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TO THE AGE OF SOCIAL REVOLUTION: AS PAPAL REJOINDER,
"THE APOCALYPSE IS NOT NOW"

*You throw the sand against the wind . . .
Blown back they blind the mocking Eye
But still in Israel's path they shine.*¹

WILLIAM JOSEPH WAGNER*

I. INTRODUCTION

THE Church promulgated its social doctrine, over more than a century, in answer to the political, social and economic upheavals of an era, now past, that may be termed the Age of Social Revolution.² The accretion of the papal and conciliar pronouncements comprising this body of material commenced in 1891 as the advance shadow of the Russian Revolution only just loomed over Europe.³ A comprehensive summa-

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1. William Blake, *Mock on, Mock on, Voltaire, Rousseau*, in THE TOP 500 POEMS 382 (William Harmon ed., 1992).

2. Hannah Arendt asserts that "revolutions" have "determined the physiognomy of the twentieth century." She defines the "modern concept of revolution," which like Pope Benedict she asserts has "outlived" its "ideological justification" as "inextricably bound up with the notion that the course of history suddenly begins anew, that an entirely new story, a story never known or told before is about to unfold." She observes that

The social question began to play a revolutionary role only when in the modern age and not before, men began to doubt that poverty is inherent in the human condition, to doubt that the distinction between the 'few, who through circumstances or strength or fraud had succeeded in liberating themselves from the shackles of poverty, and the laboring poverty-stricken multitude was inevitable and eternal.'

HANNAH ARENDT, ON REVOLUTION 1, 15, 21 (1963). "The centennial of *Rerum novarum* coincides with the collapse of Marxism-Leninism as a world system of social, political, and economic order. We now possess ample empirical evidence of the disastrous consequences of the socialist idea when it is incarnated in totalitarian dictatorship and state communism." Leonid Kishkovsky, *An Ecumenical Afterward*, in A CENTURY OF CATHOLIC SOCIAL THOUGHT 177-78 (George Weigel & Robert Royal eds., 1991). See generally LILLIAN PARKER WALLACE, LEO XIII AND THE RISE OF SOCIALISM (1966); CHURCH AND SOCIETY: CATHOLIC SOCIAL AND POLITICAL THOUGHT AND MOVEMENTS 1789-1950 (Joseph Moody ed., 1953).

3. "Leo's main purpose was to speak out not against Marxist revolution but against the exploitation of workers carried out in the name of liberal capitalism." DONALD DORR, OPTION FOR THE POOR: A HUNDRED YEARS OF CATHOLIC SOCIAL TEACHING 13-19 (2001).

As early as 1848 (the year Marx and Engels published the *Communist Manifesto*), Ketteler declared that 'the task of religion, the task of the Catholic societies in the immediate future, has to do with social conditions.' He

tion of Catholic social doctrine became timely with the historic downfall of the Marxist Soviet Union, as of 1989.⁴ The *Compendium on the Social Doctrine of the Church* was first proposed in 1997 and was subsequently issued in 2004.⁵ In his recent encyclical *Deus caritas est*⁶ Pope Benedict XVI offers a global assessment of the errors, in attitude and in modes of reasoning, found in the revolutionary ideologies to which the Church, during this period, gave reply, but also, critically, a caution to Christians to avoid more

continued: 'The world will see that to the Catholic Church is reserved the definite solution of the social question; for the State, with all its legislative machinery, has not the power to solve it.' . . . *Rerum Novarum* was so influenced by it that Leo XIII referred to Ketteler as 'my great predecessor.'

Thomas C. Kohler, *Quadregesimo Anno*, in *A CENTURY OF CATHOLIC SOCIAL THOUGHT* 29-30 (George Weigel & Robert Royal eds., 1991). Commentators have noted that "[t]he encyclical was, in part, a response to the ideas of Marxist socialism. . . . Pope Leo XIII's encyclical address[es] socialism and its implications." Kishkovsky, *supra* note 2, at 177. Kishkovsky further noted that, "[T]otalitarian ideologies . . . threatened humanity in the twentieth century. . . [growing] in the soil of Christian civilization." Kishkovsky, *supra* note 2, at 178. Kishkovsky continued his *Ecumenical Afterward*, stating that "Karl Marx . . . created . . . [his] theor[y] at the heart of Christian Europe. The emergence of totalitarian, anti-Christian ideologies in nineteenth- and twentieth-century Europe was a profound challenge to the Christian faith." Kishkovsky, *supra* note 2, at 178.

All of these political events created a context in which the status of the Church, to say nothing of its role in society, was constantly questioned if not put in jeopardy. The situation was not the best for the Church to initiate social reform, but such reform movements nonetheless made their appearance.

Thomas A. Shannon, *Commentary on Rerum novarum (The Condition of Labor)*, in *MODERN CATHOLIC SOCIAL TEACHING* (Kenneth R. Himes, O.F.M. & Lisa Sowle Cahill eds., 2005).

4. "The year 1989 led to dramatic revolutions in the political and intellectual landscape of Europe that no one could have predicted even a short time before." JOSEPH CARDINAL RATZINGER, *A TURNING POINT FOR EUROPE* 81 (Brian McNeil trans., Ignatius Press 1994) [hereinafter RATZINGER, *A TURNING POINT*].

The historical upheaval of 1989 also brought about a change of topic in theology. Liberation theology, understood in political terms, had given a new, political shape to questions about redemption and the world's hope In doing so, however, it had presented politics with a task it could not fulfill.

JOSEPH CARDINAL RATZINGER, *MANY RELIGIONS—ONE COVENANT: ISRAEL, THE CHURCH AND THE WORLD* 17 (Graham Harrison trans., Ignatius Press 1999).

5. The suggestion for the compendium first arose at the Synod of American bishops held in Rome in 1997. See Synod of Bishops, Special Assembly for America, *Encounter with the Living Jesus Christ: The Way to Conversion, Communion and Solidarity in America, Instrumentum Laboris, Vatican City* (The General Secretariat of the Synod of Bishops & Libreria Editrice Vaticana 1997), available at http://www.vatican.va/roman_curia/synod/documents/rc_synod_doc_01091997_usa-instrlabor_en.html. The suggestion was incorporated in the pontifical response of John Paul II in his *Ecclesia in America*. JOHN PAUL II, *POST-SYNODAL APOSTOLIC EXHORTATION Ecclesia in America* ¶ 54 (1999). The Compendium on the Social Doctrine of the Church was published by the Pontifical Council for Justice and Peace in 2004.

6. BENEDICT XVI, *ENCYCLICAL LETTER DEUS CARITAS EST* (2006), available at http://www.vatican.va/holy_father/benedict_xvi/encyclicals/documents/hf_ben-xvi_enc_20051225_deus-caritas-est_en.html [hereinafter *DEUS CARITAS EST*].

subtle, but still parallel errors of their own, as they receive and apply the *Compendium*. Ultimately forward-looking, the encyclical draws on its insights into the meaning of the past, to prescribe a framework to guide, inspire and direct the Church on issues of Church and State, as our present chapter of history unfolds, the world stage now swept clear of the broken statues of Lenin and Marx.

In the recent pages of this law review, an article by Cardinal Avery Dulles, S.J. places the teaching of Pope Benedict XVI on Church and politics within the longer development of relevant Catholic doctrine.⁷ Cardinal Dulles establishes that the Pope regards the formal conceptual dualism in the political theory advanced by the great Catholic theologians of the high middle ages as marking, in effect, even today, the Catholic tradition's fundamental orientation on politics.⁸ Cardinal Dulles references the thirteenth century framework of Thomas Aquinas and John of Paris, assigning the State, its temporal, and the Church, its spiritual authority, in a distinctive interlocking pattern of dual jurisdiction over human affairs.⁹ Cardinal Dulles ultimately concludes that the current pontiff sets out his thinking in the recent encyclical on the relation of Church to politics, as a "course correction," not just in relation to Marxism, but, as well, in response to certain late twentieth century trends in Catholic thought on politics, he finds to be outside the authentic trajectory of Catholic doctrine.¹⁰

Of actual indifference to Cardinal Dulles's purposes in his excellent article, an anomaly, nonetheless, appears in Pope Benedict's own account when Cardinal Dulles aligns it with his standard of continuity in the development of the Church's doctrine on politics. Cardinal Dulles, as mentioned, accords normative standing to a position of Thomas Aquinas's. Yet, a closer reading of Pope Benedict's theological and philosophical underpinnings in his encyclical indicates an unmistakable preference on the Pope's part for Augustine, over Aquinas.

The Church has but one doctrine, but it has, as we know, provided harbor to a rich diversity of ideas over the centuries, with characteristic multi-sided hospitality, in particular, to a variety of channels of thought, associated with, among others, the separable discourses of the Benedictine, Dominican, Franciscan and Jesuit Orders.¹¹ The Catholic tradition,

7. See generally Cardinal Avery Dulles, S.J., *The Indirect Mission of the Church to Politics*, 52 VILL. L. REV. 241 (2007) [hereinafter Dulles].

8. Cardinal Dulles observes that "Thomas Aquinas and his disciple John of Paris adopted a mediating position, teaching that natural law gives a measure of autonomy to each of the two powers." *Id.* at 242. In context, one infers that their position sets the standard of the Church's commitment to Church-State dualism, avoiding impermissible extremes in elevating the Church or State above the other.

9. See *id.*

10. *Id.* at 241-52.

11. One commentator wrote that "the Catholic Church also has a rich and continually developing history of different religious orders, devotional styles, ministries and apostolates." JOSEPH A. VARACALLI, *THE CATHOLIC EXPERIENCE IN AMERICA* 131 (2006). The commentator further explained that "[g]iven the fact

as many have observed, maintains its unity in the face of this multiplicity by balancing a liberal respect for plural charisms and intellectual temperaments, all at once native to its larger tradition—a tradition which, in its own way, is free-flowing and commodious—with a characteristic jealous attention to universal agreement on those points of doctrine it discovers to be essential to its basic identity and its common life.¹²

In matters relating to politics, the Church famously has given quarter, at once, to the temperamentally opposing schools of Thomism and Augustinianism, and, within limits, of Franciscan voluntarism and Dominican intellectualism.¹³ In the case at hand, a concept from Thomas aptly is used by Cardinal Dulles formally to map the contours of orthodox doctrinal development, but the Pope himself is still free to adopt a position based on another important strand of the tradition. Accepting, as givens, the boundaries of orthodox development in doctrine that Cardinal Dulles charts usefully and well, and also the assumption that the Pope, as Cardinal Dulles hardly surprisingly affirms, teaches within these, we are led to ask what difference, the distinctive philosophical and theological inspiration animating Pope Benedict's particular approach to the relation of Church and politics, might make.

Cardinal Dulles's doctrinal analysis suggests a productive secondary line of speculative reflection into the significance of the distinctive theological and philosophical underpinnings of the Pope's approach to Church, politics and State. This present article is devoted to pursuing that line of inquiry. It seeks to account for the pedigree, more specifically, of Pope Benedict's vision of Church-State relations, at once within the Augustinian school of thought, and within the larger family of platonic and idealist modes of political thought to which Augustine, more generally,

that the Catholic Church understands itself as [an] institution that has successfully 'spanned the ages,' it should come as no surprise that it has accumulated a multiplicity of ways of expressing devotion to God." *Id.* at 134.

[T]he Church Universal . . . is blessed with a multitude of religious orders. . . . Religious orders are shaped by the specific charismatic gift given by God to its founder. The founders, in turn, are to some degree, influenced by the social and historical milieu that they found themselves immersed in and discovering the needs to be addressed. . . . In Catholicism, there is also a legitimate variety of ways by which one can serve God and through God both Church and society.

Id. at 132-37.

12. See generally KARL ADAM, *THE SPIRIT OF CATHOLICISM* (Justin McCann trans., 1935).

13. See Gustav Spiller, *Volunteerism and Intellectualism: A Reconciliation*, in *THE JOURNAL OF PHILOSOPHY, PSYCHOLOGY AND SCIENTIFIC METHODS* 500-01 (J.A. Leighton ed., 1904); see also *History of Theology*, in 7 *CATHOLIC UNIVERSITY OF AMERICA, THE NEW CATHOLIC ENCYCLOPEDIA* 26-31 (1967). Pope Benedict in his address at Regensburg on September 12, 2006, *Faith, Reason, and the University: Memories and Reflections*, contrasts unfavorably the voluntarism of Duns Scotus with the intellectualism of Augustine and Thomas. BENEDICT XVI, *ADDRESS AT REGENSBURG: FAITH, REASON, AND THE UNIVERSITY: MEMORIES AND REFLECTIONS* (Sept. 12, 2006) [hereinafter *ADDRESS AT REGENSBURG*].

belongs. It aims, as well, to identify and explain what is original in Pope Benedict's mode of applying, under exigent contemporary conditions, elements he incorporates from these traditions.

This article concludes ultimately that, as he revivifies political Augustinianism, the Holy Father makes two original contributions. He draws on ideas foreign to Augustine, but familiar, respectively, within ancient and modern idealist political philosophy, to secure a basis for endorsing the agenda of the Activist State Augustine would have been compelled to reject. He adopts, as well, the modern construct of Constitutionalism, also unknown to Augustine, to fashion what, ultimately, is not so much a political or moral philosophy, but a philosophy of law devised to animate a particular vision of Church-State relations. In its concluding section, the article calls attention both to the distinctive value of the Pope's position, but also seeks to suggest that—in the high-stakes game of the Church's dialogue with a post-Christian culture—there may be wisdom, even as one proceeds to implement Pope Benedict's program, in cultivating mindfulness of the diversified options in moral and political philosophy and in theologies of Church, ever alive in the larger Catholic tradition.

In a first section, this article, thus, sketches the outlines of the Augustinianism and Idealist political philosophy, both Ancient and Modern, influencing Pope Benedict's political philosophy. In a second section, it sets out Pope Benedict's political philosophy. In a third, it adumbrates Pope Benedict's theology of Church. In a fourth, it sets forth Pope Benedict's vision of legal ordering of Church-State relations, and, in its concluding fifth section, it comments on the nature and limits of Pope Benedict's distinctive contribution.

II. UNDERSTANDING AUGUSTINIANISM AND IDEALIST POLITICAL PHILOSOPHY AS INFLUENCES ON POPE BENEDICT'S POLITICAL THOUGHT

While the concept of separate and concurrent jurisdictions of Church and State, as Thomas Aquinas articulates it, can be taken as the touchstone of the authentic trajectory over time of Catholic doctrine on politics,¹⁴ the Pope does not primarily draw from the intellectualist and Aristotelian strand of the Catholic tradition associated with Aquinas in building his own position. He opts instead, to rely, in fact brilliantly and systematically, on the great alternative recognized within the Catholic tradition to the Thomist-Aristotelean synthesis: the Augustinianism that arises decisively from Plato.¹⁵ He integrates Augustinian postulates within his own posi-

14. See Dulles, *supra* note 7, at 243.

15. "Although Augustine founded no school or system, properly speaking, even before his death the influence of his thought had won him a position of eminence and authority that remained unique and unchallenged for more than 800 years." *Augustinianism*, in 1 CATHOLIC UNIVERSITY OF AMERICA, THE NEW CATHOLIC ENCYCLOPEDIA 1064 (1967). The entry continues that this lasted throughout the thirteenth century, until "a new Augustinian synthesis began to emerge containing, besides its theological components, philosophical notions taken from St.

tion, moreover, in a manner deriving, more specifically, from a certain return to Plato and resort, as well, to Plato's latter-day progeny and Augustine's cousin several-times removed, philosopher of German idealism, Immanuel Kant.¹⁶

While the theological cast of his political thought most closely resembles Augustine's, Pope Benedict, in fact, resolves certain problems created by Augustine by reviving a postulate of Platonism Augustine abandons, and by borrowing elements, not envisioned by either Augustine or Plato, from Kant. Knowledge of the political concepts supplied by idealism, in both its classical platonic and modern nineteenth century forms, thus, assists, in arriving at a precise statement of the powerful but ultimately nuanced role of Augustinianism for Pope Benedict. As we will see, Pope Benedict traces the errors of the Age of Social Revolution to a false turn within the larger tradition of modern German idealism. An awareness of the ways in which Pope Benedict simultaneously relies on this tradition, therefore, permits a more pinpoint identification of precisely where Pope Benedict, while remaining in sync with modernity, actually parts ways with it.

As background to considering the political philosophy of Pope Benedict, the following subsections explore, then, in turn, each of the following: the relevant general outlines of St. Augustine's political philosophy; Plato as a second precursor; and Pope Benedict's dialectic of compromise with German Idealism.

A. *Pope Benedict's Principal Precursor: St. Augustine*

Pope Benedict grounds the Church-State dualism he embraces, in satisfaction of Cardinal Dulles's measure of an authentically Catholic perspective on social justice, in a vision of politics he derives from St. Augustine. For Augustine, and for Pope Benedict who follows him in this, the dualism of Church and State, occurs, not within a pattern of differentiated ascending levels of natural and uncreated being and knowing, fitting ultimately into a unitary vision, as in Aquinas, but within an interplay of human and divine freedom that assumes a division in the human will that sunders the human capacity to know and choose, itself, to yield opposing epistemologies and even ontologies. For Augustine, knowledge is dichotomized as either formed by the light of the measure of the love of God or

Augustine or at least reputed to be Augustinian in origin. This resulting doctrinal amalgam championed mainly within the Franciscan order in what has come to be known as medieval or scholastic Augustinianism." *Id.* at 1065. Augustinianism saw a seventeenth and eighteenth century revival in response to Protestantism and Jansenism. It remains a source and inspiration for many and diversified currents of thought. Augustinianism has been an influence in response to mechanistic and materialist systems as well as to rationalism and idealisms in such thinkers as "Bergson, Scheler, Lavelle Sciacca, Carlini, Kierkegaard, and Jaspers." *Id.* at 1067-68.

16. See generally DIETER HEINRICH, BETWEEN KANT AND HEGEL: LECTURES ON GERMAN IDEALISM (David S. Pacini ed., 2003).

deformed by the darkness of love of self. Each orientation gives rise to its own epistemology. The pursuit of choice under the terms of these opposing modes of knowing gives rise to opposing ontologies, of being in the universal harmony of the order of God's love and of a deprivation of being by reason of a rupture of due order brought about through selfishness.¹⁷

The Augustinian vision of politics that follows upon this foregoing preamble is readily distinguishable from that of St. Thomas cited by Cardinal Dulles as paradigm. Thomas Aquinas premises the institutional and organizational features of social life, no less than the bifurcation of spheres between Church and State, on a "dualism of nature and grace." In Thomas's two-tiered approach, the meaning of social life and the role of the State are knowable as necessary modes of participating in created being. They are intelligible through rational cognition without reference to Christian faith or revelation. In this vision, the gift of grace and revealed insight are, at one and the same time, necessary if one is to know and pursue a fuller concomitant perfection in relation to the "higher" end, now through Christ's grace accessible, of divine favor and eternal happiness.¹⁸ The overarching unity of Aquinas's scheme derives from the unity of being and knowing across ascending and analogical levels of reality. St. Thomas explicates his vision of Church-State dualism, which Cardinal Dulles cites, within this hierarchically coordinated schema of unity and difference in which the ultimate stress falls on unity.

17. And what is pride but the craving for undue exaltation? And this is undue exaltation, when the soul abandons Him to whom it ought to cleave as its end, and becomes a kind of end to itself This falling away is spontaneous; for if the will had remained steadfast in the love of that higher and changeless good by which it was illumined to intelligence and kindled into love, it would not have turned away to find satisfaction in itself, and so become frigid and benighted Consequently, that it is a nature, this is because it is made by God; but that it falls away from Him, this is because it is made out of nothing. But man did not so fall away as to become absolutely nothing; but being turned towards himself, his being became more contracted than it was when he clave to Him who supremely is For it is good to have the heart lifted up, yet not to one's self, for this is proud, but to the Lord, for this is obedient, and can be the act only of the humble But pious humility enables us to submit to what is above us; and nothing is more exalted above us than God; and therefore humility, by making us subject to God, exalts us

SAINT AUGUSTINE, *CITY OF GOD* 460 (14:13) (Rev. Marcus Dods., M.A. trans., Modern Library Edition, 1871) (1477) [hereinafter *CITY OF GOD*].

18. In every law, some precepts derive their binding force from the dictate of reason itself, because natural reason dictates that something ought to be done or to be avoided. These are called "moral" precepts: since human morals are based on reason.—[sic]At the same time there are other precepts which derive their binding force, not from the very dictate of reason (because, considered in themselves, they do not imply an obligation of something due or undue); but from some institution, divine or human: and such are certain determinations of the moral precepts

SAINT THOMAS AQUINAS, *Summa Theologica*, in *BASIC WRITINGS OF SAINT THOMAS AQUINAS* 920 (I.I. Q. 104 Art. 1) (Random House 1945) (1265-1274).

In Augustine's schema, by contrast, human moral experience takes shape separately in either of two distinct spheres. One sphere belongs to the will turned in adoration towards God, and the other to the self turned in on itself in self-love.¹⁹ Both spheres serve as venues for human choice and conduct, the first by the Elect inspired by love of God, and the second by the Unredeemed absorbed in self-love.²⁰ In contrast to Thomas, Augustine views human beings as radically tending to inhabit one sphere or the other as a matter of a fundamental inborn or acquired inclination. He assumes that most people inhabit the sphere of self-love, so that the State, concerned to facilitate temporal peace, coordinates common conduct among the whole of humanity on terms intelligible to the unredeemed masses, who are blind to moral principle, while the Church, for its part, guides the path of the minority who can truly see.²¹

Augustine's division of human moral experience into spheres oriented to opposing inclinations of the will, as well as the Church-State dichotomy that accompanies it, has room for no ultimate resolution, through unity posited by way of a higher, deeper or more inclusive state of being or mode of knowledge, as is the case in St. Thomas. Its ultimate

19. Accordingly, two cities have been formed by two loves: the earthly by the love of self, even to the contempt of God; the heavenly by the love of God, even to the contempt of self In the one, the princes and the nations it subdues are ruled by the love of ruling; in the other, the princes and the subjects serve one another in love, the latter obeying, while the former take thought for all.

SAINT AUGUSTINE, CONFESSIONS 47 (1:35) (J.G. Pilkington trans., 1876) [hereinafter CONFESSIONS].

20. But the families which do not live by faith seek their peace in the earthly advantages of this life; while the families which live by faith look for those eternal blessings which are promised, and use as pilgrims such advantages of time and of earth as do not fascinate and divert them from God, but rather aid them to endure with greater ease, and to keep down the number of those burdens of the corruptible body which weigh upon the soul. Thus the things necessary for this mortal life are used by both kinds of men and families alike, but each has its own peculiar and widely different aim in using them. The earthly city, which does not live by faith, seeks an earthly peace, and the end it proposes, in the well-ordered concord of civic obedience and rule, is the combination of men's wills to attain the things which are helpful to this life. The heavenly city, or rather the part of it which sojourns on earth and lives by faith, makes use of this peace only because it must, until this mortal condition which necessitates it shall pass away.

CITY OF GOD, *supra* note 17, at 695 (19:17).

21. But the peace which is peculiar to ourselves we enjoy now with God by faith, and shall hereafter enjoy eternally with Him by sight. But the peace which we enjoy in this life, whether common to all or peculiar to ourselves, is rather the solace of our misery than the positive enjoyment of felicity. Our very righteousness, too, though true in so far as it has respect to the true good, is yet in this life of such a kind that it consists rather in the remission of sins than in the perfecting of virtues. Witness the prayer of the whole city of God in its pilgrim state, for it cries to God by the mouth of all its members, "Forgive us our debts as we forgive our debtors."

Id. at 707-08 (19:27).

resolution occurs, for St. Augustine, rather at the end of history in God's sovereign freedom, as he judges the living and the dead. A subordinate and provisional, functional sort of unity does, however, arise in the Augustinian schema for the interim, as the good and bad alike act in common within the temporal order. This unity has its own comprehensive character.

For St. Augustine, the principle that gives shape to each separate sphere of human moral experience has, each in its own way, universal reach extending as well to encompass a dimension of the opposing sphere. For instance, the principle of interpersonal respect that gives social life its intrinsic comprehensive order within the sphere of moral experience that is oriented to justice in the true sense, that is within the Church, also serves, within society generally, as the extrinsic measure of order when the State metes out punishment to those overstepping boundaries in the use of temporal goods.

The principle of self-regard, conversely, which is the intrinsic principle of interpersonal relations within the experience of the majority governed by the State, likewise, expands to encompass the whole of human affairs by, for its part, becoming the measure, even for the Just, i.e., those in the Church, defining the scope of terms in contests to be adjudicated over temporal goods.

In a double movement, then, each of the principles defining the two separate spheres of human experience, considered metaphysically and ontologically, serves, in this intersecting fashion, to contribute, on a certain level, to a unitary understanding of the whole of society and human experience, when considered concretely and historically. This unity emerges only concretely within history. An interlocking dialectic of two opposing principles of knowing and choosing, gives rise, historically and concretely, to just one State functioning to govern all, good and bad alike.

In Augustine, the common ground making possible the organization of the State is its value to all, good and bad alike, for making secure the possession of temporal goods. The unredeemed mass of people value this security because of its meaning to their self-love. The Redeemed do so for the value such goods have in mediating intrinsic goods, or instrumentally to attaining intrinsic goods. The Redeemed discern and automatically respect the just allocation of temporal goods, without any interposing coercion. The State brings about the emergence of a comprehensive and inclusive order of societal cooperation, precisely, by giving incentives to the Unredeemed to honor the principal of mutuality, but out of selfish fear of loss under a regime of coercion. The State exists to ensure social cooperation, by bringing the Unredeemed, through its mechanisms of social coercion, into conformity with the standards of conduct the Redeemed observe out of the inner integrity of a good will.

The State maintains its order by guaranteeing security to all in their possession of temporal goods, the gain of which is desired, and the loss of

which is feared by all, even by those who are deranged from an ordered love of intrinsic goods. Whether a given framework of human social and political organization deserves to be considered a State depends, for Augustine on whether it coordinates conduct, however amoral the motivations of all or most people may be with their undue attachment to self-interest, according to the true measure of justice, as this measure appears to one who considers the intrinsic dignity of all, as this dignity appears to one who loves with the universal love of God.²²

Where the State fails to allocate benefits and burdens by the measure of true justice, the alleged State, then, brokering, as it must, interests according to the norm of self-interest and power alone inexorably descends to become nothing more, in fact, for Augustine, than a band of robbers.²³ Whether or not the polity is, in fact, oriented to the ideal of justice depends on the voluntary conversion in grace of those purporting to govern.

Where those who do so find themselves providentially to harbor the requisite good will, they are, according to Augustine, able, notwithstanding fallen circumstance, to know the minimal requisites of justice, as a matter of natural law, through the light of a wisdom available to the mind, in spite of sin, still made in the image of God.²⁴ Yet, critically, Augustine

22. Yet whatever it loves, if only it is an assemblage of reasonable beings and not of beasts, and is bound together by an agreement as to the objects of love. It is reasonably called a people; and it will be a superior people in proportion as it is bound together by higher interests, inferior in proportion as it is bound together by lower For, in general, the city of the ungodly, which did not obey the command of God that it should offer no sacrifice save to Him alone, and which, therefore, could not give to the soul its proper command over the body, nor to the reason its just authority over the vices, is void of true justice.

Id. at 706 (19:24).

23. Justice being taken away, then, what are kingdoms but great robberies? For what are robberies themselves, but little kingdoms? The band itself is made up of men; it is ruled by the authority of a prince, it is knit together by the pact of the confederacy; the booty is divided by the law agreed on. If, by the admittance of abandoned men, this evil increases to such a degree that it holds places, fixes abodes, takes possession of cities, and subdues peoples, it assumes the more plainly the name of a kingdom, because the reality is now manifestly conferred on it, not by the removal of covetousness, but by the addition of impunity.

Id. at 112 (4:4).

24. But, as man has a rational soul, he subordinates all this which he has in common with the beasts to the peace of his rational soul, that his intellect may have free play and may regulate his actions, and that he may thus enjoy the well-ordered harmony of knowledge and action which constitutes, as we have said, the peace of the rational soul. And for this purpose he must desire to be neither molested by pain, nor disturbed by desire, nor extinguished by death, that he may arrive at some useful knowledge by which he may regulate his life and manners. But, owing to the liability of the human mind to fall into mistakes, this very pursuit of knowledge may be a snare to him unless he has a divine Master, whom he may obey without misgiving, and who may at the same time give him such help as to preserve his own freedom. And because, so long as he is in this mortal body, he is a stranger to God, he walks by faith, not by sight; and he therefore refers all peace, bodily or spiritual or both, to that peace which

remains skeptical about the fuller scope even of this knowledge. In his view, the converted yield their wills to the well-ordered will of God that wills a universal harmony that is to emerge at history's end, which can be believed now, while not yet already seen by the created intellect.²⁵ Conversion brings, then, not superadded insight into already knowable truth regarding the ontology of social fulfillment, as in Thomas, but rather both less and more. It permits less in that it opens no door to common knowledge of shared ultimate ends. It permits more, in that it anchors human reasoning about justice in an in-itself-unseen higher law of God's will, formally guaranteeing the dignity and equality of all persons.²⁶

The propensity of people to sin and the cumulative effect of sins over time account for the full weight of pessimism in Augustine's moral epistemology. The civil resolution of disputes, for Augustine, is necessarily piecemeal, for example, and occurs without any certainty of progress, i.e., adjudication occurs among people who, for the most part, are themselves largely not motivated by a concern for justice in the true sense, and even what it accomplishes by way of true justice amounts to but a thimbleful against the backdrop of an ocean of the nearly infinite array of sins and crimes occurring among the governed, yet remaining outside the scope of

mortal man has with the immortal God, so that he exhibits the well-ordered obedience of faith to eternal law.

Id. at 692 (19:14).

25. Since, then, the supreme good of the city of God is perfect and eternal peace, not such as mortals pass into and out of by birth and death, but the peace of freedom from all evil, in which the immortals ever abide; who can deny that that future life is most blessed, or that, in comparison with it, this life which now we live is most wretched, be it filled with all blessings of body and soul and external things? And yet, if any man uses this life with a reference to that other which he ardently loves and confidently hopes for, he may well be called even now blessed, though not in reality so much as in hope. But the actual possession of the happiness of this life, without the hope of what is beyond, is but a false happiness and profound misery. For the true blessings of the soul are not now enjoyed; for that is no true wisdom which does not direct all its prudent observations, manly actions, virtuous self-restraint, and just arrangements, to that end in which God shall be all and all in a secure eternity and perfect peace.

Id. at 698 (19:20).

26. Peace between man and God is the well-ordered obedience of faith to eternal law. Peace between man and man is well-ordered concord. Domestic peace is the well-ordered concord between those of the family who rule and those who obey. Civil peace is a similar concord among the citizens. The peace of the celestial city is the perfectly ordered and harmonious enjoyment of God, and of one another in God. The peace of all things is the tranquility of order. Order is the distribution which allots things equal and unequal, each to its own place. And hence, though the miserable, in so far as they are such, do certainly not enjoy peace, but are severed from that tranquility of order in which there is no disturbance, nevertheless, inasmuch as they are deservedly and justly, miserable, they are by their very misery connected with order. . . .

Id. at 690 (19:13).

governmental intervention.²⁷ No less, the minds of those governing themselves are prone to being blinded through the dazzle of power and interests, i.e., by reason of man's post-lapsarian inclination to override knowledge of the intrinsic nature of things for the sake of the self-centered gratification of irascible and concupiscible impulses.²⁸

In the Augustinian view, governance by the State serves no more than rough justice, and, logically, frequently depends upon pragmatic and prudential judgments accommodating interests, rather than the realization of

27. Yet often, even in the present distribution of temporal things, does God plainly evince His own interference. For if every sin were now visited with manifest punishment, nothing would seem to be reserved for the final judgment; on the other hand, if no sin received now a plainly divine punishment, it would be concluded that there is no divine providence at all. And so of the good things of this life: if God did not by a very visible liberality confer these on some of those persons who ask for them, we should say that these good things were not at His disposal; and if He gave them to all who sought them, we should suppose that such were the only rewards of His service; and such a service would make us not godly, but greedy rather, and covetous. Wherefore, though good and bad men suffer alike, we must not suppose that there is no difference between the men themselves, because there is no difference in what they both suffer.

CONFESSIONS, *supra* note 19, at 132-33 (1:8).

28. What shall I say of these judgments which men pronounce on men, and which are necessary in communities, whatever outward peace they enjoy? Melancholy and lamentable judgments they are Thus the ignorance of the judge frequently involves an innocent person in suffering For if he has chosen, in obedience to the philosophical instructions to the wise man, to quit this life rather than endure any longer such tortures, he declares that he has committed the crime which in fact he has not committed. And when he has been condemned and put to death, the judge is still in ignorance whether he has put to death an innocent or a guilty person.

If such darkness shrouds social life, will a wise judge take his seat on the bench or no? Beyond question he will These numerous and important evils he does not consider sins; for the wise judge does these things, not with any intention of doing harm, but because his ignorance compels him, and because human society claims him as a judge. But though we therefore acquit the judge of malice, we must none the less condemn human life as miserable. And if he is compelled to torture and punish the innocent because his office and his ignorance constrain him, is he a happy as well as a guiltless man? Surely it were proof of more profound considerateness and finer feeling were he to recognize the misery of these necessities, and shrink from his own implication in that misery; and had he any piety about him, he would cry to God "From my necessities deliver Thou me."

CITY OF GOD, *supra* note 17, at 681-83 (19:6).

But what is blame-worthy is, that they who themselves revolt from the conduct of the wicked, and live in quite another fashion, yet spare those faults in other men which they ought to reprehend and wean them from; and spare them because they fear to give offence, lest they should injure their interests in those things which good men may innocently and legitimately use,—though they use them more greedily than becomes persons who are strangers in this world, and profess the hope of a heavenly country.

CONFESSIONS, *supra* note 19, at 134 (1:9).

any clear principle.²⁹ The pursuit of temporal justice remains essentially relative, historical and pragmatic. Within its mundane sphere, the State gets along through peace-keeping solutions arrived at, found defective, altered, revised, adopted and cast aside in the dialectic of political exchange and experimentation. The interests at play in this dialectic remain, as far as they go, at best amoral or pre-moral. A principle measure of the State's success is, for Augustine, actually the extrinsic test of whether and how well the State is able to provide sufficient pragmatic guarantees to allow the Church to pursue its separate agenda.³⁰

The common good, then, as measured not only by respect for justice but by every basic moral value, remains, for Augustine, beyond the scope of what political reason alone can hope fully to comprehend or effectuate. Critically, in this view, where human capacity limits what can be expected from the realm of human political endeavor, God's grace remains to sustain the hope of unconditionally realizing justice and all other aspects of the good, through a far larger and more invisible hand that Augustine identifies with God's righteous and loving Providence. Augustine encourages us to believe in this fulfillment, both, to a limited extent within history, and to an unlimited degree at an Eschaton disclosing a sovereign God's transcendence of history itself in a final judgment working perfect justice for all past acts that have evaded merely human justice.³¹ Human

29. What shall I say of that virtue which is called prudence? Is not all its vigilance spent in the discernment of good from evil things, so that no mistake may be admitted about what we should desire and what avoid? And thus it is itself a proof that we are in the midst of evils, or that evils are in us; for it teaches us that it is an evil to consent to sin, and a good to refuse this consent. And yet this evil, to which prudence teaches and temperance enables us not to consent, is removed from this life neither by prudence nor by temperance. And justice, whose office it is to render to every man his due, whereby there is in man himself a certain just order of nature, so that the soul is subjected to God, and the flesh to the soul, and consequently both soul and flesh to God,—does not this virtue demonstrate that it is as yet rather laboring towards its end than resting in its finished work? . . . Then that virtue which goes by the name of fortitude is the plainest proof of the ills of life, for it is these ills which it is compelled to bear patiently. And this holds good, no matter though the ripest wisdom co-exists with it.

CITY OF GOD, *supra* note 17, at 678 (19:4).

30. Even the heavenly city, therefore, while in its state of pilgrimage, avails itself of the peace of earth, and, so far as it can without injuring faith and godliness, desires and maintains a common agreement among men regarding the acquisition of the necessaries of life, and makes this earthly peace bear upon the peace of heaven; for this alone can be truly called and esteemed the peace of the reasonable creatures, consisting as it does in the perfectly ordered and harmonious enjoyment of God and of one another in God.

CONFESSIONS, *supra* note 19, at 393 (19:19).

31. For that day is properly called the day of judgment, because in it there shall be no room left for the ignorant questioning why this wicked person is happy and that righteous man unhappy. In that day true and full happiness shall be the lot of none but the good, while deserved and supreme misery shall be the portion of the wicked, and of them only.

governance cannot attain to this more ultimate justice: for Augustine, “the Apocalypse Is Coming, But Not Yet Here.”

B. *Plato, Also Pope Benedict’s Precursor*

In its longer pedigree, Pope Benedict’s political vision derives through Augustine from Plato. Augustine’s relationship to Plato, as intellectual forbearer, is, of course, complex. Augustine both appropriates some basic assumptions of Platonic thought, and, at points, radically replaces others with ones he finds elsewhere, in particular in Jewish and Christian traditions, to forge his own original synthesis. As we will see, Pope Benedict, in turn, likewise, both deploys Augustine’s categories and departs from them. Interestingly enough, where Pope Benedict departs from Augustine, he does so, at times, actually to retrieve aspects of Plato which Augustine abandoned. Understanding Plato on politics, thus, both clarifies the salient and original qualities in Augustine on which Pope Benedict builds, and identifies certain more original components in Platonism Pope Benedict prefers to Augustine.

As Plato reveals in the *Republic*, he, no less than Augustine, held those governing the well-ordered polity do so by coordinating the activity for citizens and other residents who, themselves, for, the most part, incapable of grasping the intrinsic requirements of reason. As in Augustine’s, in Plato’s scheme governance consists in negotiating a tranquility of order by the pragmatic management of the population.³² As the ‘Analogy of the

CITY OF GOD, *supra* note 17, at 711 (20:1). Pope Benedict, as Joseph Cardinal Ratzinger, observed: “Augustine had regretfully admitted that eternity is not promised to any political structure and that therefore even the Roman Empire could perish, despite its positive achievement, despite its power and even despite its justice.” RATZINGER, *A TURNING POINT*, *supra* note 4, at 135.

32. And surely not bad men, whether cowards or any others, who do the reverse of what we have just been prescribing, who scold or mock or revile one another in drink or out of in drink or, or who in any other manner sin against themselves and their neighbors in word or deed, as the manner of such is. Neither should they be trained to imitate the action or speech of men or women who are mad or bad; for madness, like vice, is to be known but not to be practiced or imitated.

PLATO, *THE REPUBLIC* 395 (bk. 3) (Benjamin Jowett trans., 1908).

And when he remembered his old habitation, and the wisdom of the den and his fellow-prisoners, do you not suppose that he would felicitate himself on the change, and pity them? Certainly, he would. And if they were in the habit of conferring honours among themselves on those who were quickest to observe the passing shadows and to remark which of them went before, and which followed after, and which were together; and who D [sic] were therefore best able to draw conclusions as to the future, do you think that he would care for such honours and glories, or envy the possessors of them? Would he not say with Homer, *Better to be the poor servant of a poor master . . .* Men would say of him that up he went and down he came without his eyes; and that it was better not even to think of ascending; and if any one tried to loose another and lead him up to the light, let them only catch the offender, and they would put him to death.

Id. at 516-17 (bk. 7).

Cave' illustrates, Plato's guardian class, no less than Augustine's Christian ruler, becomes equipped to govern through intellectual and moral conversion, and it is, no less than is Augustine's ruler, committed to follow the ideal of justice as North Star, although Plato's rulers know this moral direction as an aspect of the idea of the good, rather than in relation to an attitude of the Divine Will breaking into history.³³

Intermediate concepts and conceptions specifying the idea of the good, as it is can be realized in politics, largely exceeds the capacity of human reason even of Plato's guardian class charged with discerning and implementing its requirements. The guardians are to reach concrete judgments about what is to be done through a painstaking process of discipline and intuition unaided by the kinds of concepts describing real and optimal forms of being in Aristotle and Aquinas.³⁴ The guardians must contend also with the constant vying of appetites and interests in the populace and themselves rising up in rebellion against reason. The pragmatic response recommended by Plato includes rigorous control over the formation and upbringing of the guardians themselves and a practice of grooming those governed to comply through the means of "noble lies." By virtue of the grosser inadequacy of their reason, the subjects of the polity are, in contrast to the guardians themselves, in fact, incapable of true moral action.³⁵

33. And now, I said, let me show in a figure how far our nature is enlightened or unenlightened:—[sic] Behold! Human [sic] beings living in a underground den, which has a mouth open towards the light and reaching all along the den; here they have been from their childhood Until the person is able to abstract and define rationally the idea of good, and unless he can run the gauntlet of all objections, and is ready to disprove them, not by appeals to opinion, but to absolute truth, never faltering at any step of the argument—unless he can do all this, you would say that he knows neither the idea of good nor any other good

Id. at 533-34 (5:2).

34. And as we are to have the best of guardians for our city, must they not be those who have most the character of guardians? Yes. And to this end they ought to be wise and efficient, and to have a special care of the State? True. And a man will be most likely to care about that which he loves? To be sure. And he will be most likely to love that which he regards as having the same interests with himself, and that of which the good or evil fortune is supposed by him at any time most to affect his own? Very true, he replied. Then there must be a selection. Let us note among the guardians those who in their whole life show the greatest eagerness to do what is for the good of their country, and the greatest repugnance to do what is against her interests. Those are the right men. Yes, he said; everything that deceives may be said to enchant. Therefore, as I was just now saying, we must enquire who are the best guardians of their own conviction that what they think the interest of the State is to be the rule of their lives. We must watch them from their youth upwards, and make them perform actions in which they are most likely to forget or to be deceived, and he who remembers and is not deceived is to be selected, and he who falls in the trial is to be rejected.

Id. at 411-12 (bk. 3).

35. Then if any one at all is to have the privilege of lying, the rulers of the State should be the persons; and they, in their dealings either with enemies or with their own citizens, may be allowed to lie for the public

Thus, Plato, like Augustine, espouses the notion that governance per-
 ilously attains to the rule of reason only through a struggle of an elite or
 privileged viewpoint asserting itself against the counterweight of unreason
 in the majority of the law's subjects. The polity in Plato arrives at justice by
 achieving a societal equilibrium in which all its members contribute, col-
 lectively, to the universal fulfillment of a hierarchy of basic needs, within
 organic social structures, corresponding to a natural pattern of their con-
 tributions and abilities. In most part, Plato's participants acquiesce in the
 extrinsic direction of others, without directly knowing, by their own cogni-
 tion, the principles actually governing rational action.³⁶ Up to a certain
 point, a parallel can surely be drawn to "the tranquility of order" that the
 Augustinian state seeks to attain. Where actualized, the ideal polity fulfills,
 in Plato, the mind's yearning to return to an original state of affairs before
 reason's fall into conditions of the material world. This return is akin,
 without doubt, in its own way, to the fulfillment St. Augustine envisions for
 the human will in a state of rest in the will of God, the temporal tranquility
 of order the State fosters, in St. Augustine anticipating, in its own provi-
 sional way, a parallel outcome.³⁷

good How then may we devise one of those needful falsehoods of
 which we lately spoke—just one royal lie which may deceive the rulers, if
 that be possible, and at any rate the rest of the city?

Id. at 414 (bk. 3).

36. Well then, tell me, I said, whether I am right or not: You remember
 the original principle which we were always laying down at the founda-
 tion of the State, that one man should practise one thing only, the thing
 to which his nature was best adapted;— [sic] now justice is this principle
 or a part of it. Yes, we often said that one man should do one thing only.
 Further, we affirmed that justice was doing one's own business, and not
 being a busybody; we said so again and again, and many others have said
 the same to us. Yes, we said so. Then to do one's own business in a
 certain way may be assumed to be justice. Can you tell me whence I de-
 rive this inference? I cannot, but I should like to be told. Because I think
 that this is the only virtue which remains in the State when the other
 virtues of temperance and courage and wisdom are abstracted; and, that
 this is the ultimate cause and condition of the existence of all of them,
 and while remaining in them is also their preservative; and we were saying
 that if the three were discovered by us, justice would be the fourth or
 remaining one. That follows of necessity. If we are asked to determine
 which of these four qualities by its presence contributes most to the excel-
 lence of the State, whether the agreement of rulers and subjects, or the
 preservation in the soldiers of the opinion which the law ordains about
 the true nature of dangers, or wisdom and watchfulness in the rulers, or
 whether this other which I am mentioning, and which is found in chil-
 dren and women, slave and freeman, artisan, ruler, subject,—[sic] the
 quality, I mean, of every one doing his own work, and not being a busy-
 body, would claim the palm—the question is not so easily answered.

Id. at 432-33.

37. "Thou movest us to delight in praising Thee; for Thou hast formed us for
 Thyself, and our hearts are restless till they find rest in Thee?" *CONFESSIONS*, *supra*
 note 19, at 1. Plato holds that

Then what life is agreeable to God, and becoming in his followers? One
 only, expressed once for all in the old saying that "like agrees with like,
 with measure measure," but things which have no measure agree neither

Where the polity, in Plato, fails the measure of justice, it degenerates, by stages, into the tyranny of rule by a solitary moral monster whose lawlessness undermines and frustrates all genuine social bonds.³⁸ For Plato, a society's departure from justice and descent into tyranny occurs in steps as the society abandons, by degrees, sociability.³⁹ As structures of governance gradually lose their orientation to the norm of justice, they take on, in Plato, as in St. Augustine, a criminal character. In this, we see again that the deep structure of much of Augustine's thought derives from Platonic political philosophy.

Yet, these numerous parallels should not distract from the inventory that promptly may be drawn up of the significant revisions Augustine makes to Plato. A summary of these might be summarized with Augustine's implicit rejoinder to innerworldly perfectionism, "The Apocalypse is to come, but is not yet Here!" Foremost among Augustine's revisions to Plato is his well-known substitution of the living, personal and transcendent God of Hebrew and Christian Scripture, for the "idea of the good," in Plato, immanent within human reason.⁴⁰ Plato, with his reverence for the divine at the source of being, had no particular appreciation for God as the lord of history or the dialectic of human and divine freedom within

with themselves nor with the things which have. Now God ought to be to us the measure of all things, and not man, as men commonly say (Protagoras): the words are far more true of him. And he who would be dear to God must, as far as is possible, be like him and such as he is. Wherefore the temperate man is the friend of God, for he is like him; and the intemperate man is unlike him, and different from him, and unjust.

6 BENJAMIN JOWETT, *THE DIALOGUES OF PLATO* 99 (1892).

38. And the protector of the people is like him; having a mob entirely at his disposal, he is not restrained from shedding the blood of kinsmen; by the favourite method of false accusation he brings them into court and murders them, making the life of man to disappear, and with unholy tongue and lips tasting the blood of his fellow citizen; some he kills and others he banishes, at the same time hinting at the abolition of debts and partition of lands: and after this, what will be his destiny? Must he not either perish at the hands of his enemies, or from being a man become a wolf—that is, a tyrant?

PLATO, *supra* note 32, at 565 (bk. 8).

39. The excess of liberty, whether in States or individuals, seems only to pass into excess of slavery. Yes, the natural order. And so tyranny naturally arises out of democracy, and the most aggravated form of tyranny and slavery out of the most extreme form of liberty? As we might expect. That, however, was not, as I believe, your question—you rather desired to know what is that disorder which is generated alike in oligarchy and democracy, and is the ruin of both?

PLATO, *supra* note 32, at 551 (bk. 8).

40. If, then, we be asked what the city of God has to say upon these points, and, in the first place, what its opinion regarding the supreme good and evil is, it will reply that life eternal is the supreme good, death eternal the supreme evil, and that to obtain the one and escape the other we must live rightly. And thus it is written, "The just lives by faith," for we do not as yet see our good, and must therefore live by faith; neither have we in ourselves power to live rightly, but can do so only if He who has given us faith to believe in His help do help us when we believe and pray.

CITY OF GOD, *supra* note 17, at 676 (19:4).

history. Augustine, thus, re-characterizes the unwisdom of those, in Plato's scheme, who do not respond to reason, by means of a concept of sin understood as rebellion against a Divine Lawgiver.⁴¹ He rejects Plato's notion of ultimate rest for the soul in the life of the polity, as its ultimate good, advancing, in its stead, a concept of the purely temporal goal of the secular, merely relative, and largely instrumental good of respite from anxiety.⁴² Notwithstanding elements of pessimism in his thought, Plato believed that human beings can attain to the definitive human good in time, if not by anticipation of an eschatological ideal, then, by return to a primordial state of original goodness. Augustine counters with a novel dualism that asserts that the realization of political ideals, within history, can give rise only to the provisionally good.

In his contrastingly monistic view, Plato holds that the realization of the political ideal gives rise to a universal social bond based on the approximation to true virtue in those governed. In his dualistic vision, Augustine assumes rather that the virtuous and vicious alike share instrumentalism as a common mode of merely temporal rationality. He assumes further that interior virtues and vices concern society, only insofar as they add to or assuage fear of material loss. Augustine, likewise, declines to follow Plato in the ascription of virtue merely to conformity to social caste and the organic perfection of society. He asserts, instead, the strict moral equality of all persons, equal in their accountability before the historically inbreaking transcendent bar of Divine Justice definitively awaited at the Eschaton.⁴³ Although Augustine's polity, like Plato's, governs itself through

41. In Scripture they are called God's enemies who oppose His rule, not by nature, but by vice; having no power to hurt Him, but only themselves. For they are His enemies, not through their power to hurt, but by their will to oppose Him. For God is unchangeable, and wholly proof against injury. Therefore the vice which makes those who are called His enemies resist Him, is an evil not to God, but to themselves.

CONFESSIONS, *supra* note 19, at 83 (12:3).

42. Thus the things necessary for this mortal life are used by both kinds of men and families alike, but each has its own peculiar and widely different aim in using them. The earthly city, which does not live by faith, seeks an earthly peace, and the end it proposes, in the well-ordered concord of civic obedience and rule, is the combination of men's wills to attain the things which are helpful to this life.

CITY OF GOD, *supra* note 17, at 695 (19:17). Plato links the just order of the city with the only inner peace available to human beings:

And the division of labour which required the carpenter and the shoemaker and the rest of the citizens to be doing each his own business, and not another's, was a shadow of justice, and for that reason it was of use? Clearly. But in reality justice was such as we were describing, being concerned however, not with the outward man, but with the inward, which is the true self and concernment of man: for the just man does not permit the several elements within him to interfere with one another, or any of them to do the work of others,—[sic] he sets in order his own inner life, and is his own master and his own law, and at peace with himself.

PLATO, *supra* note 32, at 443 (bk. 4).

43. But as our present concern is with those Christians who were taken prisoners, let those who take occasion from this calamity to revile our

an “elite,” Augustine rejects Plato’s hierarchy of relative capacities for moral agency. All men are equally capable of moral choice in Augustine. Those who fall from grace in his scheme are of equal dignity, excluded not by caste but only by their misuse of freedom.

Through these key alterations, Augustine shifts Plato’s balance of pessimism and optimism on the perfectibility through politics, of human nature. This shift occurs simultaneously in two opposing directions. In one direction, Augustine’s pessimism becomes more profound than Plato’s, flattening and limiting, as Augustine does, the conferral by the *telos* of justice of its finality on the State. In contrast to Plato, Augustine qualifies this *telos* as no more than guaranteeing the stability of merely temporal or extrinsic order. His citizens or residents, achieving only interim calm and order by operation of the State, are left to seek their own ultimate fulfillment in virtue on an altogether different plane. Augustine holds all merely natural or organic indicia of collective happiness, which Plato envisions as contributing to ultimate human fulfillment as, far from occasions for realizing any idea of the good, to be, in fact, no more than “splendid vices” or masks for *libido dominandi*, a universal human inclination to sin by preferring self to the universal good.⁴⁴ Plato’s *Republic* would, without the revision Augustine supplies orienting it to the God of Abraham, Isaac and Jacob, necessarily become, for Augustine, the fallen *civitas terrana*,⁴⁵ and

most wholesome religion in a fashion not less imprudent than impudent, consider this and hold their peace; for if it was no reproach to their gods that a most punctilious worshipper of theirs should, for the sake of keeping his oath to them, be deprived of his native land without hope of finding another, and fall into the hands of his enemies, and be put to death by a long-drawn and exquisite torture, much less ought the Christian name to be charged with the captivity of those who believe in its power, since they, in confident expectation of a heavenly country, know that they are pilgrims even in their own homes.

CITY OF GOD, *supra* note 17, at 21 (1:15).

44. And therefore the wise men of the one city, living according to man, have sought for profit to their own bodies or souls, or both, and those who have known God “glorified Him not as God, neither were thankful, but became vain in their imaginations, and their foolish heart was darkened; professing themselves to be wise,—[sic] that is, glorying in their own wisdom, and being possessed by pride,—“they became fools, and changed the glory of the incorruptible God into an image made like to corruptible man, and to birds, and four-footed beasts, and creeping things.” For they were either leaders or followers of the people in adoring images, “and worshipped and served the creature more than the Creator, who is blessed for ever.”

Id. at 477 (14:28).

45. But the earthly city, which shall not be everlasting (for it will no longer be a city when it has been committed to the extreme penalty), has its good in this world, and rejoices in it with such joy as such things can afford. . . . For each part of it that arms against another part of it seeks to triumph over the nations through itself in bondage to vice. If, when it has conquered, it is inflated with pride, its victory is life-destroying; but if it turns its thoughts upon the common casualties of our mortal condition, and is rather anxious concerning the disasters that may befall it than elated with the successes already achieved, this victory, though of a higher kind, is still only short-lived; for it cannot abidingly rule over those whom

Plato's guardians, themselves, in truth, no better than "a band of robbers." Augustine concedes an autonomous ground of moral authority to the State, but he does so, in a manner, thus relativizing that authority and limiting its scope.

In a converse direction, Augustine introduces radically greater optimism into his view of the State, by introducing a radically steeper gradient than does Plato in the angle of ascent he proposes to the ideal. Augustine grounds the norm of justice he incorporates into his vision of the end of the State in the belief of a transcendent, radically free, personal and loving God. Under this norm, every human person is accorded radical equality, without regard to his or her temporal power, ability or importance.⁴⁶ Augustine conceives of this Divine Ground as deriving from revelation of a God, who, although uncreated and eternal, is also the type each human being considered, him or herself to be *imago dei*, a morally inviolable end *in se*.

Where Plato envisions the just resolution of disputes as occurring monistically in an imminent order through the reinforcement of a lattice of organically determined social niches, *à la Plessy v. Ferguson*,⁴⁷ Augustine's dualism places it in a prolepsis of the Last Judgment, that is, as, in principle, founded on unconditioned respect for each human being's transcendence as end-in-him or herself, without regard to intrinsic merit of social standing. For Augustine, the facts of each case ideally are discerned by sifting of evidence, and evaluated in relation to the intrinsic dignity of the

it has victoriously subjugated. . . . These things, then, are good things, and without doubt the gifts of God. But if they neglect the better things of the heavenly city, which are secured by eternal victory and peace never-ending, and so inordinately covet these present good things that they believe them to be the only desirable things, or love them better than those things which are believed to be better,—[sic]if this be so, then it is necessary that misery follow and ever increase.

Id. at 481-82 (15:4).

46. Pope Benedict, as Joseph Cardinal Ratzinger, noted that:

It would be fascinating to examine the synthesis in which Augustine, . . . when all the signs threatened a coming destruction, blended the Platonic and the Roman (linear) tradition on the basis of the new elements of the Christian faith. By uniting cyclical and linear, ascending and descending considerations of history, he corrected their one-sidedness and thus created the intellectual foundations on which Europe could be built.

RATZINGER, A TURNING POINT, *supra* note 4, at 134-35.

47. The Court in *Plessy* held that:

Legislation is powerless to eradicate racial instincts, or to abolish distinctions based upon physical differences, and the attempt to do so can only result in accentuating the difficulties of the present situation. If the civil and political rights of both races be equal, one cannot be inferior to the other civilly or politically. If one race be inferior to the other socially, the constitution of the United States cannot put them upon the same plane.

Plessy v. Ferguson, 163 U.S. 537, 551-52 (1896), *overruled by* *Brown v. Board of Ed.*, 347 U.S. 483 (1954). Ratzinger views as "Plato's great achievement [] to remove this scheme of three states from the geographical subdivision and to link it instead with the three fundamental modes of human existence, thus uniting politics to anthropology." RATZINGER, A TURNING POINT, *supra* note 4, at 130.

person, and not vice versa. Were its social structures deprived of the mooring supplied an orientation of the will of the ruler to justice as fundamental norm, the polity, for Augustine, could retain all of its social cohesion, so important to Plato, but yet degenerate, thereby, into affirmative injustice, becoming an association oriented, in effect, to mutual greed and lust for power.

The social bond, where it continues to exist, remains *ipso facto*, always for Plato, an expression of the moral health of society. By contrast, even this bond becomes, for St. Augustine, *itself* corrupt, where it is deprived of grace and, through grace, self-transcendence. Augustine makes respect for the dignity of the individual person, *imago dei*, the measure of justice. Plato makes that test the individual's conformity to a social niche imposed by the needs of the many. The ultimate exemplar of injustice, for Plato, is the tyrant, the completely desocialized individual.⁴⁸ For Augustine, this exemplar is found in the compact of mutual self-interest once deprived of respect for the person *imago dei*. Augustine has in common with Plato, the subordination of the State to the fundamental norm of justice. Unlike Plato, Augustine rejects the organic social bond as that norm's intrinsic measure, substituting for it, the transcendent dignity of the person.

When this article turns to Pope Benedict's political philosophy shortly, the reader will have an opportunity to see that the Pope writes in continuity with Augustine, adopting his pattern of relative optimism and pessimism over and against Plato, modeling, for example, Augustinian skepticism about the capacity of the State to realize any intrinsic organic perfection of social hierarchy, but also Augustinian optimism about the intrinsic equality of the human person.

The reader will, however, also have the opportunity to see that, as he signals in his controversial Regensburg Address, Pope Benedict, in a certain respect, turns back from the austerity of Augustinian pessimism, simultaneously to align himself with Plato.⁴⁹ An instance of Augustine's

48. Then you must further imagine the same thing to happen to the son which has already happened to the father;—[sic]he is drawn into a perfectly lawless life, which by his seducers is termed perfect liberty; and his father and friends take part with his moderate desires, and the opposite party assist the opposite ones. As soon as these dire magicians and tyrant-makers find that they are losing their hold on him, they contrive to implant in him a master passion, to be lord over his idle and spendthrift lusts—a sort of monstrous winged drone—that is the only image which will adequately describe him. . . . Yes, he said, that is the way in which the tyrannical man is generated. And is not this the reason why of old love has been called a tyrant? I should not wonder.

PLATO, *supra* note 32, at 572-73 (bk. 9). Ratzinger does not necessarily concur in this distinction, referring to Augustine's interpretation as the "definitive interpretation of the Platonic tradition." RATZINGER, A TURNING POINT, *supra* note 4, at 132.

49. Rejecting the notion that a de-Hellenization of Christianity is possible in keeping with Christianity's nature, Pope Benedict stated, [t]his inner rapprochement between Biblical faith and Greek philosophical inquiry was an event of decisive importance not only from the stand-

relative pessimism in contrast to Plato is the Augustinian assumption that a general depravity of will makes it impossible for society to proceed beyond maintaining civil peace, to any projection of common societal programs for the true fulfillment of all. While arduous and necessarily hierarchical, Plato alleges, by contrast, that such programs are possible. On this question of feasibility of social programs, Pope Benedict agrees with Plato. Key to Pope Benedict's political philosophy is the adjustment of core Augustinian assumptions to permit an endorsement of the possibility of knowing and serving an imminent political realization of the good of human welfare.

C. *A Second Departure from Augustinianism: Pope Benedict's Dialectic of Compromise with German Idealism*

A considerable cultural divide undeniably separates the world of contemporary Western political institutions giving Pope Benedict his context, from the categories of classical antiquity. Knowledge of late eighteenth-century and nineteenth century idealist philosophy of Pope Benedict's own native Germany is indispensable in understanding, more specifically, how the Pope mediates this divide even as he appropriates concepts from Augustine and Plato. With certain critical variations, philosophers such as Immanuel Kant, Friedrich Wilhelm Joseph Schelling and G.W.F. Hegel all recapitulate certain fundamental outlines of Augustine's and, less directly, of Plato's political ideas. They do so in a new key provided through their alternate metaphysics of mind or history.

Pope Benedict fashions a political philosophy that is plausible to contemporary readers precisely through a dialectic of critique and acceptance of various elements in the idealism of modernity. A brief review of the content of these modern philosophies will serve to prepare the reader to understand more precisely where Pope Benedict incorporates elements from German Idealism, even as he rejects others as the pathogenic source of the wrong turn of the Age of Social Revolution.

1. *Kant*

The political and legal theory of Immanuel Kant, the founder of German Idealism, more than dimly, evokes Augustine's "two cities" in its bifurcation of the universe of human choice and action into dual parallel realms of morality and law.⁵⁰ Kant's bifurcation parallels Augustine's sep-

point of the history of religions, but also from that of world history—it is an event which concerns us even today. Given this convergence, it is not surprising that Christianity, despite its origins and some significant developments in the East, finally took on its historically decisive character in Europe.

ADDRESS AT REGENSBURG, *supra* note 13.

50. The universal law of right may then be expressed thus: "Act externally in such a manner that the free exercise of thy will may be able to coexist with the freedom of all others, according to a universal law." Immanuel Kant, *Metaphysics of*

arate spheres in which divine justice specifies the scope of the “heavenly,” and self-interest that of the temporal sphere. Kant, for his part, defines the realm of morality through the scope belonging inherently to principles of autonomy and integrity. This sphere corresponds, in its own way, to Augustine’s “heavenly” realm,⁵¹ but substitutes a secular for Augustine’s theological principle. Kant defines the scope of the opposing realm in his schema, i.e., the realm of law, by the principle of the fittingness of coercion as a device equalizing human freedom as a condition of social life among beings who are ends-in-themselves.⁵² This latter principle parallels Augustine’s principle of coercion under law as the appropriate response to objectively unjust material incursions on the part of sinful self-interest by which he defines due order in the temporal sphere.

Kant’s dualism, in contrast to Augustine’s, but once again like Plato’s, on the level of social order, resolves into a monistic whole. True, parallel to the dialectical schema of Augustine, Kant’s principle of the upright will, which organizes the sphere of morality, carries over to make imperative the application of coercion in the sphere of law (in keeping with a secularizing tendency in Kant, Augustine’s theologized notion of justice before God is here replaced with the anthropocentric notion of the obligation discerned by moral agent upon encountering human society, requiring him or her to join in a social contract under a rule of law).⁵³ And, conversely, the encounter of material conflict with others within the sphere of law provides, for Kant, the decisive test of the internal integrity of will within the moral agent. Nonetheless, in Kant, as opposed to in Augustine, the order of law in the temporal sphere, far from being provisional and partial is, in principle, perfectly and finally the instantiation of a kingdom of beings who are ends-in-themselves. Just as Plato envisions substantive

Morals, in POLITICAL WRITINGS 131, 133 (Hans Reiss ed., H.B. Nisbet trans., Cambridge Univ. Press 1970) (1797) [hereinafter Kant, *Metaphysics of Morals*]. On the other hand:

Act so that the maxim of thy will can always at the same time hold. The autonomy of the will is the sole principle of all moral laws and of all duties which conform to them; on the other hand, heteronomy of the elective will not only cannot be the basis of any obligation, but is, on the contrary, opposed to the principle thereof and to the morality of the will.

IMMANUEL KANT, CRITIQUE OF PURE REASON (J.M.D. Meiklejohn trans., Barnes & Nobel 2004) [hereinafter KANT, CRITIQUE OF PURE REASON].

51. See ADDRESS AT REGENSBURG, *supra* note 13 (defining realm of morality).

52. See *id.*

53. Thus the first decision the individual is obligated to make, if he does not wish to renounce all concepts of right, will be to adopt the principle that one must abandon the state of nature in which everyone follows his own desires, and unite with everyone else (with whom he cannot avoid having intercourse) in order to submit to external, public and lawful coercion. He must accordingly enter into a state wherein that which is to be recognized as belonging to each person is allotted to him *by law* and guaranteed to him by an adequate power (which is not his own but external to him). In other words, he should at all costs enter into a state of civil society.

Kant, *Metaphysics of Morals*, *supra* note 50, at 137.

perfection in organic social structures, Kant, thus, envisions formal perfection in a rule of right ordering of freedom.

Society's substantive good, for its part, remains decidedly more opaque for Kant than it was for Augustine. Augustine, in contrast to his precursor Plato, had, as was noted above, already moved in the direction of a relative decapacitation of the State to pursue the good. In keeping with his altered metaphysics, Kant takes another long step beyond Augustine in this direction. For Kant, society does not lose its capacity to know and realize, in common, an intrinsic "good," through sin which is a theological fact, as in Augustine. Rather, it already lacks this capacity at the outset because the limits of reason themselves ensure that individual human ends can never be known to be anything more than an aggregation of private interests, competing endlessly for attention.

When this article turns, at last, to its exposition of the specifics of Pope Benedict's tilt away from purely Augustinian assumptions to effectuate a certain retrieval of Plato, the reader will have occasion to observe that Pope Benedict mediates that step, by reliance on something like this reconstruction by Kant of Augustine's temporal sphere, in terms of morally neutral autonomous choice and individual interest, thereby sidestepping Plato's idealization of an organic perfection of social hierarchy.

The parallels that unite Kant and Augustine are subject to other key qualifications which, by contrast, however, also point to divergences between Kant and Benedict. Kant, for instance, restricts the human capacity even indirectly to infer the existence of God. Pursuant to their conception of knowledge opposing subject and object, Kant, and, no less, later German idealists, decline to endorse the medieval scholastic metaphysics influenced by Aristotle. Kant and these subsequent thinkers were led by their rejection of realist metaphysics to deny the role in moral knowledge ascribed to divine transcendence even by the neo-Platonic Augustine. Kant and his heirs believe that one cannot know even inferentially from the Creation, the Creator,⁵⁴ while one, by contrast, can know the ideas of the mind or, in the vision of later idealists, history.⁵⁵ Obviously enough, Pope Benedict remains deeply wedded to the Augustinian vision on this point.

54. Kant argues that both the cosmological and physico-theological proofs of God's existence fail. KANT, *CRITIQUE OF PURE REASON*, *supra* note 50, at 288-89, 307; *see also*, *THE CAMBRIDGE COMPANION TO GERMAN IDEALISM* (Karl Ameriks ed. 2000); *REVELATION AS HISTORY* (Wolfgang Pannenberg ed., David Granskou trans., 1968).

55. According to this abstract definition it may be said of Universal History, that it is the exhibition of Spirit in the process of working out the knowledge of that which it is potentially. And as the germ bears in itself the whole nature of the tree, and the taste and form of its fruits, so do the first traces of Spirit virtually contain the whole of that History.

GEORG WILHELM FRIEDRICH HEGEL, *THE PHILOSOPHY OF HISTORY 17-18* (J. Sibree M.A. trans., Wiley Book Co. 1944). *See generally* PETER C. HODGSON, *GOD IN HISTORY* (Abingdon Press 1989).

Kant, who, by contrast to Augustine, considers the world opaque to the human desire to know the good by reason of intrinsic limits in the human capacity to know, rather than as an effect of sin,⁵⁶ responded to Utilitarianism, that it is simply not possible to know what is good in earthly states of affairs.⁵⁷ He, correspondingly, requires the State to withdraw outright from the quest of the social good, limiting it to enforcing the formal requirements of a refereed laissez-faire, that is to a role of "Night Watchman State."⁵⁸

Augustine does not, for his part, go entirely so far as to hold that the sinful alienation of human beings from God makes the world utterly opaque to discernment of the good. He holds, rather, that the knowledge is possible of at least the material and temporal aspect of the good. This knowledge of the good albeit limited still intelligibly connects the Creation and the Creator who is at its source. Augustine, thus, considers the State as realizing an external state of affairs that has an at least an objectively pragmatic value in relation to the human good.

Where Augustine does hold that the darkened character of the human intellect ineluctably bars the State from advancing any more ultimate vision of human welfare, a key difference arises with Kant. Augustine offers solace of the "invisible hand" of Divine Providence at work, to some extent, even within history itself, and, more ultimately, awaiting revelation

56. From this it can also be seen that if one asks about *God's final end* in creating the world, one must not name the *happiness* of the rational beings in it but . . . the condition of being worthy of happiness . . . For, since *wisdom* considered theoretically signifies the knowledge of the summum bonum . . . one cannot attribute to a highest independent wisdom an end based merely on beneficence. For one cannot conceive the effect of this beneficence (with respect to the happiness of rational beings) as befitting the highest original good except under the limiting conditions of harmony with the *holiness* of his will.

KANT, CRITIQUE OF PRACTICAL REASON, 109 (5:131) (Mary Gregor trans., Cambridge Univ. Series 1997).

57. [W]oe betide anyone who winds his way through the labyrinth of the theory of happiness in search of some possible advantage to be gained by releasing the criminal from his punishment or from any part of it, or who acts in the spirit of the pharisaical saying: 'It is better that one man should die than that the whole people should go to ruin.' For if justice perishes, there is no further point in men living on earth.

Kant, *Metaphysics of Morals*, *supra* note 50, at 155. "The proverbial saying *fiat iustitia, pereat mundus* (i.e., let justice reign, even if all the rogues in the world must perish) may sound somewhat inflated, but it is nonetheless true. It is a sound principle of right, which blocks up all the devious paths followed by cunning or violence." IMMANUEL KANT, *Perpetual Peace: A Philosophical Sketch*, in POLITICAL WRITINGS 93, 123 (Hans Reiss ed., H.B. Nisbet trans., Cambridge Univ. Press 1991) (1970).

58. "The Law of Right, as thus enunciated, is represented as a reciprocal Compulsion necessarily in accordance with the Freedom of every one, under the principle of a universal Freedom." IMMANUEL KANT, THE PHILOSOPHY OF LAW: AN EXPOSITION OF THE FUNDAMENTAL PRINCIPLES OF JURISPRUDENCE AS THE SCIENCE OF RIGHT 48 (W. Hastie trans., T & T Clark 1887). *But see generally* ROBERT NOZICK, ANARCHY, STATE, AND UTOPIA (Basic Books, Inc. 1974).

at the Eschaton through God's Sovereign Act beyond history, righting every wrong and fulfilling every honest hope, i.e., in the awaited Apocalypse which Is Not *Now*.

While Kant offers an analogue to the solace Augustine finds in Divine Providence, he does so, critically, in a secularizing direction. Kant's altered metaphysics places this analogue to providence, within a "lowered" horizon found inside, rather than beyond history. Kant's "invisible hand," moreover, vindicated not that of justice, which, after all, can never be more adequately realized for Kant, than within the moral agent's own upright will, but rather in an experience of the good of happiness that can be sought and experienced but not objectively known. This future fulfillment within history is effectuated, not by God, as in Augustine, but by "nature," more specifically, by the "nature of human freedom" when that freedom receives the imprint of universal coordination under law according to the norm of fairness.⁵⁹

Kant, of course, denies that we can anticipate, know, or control this vindication of the good, just as Augustine denies that we can do so in anticipation of Divine Providence. Still, Kant takes the essential step, counter to Augustine, of asserting that "the Apocalypse *Is Now*." For, he asserts as a kind of postulate of practical reason that the "New Creation" of

59. The history of the human race as a whole can be regarded as the realisation [sic] of a hidden plan of nature to bring about an internally—and for this purpose also externally—perfect political constitution as the only possible state within which all natural capacities of mankind can be developed completely.

IMMANUEL KANT, *Idea for a Universal History with a Cosmopolitan Purpose*, in POLITICAL WRITINGS 41, 50 (Hans Reiss ed., H.B. Nisbet trans., Cambridge Univ. Press 1991) (1970).

I may thus be permitted to assume that, since the human race is constantly progressing in cultural matters (in keeping with its natural purpose), it is also engaged in progressive improvement in relation to the moral end of its existence. This progress may at times be *interrupted* but never *broken off*. I do not need to prove this assumption; it is up to the adversary to prove his case. I am a member of a series of human generations, and as such, I am not as good as I ought to be or could be according to the moral requirements of my nature. I base my argument upon my inborn duty of influencing posterity in such a way that it will make constant progress (and I must thus assume that progress is possible), and that this duty may be rightfully handed down from one member of the series to the next. History may give rise to endless doubts about my hopes, and if these doubts could be proved, they might persuade me to desist from an apparently futile task. But so long as they do not have the force of certainty, I cannot exchange my duty . . . for a rule of expediency which says that I ought not to attempt the impracticable And however uncertain I may be and may remain as to whether we can hope for anything better for mankind, this uncertainty cannot detract from the maxim I have adopted, or from the necessity of assuming for practical purposes that human progress is possible. . . . This, however, calls for unselfish goodwill

IMMANUEL KANT, *On the Common Saying: 'This May be True in Theory, but it does not Apply in Practice'*, in POLITICAL WRITINGS 61, 88-89 (Hans Reiss ed., H.B. Nisbet trans., Cambridge Univ. Press 1991) (1970).

definitive and final progress towards the good of ultimate human happiness is sure to occur *within* history by some immanent mechanism. This progress does not reflect Divine Providence and does not link us to our Creator. It is at this first emergence of the idea in Kant, that German idealism and the Marxism following upon it, veer definitively into a set of assumptions at odds with an account of practical and political reason that Pope Benedict attributes with causing the errors of the Age here termed, the Age of Social Revolution.

2. *Post-Kantian Idealism, and the Definitive Wrong Turn of German Idealism*

Kant's idealist successor Friedrich Wilhelm Joseph Schelling continued Kant's dialectic of subject and object. But, unlike Kant, Schelling abandoned a framework of dual realms, considering such dualism transcended in the reconciliation of opposites arising through dynamic unity of art and history. Based on this unity, Schelling is able to propose a metaphysics less austere than Kant's. In contrast to his implicit appropriation of elements from Kant, Pope Benedict evinces no interest in Schelling's metaphysics. Pope Benedict would be even more prepared, than is the case of Kant, to fault Schelling for asserting an imminent eschatology. Schelling imagines, for example, that, within the progress of history, one encounters and, indeed, can know ideas and ideals of ultimate human fulfillment that ought to come to structure common life.⁶⁰ The ideas in myth, rather than reflecting institutions already given within culture, in Schelling's view, actually, give rise to such institutions, the nation or polity, for example, and is their cause.⁶¹ The universal progress in history, which

60. But now so far as the transcendental *necessity* of history is concerned, it has already been deduced in the foregoing from the fact that the universal reign of law has been set before rational beings as a problem, realizable only by the species as a whole, that is, only by way of history. We content ourselves here, therefore, with merely drawing the conclusion, that the sole true object of the historian can only be the gradual emergence of a political world order, for this, indeed, is the sole ground for a history. . . . That the concept of history embodies the notion of an infinite *tendency to progress*, has been sufficiently shown above.

F.W.J. SCHELLING, SYSTEM OF TRANSCENDENTAL IDEALISM 202 (Peter Heath trans., Univ. Press of Va. 1978) (1800).

61. The work of art reflects to us the identity of the conscious and unconscious activities. But the opposition between them is an infinite one, and its removal is effected without any assistance from freedom. Hence the basic character of the work of art is that of an *unconscious infinity* [synthesis of nature and freedom]. Besides what he has put into the work with manifest intention, the artist seems instinctively as it were, to have depicted therein an infinity, which no finite understanding is capable of developing to the full. To explain what we mean by a single example: the mythology of the Greeks, which undeniably contains an infinite meaning and a symbolism for all ideas, arose among a people, and in a fashion, which both make it impossible to suppose any comprehensive forethought in devising it, or in the harmony whereby everything is united into one great whole. So it is with every true work of art, in that every one of them is capable of being expounded *ad infinitum*, as though it contained an infinity of purposes, while yet one is never able to say whether

Kant envisions as necessary but in itself unknowable, Schelling suggests can be known through concepts of the good to be accomplished, knowable through developments within the history of ideas. Concepts for enabling and then evaluating the realization of this good can be intuited from history. This knowledge of the fulfillment of the good within history manifests what the reader will eventually have the opportunity here to recognize as what Pope Benedict would term the modern fallacy of immanent necessary historical progress.

Upon arriving at the full maturity of German Idealism in G.W.F. Hegel, one finds a full-blown philosophy elaborating a structure of reasoning regarding successive stages in the realization of ideals that unfolds in a dialectical pattern of thesis, antithesis and synthesis.⁶² In the Hegelian view, the State itself, when it emerges within history, appears as the realization in time of the ideal of justice: in the end, in the manifestation of the state of the fulfillment of what is right. Hegel offers what purports to be a scientific analysis of what the realization of the ideal calls for, in all detail, and of how human beings, in material steps, can definitively and scientifically foster and advance it.⁶³ Like Schelling's, Hegel's system is not of interest to Pope Benedict, and, even more than Schelling's, embodies the fallacy Pope Benedict's Christian account of practical reason rejects.

With certain adjustments, Hegel's philosophy ultimately provides Hegel's left-wing successor Marx the concepts he needs to formulate his program of so-called dialectical materialism.⁶⁴ Ultimately, it is Marxism

this infinity has lain within the artist himself, or resides only in the work of art.

Id. at 225.

62. The connection of events above indicated, involves also the fact, that in history an additional result is commonly produced by human actions beyond that which they aim at and obtain—that which they immediately recognize and desire. They gratify their own interest; but something further is thereby accomplished, latent in the actions in question, though not present in their consciousness, and not included in their design. . . . The purport of their desires is interwoven with *general, essential* considerations of justice, good, duty, etc. . . . It is quite otherwise with the comprehensive relations that History has to do with. In this sphere are presented those momentous collisions between existing, acknowledged duties, laws, and rights, and those contingencies which are adverse to this fixed system; which assail and even destroy its foundations and existence; whose tenor may nevertheless seem good—on the large scale advantageous—yes, even indispensable and necessary. . . . This principle is an essential phase in the development of the creating Idea of Truth striving and urging towards [consciousness of] itself. Historical men—*World-Historical Individuals*—are those in whose aim such a general principle lies.

HEGEL, *supra* note 55, at 27-29.

63. Hegel purports to find a detailed basis for formulating mid-nineteenth century marriage and family law and the law of business corporations from the necessity of historical dialectic. See GEORG WILHELM FRIEDRICH HEGEL, *PHILOSOPHY OF RIGHT* 111-17, 152-55 (T.M. Knox trans., Oxford Univ. Press 1942).

64. "The history of all hitherto existing society is the history of class struggles." KARL MARX & FREDERICK ENGLES, *CAPITAL, COMMUNIST MANIFESTO AND OTHER WRITINGS* 321 (Max Eastman ed., The Modern Library 1959) (1841).

that attracts Pope Benedict's most negative assessment in his encyclical, *Deus caritas est*.⁶⁵ Pope Benedict is skeptical of Marxism's claims for a scientific theory of the meaning of history. But, it is the concrete and practical experience of human misery and want on a global scale caused by historic Marxist political systems that leads the Pope to denounce the pattern of increasingly broad fallacious assertions within evolving forms of German idealism. Even as the Pope rejects Idealist immanence, however, it is not to be overlooked that Pope Benedict simultaneously borrows from its initial instantiation in Kant, an understanding of morally neutral individual interests as a basis of moral agency, to fashion his own contemporary updated revision of Augustine.⁶⁶

D. *Pope Benedict's Political Philosophy*

In *Deus caritas est*, Pope Benedict succinctly but quite comprehensively sketches a political philosophy in support of his vision of Church and State. This philosophy is demonstrably Augustinian in its fundamental outlines, and yet consciously departs from Augustine on key points relating to the endorsement of a common program of societal fulfillment, relying on these points, as will be seen below, on elements in Plato and Kant.

1. *Pope Benedict's Basic Profile is Augustinian*

That the fundamental outlines of Pope Benedict's political philosophy are Augustinian comports with Pope Benedict's assertion, in the encyclical, that the central normative principle of politics, for example, is justice. He states that "the pursuit of justice must be a fundamental norm of the State"⁶⁷ and that the "central responsibility of politics" is the organization of the polity, "governed according to justice" and "the just ordering of society and the State."⁶⁸ The Augustinian slant of the Pope's vision of justice appears more clearly when Benedict states that he simultaneously regards politics as, intrinsically, channeling "power and special interests," the "dazzling effect"⁶⁹ of which can be to blind practical reason, with the

65. For the idea that one could by entering into the laws of history, ultimately construct something like earthly paradise as the product of all paths and detours is inimical to freedom and is therefore inhuman. It presupposes that history will one day no longer be based on freedom but on definitive structures. The double paradox of this expectation consists in the fact that one does not wish to free man *for* freedom but *from* his freedom; that one wishes to achieve the absolute—the definitive society—precisely by excluding the absolute criterion—God.

RATZINGER, A TURNING POINT, *supra* note 4, at 136. Pope Benedict XVI rejects the "natural laws of history." *Id.* at 137.

66. "[In Plato,] a process that repeats itself ever anew. After each fall, history begins again at the beginning with different subjects. It has no definitive direction; it is a cycle of repetitions. . . . [E]verything that has come into being also perishes." RATZINGER, A TURNING POINT, *supra* note 4, at 133-34.

67. DEUS CARITAS EST, *supra* note 6, ¶ 26.

68. *Id.* ¶ 28(a).

69. *Id.* ¶ 28(a).

consequence that politics and the State remain, for Pope Benedict no less than Augustine, always an ambiguous phenomenon.

In its aggregation of power, the State can, at any time, become an engine of criminal oppression, as Augustine warns, and Pope Benedict echoes, “a bunch of thieves.”⁷⁰ Thus, Benedict observes that, as Augustine asserted, political reason operates in need of “constant purification,”⁷¹ is “so often profoundly obscured in the course of time,”⁷² and is always subject to “blind spots” and in danger of a certain “ethical blindness.”⁷³ It formulates its programs in the context of “conflict with situations of personal interest.”⁷⁴

Even where man is not blinded, and searches in good faith, Pope Benedict, like Augustine, holds that human beings are radically without control over outcomes, asserting that practical reason remains insufficient, and that “fully resolving every problem” is impossible.⁷⁵ In his view, it is axiomatic that the future always is at best uncertain, “immersed [as] everyone [is] in the dramatic complexity of historical events.”⁷⁶ Life is, to some irreducible extent, unavoidably lived by men in “bewilderment and [a] failure to understand the world around them”⁷⁷

Pope Benedict does not assert in *Deus caritas est* that the just ordering of society can draw effectively on an objectively verifiable set of concepts in the sense cherished by the thomist-aristotelean tradition. Rather, Pope Benedict consistently depicts the State as constructing a program on ad hoc terms of “how justice can be achieved here and now,” relying on practical reason’s answers, which arise as matter for politics.⁷⁸ In this view, the ongoing task is the “just ordering of the collectivity,”⁷⁹ or, in other parallel formulations, the “[b]uilding a just social and civil order,”⁸⁰ and “the just structuring of society,”⁸¹ but this task of “greater insight into the authentic requirements of justice,”⁸² belongs not to a prescriptive cognitively grounded moral philosophy as such, but rather to “the world of politics,”

70. *Id.* ¶ 28(a). The Pope quotes Augustine: “A State which is not governed according to justice would be just a bunch of thieves: ‘*Remota itaque iustitia quid sunt regna nisi magna latrocinia?*’” *Id.* In A TURNING POINT FOR EUROPE, the Pope points out that this idea was first pronounced by Seneca, who was killed by Nero, and later by Tacitus and the Stoics. See RATZINGER, A TURNING POINT, *supra* note 4, at 129 (citing ENDRE VON IVANKA, RHOMARREICH UND GOTTESVOLK 17 (Freiburg 1968)) (examining origins of “state as robber band”).

71. *Deus caritas est*, *supra* note 6, ¶ 28(a).

72. *Id.* ¶ 31.

73. *Id.* ¶ 28(a).

74. *Id.*

75. *Id.* ¶ 36.

76. *Id.* ¶ 38.

77. *Id.*

78. *Id.* ¶ 28(a).

79. *Id.* ¶ 26.

80. *Id.* ¶ 28(a).

81. *Id.* ¶ 27.

82. *Id.* ¶ 27(a).

which is, in fact the proper, "sphere of the autonomous . . . reason."⁸³ Politics, so conceived, provides the "essential task which every generation must take up anew."⁸⁴ "[T]he requirements of justice" are "achiev[ed] . . . politically"⁸⁵ and in a "political battle."⁸⁶

True, at the heart of this unfolding political struggle to name and achieve a just society, Pope Benedict acknowledges that practical reason receives direction from "reason and natural law."⁸⁷ But, this direction lies primarily through the intelligibility of "the radical question, What is Justice?"⁸⁸ Practical reason cares to pursue this question as response to "the command of love of neighbor [that] is inscribed by the Creator in man's very nature."⁸⁹ Motivated by natural social beneficence, practical reason seeks to develop a "true humanism" that "wants to help [man] to live in a way consonant with [his] dignity" and respecting the "rights and needs of everyone."⁹⁰

But, again, this knowledge takes shape concretely; it seems, mainly in "spontaneity."⁹¹ The knowledge is uncertain and "so often profoundly obscured in the course of time."⁹² Practical reason functions optimally, only where animated by a "reawakening of those moral forces,"⁹³ that can sustain a requisite "openness of mind and will to the demands of the common good."⁹⁴ The demands of the common good are encountered, not so much through Thomist-Aristotelean concepts of man's social nature, but especially in the frustration concretely observed in thwarted human needs and desires.⁹⁵ While some nonnegotiable principles are knowable and call for unqualified respect,⁹⁶ they are, as Alan Gewirth points out, too

83. *Id.* ¶ 29.

84. *Id.* ¶ 27(a).

85. *Id.*

86. *Id.*

87. *Id.* ¶ 28(a).

88. *Id.*

89. *Id.* ¶ 31. "Thus a justice that is more than the regulation of group interests must be subordinate to a universal criterion." RATZINGER, A TURNING POINT, *supra* note 4, at 139. The Pope mentions "the universal common good . . . [t]he good behind and above all good things" *Id.* at 140.

90. DEUS CARITAS EST, *supra* note 6, ¶ 30(b).

91. *Id.* ¶ 28(b).

92. *Id.* ¶ 31 ("So often profoundly obscured in the course of time.").

93. *Id.* ¶ 28(a). "[S]he has to reawaken the spiritual energy without which justice, which always demands sacrifice, cannot prevail and prosper." *Id.*

94. *Id.*

95. The Pope holds that "[t]he suffering of the oppressed becomes here the hermeneutical locus in which knowledge of the truth dawns." RATZINGER, A TURNING POINT, *supra* note 4, at 141. Although he stipulates that this knowledge is specified "on the basis of what is in accord with the nature of every human being." DEUS CARITAS EST, *supra* note 6, ¶ 28(a).

96. Thus, the first and most urgent imperative seems to me the renewed recognition of the place of the moral sphere in its inviolability and dignity. The distinguishing mark of man is that he not only acknowledges his physical inability to do something as a limit but also freely respects the

diffuse to be able to give concrete guidance on most issues.⁹⁷ Politics, then, contributes to a better world by “doing good now, with full commitment and wherever [it] ha[s] the opportunity,” transcending all “strategies and programs.”⁹⁸

Like Augustine, Pope Benedict sees as a key to the full functioning of practical reason the necessity of overcoming sin. Admittedly, the sin that concerns him is not that of unruly private interests requiring a law-and-order response as in Augustine. Instead, Pope Benedict finds the paradigm of sin in the functionaries to be overweening state succumbing to presumption. The correction that is needed, according to the Pope, is the cultivation of mindfulness of the radical limits in what one can know concerning, and do fulfilling basic human need. He suggests that an attitude of modesty in our moral epistemology opens us to embrace two critical adjunct supports for authentic practical reason and action, both attitudes of the will: courage and spiritual energy refusing resignation, on the one hand; and a readiness to accept self-sacrifice offsetting the ubiquitous blindness of self-interest, on the other.⁹⁹

These attitudes have a double application for Pope Benedict. First, in a parallel to what Augustine would have said regarding the duty of the State to respect the freedom of the Church in its sphere, Pope Benedict says that the formation of the State must proceed under a principle of “subsidiarity” or limited government distinguishing its own making and execution of law from the open life of society with its free formation of belief and opinion.¹⁰⁰ Second, in society’s pursuit of the practical reason of politics, in this latter sphere, the distinction must reign that what polit-

moral prohibition against doing something as an equally binding and real limit.

RATZINGER, A TURNING POINT, *supra* note 4, at 171.

97. Gewirth observes that the process of specification and deduction stipulated by Thomas Aquinas for deriving concrete norms from the general requirements of natural law are underdetermined. See ALAN GEWIRTH, REASON AND MORALITY 279 (1978). Pope Benedict asserts that the truth of natural law depends on a primordial act of recognition by stating “the inner origin of this rationality and the foundations that make it meaningful—the recognition of the Logos as the foundations of all things, a glimpse of the truth that is also the criterion of the good.” RATZINGER, A TURNING POINT, *supra* note 4, at 142.

98. DEUS CARITAS EST, *supra* note 6, ¶ 31(a)

99. Faith’s hope always goes infinitely farther than all our realizations, reaching into the realm of the eternal; but precisely the fact that this hope is given to us gives us the courage to take up again and again, despite all inadequacy, the struggle for a just order that is the form of freedom and builds up a dam against the tyranny of injustice.

RATZINGER, A TURNING POINT, *supra* note 4, at 77.

100. We have said that the state is not the Kingdom of God; the state itself cannot generate morality. It remains a good state precisely when it keeps to these boundaries. But at the same time, it is true that the state lives on the basis of transpolitical foundations and that it can remain good only when these foundations, which it does not itself produce, remain in force.

Id. at 138.

ics can accomplish although real, as Augustine taught, is strictly limited. Even at the conclusion of successful political engagement on behalf of justice and all other aspects of human fulfillment, there remains, massively, a presence of "incomprehensible and apparently unjustified suffering in the world."¹⁰¹

Man appropriately expresses his will for justice, therefore, not exclusively through his political thought and action, but by a residual religious response to the totality of lived human experience in an attitude of "piety," grieving for what he cannot do in the end, acknowledging that "[i]t is God who governs the world, not we."¹⁰² Like Job, man expresses grief, before God, in a cry from the depths of his soul, over the irremediable remainder of injustice man is unable to redress.¹⁰³ Pope Benedict asserts, as did Augustine before him, that man, upon acknowledging his own limits, ought to turn in grief and hope to God.

2. *Pope Benedict's Modifications of Augustinianism*

The undeniably Augustinian provenance of much of the political theory in *Deus caritas est* should not distract the reader from the several decisive departures Pope Benedict makes from his great predecessor's teaching. Augustine assumes that the State serves a largely negative function of overcoming private sin to ensure minimal public order, but Pope Benedict takes this function for granted, focusing instead on the State's role in coordinating and advancing welfare. Where Augustine assumes that society outside of the Church, dominated by self-love, is incapable of taking initiatives on behalf of anything more than "splendid vice," Pope Benedict teaches that society is, in itself, basically good, and capable of programmatic initiatives for the human good. Augustine considers only the Church as enjoying an integrity in its initiatives that mandates respect by the State as inviolable, but Pope Benedict extends this limiting role to all of civil society to which Pope Benedict gives this non-Augustinian positive value and within which he has the Church take its own subordinate place as just one societal actor. Finally, Augustine assumes that political reason, as exercised by the State, is capable of only calculating stability in the use of material goods, according to a rough norm of respect for the equality of persons, but Pope Benedict assumes that both the State and society are capable of formulating reasonable plans for the substantive fulfillment and welfare of the person and the community.

On this last point, so confident is Pope Benedict that a central focus of his encyclical is his firm endorsement of Activist State bureaucracy.¹⁰⁴

101. *DEUS CARITAS EST*, *supra* note 6, ¶ 38.

102. *Id.* ¶ 35.

103. *See id.* ¶ 38.

104. Modern scientific thought has increasingly shut us up in the prison of positivism, thus condemning us to pragmatism. Much can be achieved by doing so; it is possible to journey to the moon and still farther into the immensity of the universe. Yet in spite of this, man always remains in the

Pope Benedict squarely asserts that bureaucracy can be trusted to function in pliant response to the commands of a caring, intellectually modest and open-minded politics of justice. As such, Pope Benedict presents an advanced bureaucracy as not merely desirable, but necessary. He depicts bureaucratic means as essential tools, to eagerly be cultivated, developed and extended. Pope Benedict endorses the Activist State.

Pope Benedict makes room for this turn within his more generally Augustinian framework, through a means-ends distinction. With regard to ends, human beings must, in the encyclical's view, acknowledge that the attainment of many are simply beyond his ability. In keeping with Kant, Pope Benedict relinquishes the idea that Augustine shared with Plato: the idea that an elite can govern with privileged insight into basic ends. With respect to means, man must acknowledge that not all are prudent under exigent circumstances. But, once one determines that the pursuit of an end is appropriate and that the means proposed are prudent, Pope Benedict unmistakably departs from Augustine by suggesting that one should apply the principle of beneficence with a Bentham-like enthusiasm.

Here, the Pope, with his very extensive experience as an administrator and ecclesiastical diplomat, can only be aware of the unprecedented efficacy of the instrumentalism arising with the elaboration of modern systems of positive law. This instrumentalism does not present itself to the Pope as a hypothetical option. The coordination of the lives of billions of human beings on today's globe already depend upon it. Pope Benedict's reason for resolving his Augustinian ambivalence towards the State in favor of affirming the activist bureaucratic State is the sheer and necessary dependence, he discerns, for teeming thousands of millions of human beings in a global and technocratic era on the machinery of State bureaucracy, for their sustenance. Augustine, by contrast, would have considered human lives to depend not on the machinery of the State, but on "nature."

The articulation and implementation of such systems of law and bureaucracy received a substantial advance through the insight, at the turn of modernity, of modern philosophies such as the German Idealism of Kant, cited above, making possible the insight that meaningful and evolving human initiatives can be formulated without any metaphysics of the good, or, in any event, with a historically conditioned version of such metaphysics. In a sense, Kant, thus, helped open the door to the systematic use of law as an instrument of the very utilitarianism he abhorred. As described above, Pope Benedict's own understanding of the human capacity to know the good in most questions of the social concern is arguably, through the influence of Kant and other related modern moral philosophies, seen to be under-determined and elective.

same place, because he does not surpass the real limit, which is set by what can be quantified and produced.

JOSEPH CARDINAL RATZINGER, CALLED TO COMMUNION: UNDERSTANDING THE CHURCH TODAY 144 (Adrian Walker trans., Ignatius Press 1996) [hereinafter RATZINGER, CALLED TO COMMUNION].

This viewpoint opens the door to a secular understanding of societal and governmental initiatives, such that one can, from the perspective of Christian faith, view them skeptically without, however, having to term them necessarily as sinful. As such, Kant offers an escape from Augustine's own excessively dualist and Manichean view of society. The reasoning in question contributes to our ability to view law itself as a neutral instrument. It is by implicitly adopting an element of metaphysically neutral description of societal and State action that Pope Benedict is able to fit his vision of the meaning of the social good neatly within the concept of positive law as the highly effective technocratic means of advancing whatever projects society chooses to endorse. Pope Benedict, thus, rephrases and endorses Platonic and Augustinian elites by envisioning servant administrators with elite access to technology and bureaucratic technique.

It is, therefore, no accident that Pope Benedict's account of the State assigns key importance to the role not just of the State, but also of international organizations, as instrumentalities of "planning, foresight and cooperation."¹⁰⁵ In its role as the instrumentality of action on behalf of human need, the State, in Pope Benedict's view, is obligated to cultivate a cadre of experts with appropriate professional competencies and assigned responsibilities, "in the many different economic, social, legislative, administrative and cultural areas, which are intended to promote organically and institutionally the *common good*."¹⁰⁶ The State action Pope Benedict cites as paradigmatic are the technically precise, swift and highly organized mass relief efforts occurring in international crises and disasters.¹⁰⁷ Without doubt, Pope Benedict theorizes on behalf of the Activist State as the tool of practical and political reason, in an era that is irreversibly global and technocratic.

3. *Even so, Pope Benedict Calls for "Augustinian" Checks on the Activist State*

Pope Benedict's definite and unambiguous endorsement of the Activist State does not prevent him from drawing on the reservoir of his Augustinian moral pessimism to flag the continuing dangers of the abuse of State power, and even of totalitarianism. Having substituted Kant and Plato for Augustine as described, the Pope no longer understands these dangers to arise, as already suggested above, so much from the human inclination or lust overweeningly to pursue the glamour of power and self-interest, as in Augustine, as from the human disinclination in pride, once possessed of governmental authority, to accept an inherent limit in our capacity to solve problems and, correspondingly, to relinquish control in the face of ineradicable human want and deprivation. The potential for

105. DEUS CARITAS EST, *supra* note 6, ¶ 31(b).

106. *Id.* ¶ 29.

107. "On the other hand—and here we see one of the challenging yet also positive sides of the process of globalization—we now have at our disposal numerous means for offering humanitarian assistance to our brothers and sisters in need" *Id.* ¶ 30(a).

excess now lies in claiming too much for the human capacity to intervene to right wrongs.

This is the mistake Pope Benedict sees at the root of German idealism.¹⁰⁸ Pope Benedict may be prepared, implicitly at least, to exploit the value of the Kantian insight into the descriptive usefulness of the concept of metaphysically opaque interests, but he draws the line at importing a mechanism of progress from Kant or his progeny into the necessary dynamic of history. This is the balance of Pope Benedict's compromise with the turn to modernity of German Idealism. Pope Benedict identifies the later step that he identifies as going too far, with the sin of presumption. As mentioned above, Pope Benedict cites the collapse of the Marxist regimes in the soviet system at the end of the outgoing century as the leading historical example of this form of presumption.¹⁰⁹

Pope Benedict explains the error in question as arising through philosophies succumbing to the temptation of allowing "the immensity of others' needs," to "drive" it "towards an ideology that would aim at doing what God's governance of the world apparently cannot: fully resolving every problem."¹¹⁰ The implicit assertion that man can place himself in the role of God, declaring that "the apocalypse is now!"¹¹¹ "Disdain[ing]" real humans whom they could see for "a future whose effective realization is at best doubtful," Pope Benedict asserts that Marxists, then, sacrificed concrete human lives "to the *moloch* of the future."¹¹² He seizes the occasion of the downfall of Marxism, as a teaching moment, to bring home the decisive turn in his Christian philosophy of politics: in true solidarity with the victims of history—"as it is yet to come, the apocalypse *is not* now."

108. In principle, Pope Benedict would presumably find a parallel mistake in Plato's assurance that organic societal structures can perfect human nature within the horizon of human history alone.

109. But this means that the field of political activity is not the future but the present. The politician is not one who arranges a better world that will arrive at some time or other: rather, his responsibility is that the world today should be good so that it may also be good tomorrow. . . . We must learn to say good-bye to the myth of innerworldly eschatologies. We then serve tomorrow best when we are good today and when we shape today in a spirit of responsibility for what is good today and tomorrow.
RATZINGER, A TURNING POINT, *supra* note 4, at 136-37.

110. "When we consider the immensity of others' needs, we can, on the one hand, be driven towards an ideology that would aim at doing what God's governance of the world apparently cannot: fully resolve every problem." DEUS CARITAS EST, *supra* note 6, ¶ 36. A distortion of practical reason, "the truth with which man is concerned is neither the truth of being, nor even in the last resort that of his accomplished deeds, but the truth of changing the world, moulding the world—a truth centered on future and action." JOSEPH CARDINAL RATZINGER, INTRODUCTION TO CHRISTIANITY 35 (J.R. Foster trans., Herder and Herder) (1970) [hereinafter RATZINGER, INTRODUCTION TO CHRISTIANITY].

111. "[D]oing what God's governance of the world apparently cannot: fully resolving every problem." DEUS CARITAS EST, *supra* note 6, ¶ 36. "It is God who governs the world, not we." *Id.* ¶ 35.

112. *Id.* ¶ 31(b).

If Marxism exits the road of practical reasonableness through one gate, Pope Benedict emphasizes that advanced bureaucratic systems of contemporary North America and Europe can exit, in a manner no less regrettable, through another. Where Marxism overstates control over the realization of a just future, he observes that liberal bureaucracies may be tempted to treat the law as nothing “more than a mere mechanism for defining the rules of public life,”¹¹³ succumbing to the temptation to “regulate[] and control[] everything,” “provide everything” and “absorbing everything into itself,”¹¹⁴ excluding the spiritual dimension of human beings, ultimately, thereby, advancing “a materialist conception of man.”¹¹⁵ Pope Benedict implicitly follows Augustine in judging that when the progressive bureaucracy of the liberal State goes that far, it is “incapable of guaranteeing the very thing which the suffering person—every person—needs: namely, loving personal concern.”¹¹⁶

The error of such a hyper-governmental-bureaucracy, in the Pope’s view, would be the presumption of the State’s failing to acknowledge its limited role as a mere instrumentality that must yield, at critical points, to a separate and complementary sphere of human freedom, according to the principle of “subsidiarity” or limited government.¹¹⁷ Among the diverse initiatives undertaken in human society as a matter of freedom, there is, in Pope Benedict’s view, to be found not just a blend of sin and descriptively neutral self-interest. There is also the genuine expression of practical reason’s fullest orientation to the real demands of justice. The State, in Pope Benedict’s view, must bow to this higher insight, and acknowledge that it is ultimately its tool. Augustine assumed that the virtuous ruler could directly know and carry out the requirements of justice. Pope Benedict, influenced by modernity, assumes that the ruler can only do so by enacting the mandate of society’s political process. Here Pope Benedict balances a non-Augustinian endorsement of societal cohesion as an expression of genuine love of neighbor with a continuing sober Augustinian concern for the potential of abuse of power. The danger he sees in liberal bureaucracy is not imminent eschatology as in Marxism, but the nihilism of unchecked State instrumentalism.

113. *Id.* ¶ 28(a).

114. *Id.* ¶ 28(b). “Faith is not the resignation of reason in view of the limits of our knowledge; it is not a retreat into the irrational in view of the dangers of a merely instrumental reason.” RATZINGER, A TURNING POINT, *supra* note 4, at 104.

115. DEUS CARITAS EST, *supra* note 6, ¶ 28(b).

116. *Id.*

117. On another level, the problem is the idea of Enlightenment: [T]he privatization of morality, on the one hand, and in its reduction, on the other hand, to the calculation of what will be successful, of what promises better chances of survival. This makes a society an immoral society in its public and communal essence—or, in other words, a society that attaches no value to what really gives dignity to man and constitutes him as a human person.

RATZINGER, A TURNING POINT, *supra* note 4, at 171.

3. *Pope Benedict's Distinctive Alteration of Augustinian Dualism*

Pope Benedict's departures from Augustine ensure that his thought assumes its own original pattern of dualism. The two spheres, into which Pope Benedict assigns human experience, are dedicated, on the one hand, to practical reason, as such, operating within the human capacity to effectuate outcomes according to the measure of justice, politically formatted, and, on the other, to a graced love of humanity, overshooting the limits of what practical reason can know and accomplish politically, in a constant readiness to volunteer to do more. The reconciliation of spheres, in this bifurcated view, arises through love's taking, as the subject matter of its concern, but with its longer view, the very same terms absorbing the sphere of practical action, and by the sphere of practical action's accepting insight and direction through viewpoints actually steeped in the attitudes of the sphere of divine love. Functionally, the sphere of love enters into the service of the sphere of justice, and the sphere of justice respects the untouchable freedom of the personal experience of divine love. Metaphysically, Pope Benedict's dualism resolves to unity through the human person who at once is of the world and transcends it.

Returning to something like the monism of Plato, Pope Benedict rejects the irreducible dualism of both Augustine and Kant. He agrees that that the dynamic of self-interest fundamentally shapes the world but he rejects Augustine's assertion that this dynamic is intrinsically depraved and fallen. He also rejects Augustine's triumphant assumption that the elected are separated from the world by their alignment with the will of God, substituting instead that the measure of alignment with God's will is precisely a confession of a loss of control and a posture of service. On the other hand, Pope Benedict declines equally Kant's assertion that the dynamic of the world is one of interests intrinsically and irreversibly opaque to metaphysical or moral meaning. He also declines Kant's assumption that the moral agent's interior experience of an upright will be a purely autonomous measure of right and wrong.

Pope Benedict's is a mediating position, which refuses, as well, to adopt the full unity of Plato. Pope Benedict envisions a unity of spheres that, while overlapping, is not one of simple identity. Human participation in the sphere of love cannot ever be fully satisfied by its impact in the sphere of practical reason. It comes to rest, finally, only in a religious attitude of religious thanksgiving and lamentation, before God, in the face of the enormity of what human beings cannot accomplish. The sphere of practical action, moreover, must deal here and now with both sin and vast numbers of elective imponderables opaque to metaphysical meaning and moral interpretation, and beyond the competency of the intuition of love alone.

On a theological level, the balance of unity and disunity Pope Benedict brings to his schema follows, in a variation on Augustine, at once from both the created nature of the human person and from the Redemption.

The fundamental dualism of Pope Benedict's schema arises when the human being encounters irreducible created limit of what he can accomplish for justice. Its bifurcation of basic attitudes in the human response to reality is brought succinctly to expression in Reinhold Niebuhr's serenity prayer, which becomes a core question at the threshold of practical reason. The presence of sin in the world makes this adjustment more anguished and poignant. The insight of reason and the experience of sin become preambles of faith made possible by the love of God manifest in Christ. By accepting Christ, man gains entry to the sphere of charity in a whole new way, and thereby dynamically transforms charity's impact on the sphere of practical action.

4. *Mediating Augustine and Modernity*

The normative view of the State Pope Benedict proposes in *Deus caritas est*, while undeniably, indeed expressly, Augustinian,¹¹⁸ overcomes Augustinian dualism ultimately by rejecting the primacy Augustine gives sin.¹¹⁹ Pope Benedict, in pointed contrast to Augustine, specifically blesses self-interested love, *eros*, as good, and finds it antecedent in God himself. For Pope Benedict, in contrast to Augustine, self-interest only becomes sinful when it refuses to yield to the self-sacrifice that, at times, in Pope Benedict's scheme is a requirement of practical reason on behalf of the common good. Pope Benedict, in pointed contrast to Augustine, states that the love of neighbor is instilled in man as a matter of his created nature, to this same extent, uncorrupted by sin. For Pope Benedict, practical reason possesses, in the political sphere, then, two assets it lacks in Augustine who remains influenced to that same degree by Manichaeism: the two well-ordered loves of healthy self-interest and genuine love of others.

For Augustine, as noted, the sphere of the State, even where governed with justice, at best, reflects a mere tranquility of material order, and, within that sphere, the only common dynamic that engages the mass of society who are fallen, no less than the few who are saved, lies in a predominance of shared fear of material loss, over the balance of shared hope of self-gain through private aggression, should such aggression escape regulation by the State. For Pope Benedict, by contrast, the sphere of society served by the State is one of well-ordered loves of self and other and society finding its common dynamic in the many fruitful initiatives of freedom for all.

Where Pope Benedict evinces pessimism, and he does evince pessimism, that pessimism, albeit of a genuinely Augustinian flavor, arises—without undue stress on human fault—an awareness of a sobering substantial inherent limit that exists to the capacity of reason to resolve human

118. *DEUS CARITAS EST*, *supra* note 6, ¶ 28(a) (quoting Augustine).

119. "Sobriety not resignation." RATZINGER, *A TURNING POINT*, *supra* note 4, at 136.

problems, and, not intrinsically, but merely contingently, through sin, an ever-present possibility, in fact, of interposing itself as counterforce. The sin that absorbs Pope Benedict's attention is not the sin of the bank robber or card shark or even of tyrants as such, but rather of governmental actors abusing power in pursuit of the alleged public interest. The cause of the false turn that concerns Pope Benedict is not overt self-seeking, but rather the presumptuous quest to control and dominate the future or the human person in the present in initiatives allegedly for the good.

Pope Benedict constructs a concept of the temporal sphere which, in contrast to Augustine's, is other than essentially sinful. Equally, he constructs one which, in contrast to Plato's, is other than fully metaphysically transparent to realizable ideals. To understand how Pope Benedict accomplishes this balance, one must return, first, to Pope Benedict's endorsement of self-interest as an expression of a legitimate self-love. To this endorsement of self-interest, one may conjoin Pope Benedict's view of practical reason in the tradition of Kant, as being limited in its capacity to reach definitive answers about the normative significance of conflicting interests, as such. Finally, one must return, as well, to Pope Benedict's central theological motif, namely the divine dialectic by which God himself forever, turns his own love "against his own justice" for the sake of forgiving the fallen human race whom he loves.

According to this motif, in Christ, God essentially acts, within history, to alter the reality of the meaning of moral action. Rather than Christ's merely perfecting man's participation in created categories of reason and being, he transforms what these categories mean by superseding them. In a sense, after Christ, one can say that all bets are off. All values are superseded in the service of Christ's Love. Practical reason itself can be approached differently. It is on this soteriological foundation that Pope Benedict is inspired to assert that human beings, working with situations of interests in conflict which otherwise would appear metaphysically opaque, can discover and validate, as morally fitting, through the political process, a pragmatic fulfillment of immediate human self-perceived needs.

Pope Benedict creates a Christian analogue to the neutral satisfaction of individual preferences which modern liberal theories make the measure of social welfare. He, thereby, preserves a basis for the Church's defense of specific (if circumscribed moral agenda) based on an enduring Christian commitment to just several nonnegotiable intrinsic moral norms, while, nonetheless, also justifying the State's massive involvement in the pursuit of the general welfare on a basis of moral pluralism. In this fashion, one explains the novel phenomenon of a political perspective that is both "Augustinian" and firmly subscriptive of the Activist State.

III. BENEDICT'S THEOLOGY OF THE CHURCH

To complete an account of Pope Benedict's philosophy of Church and State, it is necessary to briefly introduce, as well, an explication of his

theology of Church, i.e., his ecclesiology. Here again, it is possible, within the boundaries of orthodox belief, to select in one's choice of fundamentals from alternative traditions within Catholicism. To cite a tradition that again Pope Benedict does not prefer: Aquinas considers the natural unity of human society within the intelligible order of creation to provide the terms needed to understand, by analogy, the Church in the order of grace.¹²⁰ Pope Benedict, by contrast, follows Augustine, who conceives of the Church as being born at that moment when the will of the creature who loves "not wisely but too well,"¹²¹ receives a second chance in an unprecedented event in time, and, thereby, becomes free to will, as God, who transcends his creation, wills and, thereby, through faith, by degrees, to take his place within an invisible eternal city to come, which the Church, in its present earthly form, now only dimly mirrors. Thomas's ecclesiology relies easily, if analogously, on substantive ontological concepts describing created realities. Augustine's ecclesiology, instead, predictably relies more on the conversion of the will, procedural priorities among competing freedoms, and intuition. Pope Benedict's ecclesiology is in continuity with the Augustinian option, adjusted to conform to the shifts in philosophy developed above.

The Church, for Pope Benedict, arises not from "an ethical choice or lofty idea," but through "an event" in history caused by God's love for Man.¹²² The Church's nature is not made evident by reference to concepts ultimately intelligible through analogy to created natures themselves mirroring aspects of the uncreated divine intellect, but rather by reference to concepts descriptive of elections of the Divine will. Pope Benedict sees the world itself as having come to be through "the power" of God's "creative Word."¹²³ He sees mankind as receiving its "image" and its "destiny," not through a tinplate that can be intuited or inferred in the mind of the Creator, but rather through God's choice to love man who had fallen.¹²⁴ The logos—primordial reason—the first principle of Aristotle, the absolute and ultimate source of all being reveals himself to be "personal and loving."¹²⁵

The Church enters history, in Benedict's view, when God, in a completely free, "unpredictable and in some sense unprecedented" act,¹²⁶ loves us, and we, "can express the fundamental decision of his life," and

120. Specifically, he uses concepts of power and jurisdiction. See SAINT THOMAS AQUINAS, *SUMMA THEOLOGICA*, reprinted in *BASIC WRITINGS OF SAINT THOMAS AQUINAS* 365-67 (Anton C. Pegis ed., Hackett Publishing Company) (1945).

121. "Then must you speak Of one that loved not wisely but too well; Of one not easily jealous, but being wrought perplex'd in the extreme; of one whose hand, like the base indian, threw a pearl away richer than all his tribe." WILLIAM SHAKESPEARE, *OTHELLO* act 5, sc. 2.

122. *DEUS CARITAS EST*, *supra* note 6, ¶ 1.

123. *Id.* ¶ 9.

124. *Id.*

125. *Id.* ¶ 10.

126. *Id.* ¶ 12.

love him in return.¹²⁷ In spite of what many may have become accustomed to expect through a past emphasis by some on the “descending” or agapic character of Christian love, Pope Benedict invites us to consider that God desires us in a love, that is properly “ascending,” or of *eros*, for God loves us for himself, “against all reason.”¹²⁸ In this love for us, God is so drawn to possess us that he turns even “against himself,” and even goes so far as to “turn[] his love against his justice.”¹²⁹ The paradox in this moment of reversal is that God himself, in the person of Christ, through the descending oblation and *agapic* self-sacrifice makes possible the fulfillment of the descending fulfillment of divine *eros*.¹³⁰

Upon first having been loved and upon having received love “as gift,” the human response is to “love in return.” This response co-contributes to the Church’s creation. It is, then, by loving in response to God’s gift of love, not by obedience to a command, that we make the Church possible.¹³¹ The Church is grounded radically, not in God’s judgment, but in his unjustifiable love, as it is also, not in our responding to a duty of “vengeance or a duty of hatred and violence”¹³² as in certain religious fanaticisms, but of rather, to our responding in love to a gift of love first received.

The Church, it is true, emerges, in Pope Benedict’s schema, through the fundamental individual decision of belief. At the same time, by its nature, a response to the love of God also leads the believer at once to be “drawn at . . . to unity with all those have become or who will become [God’s] own.”¹³³ The Church, thus, has intrinsically the dynamic of community, and necessarily *ab initio* constitutes itself “through sacrament and proclamation” in “the formation of community.”¹³⁴ Pope Benedict does not neglect the cosmic dimension of the Church’s reality. In his vision, the human response the Church represents to God, in a real sense, “causes the light of God to enter into the world,”¹³⁵ and the living community of the Church transcends, and continues after, death “in saints through aligned wills.”¹³⁶

127. *Id.* ¶ 1.

128. *Id.* ¶ 10; see also *eros* as an overpowering of Reason by a “divine madness.” *Id.* ¶ 4.

129. *Id.* ¶ 10.

130. “Jesus gave this act of oblation . . . His death on the cross is the culmination of that turning of God against himself in which he gives himself in order to raise man up and save him.” *Id.* ¶ 12-13.

131. *Id.* ¶ 1, ¶ 9, ¶ 14.

132. *Id.* ¶ 1.

133. *Id.* ¶ 14.

134. *Id.* ¶ 25(a).

135. “Seeing with the eyes of Christ.” *Id.* ¶ 18.

136. “The lives of the Saints are not limited to their earthly biographies but also include their being and working in God after death.” *Id.* ¶ 42.

A. *The Church as Social Actor*

The communitarian dynamic that is constitutive of Church is, moreover, in Pope Benedict's view, not merely internal to the Church but rather embraces universally the human race as such, without regard to what the Church receives in return or whether the recipient responds to the faith proclamation of the Church with assent.¹³⁷ The contrast to Augustine who saw the Church as an ark sheltering those who withdrew from the *massa damnata* is striking. Concretely, the impulse of the Church, in Pope Benedict, finds its expression as *diakonia* or the ministry of service that is an essential mark of the Church. The Church is, in its essence, not exclusively a community of faith; it is also an expression of a love that seeks the integral good of man and humanity a single family.¹³⁸ The Church, Pope Benedict holds, is called in a direct relation to love every human being.¹³⁹ This call begins with concern for the "outward necessities" of all, but, at its deepest level, it has regard for each human person's "inner need to be loved," attending in "intimate response," not merely to outward welfare, but to the inner experience of suffering, loneliness, discouragement and isolation.¹⁴⁰ For the purposes of the present article, it is critical to attend to how Pope Benedict more precisely considers the Church's call to universal service in the world to be constitutive of the Church as community of faith.

Pope Benedict sets forth the Church's mission of universal service as inherently subject to a dual exposition under the separate rubrics of justice and charity, where, within the temporal sphere, justice corresponds to the realm of the State and charity to that of freedom in civil society.¹⁴¹ At another level, this division corresponds as well to the difference between practical reason as the measure of justice, and faith as the source of charity in keeping with the dual spheres described earlier. In Pope Benedict's moral epistemology, both faith and reason have a common origin in an attitude of love of neighbor. The Church's mission therefore has a role in the sphere of justice.

In Pope Benedict's framework, all coordination resolving issues of justice necessarily occurs, as noted above, through politics and State action, generally, while action on behalf of charity may occur, by contrast, through all manner of intermediate social groups, the Church being but

137. "Love is free; it is not practiced as a way of achieving other ends." *Id.* ¶ 31(c).

138. *Id.* ¶ 25(b).

139. *Id.*

140. *Id.* ¶ 28(b).

141. "The Idea of the Separation of Church and state came into the world first through Christianity. Until then the political constitution and religion were always united. It was the norm in all cultures for the state to have sacrality in itself and be the supreme protection of sacrality." JOSEPH CARDINAL RATZINGER, *SALT OF THE EARTH* 239 (Adrian Walker trans., Ignatius Press) (1997) [hereinafter RATZINGER, *SALT OF THE EARTH*]. "Christianity always refused, at least at the beginning, to see itself as a state religion but distinguished itself from the state." *Id.* at 240.

one of these, inspired by natural or created love of neighbor, and, as was also noted above, legitimately pursuing their diverse initiatives without awaiting coordination through politics or State oversight. Pope Benedict presents the Church's mission of universal service as intrinsically and strictly divisible corresponding to these structural temporal spheres of State and society.

Pope Benedict extends the Church's mission of social service to concern over the proper functioning of the State, but he adds the proviso that the Church may express this concern only upon acknowledging that the sphere of practical reason belongs inherently to the State and the politics that guides it. This acknowledgement takes the form of a necessary disavowal of any *direct* engagement on behalf of justice. He holds that the Church's contribution to politics is, intrinsically, limited to the offer of *indirect* support of others whose task politics properly is. Conversely, as an intermediate societal association, the Church is authorized, in this view, to undertake, as its *opus proprium*, its own concrete charitable projects. As it does so, the Church is properly considered an essentially equal partner in cooperative projects with the State.

B. *The Church's Indirect Mission to the World*

In the sphere of politics, Pope Benedict's strictly bifurcated scheme, in vivid contrast to St. Augustine's, calls for the Church to renounce control over the State. This renunciation must extend even to the formulation of the criteria of justice describing upright and prudent state action in concrete circumstances.¹⁴² The appropriate source of such criteria, rather, is practical reason, which assumes only a minimal orientation to the "love of neighbor" implanted by the Creator. While Pope Benedict holds that only the love of God in Christ, in fact, even in temporal affairs, elevates practical reason to a fully adequate grasp of the common good, he also treated it as axiomatic that the "bargain" by which one can win this perspective is in a leap of faith by which one expands the scope of one's concern to reach unrestricted global regard for all that man *cannot control through his own political action*.

The Church makes its contribution to the cause of justice, as an intermediate institution within society. Given its distinctive nature, the Church must, rather than directly advancing programs, indirectly, aiming, on the level of attitude, seeking to awaken, expand, and elevate society's energies in the cause of caring about justice. It may have its influence by forming

142. "Christian charitable activity must be independent of parties and ideologies. It is not a means of engaging the world ideologically, and it is not at the service of worldly stratagems, but it is a way of making present here and now the love which man always needs." DEUS CARITAS EST, *supra* note 6, ¶ 31(b). "We contribute to a better world only by personally doing good now, with full commitment and wherever we have the opportunity, independently of partisan strategies and programs . . . the programme of Jesus—is a 'a heart which sees.' This heart sees where love is needed and acts accordingly." *Id.*

the conscience of its laity.¹⁴³ It may also have it on a society's capacity for practical reason in the service of justice, through the leavening effect of Christian faith and witness throughout society.

Where the Church finds it necessary to become more concrete and actually to propose solutions on questions of social justice, Pope Benedict insists it must, at most, limit itself to "guidelines," to be "addressed in the context of dialogue with all those seriously concerned for humanity and for the world in which we live."¹⁴⁴ The occasion of *Deus caritas est*, while, in one sense, as described above, was the collapse of Marxism, it was, in another sense, as Cardinal Dulles points out, Pope Benedict's belief that a parallel error in reasoning had entered into discourse on social justice within Catholicism in the waning twentieth century.¹⁴⁵ A key manifestation had appeared, he believed, in an "activism and the growing secularism of many Christians engaged in charitable work."¹⁴⁶ Pope Benedict detects a characteristic style of complacency, underlying this attitude, resting in an unwarranted assumption that Catholics possess adequate grounds in practical reason and in technical scientific knowledge to support detailed practical answers to complex social questions.

It was commonplace, immediately after the fall of the Berlin Wall in 1989, for Catholic social and political commentators, to observe that the Church, in steering the virtuous middle course between Marx and the Manchester School from the late nineteenth century on, had with what appears, in retrospect, to be remarkable and inspired prescience it have "gotten it right." In hindsight, Catholic Social Thought appears to have envisioned and prescribed the welfare state, and to have rejected the extremes of communism and laissez-faire capitalism. Pope Benedict interprets an overly complacent satisfaction in this Catholic success (significantly, the pertinent commentators are not equally focusing on inquiring into the question of the various alleged Catholic failures in the same period), as a sign, in fact, of the same sin that is at the heart of the political ideologies the Pope critiques, that of "presumption."¹⁴⁷ Human beings, in the face of the collective enormity of human suffering purport to do what God himself cannot: "fully resolving every problem."¹⁴⁸

In a brilliant dialectic, the Pope has chosen the well-received publication of the summary *Compendium of the Social Doctrine of the Church* to dis-

143. The mission of the lay faithful is therefore to configure social life correctly, respecting its legitimate autonomy and cooperating with other citizens Even if the specific expressions of ecclesial charity can never be confused with the activity of the State, it still remains true that charity must animate the entire lives of the lay faithful and therefore also their political activity, lived as "social charity."

Id. ¶ 29.

144. *Id.* ¶ 27.

145. Dulles, *supra* note 7, at 250-51.

146. *DEUS CARITAS EST*, *supra* note 6, ¶ 37.

147. *Id.* ¶ 35.

148. *Id.* ¶ 36.

count the claim that the Church has anything more to say about matters of social justice than is, while for its purpose essential, with regard to technical questions merely provisional and suggestive. Far from claiming that the Church has the decisive contribution to make on these issues, he pointedly affirms that “it must be admitted” that far from having a privileged source of political knowledge, even for the time, the Church’s leadership was slow to realize that the issue of the just structuring of society needed to be approached in a new way.”¹⁴⁹ In short, Pope Benedict’s rejoinder to an undue enthusiasm on the part of some recent Catholic theologians and social ethicists for the Church’s participation in politics, is the same as it was to the theorists of the Age of Social Revolution: “There is an Apocalypse Yet to Come, But It is Not Now.”

Although insisting that this influence of the Church on politics must always remain merely indirect, and in its institutional manifestation quite modest, Pope Benedict, nonetheless, holds that the broader cultural influence of the Church on this level to be huge—practically tectonic—in scale.¹⁵⁰ Pope Benedict believes that the transformative effect of divine love on practical reason uniquely serves to offset practical reason’s inherently underdetermined and shakable character. The impact of this transformation is on the quality of political engagement and deliberation in the evaluation of unique circumstances. The Church thus ultimately has its primary impact on justice not through the promulgation of concrete proposals, but on the gradual transformation of culture and leavening of social attitudes that radically raise the potential for effective politics within the society which gives host to the Church.¹⁵¹

It is worth carefully explicating the alteration that Pope Benedict predicts the Christianization of social attitudes inherently to portend for the level of the politics of practical reason. He explicates this transformation as, above all, arising through an underlying renewal of the will.¹⁵² In

149. “It must be admitted that the Church’s leadership was slow to realize that the issue of the just structuring of society needed to be approached in a new way. There were some pioneers, such as Bishop Ketteler of Mainz (d. 1877) . . .” *Id.* ¶ 27. The Pope “gives credit to religious orders . . . in the nineteenth century to combat poverty, disease and the need for better education” *Id.* ¶ 27.

150. “The struggle for the new presence of the rationality of faith is what I regard as an urgent task for the Church in our century.” JOSEPH CARDINAL RATZINGER, *PILGRIM FELLOWSHIP OF FAITH: THE CHURCH AS COMMUNION* 291 (Henry Taylor trans., Ignatius Press) (2005) [hereinafter RATZINGER, *PILGRIM FELLOWSHIP OF FAITH*].

151. “The attempt to learn from living together with God how men should live together.” RATZINGER, *A TURNING POINT*, *supra* note 4, at 141. “An awareness of the great moral tradition of Christianity, to the pre- or meta-dogmatic core so to speak of its moral constants” and “to recognize this as our spiritual and intellectual identity.” *Id.* at 173. “[N]ot through institutional strength but through witness, through love, life and suffering: and in this way she must help society to find its moral identity.” *Id.* at 175.

152. Thomas says . . . that here the thought process and the assent balance each other, they are “ex aequo.” What does that mean? First, it means that in the act of believing the assent comes about in a different

a parallel to Plato's resort to his version of moral and intellectual conversion and discipline permitting the ascent from the cave of appearances to the light of the mind, for Pope Benedict, when Christian believers place themselves completely at the disposal of God's initiative, they attune their thoughts to God and their will inclines towards unity with the will of God. Thus, God's way of loving becomes the measure of human love,¹⁵³ thereby, "lift[ing] us to far greater heights than anything that any human . . . elevation could ever accomplish."¹⁵⁴ The radical renewal of the will, that is entailed in this "elevation," "give[s] life a new horizon and a decisive direction," and awakens more fully "all man's potentialities."¹⁵⁵ The "direct submission of the will to the will of God"—the "yes of our will to his will"—"calls into play all man's potentialities, it engages the whole man so to speak," unifying "our intellect, will and sentiments in the all embracing act of all."¹⁵⁶ Among other influences, we experience, critically, an awakening, in ourselves, of "joy in truth and righteousness."¹⁵⁷ It answers a

way from the way it does in the act of knowing: not through the degree of evidence bringing the process of thought to its conclusion, but by an act of will, in connection with which the thought process remains open and still underway. Here, the degree of evidence does not turn the thought into assent; rather, the will commands assent, even though the thought process is still under way. . . . What Thomas calls the will corresponds roughly to what in biblical language is called "the heart." Thus, Pascal's well-known saying comes to mind: "*Le coeur a ses raisons, que la raison ne connaît point.*" The heart has its reasons; it has its own rationality, which reaches beyond "mere" reason Any perception presupposes a certain sympathy with what is perceived. Without a certain inner closeness, a kind of love, we cannot perceive the other thing or person. In this sense the "will" always somehow precedes the perception and is its precondition; and the more so, the greater and more inclusive is the reality to be perceived. We are able to give the assent of faith because the will—the heart—has been touched by God, "affected" by him. Through being touched in this way, the will knows that even what is still not "clear" to the reason is true. Assent is produced by the will, not by the understanding's own direct insight The "will" (the heart), therefore, lights the way for the understanding and draws it with it into assent.

RATZINGER, PILGRIM FELLOWSHIP OF FAITH, *supra* note 150, at 22-25. (internal citations omitted)

153. DEUS CARITAS EST, *supra* note 6, ¶ 17.

154. *Id.* ¶ 13.

155. *Id.* ¶ 17. "True justice, just justice can come into existence only when the true God is recognized aright and orders his existence in a life with others on the basis of God." RATZINGER, A TURNING POINT, *supra* note 4, at 73.

156. DEUS CARITAS EST, *supra* note 6, ¶ 17. "The primacy of the invisible over the visible and that of receiving over making" and "the leap of entrusting ourselves to what cannot be seen." RATZINGER, INTRODUCTION TO CHRISTIANITY, *supra* note 110, at 43-44.

157. "Calculable practical knowledge is limited by its very nature to the apparent, to what functions, and does not represent the way in which to find truth itself, which by its very method it has renounced." *Id.* at 46. "[U]nderstanding means seizing and grasping as *meaning* the meaning which man has received as *ground* We learn to grasp the ground on which we have taken our stand as meaning and truth. *Id.* "Saying 'I believe that God exists' also implies opting for the view that the logos—that is, the idea, freedom, love—stands not merely at the end but

current problem.¹⁵⁸ Pope Benedict, like Augustine, Christianizes Plato but in doing so, he elects a different, simultaneously less Manichean and less Hebraic point of intersection.

In this view, the renewal of the mind, which Christian love causes, brings with it a corresponding enhancement in the character or quality of cognition about the meaning of, and requirements of, practical action. Pope Benedict states that, in the first instance, faith is able “to purify reason” and to “assist[] reason be more fully itself.”¹⁵⁹ It is thus, historically speaking, that God’s gift to man of the Torah opened man’s eyes to his “true nature,” and to the path leading to “true humanism.”¹⁶⁰ This renewal of reason occurs, for Pope Benedict, more specifically, through the—in principle—unbounded “opening” of the mind, through the infusion of the virtue of hope and patience.¹⁶¹ As Pope Benedict states, “hope

also at the beginning; that is the originating and encompassing power of all being.” *Id.* at 105.

158. Faith is . . . the courage to exist and an awakening to the greatness and breadth of what is real. . . . It seems to me important, precisely amid the rising resentment against technical rationality, to emphasize clearly the essential reasonableness of faith. In a criticism of the modern period, which has long been going on, one must not reproach its confidence in reason as such but only the narrowing of the concept of reason, which has opened the door to irrational ideologies. But the *mysterium*, as faith sees it, is not the irrational but rather the uttermost depths of the divine reason, which our weak eyes are no longer able to penetrate.

RATZINGER, A TURNING POINT FOR EUROPE, *supra* note 4, at 104.

159. DEUS CARITAS EST, *supra* note 6, ¶ 28(a). “Religion is a primordial reality to man.” RATZINGER, SALT OF THE EARTH, *supra* note 141, at 234.

For to believe as a Christian means in fact entrusting oneself to the meaning which bears up me and the world; taking it as the firm ground on which I stand fearlessly . . . to believe as a Christian means understanding our existence as answer to the word, the logos, that bears up and holds all things. It means affirming that the meaning we do not make but can only receive is already granted to us, so that we have only to take it and entrust ourselves to it.

RATZINGER, INTRODUCTION TO CHRISTIANITY, *supra* note 110, at 43. “The fundamental liberation that the Church can give us is to permit us to stand in the horizon of the eternal and to break out of the limits of our knowledge and capabilities.” RATZINGER, CALLED TO COMMUNION, *supra* note 104, at 145. “The option of thinking that the world originates from reason, and not from unreason, can be rationally maintained even today, though it must of course be formulated in conversation with the genuine findings of natural science.” RATZINGER, PILGRIM FELLOWSHIP OF FAITH, *supra* note 150, at 291. Faith gives rise to “rational argument” the church advances. DEUS CARITAS EST, *supra* note 6, ¶ 28(a).

160. DEUS CARITAS EST, *supra* note 6, ¶ 9. Christianity “inscribed by the Creator in man’s very nature,” “constantly revives and acts out this imperative, so often profoundly obscured in the course of time.” *Id.* ¶ 31.

161. “An encounter opening up . . . reason itself.” *Id.* ¶ 28(a). As such it counters a tendency of modernity.

We have limited ourselves to our own perspective, to the visible in the widest sense, to what can be seized in our measuring grasp . . . as a result, a new concept of truth and reality has gradually developed in modern thinking and living, a concept that holds sway, for the most part unconsciously, as the assumption on which we think and speak and that can

is practiced though the virtue of patience, which continues to do good even in the face of apparent failure."¹⁶² Faith, which is privileged to possess no mere long-term or bird's-eye view but the view of the eschatological long-term, is able, unrestrictedly, to expand the scope of patience that one can now count as "reasonable," "transform[ing] our impatience and our doubts into the sure hope that God holds the world in his hands and that, as the dramatic imagery of the end of the *Book of Revelation* points out, in spite of all darkness he ultimately triumphs in glory."¹⁶³ Pope Benedict observes, then, that love "is *never* 'finished' and complete." It freely "throughout life . . . changes and matures, and thus remains faithful to itself."¹⁶⁴ The process of inquiry in practical reasoning, thenceforth, remains unbounded, "always open-ended" seeking always unrestrictedly to form, where such is possible with integrity of will, "a community of . . . thought" with others.¹⁶⁵

Depending on whether the will of the subject aligns itself with that of God, the categories of reason become more or less illuminating of the requirements of justice. The implication again is that descriptive—even bureaucratic—reasoning about the goals of common action, on prima facie neutral terms, is possible without either falling into Augustinian depravity or rising to Hegelian normative assurance. Options in politics remain, in a sense, neutral means of advancing interests in the Kantian sense. Rejecting the Kantian rejection of the Activist State, Pope Benedict sees all of these options as elective according to the will of society. As society is inspired by unrestricted love for all, these elected options increasingly align themselves with the human good.

Pope Benedict observes that Christian love's influence on reason, far from being reducible to any mere straightforward "purification" on reason's own terms, in some sense, alters the "categories of reason" themselves, in fact, "opening new horizons beyond the sphere of reason."¹⁶⁶ This alteration arises through an alteration in the reality of the human situation itself that Pope Benedict understands as having occurred in the Christ event. Without the Atonement, no avenue of escape could be imagined, as an existential matter, from an inescapable division of self through conflict caused by the cognitively irreconcilable demands of "ascending" love—that draws towards the fulfillment of self, i.e., erotic love—and of "descending," self-sacrificing, oblation love—that seeks the good of

only be overcome if it, too, is exposed to the test of consciousness. At this point the function of nonscientific thinking becomes perceptible, that of considering the unconsidered and bringing the human problems it raises before the gaze of consciousness."

RATZINGER, INTRODUCTION TO CHRISTIANITY, *supra* note 110, at 30-31.

162. DEUS CARITAS EST, *supra* note 6, ¶ 39.

163. *See id.* ¶ 39.

164. *See id.* ¶ 17.

165. *See id.*

166. *See id.* ¶ 28(a).

all to the point of self-sacrifice, i.e., agapic love. In the mundane terminology of ethical theory, Christ reconciles the apparently irreconcilable ethical demands of egoism and altruism.

Pope Benedict envisions that, in Christ, God himself has acted to alter human reality—no less fundamentally, really, than by first creating it—by reconciling forever and integrating both ways of loving. As mentioned above, Pope Benedict understands the love that God fulfills in Christ properly to be his own *eros*, in loving us “against all reason” and even going so far as to turn “his love against his justice.”¹⁶⁷ Yet, Pope Benedict sees God doing so, paradoxically, through Christ’s own agapic oblation gift of self-sacrifice. Thus, in Christ, love and justice are, for the first time and forever, reconciled in divine forgiveness of man’s sin. Love is now called to be simultaneously agapic and erotic; ascending and descending; affirmative of self and self-sacrificing for others.¹⁶⁸

The consequence, for practical reason, of this change in the reality of the human situation, is that, henceforth, simple formulas regarding the requirements of justice in accountability for the past alone, for whatever their apparent prior validity, are now simply “aufgehoben.”¹⁶⁹ Opposition between love—that is, care for the welfare of the person—and justice—i.e., concern about a person’s accountability for his moral desert—is to some essential degree cancelled. Nor, can the contributions of teleological and deontological ethics any more be integrated according to some straightforward lexical priority. The Christian moral agent, acting with the self-abandonment of a will to care beyond all measure as God does,¹⁷⁰ possesses now “an infallible intuition.”¹⁷¹

The model of this intuition, at work for example at the Wedding at Cana in Galilee, is the mind of Mary, the Mother of our Savior.¹⁷² Far from the stereotype of a woman’s supposed ‘nice’ concern for local social harmonies, this intuition is perhaps best described—with the appropriate nuance of respect for the immaculate character of the Virgin’s integrity and intention—by Machiavelli’s notion of untrammelled political reason.¹⁷³ This intuition of love permits the Church to take people and polit-

167. See *id.* ¶ 10.

168. “Yet *eros* and *agape*—ascending love and descending love—can never be completely separated. The more the two, in their different aspects find a proper unity in the one reality of love, the more the true nature of love in general is realized.” See *id.* ¶ 7.

169. “We have seen that God’s *eros* for man is also totally *agape*. This is not only because it is bestowed in a completely gratuitous manner, without any previous merit, but also because it is love which forgives.” See *id.* ¶ 10.

170. See *id.* ¶ 34.

171. See *id.* ¶ 42.

172. “The delicacy with which she recognizes the need of the spouses at Cana and makes it known to Jesus.” See *id.* ¶ 41.

173. Machiavelli writes:

I conclude then that fortune varying and men remaining fixed in their ways, they are successful so long as these ways conform to circumstances, but when they are opposed then they are unsuccessful. I certainly think

ical regimes as it finds them. If they convert to greater reasonableness under the Church's influence, so much the better. But, if they do not, the Church can, nevertheless, in every situation, find an opening for benign influence.

For Pope Benedict, the essential starting point of effective practical reasoning on behalf of the Christian mission of universal service—and by extension on behalf of politics generally in its separate sphere—remains, always however and everywhere, the human acknowledgement that, while the scope of our will is ideally unconditional and universal, the scope, in the end, of our concrete and categorical action will be finite and will fall far short of human need. Given the transcendence of the human being *imago dei*, human need can be fully quantified only on a cosmic scale, and only God is capable of so governing the cosmos that the fullness of this need is met. After we have done all we can in service, we properly yield to God in lamentation, but we also hope in God.¹⁷⁴ So central a role do these essentially theological responses to social and political life have within Pope Benedict's vision, that the basic virtue the vision recommends for Christian social justice becomes piety, and the basic baseline activity becomes prayer, with the tenor of his perspective as a whole beginning to appear almost monastic.¹⁷⁵ The role models Pope Benedict sets out for us, even as a matter of social justice, are, like St. Anthony of Egypt, monks and saints. We are invited to await "justice for the dead" and to commune in prayer for justice, in a union of wills, with the dead in the community of saints.¹⁷⁶

C. *The Church's Direct Mission to the World*

The same fundamental dichotomy separating the spheres of justice and charity that leads Pope Benedict to insist that the Church's mission on behalf of justice is indirect serves, in Pope Benedict's view, conversely, to justify the Church's taking direct authority in organizing efforts at charity within society, this role being the Church's *opus proprium*.¹⁷⁷ The universal call to service in love that all believers experience leads them, of necessity,

that it is better to be impetuous than cautious, for fortune is a woman, and it is necessary, if you wish to master her . . . it can be seen that she lets herself be overcome by the bold rather than by those who proceed coldly. And, therefore, like a woman she is always a friend to the young, because they are less cautious, fiercer, and master her with greater audacity.

See NICCOLO MACHIAVELLI, *The Prince*, in *THE PRINCE AND THE DISCOURSES* 94 (Luigi Ricci trans., E.R.P. Vincent rev. trans., Random House 1950).

174. See *DEUS CARITAS EST*, *supra* note 6, ¶ 38.

175. See *id.* ¶ 40 (citing "[i]n particular, the entire monastic movement.").

176. See *id.* ¶ 40. Pope Benedict cites the "presence of incomprehensible and apparently unjustified suffering in the world . . . [o]ften we cannot understand why God refrains from intervening . . . [w]e should continue asking this question in prayerful dialogue before his face." *Id.* ¶ 38. Pope Benedict refers to "[t]he lives of the saints . . . after death." *Id.* ¶ 42.

177. See *id.* ¶ 29. Cardinal Dulles observes that the Pope is discussing the Church's mission of service (*diakonia*) within a traditional tripartite framework of

to seek to organize themselves effectively to serve society. He believes that it is the institutional Church's role to foster this organization of Christian service as a form of social activity.¹⁷⁸ In this capacity, the Church is, but for the ultimacy of its inspiration, on the same ground as all other voluntary intermediate social institutions.

The question arises of how the Church can simultaneously relinquish any input into the structural justice of social life, per the strict bifurcation of Pope Benedict's scheme, while proceeding within those structures to advance its own particular vision of social service. And, indeed, Pope Benedict believes that the Church may hold itself out to all political regimes as a purveyor of charity without asking for a foundation in agreed principles of justice or redress for past grievances.¹⁷⁹ In this respect, he contrasts the Church with Marxism which held love for concrete human beings hostage.¹⁸⁰ The challenge is to explain how an institutional commitment to charitable outreach can forego a foundation in underlying commitments in justice. Pope Benedict's answer is a Christian pragmatism that finds its ground in the paradox of the Christ event, which as developed above, in Pope Benedict's view, is one in which God's own love outraces his justice. In this policy, he says that the Church has a coherent basis in the great "*Magna Carta*" of the logic of love—requiring no further foundation, which St. Paul extols in 1 Corinthians 13-34.¹⁸¹

Pope Benedict asserts that if the Church is to be effective in organizing projects of social beneficence, it must itself be organized. Just as he does in his political and legal philosophy, Pope Benedict at this point introduces a note of appreciation for the value of positive law as an exceptionally important instrumentality of beneficence. He lays a foundation establishing that the Church has securely entrusted its charitable activity from its beginning to oversight within its juridically defined structures, as early as the narrative recorded in the *Acts of the Apostles*, and well in place by the fourth to the sixth centuries in both the East and West, in the case of the papacy, the Episcopal diocese and the monasteries.¹⁸² In contemporary terms, he strikes a note of quiet clarity in linking the Church's charism of *diakonia* to the specific juridical structures of the Church's *Code of Canon Law*, where he presents it as properly and hierarchically ordered through the exercise of the offices of the papacy and episcopacy, with local service being properly channeled through the parish structure.¹⁸³

the Church's "ministries of the word (*kerygma*), the ministry of worship (*leitourgia*) and the ministry of service (*diakonia*)." See Dulles, *supra* note 7, at 249.

178. "The Church can never be exempted from practicing charity as an organized activity of believers." DEUS CARITAS EST, *supra* note 6, ¶ 29.

179. "We contribute to a better world only by personally doing good now, with full commitment and wherever we have the opportunity, independently of partisan strategies and programmes." *Id.* ¶ 31(b).

180. *See id.*

181. "This hymn must be the Magna Carta of all ecclesial service." *Id.* ¶ 34.

182. *See id.* ¶ 23.

183. *See id.* ¶ 32.

While he does not present leadership in Christian service in support of social justice as being exclusively clerical, he presents it as being necessarily predominately so. He offers the lay/clerical distinction as having a decisive formal role in allocating duties and functions in the Church's ministry of social service.¹⁸⁴

An exposition of the ecclesiological dimension of *Deus caritas est* cannot, moreover, be considered complete without a notation of Pope Benedict's attitude towards bureaucracy within the Church itself. In his seminal book *Models of the Church*, Cardinal Dulles, as an exercise in what he termed "comparative ecclesiology," once found himself adding "institution," to the roster of other core concepts he identified as organizing diverse visions of the Church.¹⁸⁵ Each of the other "models" of the Church Cardinal Dulles identified relied on an analogy or metaphor communicating a substantive theological concept expressing some aspect of the core identity of the Church and thus could point to some unique stream of spiritual life and energy it could provide where it was adopted, e.g., the ideas of "Communion" or "Servant."¹⁸⁶ When it came to the institutional model, however, Cardinal Dulles expressed some embarrassment at not knowing quite how to categorize or evaluate the approach, other than to suggest that many functionaries who zealously advanced it, without interrelation with another of the more theologically grounded concepts, would do well to steep themselves in *lectio divina* capable of acquainting them with concepts and metaphors possessing the theological content ensuring that they would not make the error of equating spirit of the Church with mindless bureaucracy.¹⁸⁷

In *Deus caritas est*, Pope Benedict has a response to precisely this point addressed by Cardinal Dulles in *Models of the Church*, for Pope Benedict represents the institutional model of the Church as, in itself, having a theological ground. The Pope does not cite the *Prayer of St. Francis* in support of his institutional vision of the Church, but he could easily do so: "Lord, make me an instrument of Thy Peace."¹⁸⁸ He repeatedly proposes an im-

184. Pope Benedict cites "[t]he mission of the lay faithful." *Id.* ¶ 29. And, he calls attention to the "[e]piscopal structure." *Id.* ¶ 32.

185. See generally AVERY DULLES, S.J., *MODELS OF THE CHURCH* (Image Books 1978).

186. See *id.* at 47-62, 89-102.

187. Cardinal Dulles writes:

Even the schema of Vatican I and the encyclicals of Leo XIII and Pius XII, for all of their insistence on the Church as a "perfect society," never identified the society with its institutional elements. They tempered the institutional with more spiritual and organic conceptions, such as those of the communion of grace or the Body of Christ. For a fuller understanding of moderate institutionalism, therefore, one must draw upon the communitarian and mystical views of the Church

Id. at 50.

188. "The Christian's programme . . . is 'a heart which sees' . . . where love is needed and acts accordingly." *DEUS CARITAS EST*, *supra* note 6, ¶ 31(b).

age of Church as instrument.¹⁸⁹ With a critical preamble of humility insisting that we, at all times, show our good faith by acknowledging the limits on what we can know and do, refrain from speaking and acting when doing so is beyond the bounds of our legitimate powers, and turn in prayer to the God who is able to know and do all that we cannot, Pope Benedict insists for the Church, as for the State, that the principle of beneficence requires tireless dedication to the rationalization of all conducive means to its ministry of social service. The development of highly responsive and efficient channels of hierarchy within the church, as well as the accumulation of the requisites for conducting not-for-profit business enterprise on a large scale in the public interest are, for Pope Benedict, a moral and spiritual imperative.

D. *How Augustinian is Pope Benedict's Ecclesiology?*

Having now described Pope Benedict's ecclesiology, it will have been observed that some of its most central themes—its emphasis on procedural priorities, pragmatic accommodation and obedience—have a clearly Augustinian provenance. The trajectory of development, however, from Augustine's vision of the Church to that of Pope Benedict is not one merely of continuity. The shifts in philosophy, elucidated above, turn out to have significant implications for Pope Benedict's concept of Church, particularly in reference to relation of Church and State. Augustine situates the Church in its essential reality in the "heavenly," as opposed to the "earthly," realm (with the earthly realm existing *for* the heavenly; i.e., the State existing to secure the conditions of the tranquility of peace for the Church¹⁹⁰ and the secular arm even available to secure the earthly enforcement of the Church's spiritual prerogatives).¹⁹¹ But Pope Benedict situates the Church no less essentially in the realm of temporal social life

189. "There are times when the burden of need and our own limitations might tempt us to become discouraged. But precisely then we are helped by the knowledge that, in the end, we are only instruments in the Lord's hands . . ." *Id.* ¶ 35. "Whoever loves Christ loves the Church, and desires the Church to be increasingly the image and instrument of the love which flows from Christ." *Id.* ¶ 33.

190. For further discussion of Augustine's treatment of the purpose of the state in his work, see *CITY OF GOD*, *supra* note 17 and accompanying text.

191. Augustine justifies the "emperor . . . [who has] . . . believed in Christ, so as to serve Him in the cause of piety by enacting laws against impiety." St. Augustine, *Treatise on the Correction of the Donatists*, in *NICENE AND POST-NICENE FATHERS OF THE CHRISTIAN CHURCH* 633, 640 (First Series vol. IV) (Philip Schaff ed., Eerdmans Publishing Company 1979). He justifies the use of imperial force against dissenters from Catholic orthodoxy by reference to the gospel account of compulsion in the parable of the wedding feast:

Whence also the Lord Himself bids the guests in the first instance to be invited to His great supper, and afterwards compelled; for on His servants making answer to Him, 'Lord, it is done as Thou hast commanded, and yet there is room,' He said to them, 'Go out into the highways and hedges, and compel them to come in.' In those, therefore, who were first brought in with gentleness, the former obedience is fulfilled; but in those who were compelled, the disobedience is avenged. For what else is the

(with the Church existing *for* the society and *for* the State, assisting both to remain oriented to the due requirements of practical reason and assisting the State in its carrying out and administration of the social welfare function). Far from obtaining the State's coercive support for advancing its spiritual identity, the Church, in Pope Benedict's scheme, agrees to be anonymous as it witnesses to its Christian faith in complete silence, while it carries out quasi-governmental activities.¹⁹² In its basic features, the Church hierarchy even appears, in *Deus caritas est*, to receive its primary justification from the imperative of carrying out its universal mission of service beyond the bounds of the Church itself, rather than through its regard for proclamation and the sacraments.¹⁹³ The Church, moreover, with its heavy weight of responsibility for universal service through highly organized welfare and relief efforts, is represented by Pope Benedict as obtaining spiritual consolation from its everyday sacraments and proclamation, experienced as within an extraordinary "heavenly sphere" separated from its own essentially temporal one in what would seem to be monastic sanctuaries of prayers of praise, lamentation and intercession.¹⁹⁴

IV. POPE BENEDICT'S VISION OF THE LEGAL ORDERING OF CHURCH-STATE RELATION

Pope Benedict's concept of both Church and State extends in a seamless whole to the detailed articulation of intrinsically institutional forms. In his encyclical's exposition, the Church, in its essential nature, finds nec-

meaning of 'Compel them to come in,' after it had previously said, 'Bring in,' and the answer had been made . . . ?

Id. at 642 (citing *Luke* 14:22-23).

192. "Charity, furthermore, cannot be used as a means of engaging in what is nowadays considered proselytism A Christian knows when it is time to speak of God and when it is better to say nothing, and let love alone speak." *DEUS CARITAS EST*, *supra* note 6, ¶ 31(c). Pope Benedict observes that Church hierarchy is drawn from this function. *See id.* ¶ 25(a). "[L]ike the ministry of Word and Sacrament, it too has been an essential part of her mission from the very beginning." *Id.* ¶ 32.

193. "In conformity with the [E]piscopal structure of the Church, the Bishops, as successors of the Apostles, are charged with primary responsibility for carrying out in the particular Churches the program set forth in the *Acts of the Apostles*." *Id.* ¶ 32. The Church's service "must not be inspired by ideologies aimed at improving the world, but should rather be guided by the faith which works through love (cf. *Gal* 5:6)." *Id.* ¶ 33.

194. The Pope references, in an iconic manner, "the saints, who exercised charity in an exemplary way" mentioning Martin of Tours "the soldier who became a monk and a bishop" and Saint Anthony the Abbot. *See id.* ¶ 40. Pope Benedict writes:

This explains the great emphasis on hospitality, refuge and care of the infirm in the vicinity of the monasteries. It also explains the immense initiative of human welfare and Christian formation, aimed above all at the very poor, who became the object of care firstly for the monastic and mendicant orders

Id.

essary expression in canon law; the State in constitutional law.¹⁹⁵ Not surprisingly, the key to the vision of *Deus caritas est* is that the dualism that Pope Benedict envisions between Church and politics, as a philosophical and theological matter, translates soundlessly into an interlocking juridical scheme of Church and State. Pope Benedict's Church is perfectly formulated to function within the dichotomous terms of the civil law on Church and State.¹⁹⁶ In his vision, the Church, in all its structural dimensions, fits seamlessly into interface with the constitutional forms and categories of the modern State.

In one direction, this interface is mediated by the concept of the Church as subject to the authority of the State. In the other, it is mediated by that of "subsidiarity" understood juridically as a concept in civil law—no less than as a concept in political philosophy¹⁹⁷—according to which the Church enjoys a twofold expectation: (1) as one intermediate social institution among others, the Church is free to leaven and animate society,¹⁹⁸ and (2) as the organizer of charitable activities, the Church, like other and perhaps more than other intermediate social institutions, is to be given corresponding juridical recognition.¹⁹⁹

195. Pope Benedict carefully lays out the history of the Church's acknowledgement of the autonomous but interlocking authority of the state, especially in questions of social welfare. He starts with the sixth century in Egypt in which the Church's relief work had "full juridical standing" acknowledged by the "civil authorities themselves" and utilized by those authorities to implement governmental famine relief. St. Ambrose's account of St. Lawrence deacon of Rome presented the Church's poor relief as satisfying the state's right to tax and penalty on the Church. *See id.* ¶ 23. He depicts the policies of Julian the Apostate in the fourth century as illustrating that Church and State have concurrent jurisdiction with the state that has "equivalent activity of its own . . . along side the 'system of the Church's Charity.'" *Id.* ¶ 24. Regarding canon law, Pope Benedict writes "in general terms of the Bishop's responsibility for coordinating the different works of the apostolate with due regard for their proper character." *Id.* ¶ 28(a) (citing Canon 394 and the *Directory for the Pastoral Ministry of Bishops*).

196. Pope Benedict writes:

Fundamental to Christianity is the distinction between what belongs to Caesar and what belongs to God, in other words, the distinction between Church and State, or, as the Second Vatican Council puts it, the autonomy of the temporal sphere The two spheres are distinct, yet always interrelated.

Id. ¶ 28(a) (citation omitted). "The opportunity for a free Church in a free state. Here are opportunities for a more vital, because more deeply and more freely grounded, faith, which, however, must fight against being subjectivized and which must continue to try to speak its message publicly." *See* RATZINGER, *SALT OF THE EARTH*, *supra* note 141, at 240.

197. Pope Benedict writes of the ideal of "a State . . . in accordance with the principle of subsidiarity." *See* DEUS CARITAS EST, *supra* note 6, ¶ 28(b); *see also* DEUS CARITAS EST, *supra* note 6, ¶ 26.

198. The Church "generously acknowledges and supports initiatives arising from the different social forces and combines spontaneity with closeness to those in need. The Church is one of those living forces." *Id.* ¶ 28(b).

199. The Church "does not operate collaterally, but acts as a subject with direct responsibility." *Id.* ¶ 29. State agencies and humanitarian associations working to promote this "led to the birth and the growth of many forms of cooperation

Pursuant to the first concept, the Church renounces all power to control politics or the State. Building on the second, the Church recognizes the properly secular impulse directing the State in its involvement in social service;²⁰⁰ acknowledges that its eligibility to participate flows from its efficiency and humanity with which it assists the State rather than from any properly religious warrant;²⁰¹ and agrees to avoid all forms of proselytization.²⁰² With these provisos in place, Pope Benedict considers the Church, in effect, to share jurisdiction in the work of organized charity both with the State, and with other nongovernmental agencies in society.²⁰³ He cedes a role in social service to the State, but he emphasizes the benefit to the State in the form of efficiency and quality of service in delegating as much as possible of it to the Church, as an intermediate institution.²⁰⁴ Pope Benedict argues that mutual practical advantages militate, from both perspectives, that Church and State cooperate substantially in the delivery of social services. Efficiency and effectiveness should recommend the scheme to the State. Christians, as individuals, should favor this arrangement as well, because “civil society” can do so much more to alleviate need than any number of individual actors.²⁰⁵

The tension between separate spheres, which in Augustine and Aquinas occurs at the level of integration on the level of philosophical categories, i.e., the requirements of justice or the possibilities of grace. It is critical to note that the same cannot be said of the encyclical’s schema for relating Church and State. The unity that Pope Benedict there establishes on the theoretical level does not account for the final unity of his schema. Theoretically, his schema draws its unity from the role common to both of his basic spheres of the will’s orientation to love’s imperative of doing good. But when one turns to the “earthly realm”—i.e., Pope Benedict’s

between State and Church agencies . . . giv[ing] a Christian quality to the civil agencies too Numerous organizations for charitable or philanthropic purposes have also been established.” *Id.* ¶ 30(b).

200. Pope Benedict depicts the policies of Julian the Apostate in the fourth century as illustrating that Church and state have concurrent jurisdiction with the State “equivalent activity of its own” along side the “system of the Church’s Charity.” *Id.* ¶ 24. For a discussion of Pope Benedict’s description of Church and State as having concurrent jurisdiction, see *supra* note 197 and accompanying text. For a discussion of his treatment of secular reform, see *DEUS CARITAS EST*, *supra* note 6, ¶ 31.

201. The Pope cites, “transparent operation.” See *id.* ¶ 30(b). He depicts the policies of Julian the Apostate in the fourth century as illustrating that Church and State have concurrent jurisdiction with the state “equivalent activity of its own” along side the “system of the Church’s Charity.” *Id.* ¶ 24.

202. “Charity, furthermore, cannot be used as a means of engaging in what is nowadays considered proselytism. . . . A Christian knows when it is time to speak of God and when it is better to say nothing and to let love alone speak.” *Id.* ¶ 31(c).

203. See *id.* ¶ 30(b).

204. The Pope cites “their transparent operation” and “adequate humanitarian solutions to the social and political problems of the day.” See *id.*

205. “The solidarity shown by civil society thus significantly surpasses that shown by individuals.” *Id.* ¶ 30(a).

realm of practical reason or politics—one finds elements of necessity that simply cannot be traced to his theoretical starting points, thus far named, if they are considered alone. One example is the necessity he posits of distinguishing State and society. Another is the necessity of the direct-indirect distinction as the equation for assigning the Church its role in relation to each. When one turns to discover the source of these elements of necessity, one confronts the Holy Father's intention of adumbrating, more specifically, a philosophy of law. To account for the totality of the picture he describes, one must add the premise that the desideratum is a comprehensive juridical framework. This framework is justified as an "instrumentality of beneficence." It, in turn, requires that all underlying philosophical and theological assumptions be comprehensively translated into juridically workable terms and that, as this occurs, "open-textured" or underdetermined elements be given content according to the principle of "*utilitas*."

In contrast to the resolution of dualist tensions in the systems of Kant and Augustine alike—through an interlocking relationship between material consequences, on the one hand, and moral or spiritual transcendence on the other, such that human institutions in those systems find themselves with one foot in one dimension, and the other in another, with tangible institutions pointing to intangible principles as the true measure of human integrity, and vice versa—the resolution of dualism in *Deus caritas est* appears to occur, rather, on the level of the interlocking jurisdictions as a matter of law. In short, in *Deus caritas est*, Pope Benedict offers a philosophy of law. In his vision as represented in the encyclical, Church points to State, and State to Church. In this resolution, the tangible forms of a dual institutional life are the product ultimately of a policy decision pointing to a single intangible value of beneficence as the goal of human action in both religious and secular-political perspectives.

V. CONCLUDING COMMENT AND EVALUATION

In *Deus caritas est*, Pope Benedict XVI invigorates the concept of Church-State dualism that Cardinal Dulles identifies as the central and salient characteristic of authentic Catholic thought on politics. In order to do so, Pope Benedict draws on an important strand of Catholic thought found at the core of the Church's living tradition. The theological and philosophical basis of this thought is, namely, Augustinian. But Pope Benedict's approach is—at certain points—other than Augustinian, for he makes an overdue and laudable change in Augustine by expressly removing a Manichean strain in the Augustinian schema suggesting that the dynamic of the temporal world may be one of sin as such. In contrast to Augustine, Pope Benedict affirms that self-love is *prima facie* good, and that the love of others, as implanted by the Creator in human nature, survives the fall to some definite degree intact.

In a certain respect, Pope Benedict, in this regard, sidesteps Augustine to reconnect with his precursor Plato on the possibility of innerworldly realization of the good. At the same time, Pope Benedict implicitly relies on Kant to support a vision of a civil society based in freedom in place of the organic social hierarchy of Plato. By these adjustments, Pope Benedict paves the way for the Church to participate in modernity, allowing the Church to endorse the temporal world as a positive forum for constructive, in-common human action and to take its place as an intermediate association within human society.

He supplements the otherworldly "Augustinian" dimension of the Church's identity with a dimension that is essentially, rather than accidentally, temporal, i.e., the Church is, for Pope Benedict, one association among the many associations constitutive of human society. By relying on the elevation of the human will in divine compassion, rather than on the power of the human intellect as such, Pope Benedict simultaneously avoids unduly lavish epistemological claims about the Church's substantive supernatural knowledge. The Church, as an intermediate social organization, shares with its peers—admittedly as experienced from a perspective purporting to be much "longer" than most others imaginable—a concern for the projects of practical reason on behalf of the human good. Critically, Pope Benedict elevates the pursuit of this social identity, grounded in an equal concern for the social good of unbelievers and believers alike, as a principle bulwark of the Church's own internal identity even as it undertakes its ministry of Christian proclamation and administers the sacraments. Pope Benedict's Church is, in its essential nature, the Church in the Modern World.²⁰⁶ For all their differences, the Church and the State have in common concern for acting on behalf of love or benevolence, i.e., practical action or beneficence. The basic attitude Pope Benedict prescribes for the authenticity of both viewpoints is a humanizing acknowledgement of finite efficacy. Each must confess: "Yet to Come, the Apocalypse *Is Not* Now. The time to serve, as efficiently as possible, is, however, now."

On a theological and philosophical level, the complex intersecting dualisms comprising Pope Benedict's revisionist Augustinian universe find their reconciliation within the unity of the human person who loves both within the limits of the possible and within the infinite compassion of God through Christ. Parallel, however, to Augustine's functional reconciliation within the temporal order of the State, Pope Benedict's dualism also finds reconciliation at the concrete level of law in the interlocking institutional unity of Church and State. Drawing on elements in Kant and Plato, Pope

206. See *Gaudium Et Spes: Pastoral Constitution on the Church in the Modern World*, in *RENEWING THE EARTH: CATHOLIC DOCUMENTS ON PEACE, JUSTICE AND LIBERATION* ¶ 3, at 179 (David J O'Brien and Thomas A. Shannon eds. 1977) ("[The council] offers to mankind the honest assistance of the Church in fostering that brotherhood of all men which corresponds to the destiny of theirs.").

Benedict forges a comprehensive vision that is inherently institutional in a way that would have been impossible in Augustine.

Working within the framework of modern constitutionalism, Pope Benedict favors an unambiguous juridical structure, comprehensive in scope, ordering the cooperation between the Church—which juridically is constituted in its offices as a matter of canon law—and the State—which is constituted juridically within its positive constitutional order. This structure is envisioned as allowing both to do or act effectively on behalf of beneficence, both conceived as justice and love. He simultaneously retains the inherently “elitist” perspective of Plato and Augustine regarding the technical mastery of means, while on the level of ends, he provides a basis for blending this approach with the modern preference for democracy.

Critical in understanding Pope Benedict’s vision is the realization that his theological and philosophical premises, while deeply rooted in ancient and continuous Catholic tradition, are drawn from one particular strand of that tradition. Other alternative patterns, associated for example with the Thomist/Aristotelean line of Catholic thought, are no less available to Catholic thought on politics after Pope Benedict, as the Pontiff has made his selection in leading the Church at this moment in time. The unity Pope Benedict’s synthesis proposes follows within his philosophy of law not even this follows strictly from his particular theological and philosophical premises, to the exclusion of other possible alternatives. Rather, this philosophy of law takes its more concrete shape only within the tradition of modern constitutionalism with its treatment of the relations of Church and State. As a legal construct, it also includes in its more detailed conceptualization concrete choices which find their validity in their contribution to a system of law that works effectively. These elements in the Pope’s rendition will be subject to being seasoned as they evolve in practice under the stresses of life and experience.²⁰⁷

In a global technocratic world in which the welfare, and indeed survival, of billions of us co-depend on prompt, effective and comprehensive governmental response to developing problems, Pope Benedict has fashioned a set of concepts that support the cultivation of all necessary instrumental means for the care of humanity. He has done so, moreover, by framing a system of thought that places the lever that moves the world in the charge of free and intelligent decision through practical reason rather than the obsessive consolidation of power or the grip of inhuman ideologies. In a world in which Christian values are often advanced from what would seem to be the posture of a small minority, Pope Benedict situates

207. For example, American constitutional law once relied on a concept of dual federalism and the direct-indirect distinction with certain parallels to elements in Pope Benedict’s conceptualization. In this separate and, in itself, unrelated setting, this conceptualization eventually underwent alteration under the pressure of the economic crisis of the Great Depression. *See, e.g.,* *NLRB v. Jones & Laughlin Steel Corp.*, 301 U.S. 1 (1937).

the Church²⁰⁸ so as to maximize its immediate and maximal impact on outcomes.

The seamlessness with which Pope Benedict brings all intangible values to an alignment that supports the instrumental efficacy of two interlocking bureaucracies is a credit to his genius as a jurisprudent for he has given us a brilliantly articulated philosophy/theology of law.²⁰⁹ But, then again, the perfection of any apparently closed system invites human transcendence itself to seek assurance that there really is more. If it is to retain its resiliency, Pope Benedict's schema must be refreshed by constant interplay with the mind of the Church, which is fully alive theologically and philosophically, and with the praxis of the Church which, while fully respectful of the legal dimension, is not precisely bounded by it.

If the schema Pope Benedict sets out, precisely because of its elegance and completeness as a philosophy of law, lost its living link to the richer and even more apparently chaotic mind and practice of the Church, it could suffer a regrettable set back for the Church. The danger can be perhaps best articulated by considering the design by which the palace and grounds of a seventeenth or eighteenth century European Schloß is laid out according to the illusion of perfect and limitless perspective, communicating the unlimited efficacy of reason on behalf of the cause of the State. On the Schloß grounds, one customarily found a Magdalene Chapel or Magdalene to which the ruler could repair to restore his soul.²¹⁰ Our response is mixed at best, as we admire and yet dizzy with the

208. See DEUS CARITAS EST, *supra* note 6, ¶ 18, ¶ 36 (citing Blessed Teresa of Calcutta as role model).

209. Pope Benedict writes:

In the Old Testament tradition, the decisive action in Moses' activity as mediator is not the act of leading the people out of Egypt but the act of handing on the Law at Mount Sinai. It is only through this that the Exodus for the foreign land takes on meaning and stability. For the people is set free and becomes a free nation of its own only by becoming a legal community. Lack of freedom is the condition of being without law. This is why the gift of the law is the real establishment of liberation [of course,]—and of a law that is truly justice, namely right order in relation to one another, in relationship to Creation and in relationship to the creator.

RATZINGER, A TURNING POINT, *supra* note 4, at 73.

210. In response to the endorsement by Council of Trent (1545-1563) of the devotional value of religious art, the Counter-Reformation Baroque developed its own unique artistic vision. A favorite theme was the penitent Mary Magdalene. An example is "the Magdalene . . . alone in prayer, seated before a crucifix and skull, engaged in the very spiritual exercises that the owner of the altar might well have performed while kneeling before it." See Michael K. Komanecky, *Private Devotional Altars of the Baroque*, ANTIQUES, Oct. 2005, at 138, 140. This is part of the "tradition of luxurious and elaborate private devotional altars extending from the late sixteenth until the early eighteenth century . . . [and s]uperbly crafted religious objects made in Augsburg and other European centers . . ." *Id.* at 140, 143. Markus Reisenleitner writes:

Representing Baroque urbanity as an outcome of the deliberate acts of the dynastic rulers and their entourage, who used them as metaphors or stages for the self-presentation of territorial consolidation clearly perpetu-

uncannily sense that the entire Baroque scene might suddenly devolve into a stage set—with even the doors and windows of the Magdalene Chapel part of the facade. With the loss of its living foundation in the mind and practice of the Church, Pope Benedict's schema would in principle run into this difficulty. It would be an acceptable loss if the consolation and refuge available in the cult of the Saints—as beautifully portrayed in *Deus caritas est*, akin to the Magdalene Chapel on the Baroque Estate—suddenly became inaccessible, with bureaucracy simply ascendant.

A relatively small emendation to Pope Benedict's framework would serve substantially to set aside this danger. Parallel to the concession of the State of space to the living forces of society, as a matter of civil society, the institutional Church must concede space to the living forces of diverse impulses of Christian life in the Church in a sphere of freedom that cannot be reduced to the laity following the injunctions of the hierarchy. In this dimension of the Church's life, hierarchical distinctions do not have currency as such. St. Paul's *Letter to the Galatians* reminds us that "in Christ there is neither male nor female, slave nor free."²¹¹ Is it not equally true that, at a certain point, 'in Christ there is neither clerical nor lay'?

Underlying this newest papal encyclical, as underlying Christianity itself, there is, moreover, an ever-present basic gamble. In the case of *Deus caritas est* it is this: the tether of civilization to both a common language of practical reason and to Christian faith has, by the Pope's own account,²¹²

ates intentional self-assertions of the absolutist system In the wider context of counter-reformatory absolutism, popular culture practices were transformed, the carnevalesque and subversive elements disciplined, and a privileged space carved out for an elite culture based on representation and glorification, rather than subversion and topsy-turvy worlds of inversion and randomness.

Markus Reisenleitner, *A Palace with View: Imagining Europe in the Baroque City*, 6 *Spaces of Identity* 167, 176 (Aug. 2006), available at, http://www.yorku.ca/soi/_Vol_6_2/_PDF/Reisenleitner.pdf; see also Germain Bazin, *Baroque and Rococo* (Thames and Hudson 1998). For a description of Nymphenburg and its Magdalene Chapel, see *BAROQUE AND ROCOCO: ARCHITECTURE AND DECORATION* (Anthony Blunt ed., Harper & Row 1982). For an illustrated survey of Baroque styles in various European countries, see generally *BAROQUE EUROPE* (Harald Busch & Bernd Lohse eds., Macmillan 1962); Eberhard Hempel, *BAROQUE ART AND ARCHITECTURE OF CENTRAL EUROPE* (Penguin Books 1977); Julius Held and Donald Posner, *SEVENTEENTH AND EIGHTEENTH CENTURY ART: BAROQUE PAINTING, SCULPTURE, AND ARCHITECTURE* (Harty N. Abrams, Inc. 1972).

211. St. Paul's letter to the Galatians states:

For all of you who were baptized into Christ have clothed yourselves with Christ. There is neither Jew nor Greek, there is neither slave nor free person, there is not male and female; for you are all one in Christ Jesus. And if you belong to Christ, then you are Abraham's descendent, theirs according to the promise.

Galatians 3:27-29 (New American Bible).

212. In a speech at the University of Regensburg, Pope Benedict said: This is a dangerous state of affairs for humanity, as we see from the disturbing pathologies of religion and reason which necessarily erupt when reason is so reduced that questions of religion and ethics no longer concern it. Attempts to construct an ethic from the rules of evolution or

become rather uncertain. The construct Pope Benedict offers in this encyclical seeks to vindicate the continuing unrestricted reach of both practical reason and faith, over the mechanism of government and the dynamics of social life, notwithstanding the relatively small resources of the still extant Christian community. This act of faith, like that of the life of Blessed Teresa of Calcutta whose tiny shadow filled the globe, merits the most profound admiration.

In choosing the papal name of Benedict, the Pontiff undoubtedly meant to signal his own conviction that the cause of civilization required a return to the apostolic bedrock of Benedict of Nursia, the father of Western monasticism, and arguably the father of modern Europe. In proposing the program of *Deus caritas est*, Pope Benedict suggests that this strategy can be combined with moving forward within the status quo. He, with courage and brilliant presence of mind, gambles that this maneuver will work, and his contribution might just be the decisive step ensuring that this is so. But as the Church, thinks with him, it is still permitted to ask, what if the status quo breaks apart? In his book, *After Virtue*, Alasdair MacIntyre, observing the same decline that is of concern to Pope Benedict, counseled an alternate course. As he considered the dark ages already to be upon us, he counseled a return to the monasteries.²¹³ Would this, in fact, be a suitable back-up plan if the total institutional edifice which *Deus caritas est* seeks to assist in upholding either crumbles or, worse, turns out to instrumentalize those, like beneficence-serving Christians, seeking to utilize it, or otherwise to dehumanize them? If not, is there another?

from psychology and sociology, end up being simply inadequate. . . . Before I draw the conclusions to which all this has been leading, I must briefly refer to the third stage of dehellenization, which is now in progress.

ADDRESS AT REGENSBURG, *supra* note 13.

213. See ALASDAIR MACINTYRE, *AFTER VIRTUE* (2d ed., Univ. of Notre Dame Press 1984). MacIntyre writes:

A crucial turning point in that earlier history [in which the Roman empire declined into the Dark Ages] occurred when men and women of good will turned aside from the task of shoring up the Roman *imperium* . . . to achieve instead . . . the construction of new forms of community within which the moral life could be sustained so that both morality and civility might survive the coming ages of barbarism and darkness. If my account of our moral condition is correct, we ought also to conclude that for some time now we too have reached that turning point [T]he new dark ages . . . are already upon us This time however the barbarians are not waiting beyond the frontiers; they have already been governing us for quite some time We are waiting not for a Godot, but for another—doubtless very different—St. Benedict.

Id. at 263.

