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Constructing the Field of Professional Responsibility

Jane B. Baron

Richard K. Greenstein

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ESSAY

LIBERTY IN THE CATHOLIC TRADITION

RALPH McINERNY*

Vatican II's Declaration on Religious Liberty is often seen as a repudiation of the Church's traditional teaching on liberty and, more positively, a belated adoption of the insights and advances of modern political theory. A comparison of Leo XIII's *Libertas* of 1888 with the Declaration of Vatican II, and indeed with Pope John XXIII's *Pacem in Terris*, lends credence to the view that Church doctrine has changed radically. As for the second claim — that the Church has fallen into line with modern political and legal thought — this suggests a uniformity and clarity in modernism difficult to find. In this introductory essay, I wish first to recall the Catholic teaching on human freedom, then say a few words about controversies among Catholics in recent times, and finally call attention to some of the profound theoretical problems which attend some modern views on human liberty.

The Biblical truth that God made man in His image has long been interpreted by theologians as meaning that man alone among earthly creatures can, like his creator, freely direct himself to the good. Thus in the prologue to the second or moral part of his *Summa theologiae*, St. Thomas Aquinas uses the notion of man as God's image to establish the nature of man's moral agency: deliberate voluntary action, such action can be impeded in two ways, by ignorance and by violence. The freedom of an action is obviously affected if, for one reason or another, the agent does not know what he is doing. A large topic, needless to say, the discussion of which requires a distinction between culpable and inculpable ignorance. Traditional discussions of violence immediately face a paradox. If the human act as such is self-generated, a forced act is not a human act. Violence thus looks to be logically impossible. A theory that had no room for violence would scarcely interest us. Room is made by distinguishing between the inner act of will and its execution. No one can force our

* Grace Professor of Medieval Studies and Director, Jacques Maritain Center, University of Notre Dame.

consent, but we can quite easily be prevented from executing our choices and be carried hither and thither "against our will."

If the *Summa theologiae* be taken as a highwater mark of Catholic doctrine on human freedom, it can be said that its analysis of human agency continues to be held in high respect by philosophers, Catholic and non-Catholic. Alan Donagan's presentation of it in his contribution to the *Cambridge History of Medieval Philosophy* may be cited.

But if the philosophical aspects of the traditional action theory are of continuing interest, in its theological context this theory goes beyond the dreams of philosophers. To the question, "Why did God make me?" the Baltimore Catechism gave the crisp answer: "God made me to know Him, to love Him, and to serve Him in this world, and to be happy with Him forever in the next." In the Catholic tradition, freedom is *for* something. As God's image, it is man's task freely to direct himself to that which God has ordained as fulfilling of him. By contrast, other creatures are determined to their respective ends, though in the hierarchy of animal life, there is an intimation of freedom in the higher animals. On the Catholic view, the point of man's freedom is not to find the already written role he must play in the drama of salvation. If the end of human activity is given, the articulation of that end and the means of realizing it must be fashioned by the human agent. There is a common Christian vocation, but the Calendar of the Saints indicates the all but infinite variety of ways it can be realized.

Man's end is to love God and thus the fulfillment of his freedom is to be liberated from that which impedes this love, to be freed from sin. This is the liberty of grace. Freedom from all obstacles to the attainment of our end is freedom from need and suffering. These degrees of freedom are developed by St. Bernard of Clairvaux in *On Grace and Free Will*. It is, so to speak, by descending from this vision of man that a philosophical discussion of freedom takes place within the Catholic theological tradition.

By this I mean that the impetus to develop a theory of free human agency, and the motivation for interest in available philosophical discussions is always man's true and complete end. It must never be forgotten that many of the key concepts of secular and philosophical discussions were developed by believers exemplifying the Augustinian adage *fides quaerens intellectum*.

When the Church discusses human liberty in a way

meant to be intelligible to all, believers and unbelievers, she should not be taken as finally entering the real world. The real world, man's true destiny, is the Christian vocation, salvation through Christ and eternal happiness with God. Any discussion of man that does not take man's true ultimate end into account may be true to some degree but will always be inadequate. The Church's insistence on Natural Law is precisely an insistence on a common natural basis for discussion of human action. There are truths about human agents which can be discovered independently of Revelation and which do not essentially depend for the recognition of their truth on the acceptance of Revelation. Nonetheless, from the Catholic point of view, such discussions must seem exiguous. Moreover, apart from the sustaining context of religious belief, such natural truths fall all too quickly into oblivion.

For all that, there is the common natural discussion and the papers which follow move within that ambience. These introductory remarks are meant to give the Catholic context of such discussions which are of profound importance and must be carried on in terms proper to them. Natural truths can never conflict with Revelation, which is why the Church, because, not despite, Her supernatural vision, insists on common natural moral truths.

The judgment that the Church has profoundly changed her doctrine on liberty and political freedom invites a first and obvious remark, namely, that Church teaching, taken broadly, consists both of abiding truths and contingent applications of them to different historical circumstances. The great historical event of modern times affecting both Church teaching and the attitude of individual Catholics is the French Revolution. Raised in a country that is itself the fruit of revolution, we Americans are likely to have a positive, even a Hollywood, conception of the French Revolution. But positive assessments of it also come from such stalwarts as Hilaire Belloc. Nonetheless, there was a strong strain of intellectual resistance to and theoretical condemnation of the French Revolution by individual Catholics. The names of Chateaubriand, de Maistre, de Bonald and Donoso Cortes come to mind. What others saw as excesses, these men saw as essential to the Revolution. The emergence of the modern secular state, which we instinctively regard as an unequivocal good, was seen as an attack on religion and on man's supernatural vocation.

But it was not merely individual Catholics who condemned the underlying political philosophy of the French

Revolution. Its errors came to be gathered under the title of Liberalism and liberalism was condemned in various official Church documents, including Leo XIII's 1888 encyclical already mentioned. In French intellectual history, the famous condemnation of L'Action Francaise, seemed to mark a radical change in universal Church teaching.

Jacques Maritain, once more or less associated with Action Francaise, became an expositor and apologist of the condemnation. For such theologians as the Jesuit Cardinal Louis Billot, the condemnation was a bitter blow. The chapter in his *De Ecclesia Christi*, (Rome, 1929), entitled "De Errore Liberalismi et Variis eius Formis: On the Error of Liberalism and its Various Forms," sounds startling to Catholic ears only slightly more than half a century later. Surely the tone of that theologian is utterly different from that of the Council Fathers in the early 1960's. Maritain, in his *Carnet de Notes*, recounts a visit made by the Dominican Garrigou-Lagrange to Billot that gives something of the flavor of this feisty man. Billot resigned as cardinal over the condemnation.

Maritain provides a good example of the opposed tendency that was to be expressed in the Declaration of Religious Freedom. The publication of *Integral Humanism* opened Maritain to the attack of those who thought like Cardinal Billot and Maritain's Personalism was said to incorporate many flaws of the modern theory. In 1943 a controversy raged over Maritain's Personalism and its effect on the doctrine of the common good. Maritain wrote *The Person and the Common Good* in order to clarify his position and, implicitly, to answer his critics. That is a long story, still awaiting its historian, but it connects with one of Maritain's fundamental efforts: to put together the traditional doctrine of Natural Law and the modern theory of Human Rights.

Earlier efforts culminated in *Man and the State*, the Walgreen Lectures delivered at the University of Chicago. The Declarations on the Rights of Man made in 1789 and 1793 are ringing generalizations that were very quickly to justify the Terror, an historical fact that should give one theoretical pause. In 1948 came the International Declaration of the Rights of Man and it is precisely this document Maritain confronts in his lectures. The way he states the problem is of profound importance. The rights to life, liberty and personal security seem beyond discussion, but of course they require a view of the human person and of society to sustain them. It is just because there is no single societal arrangement to confer such rights that Alasdair MacIntyre, in *After Virtue*, denies

that there are any human rights in the sense desired. Maritain, while drawing attention to the various and conflicting views of man and society held by those who subscribed to the Declaration, attempted to show that (a) the true basis for them is Natural Law and (b) that the acceptance of the Declaration despite radically different ways of explaining it, suggested an implicit recognition of its true basis. More recently, John Finnis, in *Natural Law and Natural Rights*, has confronted the same issues. Their work enables us to state the difficulty attending the claim that the Church has belatedly accepted the modern view of political freedom and human rights. If the Church speaks of human rights in verbally the same way as others, we must not take this to be an acceptance of the theoretical bases others use for such rights.

Guy De Broglie, S.J., in a little book published in 1964, *Le Droit Naturel a la Liberte Religieuse*, wisely discusses some of the issues in the then still pending conciliar declaration. His chief concern is to reconcile Liberal and Anti-Liberal Catholics by arguing that the acceptance of the Declaration in no wise entails the false divinizing of Liberty that the Church has condemned. Catholics who espouse liberalism favor the conclusions that follow from it, not its principles, which are antithetical to Catholicism. De Broglie does not think much of the coherence of the antagonistic theory and is arguing that the conclusions can be reached from traditional Catholic principles. In this way he hopes reconciliation between liberal and anti-liberal Catholics will come easily.

However forlorn that hope, it can be said that De Broglie captures the essence of the Vatican II declaration. Rights familiar to many as flowing from principles antithetical to Catholicism are shown to follow from Catholic principles and are proposed to the faithful on that basis. It can thus be seen why many thought that Declaration represented a departure from past Catholic teaching and why they are right to some degree but wrong fundamentally. Just as Maritain can accept the 1948 Declaration only because he can produce a natural law justification of the rights claimed, so the Council Fathers could speak of liberty in terms familiar to non-Catholics only because they were able to ground their talk of liberty in the traditional teaching of the Church.

Such efforts invite misunderstanding from friend and foe alike. Talk of human rights is of relatively recent origin and developed in intellectual environments hostile to religious belief. The enshrinement of liberty was meant to be an act of defiance and we see all about us, as well as in the articles and

some of the commentary that follow, the problems arising from this. What cannot be accepted is that modern talk of liberty and rights arose out of a view of the carrier of those rights which is both incompatible with Catholicism and wobbly on exclusively natural and philosophical grounds. The bearer of human rights is an atom without a nature. His freedom does not flow from what he is and what he is for. It becomes a claim against other contrary free projects. The theory does not protect us from the interpretation that there is no right use of liberty, no uses which are systematically excluded. All substantive claims about what man is and what he ought to do are taken to be subjective, mere opinions, such that to act on them in a way that affects others is unjust. Whether the view of society arising out of the groupings of such atoms can be merely formal and still justify the merely formal or procedural concept of liberty, is a philosophical difficulty that cannot be avoided. Meanwhile, our laws and judicial decisions make mincemeat out of the residual substantive beliefs that were essential to the founding of this country.

Consider only the topic of the Vatican II declaration. The history of interpretation of the relation of Church and State has moved *from* non-establishment on a federal level to judicial hostility to religion. Religious beliefs and practices are increasingly viewed as inimical to the secular state and are actively opposed. Religious liberty has come to mean freedom from religion with the state become the instrument of the agnostic. That this is implemented by judges who hold religious beliefs suggests the danger for believers of accepting both the conclusions and the principles of their enemies. A faith that finds its foundation in symbols and parables would do well to be more wary of the modern tendency to flourish abstract terms. The rhetoric of liberty should not jeopardize the long theological tradition that developed a teaching on free and responsible human agency that still speaks to us today.

I will leave to our discriminating readers the task of further evaluating the principal papers. I have said enough to suggest that both Professor Terrell's search for a libertarian "focal meaning" and Professor Butler's procedural mechanism for giving content to human freedom are freed of the moorings of the Catholic tradition. Only Professor Kmiec makes an overt attempt to reference Catholic thought and he finds only scant evidence in the principal papers that liberty is being defined in something approximating scholastic terms—that is, through an application of human reason to

form and direct human action. As a nonlawyer, however, I am not prepared to weigh the relative legal merits of much presented here. I would conclude only by noting that Graham Greene once followed a speaker at a writers' congress who had gone on and on in the modern manner. Greene began his own remarks with a wry comment worth remembering. Whenever I hear people becoming eloquent on the brotherhood of man, the writer said, I think of Cain and Abel.

