an immunity from coercion, or, again, insofar as they confuse the necessary and legitimate separation of state and Church with an embrace of the purely juridical state, Western democracies thereby—however unwittingly and paradoxically—cannot but affirm as their sole “truth” that all claims to truth are merely the expressions of private or individual or “subjective” preferences. It is this sole “truth” of relativism that the juridical democratic state now increasingly-officially imposes on society.⁴

⁴Again, as made clear above, this does not mean that the juridical state would not (or does not intend to) defend the right/freedom of various groups (religions, etc.) to conceive and preach their moral values as matters of an objective truth that thus in principle makes a natural and reasonable claim on all human beings. Indeed, that it does so is the burden of the distinction between “society” and “state,” rightly understood. The problem is that the purely juridical state, notwithstanding this objectivity claimed by various societal groups, can consider such claims, for legal-public purposes, *only as matters of private-subjective preference*—again, insofar as it would remain consistent with its purely juridical notion of freedom. The problem, in other words, is that the state, conceived juridically, necessarily implies a dualistic relation between society and state: the state (legal-constitutional order) alone embodies (can embody) “objective” truth, but now only as this has been reduced to a purely procedural form; while society alone claims (can claim) “substantive” truth, but now only as this has been reduced to a merely subjective preference. Such a juridical state necessarily imposes this disjunction in all of its official-legal acts, insofar as it acts consistently with an exclusively juridical purpose.

For a profound and thorough discussion of the problematic identified here, see Alasdair MacIntyre’s *Whose Justice, Which Rationality* (Notre Dame, IN: University of Notre Dame Press, 1988), Chapter XVII, “Liberalism Transformed into a Tradition,” especially pp. 335-346. The burden of MacIntyre’s argument is to show how the liberal state’s denial of any conception of the common good proper to itself, inevitably (however

unwittingly and paradoxically) implies “enforcement” of *endless, inconclusive debate* among various (subjectively) *preferred* goods as its single permissible common good. He shows how and why the liberal state—in its purely juridically conceived form, in the terms adopted here—must therefore be “severely limited” in its (legal) capacity to tolerate any non-procedural (non-relativistic substantive) goods or truths in the public arena (336).

The simple summary proposal I wish to make, then, in light of Benedict's argument, is twofold: first, any adequately conceived civil religion—at whose heart lies the energy of what Benedict calls “creative minorities”—will need to witness to, and thus also to give a reasonable account of, freedom as the truth of love—the truth of which love is expressed most basically in the inviolable dignity of the human being, in monogamous marriage, and in respect for the native-natural religious sense of humankind. Creative minorities, perhaps especially in North America, will need to witness to the distinction between freedom *qua* the truth of love and freedom *qua* a primitively empty, primarily juridical, exercise of choice.

Second, insofar as “creative minorities” fail in their efforts to convince the broader culture of this substantive truth of freedom as love—which is to say, insofar as Western civilization continues its drift in the direction of a purely juridical order—the witness of these minorities to the true roots of our civilization will increasingly need to take the form indicated by Benedict: first conscientious objection, then if necessary passive resistance.

In light of the above considerations, many readers may recall Alasdair MacIntyre's famous suggestion that what our age needs is a new St. Benedict. Perhaps we have this man in Benedict XVI. Benedict's reflections in this book in any case surely move us to ponder in all its depth and breadth the question regarding the truthful ordering of freedom, a question that goes to roots of the identity of Western democracies in the face of the problem of relativism.