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Fidelity in Context: John Courtney Murray (1904-1967)

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JOHN COURTNEY MURRAY, BERNARD LONERGAN AND KARL RAHNER—the three theologians whose centenaries this special number of *The Way* is celebrating—are important figures because they helped the Roman Catholic church develop, even if rather belatedly, a carefully positive relationship to modernity. All three showed that something in the Church loved something, even if not everything, in ‘the modern world’.¹

Internationally, Murray may be the least familiar of the centenaries.² He was an expert on Church-state relations and on religious liberty, and is best known for his work in producing *Dignitatis humanae*, the 1965 Declaration on Religious Freedom at Vatican II, a document which marked a turning-point in the self-understanding of Roman Catholics within pluralist and secular societies.³

Murray’s work is a model of reflective inculturation. He recognised that the democratic heritage of the United States had something to offer Catholic tradition; the flow of teaching between Rome and the local church needed to be two-way rather than one-way.

¹ Of course it was not just Jesuits who were involved in this project, and perhaps we should mention with special honour another great figure born in 1904, the Dominican, Yves Congar.

² A still helpful introduction to Murray is Donald Pelotte, *John Courtney Murray: Theologian in Conflict* (New York: Paulist, 1976).

³ Murray’s *We Hold These Truths: Catholic Reflections on the American Proposition*, with a new introduction by Walter J. Burghardt (New York: Sheed and Ward, 1988 [1960]) is readily accessible. Other writings have been edited by J. Leon Hooper in *Religious Liberty: Catholic Struggles with Pluralism, John Courtney Murray* (Louisville, Ky: Westminster/John Knox, 1993) and in *Bridging the Sacred and the Secular: Selected Writings of John Courtney Murray, S.J.* (Washington: Georgetown UP, 1994). Murray’s works are now most easily accessible through the on-line bibliography being developed by J. Leon Hooper at the Woodstock Theological Center in Georgetown University, Washington DC: http://www.georgetown.edu/centers/woodstock/library/0_murraybib.html.



Murray focused on universal truths spelt out in the Declaration of Independence and implicit in the Constitution and Bill of Rights: that all people are created equal; that all are endowed by the Creator with certain inalienable rights; that among these rights are those to life, to liberty, and to the pursuit of happiness. The appeal to such truths was, for Murray, a matter of reason, and did not invoke Christian revelation or the Bible directly. Murray's Catholic, natural-law style of moral theology, informed as it was by a neo-Thomist confidence in reason, overlapped with the Enlighten-

ment deism of Thomas Jefferson. Both Murray and Jefferson tried to ground political claims on beliefs that God existed, that human beings were created, and that to follow the natural law on the basis of reason was to participate in the eternal law of divine reason. Problematic though Murray's confidence may now seem to some, he was still asking an important question: can an appeal to universal human reason serve as a basis for universal human rights?

Murray's work was obviously shaped by his experience as a citizen of the USA. But he had broad international experience and a truly catholic breadth of vision. He had studied at the Gregorian University in Rome in the late 1930s as a young Jesuit; he had spent time in Germany while enrolled at the Gregorian; his doctoral dissertation, submitted in 1937, was on Matthias Scheeben's doctrine on faith.⁴ He

⁴ See *Matthias Scheeben on Faith: The Doctoral Dissertation of John Courtney Murray*, edited by D. Thomas Hughson (Lewiston, NY: Edwin Mellen, 1987).

continually read historical works, and throughout his career he pursued an interest in ecumenical and interreligious cooperation for the common good of society. He was well aware of the defects of US culture.

After studies at the Gregorian, Murray began teaching courses on grace and the Trinity to Jesuit seminarians at Woodstock College in Maryland, but rather soon stepped from the seminary into a more public role. In 1941 he took up the task of editing a new journal sponsored by the US Jesuits, *Theological Studies*.

Murray's research and reflection encouraged Catholic participation in the ecumenical, interreligious and pluralist civil life of the post-war United States, even when it met with some considerable opposition in Catholic circles. In the public sphere, he occasioned controversy by arguing in defence of government aid to Catholic schools. He was also noted for his advocacy of a 'public philosophy', grounded in natural law. Meanwhile, Jesuit seminarians knew Murray as a revered preacher of eight-day Ignatian retreats.

Murray might fairly be compared to Robert Bellarmine. Their views on the extent of papal power might have differed, but both were men of high public profile, service to the Church, and profound spirituality. Both, too, were regularly involved in public controversy.

Murray, Vatican II and Religious Freedom

By the time Pope John XXIII convoked the Second Vatican Council in 1959, Murray had become—despite the controversy that his positions occasioned—the foremost US Catholic theorist on religious liberty. Before the 1960 presidential election, the Kennedy campaign staff consulted him on Church-state relations in connection with Kennedy's famous Houston speech on Catholicism and the presidency.⁵ Kennedy here defused fears that a Catholic in the White House would be subject to a Pope telephoning instructions to guide presidential decisions. After the Kennedy victory, *Time* magazine featured Murray on its cover.⁶

⁵ 'Address of Senator John F. Kennedy to the Greater Houston Ministerial Association', Rice Hotel, Houston, Texas, 12 September 1960: <http://www.cs.umb.edu/jfklibrary/jf091260.htm>.

⁶ The portrait of John Courtney Murray SJ reproduced on the previous page was painted by Boris Chaliapin, and appeared on the cover of *Time* magazine on 12 December 1960, under the headline 'US Catholics and the State'. The original portrait hangs in the lobby of America House, the office of

At Vatican II, following the second session, Murray was appointed 'first scribe' for the commission charged with producing a text on religious liberty. Though he was by no means the only author of *Dignitatis humanae*, he had an important role in shaping it. In the commission, Murray steadily argued through five drafts that religious liberty was best understood as primarily a political and legal reality owing its existence chiefly to modern consciousness and institutions. A decree on religious liberty should not appear as a Catholic initiative. The Council was approving ideas, practices and institutions that were already familiar, and accomplishing a belated *aggiornamento* that would bring the Church abreast with the modern world. Admittedly, Catholic tradition had always taught that faith was essentially free, but it had also consistently rejected, both in theory and practice, the idea of a human and civil right to religious liberty at large. This suggested a need for modesty, and even for a little chagrin. Triumphalism was out of place.

Religion and Politics as a Dualism

Murray's line of argument at the Council was of a piece with his general reluctance to deduce particular political options from Christian sources. Instead he saw the gospel as a biblical leaven working from within upon Western political self-understanding and practice. Unobtrusively, Christianity had helped prepare the modern consciousness of human dignity and also the legal institutions designed to protect that dignity. Murray was well aware of the protracted conflicts between Church authorities and political leaders from the time of Constantine onwards. When popes had asserted their prerogative in teaching and in ministry, they were asserting Christianity's emancipation from an undifferentiated sacral state which treated religion as just another sphere of existence subject to its authority. The mustard seed sown with the post-Constantinian papal defence of *libertas ecclesiae* (the freedom of the Church) became a tree of faith that sheltered civil society as a whole, and whose shade would nurture demands for individual freedom in religion.

At the same time, however, Christianity would frequently be tempted to go too far, and to seek to control society and culture. Examples are not hard to find. Augustine invoked civil authority against the Donatists; Aquinas argued for governmental action against heretics; Innocent III claimed that all temporal as well as spiritual power had passed from Jesus to Peter and thence to the popes, and on that basis he argued that popes had the right to seat and unseat emperors and kings.

Murray, by contrast, asserted that Christianity had introduced a radical duality between politics and religion:

... the essential political effect of Christianity was to destroy the classical view of society as a single homogeneous structure, within which the political power stood forth as the representative of society both in its religious and in its political aspects. Augustus was both *Summus Imperator* and *Pontifex Maximus*; the *ius divinum* was simply part of the *ius civile*; and outside the empire there was no civil society, but only barbarism. The new Christian view was based on a radical distinction between the order of the sacred and the order of the secular: 'Two there are, august Emperor, by which this world is ruled on title of original and sovereign right—the consecrated authority of the priesthood and the royal power'. In this celebrated sentence of Gelasius I, written to the Byzantine Emperor Anastasius I in 494 AD, the emphasis laid on the word 'two' bespokes the revolutionary character of the Christian dispensation.⁷

New Testament warrant for such a view could be found in Jesus' saying about rendering to Caesar the things that are Caesar's and to God the things that are God's (Mark 12:17). It had been Leo XIII's achievement to retrieve this dualism; developing its modern significance was to be Murray's task throughout his career. The pluralist democracy of the United States, with its lack of an established Church and its protection of the free exercise of religion, implicitly rested on such a dualism. By contrast, a totalitarian state was always seeking monism: in modernity, the subsumption of the Church's authority by the state or vice versa.

⁷ Murray, *We Hold These Truths: Catholic Reflections on the American Proposition*, 202.

Within such a twofold vision, freedom cut both ways. The state guaranteed the exercise of religion; equally, medieval kings could claim independence from ecclesiastical jurisdiction in the sphere of political judgment and action. Murray came increasingly to follow the teaching of Thomas Aquinas and John of Paris that the political structures in any society are temporal, and can be assessed in terms of the natural law. He came to disagree with Robert Bellarmine's proposal that in religious emergencies a pope could temporarily or indirectly exercise authority over a political area for a good spiritual end.⁸ If apostolic jurisdiction is exerted only on the spiritual level, this purity greatly enhances the preaching of the gospel. Conversely, it is inappropriate for the state or the government to repress heresy by civil means, even if a pope or a bishop demands such measures for the sake of society's spiritual welfare. Political authority has no mandate from the Creator to define or decide questions of religious belief and practice, or of ecclesiastical order. Its role—an important but limited one—is to provide for public safety, order and morality.

The Richness of the Anglo-Saxon Legacy

Though Murray asserted the relative autonomy of human reason, he was at one with the papacy's consistent refusal to assign supremacy to *individual* reason, especially when this was extended in the form of a nation-state's supreme authority in all zones of social existence ('totalitarianism'). But the continental state absolutism, which Leo

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constitutionalism**

XIII knew from the aftermath of the French Revolution, was not the only model on the Western scene. There was also the Anglo-American tradition of constitutional government, which Murray considered to have been unknown to Leo XIII. There had been a medieval wisdom that recognised the dependence of political authority on the consent of the governed. This wisdom had been lost in the Catholic nations of Latin Europe, but it had been preserved in England, where the *Magna carta* of 1215 had been the first of a long series of curtailments of monarchical power. From there, this tradition had passed to the United States.

⁸ See Murray, 'St Robert Bellarmine on the Indirect Power', *Theological Studies*, 9 (1948), 491-535.

For Murray, therefore, the Bill of Rights was not a piece of eighteenth-century rationalist theory, but rather the product of a Christian history carrying the idea of a natural law. Latin Europe's concept of an absolute monarch ruling by divine right was, for Murray, a bad idea with demonstrably negative consequences. Governance under a constitution regulated the exercise of power by the rule of known public law. It protected Pope Gelasius' concern for Christian freedom in a way that was quite impossible if a king could say, '*l'état, c'est moi*'.

Fostering Political Culture

Murray's vision required a vigorous public consensus in support of the principles enshrined in a constitution. He was therefore preoccupied, to a quite striking extent, with what today would be called political culture and civil society. The state and the government exist for the good of society and of the people, not the other way around, even if states and governments often develop a momentum of their own that opposes this principle. The external and juridical structures of democracy may be necessary for collective well-being, but they are not sufficient to ensure it. The key to a democratic society's health lies not simply in the proper functioning of political institutions, but in the vigour and sanity of its social life. General education and culture are as significant as civil structures. In their attempts to support democracies around the world, Western powers may look too much to elections, written laws, and willingness to compromise, while neglecting the essential roles of education, political culture, and formation in human dignity. The founding of the United States emerged from an informal civil and Christian culture, not from a preconceived, doctrinaire plan. Democracy can flourish in a society only if there are cultural resources supportive of self-government.

Conciliar Debates

In Murray's vision, therefore, religious freedom depends on a recognition that the state's authority is limited and does not extend to religion. But this was not the only theology of religious freedom to have influenced the final decree of Vatican II. Other thinkers on the relevant commission focused on individual human rights. In this view the human and civil right to religious liberty revolves around the freedom of individual conscience, or—in more Catholic language—the

dignity of the human person in so far as it avoids arbitrary personal preference and follows its innate obligation to the truth. During the final stages of the Declaration's preparation, Murray fell ill and was hospitalised; consequently, the final text of the Declaration gave greater prominence to this alternative approach than it might otherwise have done. Murray saluted its publication with two cheers, not three.⁹

Murray was not, of course, against freedom of conscience and the dignity of the person. Moreover, he was well aware that Christianity provided a deeper, Christocentric and communal vision of these secular values, one that the Council had rehabilitated as regards life within the Church. Whereas Thomas Jefferson had rewritten the Bible in such a way as to marginalise any claim that Jesus was divine, Murray was a Christian humanist who understood all reality in reference to the incarnate Word, to grace and to the Church. *Dignitatis humanae* was part of Roman Catholicism's recovery of a sense of Christian freedom after several generations of reaction against the Reformation and the Enlightenment.

For Murray it was a mistake, however, to attempt to ground religious freedom by such means. Appeals to Christian humanism were likely to be problematic in a pluralist society. More importantly, religious freedom emerged from an acknowledgment that the state's power was intrinsically limited. Admittedly it was in one respect fortunate that Murray's influence on the final Vatican II text was restrained, for the document as it stands overlaps more clearly with Protestant understandings of religious freedom and so better serves the ecumenical goal of the Council. But Murray's own approach remains important. It testifies to a vision of personal liberty as both participating in the social and political dimensions of life and transcending them. By contrast, an approach to religious freedom centred on the individual's dignity will always tend towards making the social and political appear as an extrinsic appendage.

⁹ For some post-conciliar reflection by Murray on the Declaration, see 'The Issue of Church and State at Vatican Council II', in *Religious Liberty*, 199-227, and 'The Declaration on Religious Freedom', in *Bridging the Sacred and the Secular*, 187-199.

Murray's Conflicts

The importance of the differences between the theologies of religious liberty inside the drafting commission at Vatican II can probably be overstated. True, all Murray's previous research and reflection came into play; the stakes were high; the differences were real; the arguments were sharp. But the commission's work was nevertheless, for all its strenuousness, collaborative. The conflict was subordinate to a common purpose.

The crucial conflict on religious liberty at Vatican II occurred not so much between the specialists as on the floor. Ultimately, the question was whether Catholic tradition was to be understood in a classicist way, or rather in terms of historical consciousness. Those bishops who opposed the project of a conciliar affirmation of religious liberty saw it as contradicting Catholic tradition, especially Leo XIII. In response Murray composed 'The Problem of Religious Freedom', which became available to the assembled bishops after the third session of the Council, which ended in November 1964.¹⁰ Murray distinguished between Leonine doctrine and Leonine polemic. The Council had the challenging option either of developing the doctrine or of staying with the polemic. The bishops' ultimate decision to affirm religious liberty was for Murray the signal instance of doctrinal development at Vatican II.

Vatican II's Declaration and doctrinal development

Just as trying for Murray were conflicts that had occurred before the Council. Both before and during the Council, the controversies arose from Murray's attempt to articulate the originality of US Catholicism, an originality that neither US Protestants nor European Catholics could easily understand.

The First Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

Protestants in the late 1940s and 1950s were genuinely doubtful about Catholic commitment to this principle enshrined in the First

¹⁰ The text is available in *Religious Liberty*, and on <http://www.georgetown.edu/centers/woodstock/murray/rel-liberty/rl-chap2a.htm>.

Amendment to the US Constitution. There was no doubt about Catholics' practice in this regard. But was that practice principled? People in the US could read Leo XIII's fulminations against religious liberty and Church-state separation, written in almost complete ignorance of Anglo-American constitutionalism; they could remember Vatican policy in making Church-state concordats; they could see how Franco's Spain was regarded by some in the Vatican as exemplifying the ideal form of Church-state relations. Were US Catholics merely missionaries for these European patterns? Was their conformity to US political culture merely a provisional expediency, an adjustment to national facts that they wished were otherwise and that they might seek to change if they became numerous enough? Would they prefer Catholicism to be established as a state religion? These questions were impertinent when addressed to families whose children had perished in military service under an oath to uphold the US Constitution. Nevertheless, they needed principled, theoretical answers.

Murray's extensive writing on Church-state matters was a prolonged demonstration that the Church's reactionary stances were conditioned by particular historical circumstances, and were not intrinsically Catholic. On the contrary, there were deep coherences between Catholicism and the US American experiment. Rome's condemnation of 'democracy' referred primarily to forms of government that had sprung up in the French Revolution and in its aftermath. Anglo-American constitutionalism was different.¹¹

In 1960, Murray published *We Hold These Truths: Catholic Reflections on the American Proposition*. This was his culminating statement of how and why Roman Catholics could participate with full integrity in US civil life. At its basis was a theory of Church-state relations summed up in four principles:

- 1) the irreducible difference between Church and state as to their origins, activities and purposes;
- 2) the primacy in human life of the Church, of faith, and of the spiritual over the merely political—a primacy expressed not so much through jurisdiction or control as through the

¹¹ See *John Courtney Murray and the American Civil Conversation*, edited by Robert P. Hunt and Kenneth L. Grasso (Grand Rapids, Mi: Eerdmans, 1992).

witness of Christians, especially the laity, formed in the gospel's vision and values;

- 3) the integrity of the political order and its independence from ecclesiastical jurisdiction—the state's competence is to protect its citizens' religious liberty, and in performing that function (*cura religionis*) and no other, it serves the higher end which is Christianity;
- 4) the existence of some manner of harmony between Church and state, given that people have to belong to both simultaneously.

Much of Murray's work was concerned with the third principle. For Murray there was a valid modern differentiation between the sacred and the secular, one that was true both to the general Catholic tradition on Church and state, and to the particular development of that tradition undertaken by Leo XIII.

The election of John F. Kennedy in 1960 seemed to settle in practice what Murray had demonstrated in theory. The outcome of the voting showed that there was no reason why a Catholic citizen could not be elected President; Kennedy's exercise of the office showed that a Catholic President was not subject to the authority of the Pope as temporal ruler as if US Catholics were subjects in the former Papal States. On the Church's side, the Council's 1965 Decree on Ecumenism marked further progress, and seemed finally to mark the end of antagonism between Protestant and Catholic Christianity.

In 2004, the situation has changed. The campaign of John Kerry has brought to the surface deep conflicts *within* the Catholic body, as well as in other Christian Churches. Murray's wisdom might usefully be retrieved as a resource for resolving these conflicts too.

Silencing

Murray's work led him also into difficulties with Catholic authority. The kind of vision Murray put forward clashed sharply with that of figures such as Alfredo Cardinal Ottaviani, pro-Prefect of the Holy Office, and indeed, in the US, the Catholic University theologian

Joseph Fenton, editor of the *American Ecclesiastical Review*.¹² In 1955, Murray was forbidden by his superiors in Rome to publish an important article, and ordered to stop writing on the Church-state problem.¹³ It was only with the election of John XXIII in 1958 that the situation was relaxed.

In the end, Murray's views carried the day, and the conflicts with Ottaviani were at some level resolved. He became—though only at the second session—a *peritus* at Vatican II; he had a significant hand in drafting the Declaration on Religious Freedom; he received a special blessing from Paul VI. Moreover, Murray was at one with Leo XIII, with the mainstream of Catholic social teaching, and with Vatican II in developing a political theology on the basis of Aquinas rather than on Augustine. For the tradition represented by Murray, the state is part of created human nature, and therefore derives ultimately from the Creator. By contrast, Augustine's 'earthly city derives from our *turning away* from love and its source (God) towards wilfulness'.¹⁴

Dialogue and the Citizen

In a monarchy or non-democratic state, relations between Church and state occur when the legitimate authorities of the two 'perfect societies' meet and conduct business together: popes and emperors; popes and kings; bishops and princes; clergy and magistrates. Leo XIII taught that these relationships were not ends in themselves, or mere expressions of the dignity of office; instead, they existed for the sake of the people as a whole. The citizen or subject who was both under state and Church authority, the *civis idem et christianus*, had duties to fulfill in both societies. If Church and state authorities were at odds, and commanded opposed acts, consciences would be divided, in a way that seemed to undermine the peaceful conscience commended in the New Testament.

¹² Thus Fenton published Ottaviani's 'Church and State: Some Present Problems in the Light of the Teaching of Pope Pius XII', *American Ecclesiastical Review*, 127 (January-June 1953), 321-334.

¹³ The article in question was called 'Leo XIII and Pius XII: Government and the Order of Religion'. It was published posthumously in *Religious Liberty*, 49-125. An electronic version can be found at <http://www.georgetown.edu/centers/woodstock/library/1955c.htm>. For an account of Murray's difficulties in the 1950s, see Pelotte, *John Courtney Murray*, 27-73.

¹⁴ Jean Bethke Elshtain, 'Augustine', in *The Blackwell Companion to Political Theology*, edited by Peter Scott and William T. Cavanaugh (Oxford: Blackwell, 2004), 35-47, here 42.

Pius XII took this line of thought a step further by identifying the person as the source, agent and end of all societal processes. Implicitly, then, Church-state relations were more than a set of accords made on high and imposed 'from above'. Rather, Church-state relations passed through the people; ordinary people were their agents. Murray expressed the point by stating that,

... what the Church immediately confronts is not the temporal power in the sense of 'the government' or the state in the sense of the constitutional and legal order of society, but rather the citizen¹⁵

The citizen is the state's representative in its dealings with the Church; the believer is the Church's representative in its dealings with the state. Church and state meet in the individual who is both baptized believer and public citizen. Conscience becomes the meeting-hall, with believer and citizen in continual, usually quiet, session.

It follows that ecclesiastical authority cannot legitimately intervene in a Catholic citizen's conscience by imposing a command to perform or act on a particular political judgment. Prudential judgment, rather, is an inalienable function of the believer's own conscience, formed but not determined by Catholic faith and morality. Of course Church authority has the right to preach and teach the gospel in such a way as to bring out its implications for public life and for the political order of society, and therefore to imply judgments on the morality or otherwise of specific public policies. But it may not seek to replace or determine juridically the prudential judgment which the individual believer inevitably has to make. Ecclesiastical authority does not extend to the properly political judgments of the informed citizen. If it tries to do so, it violates the hard-won differentiation between the temporal and the spiritual, and undermines the Church's spiritual mission. Conversely, the state has no right to command citizens to perform religious acts, such as attendance at worship, or the recitation of prayers.

Murray's idea, following Leo XIII, that Church-state relations should ideally be harmonious so that individual consciences can be

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believer's own
conscience**

¹⁵ 'Contemporary Orientations of Catholic Thought on Church and State in the Light of History', *Theological Studies*, 10 (1949), 177-234, here 223.

untroubled does not mean peace at any price. Nor does it imply that believers are to treat their faith and their political views as on a par. Faith and discipleship remain all-encompassing principles of interpretation, not to be subordinated to political convictions. But one cannot make a simple jump from Christian faith to prudential decisions on specific laws or policies. There has to be deliberation, analysis, discussion, reading, and reflection precisely on the political level. The use of biblical and doctrinal texts as slogans represents not a fidelity to Christianity but an irresponsible fideism.

Durable and influential Church-state relationships occur in human consciences, not in legislatures or Vatican halls. For Murray, conscience was to be protected, not because freedom was an end in itself, but because conscience was the area in which the gospel and political life could meet and interact. Church authorities were simply to teach, and to help believers form their consciences in the light of Catholic faith and morality. For their part, believers had a

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corresponding duty to learn about what their faith might imply for the temporal order of society, including its morality. Prelates, however, were not to seek to influence legislatures over the heads of believer-citizens, or to steer democratic processes. Such attempts would violate an important boundary between Church and state. It would follow—though Murray never explicitly stated this conclusion—that no Church authority could ever command believers to vote one way or another, to take this or that political action. The moral and legal orders are distinct. How one moves from the former to the latter depends greatly on the historical, cultural and social context and conditions. Moreover social peace is in itself a significant value, one that can legitimately restrain a faith community from seeking to have the law enshrine its distinctive moral vision.

Nearly forty years after Murray's death, some of the tensions he lived with continue. He is a character in a plot that is as yet without a climax, resolution or denouement, part of the larger historical drama arising from the tensions between Catholicism and US political life. No longer are his positions taken for granted.¹⁶

¹⁶ See Michael J. Baxter, 'John Courtney Murray', in *The Blackwell Companion to Political Theology*, 150-164.

There are some who are concerned by what they see as an increasing secularisation in US political culture, and who have criticized Murray's vision of Catholicism and US democracy as compatible. There is a serious issue here; clearly, not all of the many different cross-currents within contemporary political culture are compatible with Catholicism or indeed Christianity. But Murray's claim centred only on the basic institutions of democracy and on the consensus underlying them. The criticisms do not really undermine the traditional Catholic distinction between the moral and the legal orders. Nor should they be taken as a challenge to Pius XII's position on the high value for any society of social peace—even if Murray's critics remind us that social peace should not be understood in too static a fashion.

In the present context, Murray's most provocative contribution may indeed be his insistence that it is specific judgments of *truth* that can shape national identity and ground a consensus supporting the US constitution—not value preferences, not dominance by interest groups or by a majority, not agreed procedures alone. He was not the kind of foundationalist thinker who held that everything could be derived from first principles, but his basic theory of church, state, society and politics built on the primacy of truths in consensus.

Murray's message needs to be heard anew, particularly given the increasing religious pluralism not only of the United States, but of the West at large. His careful exploration of how the Roman Catholic tradition can flourish when Church and state are separated may have wider implications for religious traditions in general. A separation of Church and state not only protects a religious tradition from political interference; it also fosters spiritual integrity.

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