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Pope Benedict XVI and the Desideratum of a Natural Law: Three Views

BY FATHER JAMES V. SCHALL, S.J.,⁺ DAVID SOLOMON,⁺⁺ &
WILLIAM J. WAGNER⁺⁺⁺

Father James V. Schall, S.J.

Professor Kenneth Schmitz raises the question of whether there is anything to be known in the history of any culture about moral truth, and, if there is, of how one goes about discovering that knowledge.¹ His words lead me to consider the question of natural law in relation to world history. The Holy Father, Pope Benedict, cites common moral discourse as desideratum in his Regensburg Address. In that context, he says that the historical intersection of the biblical faith with Greek philosophical inquiry was an event of decisive importance, not merely from the standpoint of the history of religion, but also from that of world history.² He asserts that this event is still relevant today. The present collection of essays, gathered under the caption, *A Common Morality for the Global Age*, assumes this contemporary relevance of the Pope's question.

Pope Benedict XVI has, not just in his Regensburg Address, but more generally, has set an agenda for uncovering the basis of common discourse on the most profound level, about the meaning of our life in this world. The Catholic Church in the modern era, in a certain sense, has been insufficiently engaged on this question, as measured by a proportionate regard for its own further flourishing in the world at large. The need for the church to address the issue is evident in its decline, in many ways, at least in the West. The foundation of the Pope's agenda and the present collection of essays is the need for a basis on which everyone in the world can, should, and must meet on a common inquiry into what we are about as human beings. I concur with those commentators who consider the Pope, at this moment and for this reason, to be the most important voice in the world. The Pope's agenda is helpful in its posing the question of the place of divine revelation in answering present need.

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¹ Kenneth Schmitz, *Human Nature and Human Culture*, post, pp. 87-99.

² Pope Benedict XVI, Faith, Reason and the University: Memories and Reflections (Sept. 12, 2006), [hereinafter Regensburg Address], available at http://www.vatican.va/holy_father/benedict_xvi/speeches/2006/september/documents/hf_ben-xvi_spe_20060912_university-regensburg_en.html#top.

In his article below, Kenneth Schmitz reminds us precisely that it makes sense to ask the questions: First, am I able to know?; Second, what is there to be known?; Third, where there is something to know, what is my responsibility to know it? The remarkable part of Professor Schmitz's argument is its treatment of the implications for the thing that we know by virtue of our knowing it. Now, I believe that Plato originally set the stage for this question. Plato asks in the *Symposium* whether the world is complete just by having been created and being present, or whether something must occur in the world, which is not the responsibility of the creator or the maker or whatever one terms the world's first cause, for the world to be completed.³ And Plato said yes. Things need to be known in themselves, but they also need to be known in relation to their role as the source of the direction of our actions necessary if the world is to be completed. Kenneth Schmitz's point is parallel to Plato's. The point is a very, very important one.

Pope Benedict says in his Regensburg Lecture, and elsewhere, that the modern scientific understanding of the world—which, as far as it goes, he respects—in a certain sense does not speak to the things most people consider important. The world religions, on the other hand, do talk about these things. The intriguing subtitle of Catherine Pickstock's recent book, *After Writing: On the Liturgical Consummation of Philosophy*,⁴ reflects what I believe is, in fact, the Pope's intention—i.e. a completion of philosophy through a kind of liturgy. His agenda, in the area of inter-religious and inter-culture dialogue, is precisely to make natural law and a common morality a foundation for talking to one another about the things people actually consider important.

The Pope holds that there is—as Kenneth Schmitz argues—such a thing as a reality and a foundation of reality. Discovering how we come to understand this reality is the objective to which the Pope is pointing us. As he does so, he is moving rather rapidly to propose avenues for overcoming a kind of stalemate in a Christianity that never, for that matter, has been a problem anywhere but in the Christian West and its offshoot of secularity. I would not dispute the Pope's sense of timing in pressing his agenda. I believe, moreover, that he is correct in asserting the key importance of both of these elements to world history: (1) Greek philosophy; and (2) revelation, in so far as revelation itself reflects an impulse to relate to reality.

David Solomon

The lovely subtitle of the present essays, *In Gratitude for What We Are Given*, could be misleading. Professor Kenneth Schmitz, in his essay that follows, reasons in a manner that reflects the natural-law tradition, but, as far as I can tell, there are only three people left in the world who resemble Kenneth Schmitz; and they are all sort of shaky right now. Therefore, the subtitle of this collection might better have been, "In

³ PLATO, *TIMAEUS* 16-18 (Benjamin Jowett trans., 2008).

⁴ CATHERINE PICKSTOCK, *AFTER WRITING: ON THE LITURGICAL CONSUMMATION OF PHILOSOPHY* (1998).

Sorrow for What We Have Lost.” That is the real subtext as I read the situation of any discussion of natural law. My comment on the topic of *Pope Benedict XVI and the Desideratum of a Natural Law* will revolve around the greater aptness of this theme, “In Sorrow for What We Have Lost.”

Kenneth Schmitz gives us a picture of what can be considered the natural law “from the inside out,” setting out intellectual resources from which we can work. But, the reception of Pope Benedict XVI’s Regensburg Address gives us an account of the natural law that I think functions from “the outside in.”⁵ That reception points to why we are in deep trouble. It is not, I think an accident, that Pope Benedict began his Regensburg Address with those nostalgic comments about the “good old days” at the University of Regensburg,⁶ idealized and somewhat sentimentalized, where everybody got along and talked about the big questions and the atheists came to talk with everybody else. There was at that time patience in intellectual discussions and a kind of hopefulness about the future. There was an absence of the specialization affecting those of us gathered at universities today. There was not the pressure in hiring to meet the standards of the best departments in the world. The Pope’s address begins with this nostalgia. It then offers its wonderfully compressed and brilliant account of this sort of compact combination of Greek rationalism and Christian faith that came together and sustained us for a millennium and a half, before the shock of successive waves of an assault on the notion of reason—the Pope mentions three such waves—that have made this synthesis come undone so that, even within Christian theology, the “unreasonable” has been thought to be a guide for Christians and an articulation of the heart of gospel faith. A kind of violence has come to be experienced that we now encounter more or less daily in our lives. This violence is not just a sort of physical violence, but includes various kinds of intellectual violence in past centuries, unthinkable at the heart of the reflective lives of Christians. We are in this deep problem, whether we like it or not. The assaults on reason pervading our milieu have made it difficult for us to recover and sustain the kind of balance the Pope calls to mind with nostalgia.

Now, the Regensburg Address invites reflection on its content. This lecture was one, if there ever was one, calling for a reasonable exchange of views for its own sake. But what response did the lecture elicit? The tenor of the press coverage was cynical: “What’s this guy really up to?”; “Who’s he really after?”; “What’s he . . . ?” I believe that this cynicism indicated, root and branch, a complete lack of comprehension of what he meant to address. I submit that the response to the lecture was a kind of resort to violence. It was actually the best confirmation of Pope Benedict’s claims about the tendency within the culture—*i.e.*, an inclination to unreasoned response. I trust that the Pope took no comfort in this validation of his thesis.

Questions remain on the table, setting aside nostalgia: Where do we turn to muster

⁵ Regensburg Address, *supra* note 1.

⁶ *Id.* at 6.

the reasonable response Benedict tried to elicit?; How do we make sense of the loss to which the Regensburg Address directs our attention, the loss of reason in certain dimensions of our lives? In some ways, Pope Benedict's mistake in that talk was to try to articulate the sorrow and this loss in the idiom of rational argumentation. It should not be surprising that reasonable argument will likely fail as response to a certain pathology of modern reason. One might suppose that a collection of papers like the present one, generated as it has been at a university, would be a context for a reasonable response to pathologies of reason. However, given the character of the contemporary American university's environment, I must say that I had reason to doubt, when asked to contribute to the present collection—arising as it has in just that environment—whether it would present an occasion for meaningfully considering what the Pope was saying. I can only assume that The Catholic University of America, as a university in the United States, unavoidably suffers, to some degree—as does the University of Notre Dame from whence I come—the general current malaise of other universities in the American setting.

Unfortunately, the modern university is sick. So much of the reception given to the Regensburg Address was devoted to ferreting out who the Pope was—one may assume that the real concern was to defend an idea of the university that was, in fact, incompatible with the Pope's vision. The Pope's critics imply that he was really “out to get the university” or their view of it. He was out to get all of us, “the enemy.” I say: if the shoe fits, wear it. The enemy is, in truth, the modern university; it is impossible—whether the present collection of essays is or is not an exception, the reader can decide—to raise those questions that the Pope says have to be raised, if, “from the outside in,” we are going to recover a culture that can take natural law seriously.

Even equipped with all the intellectual resources in the world of the kind exemplified by Kenneth Schmitz's beautiful essay, we are lost if we do not have a setting in which this conversation can be conducted. Moral philosophy, as my colleague Alasdair MacIntyre always says, presupposes a sociology.⁷ It also presupposes a psychology.⁸ The sociology of the modern moral philosophy, which rejects the very rudiments of natural law, is the very sociology of the modern research university. Those of us, who teach in the philosophy and theology departments of universities, aspiring to be the great Catholic universities of our day, know how difficult it is on our campuses even to raise the kinds of questions summarily described under the heading of “the desideratum of a natural law.”

The lesson of the Regensburg Address is that the pathology of reason is the pathology of the modern university. And the lesson that all of us, who teach at the university, should take away from that address is less its reminder of the goal that should inspire us and more the sense of loss that will be effected if we fail—and even the loss we have already suffered through our failure to this point and how far we

⁷ MARKL C. MURPHY, ALASDAIR MACINTYRE 115 (2003).

⁸ *Id.*

have already fallen. I wish that I could join in feeling the gratitude mentioned in the subtitle that I mentioned at the outset, but I opt out of that because, under the present circumstances, I believe the more promising beginning is reflection on our sorrow—*not* our despair—as a necessary step in moving towards a day that we may greet with gratitude.

William J. Wagner

Clearly for Pope Benedict XVI something like respect for natural law is a goal, but it is so only in one sense and not in another. He sets out knowledge of the natural law as a goal with appropriate qualification, *sic et non*, or yes and no.⁹ On the one hand, it is clear that the Pope wishes to affirm reason as reliably mediating the basic requirements of acting in conformity with the dignity of being human and the emergence of the true human community. And, I believe, he holds that if reason is given that role, one can expect a comprehensive and inclusive appreciation to come into view of the full range of human rights, and we can expect to begin to join in solidarity with others in appreciation for their initiatives and a deeper desire to cooperate with them. And it is also true that Pope Benedict sees in this—call it natural law—reasoning an alternative to a postulate that currently seems to reign: that precisely a departure from these common assumptions would guarantee our peaceful coexistence as peoples. And his remarks can be understood as a sound of alarm regarding the negative implications of the “dictatorship of relativism” for human happiness, giving rise, as it does, to only untrammelled selfish or, in any event, isolating fragmentation.¹⁰

But, on the other hand, if one looks at Pope Benedict’s writings, one finds no endorsement of perfectionism. One searches in vain for any kind of prescriptions about appropriate social structures. His viewpoint far more closely approximates Western liberalism than it does Islamic revival, notwithstanding the monotheism that links him with Islam and separates him from typical liberalism. One finds our Pope cautioning those of us in the church that Catholic Social Thought does not give us a basis for prescribing economics.¹¹ One finds him carefully clearing away false metaphysics, with his emphasis on freedom liberated from pseudo-cognitive limits.¹² Reason, being underdetermined, is a preamble to politics, understood as an exercise in freedom. His emphasis is on letting each generation “make them [i.e. politics] his own” and on community in open discourse in the present towards a specification of the structures it wants.¹³

Now, I think it is fair to say Pope Benedict is an Augustinian. I doubt many people would dispute that. And like Augustine, Pope Benedict emphasizes the freedom of

⁹ PETER ABELARD, *SIC ET NON: A CRITICAL EDITION* (Blanche B. Boyer & Richard McKeon eds., 1976).

¹⁰ Cardinal Joseph Ratzinger, Homily on the Dictatorship of Relativism (April 18, 2005).

¹¹ POPE BENEDICT XVI, *DEUS CARITAS EST [ON CHRISTIAN LOVE]* ¶ 29 (2005) [hereinafter *DEUS CARITAS EST*].

¹² *Id.* at ¶ 5.

¹³ *Id.* at ¶ 7.

God and the freedom of human beings. Augustine, I think it is fair to say, is at the root not merely of Pope Benedict's theology, but of social contract thought and modern liberalism itself. Augustine makes a kind of bifurcation. There are the first principles that ought to govern, then there is the reality of selfishness that conflicts even with self-interest and a need, nonetheless, for a temporal peace, a tranquility premised on a realistic assessment of the dynamics of self-interest and conflict.¹⁴ In this view, the seventeenth-century wars of religion were the fallout of a certain facile ambition in the medieval synthesis, and the Peace of Westphalia became a godsend, made possible by a retrieval of St. Augustine.

Moreover, where Pope Benedict does part ways with liberalism, he finds its error, in germinal form, in Augustine himself. Pope Benedict is not simply an Augustinian; he is an Augustinian with a difference. He rejects the Manichaeism that is still latent in Augustine. He does not see sin as the reason for the provisional nature of our temporal accord. Rather, he develops a properly theological basis—rather than one rooted in a derivative theodicy—for the very principles of pluralism that organize western liberal societies.¹⁵ He endorses the neutrality and instrumentalism that accompany positivism—even, in a meaningful sense, secularity—on theological grounds.¹⁶ He is interested in clearing away barriers to freedom and to free political creative exchange. He shows influence of the Frankfurt School. In *Deus Caritas Est*, his encyclical, he emphasizes the importance of negative critique, clearing away, as he does so, precisely unsustainable metaphysics of nineteenth century German idealist philosophers and of Marxism itself, which give us a false sense of an “apriority.”⁹ And, likewise, on this basis I think it is fair to conclude that he rejects the perfectionism even of ancient philosophers. He does so in favor of a kind of, I would call it, liberalism that he develops on a theological foundation. I believe that Pope Benedict's theology is not based on sin—notwithstanding my own inclination to believe that the theodicy in Augustine deserves more continuing play—but on the limits of reason, so that reason is essential to, but also limited in, what it can do for us. In Pope Benedict's view, our desire outstrips what reason can teach us exactly. Now, Pope Benedict, like St. Augustine, views the first principles of natural law as absolutely directing our own judgment about the rectitude of the way things are going here below and by what could be called analogy to the judgment that the Lord our God will reach at the end of time about how we have all done. But both Pope Benedict and Augustine assume that in the ordering of civil society, these first principles of the natural law are going to be brought in only on a qualified basis, with pragmatic concerns also entering the picture. Pope Benedict, for his part, where he does view first principles of reason as essential, grounds them in God's love for us. As he says, “God loved us first.”¹⁷ And on that basis, in gratitude, we can hope to

¹⁴ See ST. AUGUSTINE, THE CITY OF GOD 54 (Marcus Dods trans., 1878) (“[the city of man] desires early peace for the sake of enjoying earthly goods and it makes war to attain this peace.”).

¹⁵ DEUS CARITAS EST, *supra* note 11, at ¶ 28.

¹⁶ *Id.*

¹⁷ *Id.* at ¶ 17.

organize our lives according to these transcendent principles that are bestowed upon us as a matter of our creation. But Pope Benedict would also say that “God loves us last.”

Pope Benedict emphasizes the last judgment and what God will have to say at the end of time. What we are able to determine in our political assemblies is naught but a drop in the bucket compared to what needs—if one is truly committed without exception to the principles of human dignity and human moral accountability—to be said in justice about how things are going here on Earth.¹⁸ Nonetheless, Pope Benedict provides a theology that permits Christians to join in modern secular society and its contingent political decision-making and lawmaking, with knowledge that doing so is worthwhile and that the meaning of doing so is not merely provisional because of the intrusion of sin, *pace* Augustine. He also asserts that the justification of the political order is not limited to self-interest, and this is where he says modern liberalism is wrong. He holds instead that it is premised on a notion of reason, which is *per se* social and communitarian but which, in humility, is orientated to what can be done here and now temporally. Now, here is where the sorrow enters. To play on an elision of Greek and Christian categories as Matthew Arnold proposed in his poem *Dover Beach*, the sound of this sorrow heard now in Christian ears is a “sound Sophocles long ago/Heard it on the Aegean, and it brought/Into his mind the turbid ebb and flow/Of human misery.”¹⁹

The Christian sorrow, for Pope Benedict, is not the product of sin or apostasy. It is the sorrow of Sophocles merely understood with theological depth acquired with Christianity. The modest good that human reason can conceive and politics can attain is only a tiny part of the good toward which our wills are oriented, which is the good that is commensurate by the help of grace with God and outstripping our merely human capabilities. Our dignity is much larger than what we can name or attain. And so, then, with the Psalmist, we place ourselves before God, as Pope Benedict invites us to see it, yes in gratitude and, of course, in praise, but also, let us not forget, in lamentation.²⁰ Because there is a sadness, the sadness is not just a recent disorder in society or the academy, as true and worrisome as I think Professor David Solomon, in his own comment, justly suggests such disorder now is. At its root, the sadness that we feel is a sadness inherent in our human finitude. We are not God. We can see and know losses that we can do nothing to remedy. In this very shortfall, the psalmist reminds us that we are called in faith to share our sorrow with a God who hears our cry and ultimately responds in love.²¹

¹⁸ *Id.* at ¶¶ 26-28.

¹⁹ MATTHEW ARNOLD, *DOVER BEACH AND OTHER POEMS: UNABRIDGED* 86 (1994).

²⁰ MITCHELL DAHOOD, *ANCHOR BIBLE: PSALMS 1-50*, Psalm 34 (1995) (naming lamentation along with praise and thanksgiving as central themes in the psalms).

²¹ *Psalm* 34:6 (“This poor man cried, and the Lord heard him: and saved him out of all his troubles.”); see also CLAUS WESTERMANN, *PRAISE AND LAMENT IN THE PSALMS* 11 (Richard N. Soulen & Keith Crim trans., 1981) (explaining “praise and lament belong together as expressions of the human existence before God”).

