

**The Virtue of Obedience and the Civil Conversation in Aquinas and Murray: Some  
Convergence with Democratic Theory**

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## 1. Introduction

Nearly fifty years ago John Courtney Murray expressed concern about the viability of the ‘civil conversation’ in the United States in his work, *We Hold These Truths: Catholic Reflections on the American Proposition*.<sup>1</sup> Murray explained that the concept of a ‘conversation’ arose from a twofold Latin sense of ‘living together’ and ‘talking together’. A civil conversation requires the existence of a strong civil society along with its customs, laws, institutions, rules of argument and public spaces. As Murray realized, all of these things that make up a civil society require some sort of concord or ‘conspiracy’ that orients all members of the society to a common good based on a moral consensus, which he called “the public consensus”. Murray’s work did not focus on the kind of practices that would make this consensus practicable, but he did acknowledge that it had to be “laboriously cultivated by the discipline of passion, prejudice and narrow self-interest.”<sup>2</sup> He also believed that the substance of the American consensus, identified with Lincoln’s proposition at Gettysburg, arose from a tradition of natural law dating back to the works of St. Thomas Aquinas.<sup>3</sup>

Murray’s work is that of a public intellectual aimed at a popular audience, and it is not as carefully documented as a contemporary scholarly work. In the present work I propose a working hypothesis to deepen our understanding of what Murray may have meant by a civil conversation with reference to certain questions of the *Summa Theologiae* of Saint Thomas Aquinas. The hypothesis is that Murray’s concept of a civil conversation arises from his reflections a much-mined passage from the question on

Natural Law from *The Treatise on Law* (I-II 94, 2, corpus) dealing with the natural human inclinations and the precepts of natural law:

“... there is in man an inclination to good according to the nature of reason which is proper to him, as man has a natural inclination to know the truth about God, to live in society and, in accord with this inclination all those things which relate to it belong to the Natural Law, namely, that a man avoid ignorance and that he should not offend others with whom he ought to live and similar things which relate to this inclination.”<sup>4</sup>

If, as I believe, Murray’s argument about the ‘civil conversation’ is an invocation of the natural inclination to live together and to talk together (*conversatio*) it refers to a conception of political life that is profoundly different from those contemporary versions of liberalism,<sup>5</sup> and even of some interpretations of natural law theory,<sup>6</sup> that see the good of political life as a good that is instrumental to other goods, or even dispensable in the pursuit of happiness.<sup>7</sup>

The passage from the *Treatise on Law* is not concerned primarily with the justification of civil authority or moral obligation. Rather it involves the role that law plays as an external cause of human actions, directing them towards goods to which people are naturally inclined so that they might pursue happiness. Aquinas understood these inclinations to be intellectual, in the sense that the human being as an intellectual creature experiences the good as intelligible. He, like Aristotle, posits a natural inclination to virtue that must be developed through habituation and instruction.

Murray, like his younger contemporary John Rawls, was concerned with the need for a public philosophy in an increasingly pluralist democracy. Murray's work and that of other likeminded Catholics helped to bring about a convergence between Catholic political thought and liberal democracy through the adoption of the "Declaration of Religious Freedom" at the Second Vatican Council.<sup>8</sup> More recently some liberal theorists have turned their attention to the need for virtue and purpose in public life in ways that converge with Murray's perspective. Others have focused their attention on the idea that politics, and especially democratic, is best understood to be a discourse, or deliberative process, approaching Murray's concern about the "civil conversation".

In what follows I develop an understanding of the concept of a civil conversation as it is treated in the works of St. Thomas Aquinas. If my hypothesis is that Murray's understanding of the need for a renewed civil conversation is tied to the Thomistic doctrine that there are natural human inclinations to know the truth about God and to live in conversation with others. For this reason it is a serious deprivation for human beings not to live in true civil community, and not to participate in an ongoing civil conversation. In the next section of the work I will make some brief and preliminary observations about the term *conversatio* as it appears in Aquinas. I will then turn to an account of the civil conversation in Aquinas. My account will focus on two key passages in which the issue of human inclinations to the good arises: in the question on the virtue of obedience (IIa IIae 104) as compared to parallel passages in other works, and in the question on the precepts of natural law (Ia 94, 2). It also will be helpful to consider the special virtue of obedience in relation to the general, cardinal virtues of justice and prudence, and theological virtue of charity.

In the final section of the work I will review some trends contemporary liberalism and deliberative democratic theory that are convergent with Murray's concern about the civil conversation. This approach portrays a situation in which any attempt to reconstruct a public philosophy for the contemporary United States should deemphasize theories of obligation and authority and turn to a renewed emphasis on purpose, human excellence, and the pursuit of happiness. However pluralist a society becomes, it still requires a conversation about the purposes it will undertake as a human community.

## **2. The Meanings of *Conversatio***

The Latin noun *conversatio* is not easily rendered into English. The first meaning given by standard Latin/English lexicons is “social intercourse”. This translation is awkward but captures the diverse connotations of the concept. In living together human beings develop multiple and interrelated discourses about living and living well together. In his standard reference work, *A Lexicon of St. Thomas Aquinas*, Deferrari adds the second synonym “association”, and points out that the term is used in Latin as a synonym of *communicatio*, *communio*, and *communitas*. A second definition is ‘conduct’ or ‘way of life’.

So, for St. Thomas, human beings are inclined to conversation, or communion, with other people and all intellectual beings. There are indeed, multiple levels and varieties of conversation discussed in his works. His conception of beatitude is salvation in the sense of communion with God, but also with the entire church.<sup>9</sup> Human society includes the domestic conversation of the household, the civil conversation of the political community, and the religious conversation of the church or religious community.

However the term social intercourse also connotes economic life in the sense of barter, contract and the buying and selling of goods, services and labor. In the medieval society of 13th century Europe Aquinas would have been aware of the way that other corporate entities like cities, universities, guilds and religious orders constituted specialized conversations of their own. Indeed his participation in public debates about whether the members of mendicant orders should occupy chairs at the University of Paris was a formative event in his professional life.<sup>10</sup>

It is clear from many passages in Aquinas work that he understands socialability to be a vital cause in the development of virtue. Returning to the passage from the *Treatise on Law* quoted above, he argues that natural law includes precepts that teach us not to give offense to the people with whom we live. Consider the simple anthropology of the political community one finds in Aristotle's *Politics*,<sup>11</sup> and in Aquinas's work, *On Kingship*:

For nature has in the case of other animals provided food, fur covering, means of defense ... But human beings have been constituted with none of these things provided by nature. Rather human beings have instead been provided reason, which enables them to provide all these things for themselves by the work of their hands. But a single human being does not suffice to provide all these things, since single human beings by themselves could not adequately make their way through life. Therefore it is natural for human beings to live in community with many.<sup>12</sup>

In the subsequent passage Aquinas goes on to explain the way that human beings need each other in order to learn how to survive, but also to develop virtue. Unlike other animals that have 'indigenous structures' that allow them to identify healthy foods and recognize enemies, human beings must learn through experience. Since it is impossible for a single human being to develop knowledge of all this needed, we learn from each

other and depend on each other. One learns about medicine, another about building materials, and so on. Human beings need moral virtue to live well, and prudence is integral to all of the moral virtues since it involves choosing well. Since prudence arises through experience, and we cannot experience everything we must learn to develop complete virtue, we need to experience the examples and expertise of others in an ongoing process of self-disclosure.<sup>13</sup>

Aquinas understood the virtue of justice to be “the constant and perpetual will to render to others what is due them.” This virtue structures relations in society. Justice, according to Aquinas, “orders the activities of other virtues to its own end by moving them by its command.”<sup>14</sup> Thus many special virtues are connected to justice because of the social nature of the human good. For example, without trust society is impossible, so Aquinas associates conversation and living together (*convivere*) with the need for the virtue of truth. Here the virtue of truth refers especially to the person’s willingness to present her or himself as he truly is and without exaggeration or suppression.<sup>15</sup> Society also requires order, so people need to follow commands. This involves the virtue of obedience. These and related virtues are addressed by Aquinas in a series of articles in the *Summa Theologiae* to which Father T.C. O’Brien gives the helpful title “Virtues of Justice in the Human Community.”<sup>16</sup>

### **3. Obedience and the Order of Justice in General**

As noted Aquinas adopts the definition of justice from Roman law, “the constant and perpetual will to render to others what is due them.”<sup>17</sup> From this fundamental statement about moral virtue an important question of social and political theory arises, are certain human beings owed obedience? Are other human beings obliged to obey? If

so, what are the limits to authority and obedience, and who is the judge of those limits? Aquinas does not treat obligation per se, but rather the virtue of obedience. What follows is a discussion of the context of the question on obedience in the *Summa Theologiae*,<sup>18</sup> followed by an explanation of certain aspects of Aquinas understanding of the virtue of obedience before turning to the more specific problem of political obedience and the limits of civil authority.

The question on the virtue of obedience in the *Summa Theologiae* falls in a section devoted to a variety of minor virtues connected to the virtue of justice.<sup>19</sup> Such virtues are said share something in common with justice but fall short of the complete virtue. The list of virtues included in this category is derived in large part from Cicero's discussion of deliberative oratory in his juvenile treatise, *de Inventione*, and is Stoic in origin. In this account virtue is said to have four parts: prudence, justice, fortitude and temperance. In the subsequent passage on justice Cicero states that, "Natural right (*jus naturae*) is not born of opinion, but implanted in us by a kind of innate instinct: it includes religion, piety, gratitude, revenge, respect and truth."<sup>20</sup> The decision to rely on a work on rhetoric is tied to the purpose of this section in the plan of the *Summa* focused on virtues related to justice in human communities, and so, *conversatio*.<sup>21</sup> Our duties in our community arise from our relationships with others and therefore from an ongoing conversation.

My central concern is not with Aquinas understanding of the infused virtues we can leave aside his emphasis on the way that grace perfects nature. Instead we focus on his understanding of the acquired virtue of obedience in *Secunda Secundae*, question 104, "Of Obedience".<sup>22</sup> This is the third of three questions following from the virtue of

‘observance’ (*observantia*) or ‘respect.’ The first two questions deal with respect itself, and with or *dulia* (respectful service) respectively.<sup>23</sup> Respect is said to include honor or service to ones superiors as well as obedience to their commands. So the virtue of obedience, like respectful service, is reckoned to be part of respect. We will first consider the issue of obedience more generally in terms of obedience to the command of God or of any human being or body of human beings who have some claim of superiority over some agent, and then turn to political or civil obedience and disobedience.<sup>24</sup>

Some preliminary observations about the way Aquinas approached the virtue of obedience are in order. Aquinas makes an important distinction having to do with the fact that acts of one virtue may be directed toward some objective that may be pertain to another.<sup>25</sup> The example Aquinas uses is that of a soldier defending his king’s stronghold. The soldier’s actions exhibit both the virtue of obedience and of courage. Similarly one might note that a citizen who obeys the command of the law by providing taxes is exhibits both the virtue of obedience and of justice. A citizen who obeys a wise command from a legislator exhibits both the virtue of obedience and of prudence, and so on.

Another important consideration is that for Aquinas not all acts of obedience are virtuous. He discusses this in intricate response to a point about the three vows of religious life: poverty, chastity and obedience. Once poverty and chastity are vowed, they are necessary for salvation as a matter of obligation, and are part of the way of life (*regular conversatio*) of the religious community. However, those in religious life may choose to obey in ways that are not commanded by their order, and are not forbidden by God or their order. He is here referring to various “counsels” that encourage Christians to super-ordinary virtue beyond what is necessary, by extensive fasting for instance or

remaining in silence. In these cases, the virtue of obedience would be more perfect than that which is only obligatory. So we might say that there is obligatory obedience and perfect obedience.<sup>26</sup>

However, as noted, obedience is not always due or virtuous. According to Aquinas there is such a thing as indiscriminate obedience. So that there may be times when individuals must deliberate about a command and determine not to follow it. In order briefly to summarize Aquinas' treatment of obedience and disobedience I will pose and respond to three questions: 1) Who are the superiors one owes obedience 2) Are there limits to the obedience one owes to human superiors 3) What principles help us to establish the limits of virtuous, as opposed to indiscriminate obedience, and by extension the limits of various human authorities?

Aquinas held that obedience is owed to God simply. That is, one should obey all of the commands God. According to John Courtney Murray this understanding is an important part of the traditional American consensus. It is reflected in the opening of the *Declaration of Independence*, which alludes to the "laws of nature and nature's God, and consequently recognizes the sovereignty of God over all nations and governments. This same view is acknowledged by Lincoln in his "Gettysburg Address". The United States is a nation "under God". From this Murray drew an important distinction between the understanding of human freedom and democracy characteristic of the United States and the secularizing Jacobin tradition of continental Europe.<sup>27</sup> According to this view all human authority is by its nature limited, and related some human purpose or purposes connected to the conditions of particular human communities. It is this view also that led Murray's contemporary Jacques Maritain to claim that the concept of political

sovereignty is “intrinsically wrong and bound to mislead”.<sup>28</sup> On this view even the absolute sovereignty of a democratic majority is a form of despotism.

Though we are “under God”, human beings are left to their own counsel in the sense that we decide how to act based on our own faculties, and especially the faculty of practical reason.<sup>29</sup> Since God’s commands are made known to us through natural law and divine revelation it is virtuous for one to offer loving obedience to God. This understanding of a person’s free act of obedience to God leads us to the more immediate, but not unrelated question of obedience to the commands of other human beings. Like Aristotle, Aquinas conceives of society as having certain natural relations of ruling and subjection: parental rule over children, marital rule of husband over the wife, rule of the civil ruler over the subject.<sup>30</sup> Since this order is created God, Aquinas views obedience to human authority as the normal course of action in ones pursuit of the good.

In the question on obedience Aquinas does not mention the order of marital life as an issue having to do with the virtue of obedience. One might guess that this is because his work is in the first instance a type of recorded lecture for men in training to be priests, but it seems more likely that this reflects his interpretation of the contemporaneous understanding of marriage in canon law. In the law of the church marriage was understood to be a sacrament, both parties were understood to enter the covenant of their own free will, and both owed the same marriage debt (submission of their body to their spouse for the purpose of reproduction and the rearing of children).<sup>31</sup> This conception of marriage posits moral equality between spouses, even though theologians like Aquinas would have argued that the husband is naturally suited to head the household.

Besides these relations of the household and the civil association, there is also the religious order of the church based on charity.<sup>32</sup> In addition, in the 13<sup>th</sup> century, as today, there were a variety of social institutions and relationships in which people may have been bound to obey a superior in certain matters. For example the apprentice owes obedience to the master in a guild, the student to a teacher in a university, the soldier to a general, etc. Obedience in all of these relations would be limited to that specific objective for which each institution exists. One is obliged to obey the commands of superiors in societal institutions and relationships in order to accomplish that end for which the institution or relationship exists.<sup>33</sup> Therefore all authority relationships in human society are limited by the nature of the relationship and the purposes to which the relationship is directed. In order to make clear the principles by which one may distinguish virtuous from indiscriminate obedience based on this view, it will be helpful to focus on the more specific problem of political or civil authority and obedience.

Aquinas believed that the subject is bound to obey the civil prince as part of the order of justice since without this obedience there could be no stability in society.<sup>34</sup> However his understanding of political rule must be understood in a medieval context. Aquinas, as mentioned above, held the then common view that human society is natural. It is necessary because human beings, unlike other animals, are not readily equipped with food, covering for protection from the climate and the means of self-defense. In addition human beings are naturally inclined to live in society and in conversation. So the civil ruler rules the many people in the society according to law for the common good.<sup>35</sup> Civil law becomes a rule and measure of the actions of individuals so that they may coordinate

their individual actions with the common good. As Servais Pinckaers points out, law is viewed in this context as the work of wisdom rather than the constraint of freedom.<sup>36</sup>

Indiscriminate obedience entails one's obedience to a command that is unlawful with the understanding that commands may be unlawful in any number of ways and that one is not always duty bound to disobey unjust laws. As we shall see, the concept of indiscriminate obedience is particularly important to Aquinas' accounts of political obedience and disobedience. However, indiscriminate obedience could arise in any type of human relationship.

#### **4. Law, Obedience and Prudence**

According to Aquinas God must be obeyed in all things but a decision to obey a command of God rather than a command of the civil state is a deliberate act undertaken by a free subject. God's will is made known to human beings through commands, and the precepts of divine justice are summarized in the Decalogue, and perfected in the Great Commandments of the Gospel, to love God and to love one's neighbor as oneself.<sup>37</sup> Living according to order of charity is the highest form of virtue infused by divine grace.<sup>38</sup>

Given this it is not surprising that in the *sed contra* to article 5, Aquinas cites the statement that "...we ought to obey God rather than men," from the *Acts of the Apostles* (5, 29). His intention is to contrast the simple obedience that is due to God with the conditional obedience that subjects owe to their human superiors.<sup>39</sup> As T.C. O'Brien points out in an explanatory footnote,

As a general principle St. Thomas maintains that no human superior has power over the inner life of other human beings.... Thus strictly speaking a human superior does not command the act of obedience, but the outward fulfillment of his command. The subject's obligation to

render virtuous obedience in not to the superior precisely but to his own conscience, to the requirements of virtuous living, and so ultimately to God.<sup>40</sup>

In short, temporal authorities of all kinds, but especially civil legislators, command only outward physical acts. According to Aquinas civil laws that are just bind one in the forum of one's conscience. This was an uncharacteristic use of the term conscience by as a synonym for practical reason, given that Aquinas explicitly defined conscience as an act of the practical intellect.<sup>41</sup> The decision to obey a command that is made in the forum of one's conscience may be seen as an act of the virtue of prudence as well as the virtue of obedience. One chooses according to one's practical reason in a given set of circumstances, even and especially if one's practical reason determines that they not obey the command of the temporal superior. Consequently Aquinas held that prudence belongs to civil subjects to the extent that they must make decisions about the governance of their own affair.<sup>42</sup>

Notice that there is mode of learning implicit to this conception of the virtue of obedience as connected to the order of justice. Rightly willed acts of obedience over time lead to development of the virtue prudence among the ruled, and potentially to all of the acquired virtues since they are connected through prudence. As we apprentice in our various walks of life we at first follow the model or command of our parents, teachers and other superiors. Over time we learn from them the reasons for which actions are undertaken through the experience of bringing them to completion and arriving at the desired purpose. Eventually we are able to understand how the actions we undertake are connected to purposes and can use this practical wisdom in similar applications. The Thomistic ethic places a strong emphasis on custom and habituation as necessary to the acquisition of virtue and liberty.<sup>43</sup>

Recently Professor Mary Keys has elucidated what she calls Aquinas “two pedagogies of law.” Some contemporary scholars who focus on the doctrine of natural law in their interpretation of Aquinas’s works have presented his understanding of human law in terms of the use of coercion and the threat of coercion to condition those who are viciously inclined. Keys has argued that Aquinas held that the civil law also moves those who are already well-disposed to acquire virtue in a more complete and perfect sense. She calls this the positive pedagogy of the law, as opposed to the negative pedagogy stressed by Robert George and others.<sup>44</sup> Interestingly she, like Murray, associates natural law with Lincoln’s approach to law and government, citing his proclamation of an annual day of Thanksgiving.<sup>45</sup>

In the body of article 5 of question 104, Aquinas distinguishes three classes of human actions in which a person is not bound to obey the commands of their superior, and these are connected implicitly to the conception of natural inclinations to the good found in the *Treatise of Law* (I-II, 94, 2). The first class of actions involves circumstances in which is not bound to obey the command of a human superior because of the command of a higher power, especially God. The second class of actions follows from the principle that human authority can only command the fulfillment of outward acts, and not the inner determination of the will according to practical reason. The third class of actions involves those things that pertain to the “nature” of the body (*ad naturam corporis pertinent*) to which human beings have natural inclinations, since in these things all are equal. So that these are areas of human action in which each individual is at liberty even as a subject to a civil regime.<sup>46</sup>

The natural inclinations at issue in this third class are those directed to bodily sustenance, procreation, and the education of the young. A hallmark example of Aquinas' determination to uphold human liberty in these areas of life can be found in his defense of the right of slaves to marry without the consent of their masters, even to the extent of requiring the master to allow the servant time to fulfill the marriage debt.<sup>47</sup>

Aquinas takes up the issue of political obedience in the final article of the question. By the time he commented upon these issues in the *Secunda Secundae* he thought through the duty of people who are subject to human law and had developed a view that requires the application of prudence by all members of a society who are subject to law. On the other hand Aquinas continues to uphold the apostolic endorsement of a moral obligation to obey civil rulers in order to preserve the order of justice in political society.<sup>48</sup> The phrasing of the heading of the article, "Whether Christians must obey civil authority," implies some conflict between the commands of the civil ruler and the commands of God, and draws attention to St. Paul's treatment of that issue in *Romans* (13).

As noted above Aquinas ties our need for community to bodily necessity and contrasts human neediness with the situation of other animals that are readily supplied with the means of sustenance and defense. Nature drives people into life in political society to free human beings from natural necessity so that they can pursue the specifically human goods of moral and intellectual development.<sup>49</sup> *On Kingship* contains an important statement about tyranny and resistance to tyranny. The passage deals with the classical question of the best regime.<sup>50</sup> Aquinas argues that it is best that rule in the human community be a kingship that mirrors divine providence which is governed by the

one God. On the other hand the corruption of kingship yields the worst kind of government, tyranny. Yet tyranny arises more often from rule by the many than from kingship. Consequently Aquinas stresses that the person appointed to be king must be of the highest virtue, and that the people should take steps to insure that the king has no opportunity to become a tyrant.<sup>51</sup>

Aquinas never finished the portion of the work in which he might have discussed how kingship might be arranged to prevent tyranny, but he does develop a concept of the ‘mixed regime’ elsewhere.<sup>52</sup> In a discussion of the governing institutions of the ancient Israelites, he argues that a mixed regime of monarchy, aristocracy and democracy would be best:

...it is a benign mixture of kingship, because there is one man who presides; of aristocracy, because it is the rule of several according to virtue; and of democracy, that is, popular power, because it belongs to the people to elect the rulers.<sup>53</sup>

It appears that the tendency in Aquinas’ thought was to rely on customary arrangements to provide a constitutional monarchy, or republic that would prevent the rise of tyranny.<sup>54</sup>

When Aquinas took up the issue of resistance to tyranny in *On Kingship* he gave a number of practical reasons to tolerate tyranny if it is not “excessive”. One might fail in an attempt to remove the tyrant leading to savage reprisals. If one were to succeed, the rebellion may sow the seeds of faction and future civil discord. Finally, if the people rely on the help of another ruler to overthrow the tyrant, that ruler may take over the tyranny and be even more oppressive than the other.<sup>55</sup> Aquinas then considers some heroic examples of resistance to tyranny in the Old Testament, but points out that these seem to contradict the Apostolic teaching of Peter, who teaches that one should obey even a master who is ill-disposed.<sup>56</sup> So, for Aquinas, it is the responsibility of those who hold

some kind of public office to resist tyranny. Where it is the right of the community to provide a ruler for itself, it is also their right to depose a ruler. However, if some higher authority is given the right to appoint the king, the people should turn to him to depose the tyrant.<sup>57</sup>

As noted above, Aquinas also treated the issue of civil obedience and disobedience in his *Treatise of Law*. While he acknowledged that human law binds in conscience, if the law is just. In discussing the problem of unjust laws, Aquinas argued that they did not bind in conscience. The tone of this text is set by the *sed contra* which is taken from I Peter (2, 19), “This is grace that a person, for conscience sake, endure sorrows, suffering unjustly.” However, there is no positing of a blanket duty to disobey unjust laws unless they command something directly contrary to the law of God (ex. idolatry).<sup>58</sup> Rather Aquinas suggests that one may obey unjust laws to avoid scandal or disturbances.<sup>59</sup>

Returning now to the article on political obedience and disobedience in the question on the virtue of obedience, the presentation is terse and focused.<sup>60</sup> The order of justice is strengthened, not abolished by faith in Christ. We are subject to other human beings as it regards the outward acts of our bodies, but our souls remain at liberty (*quae libera manet*).<sup>61</sup> Therefore we are obliged in conscience to obey the civil authorities, but this obligation must be measured according to the order of justice.<sup>62</sup> Thus we have no duty to obey a usurper or an unjust law, but we may do so because prudence dictates that we avoid scandal and public disorder.<sup>63</sup>

Aquinas made another statement about resistance to tyranny and unjust law in a question on sedition (II-II, 42). There he discussed the prudential issue of resistance to

the tyrant in terms of the principle of the lesser evil, arguing that the tyrant should be removed unless the tumult that would result would cause the subjects to suffer more than the tyranny itself. There Aquinas openly states that tyranny is itself sedition, so that resistance to tyranny by the people is on the face of it justified.<sup>64</sup> Aquinas's works present a view of society in which individuals are formed to make prudent decisions about when to resist abuses of power and when not to resist. This prudence about political life and all acquired virtue could only arise through habituation in a civil community.

This type of prudence could not develop among people who were not part of an ongoing conversation, the living together and talking together of civil life in society. The type of apprenticeship each participant in this conversation experiences will differ depending on their individual pursuits. However, the point remains that we depend upon each other not just for bodily necessities, but also for the experiences that are necessary to develop virtue. By extension, the development of virtue, and especially the virtue of prudence, makes it possible for people to identify proximate goods and to formulate alternative plans of action.<sup>65</sup> Virtue, and most especially the virtue of prudence, is necessary for liberty to arise. Without the development practical reason people are unable to fix on meaningful purposes and achieve their desired goals.

The idea that virtue is necessary for liberty is also part of John Courtney Murray's account of the American Consensus. Murray openly worried that this aspect of the consensus was threatened by the concept of "the conscience that knows no law higher than its own subjective imperatives" that had developed in the 19<sup>th</sup> century.<sup>66</sup> Later in his life when he commented on John Rawls project of deontological liberalism he found it lacking. "Have we here another speculative effort to find in personal freedom the final

root of moral obligations in and to society?”<sup>67</sup> If liberty does indeed arise from virtue, any attempt to derive social obligations from freedom must result in profound confusion.

Yet Murray argued that another part of the American consensus was that government was based on consent. How does one square this with an emphasis on natural law and virtue? Murray did not understand the principle of consent in the abstract terminology of contract theory, but rather in terms of the historical development of self-government from medieval times through the colonial period in the United States. The principle of consent was implicit in the medieval view of kingship and republicanism, and was developed in the colonies through their own experiences of self-government. Thus the American Consensus was based on a faith in the ability of the people to govern themselves that arose not from theory, but from the experience of a history of self-government.<sup>68</sup>

Consequently it may well be that the practice of enquiry that has developed out of Kantian approaches to ethics actually does more to confuse our narratives of our lives in society than it does to help us deliberate. An undue emphasis on the concepts of autonomy and obligation may impoverish our civil conversation since it should be focused on the identification of common purposes.<sup>69</sup>

### **The Civil Conversation: Liberty for Virtue and Happiness**

In the past two decades several trends in contemporary liberal democratic theory seem to be converging with Murray’s concerns about the civil conversation. For the purposes of this essay I would like to draw attention to two categories of recent scholarship. The first category offer versions of liberalism that treat autonomy and civic virtue as mutually reinforcing concepts rather than concepts that must be held in

opposition. I am particularly interested in the versions liberalism promoted in recent works by Richard Dagger and William Galston where those authors discuss the kind of education necessary to encourage the virtues of a liberal polity.<sup>70</sup> The second category of scholarship arises from the work of theorists of deliberative democracy and about this my comments will be more general.

Both Dagger and Galston have proposed accounts of the importance of the concept of virtue in liberal political thought that moves in the direction of an earlier liberalism like the one proposed in the writings of scholars like Murray.<sup>71</sup> Murray noted that participation in the civil conversation that is the basis of liberal democracy required education and discipline of citizens' passions and prejudices. The accounts of liberalism constructed by Dagger and Galston also stress the importance to civic education in liberal democracy. However there is a sense in which the accounts of civic education in these more recent works are actually more outdated than Murray's work, since they seem to remain wedded to a modern and dualistic opposition of individualism and collectivism. Murray's approach to the American proposition attempts to be an approach for a society that is post-modern and post-Christian.<sup>72</sup>

One sign of this is in the case of Galston's work is his conception of civic education almost exclusively in terms of formal education in public or private schools. After giving an account of liberal virtues that stresses the way they differ from classical virtue, he points out that there was no consensus on the empirical question of whether contemporary liberal society engenders the institutions and processes necessary for the habituation of such virtues.<sup>73</sup> Given this one would expect that Galston would have provided a more substantial account of the types of learning that he understands to be

necessary for development of civic virtue in a liberal democracy. Instead his chapter on civic education remains entirely within the categories of formal school-based instruction. Within those categories Galston develops an account that provides more toleration for moral and religious traditionalism than the procedural liberalism his work seeks to correct.<sup>74</sup> There is no deep consideration of the way that the inner light of human nature develops into virtue through observation and habituation. This silence on the importance of informal education in the household and civil society is particularly striking given the inclusion of his detailed account of the empirical relationship between childhood poverty and broken families, something that is difficult to address through formal educational institutions.

Dagger's account of the development of autonomy and civic virtue in a liberal democracy is particularly interesting in this regard. His 'republican liberalism' entails the belief that personal autonomy and civic virtue may be understood to be complementary. He understands autonomy as a human capacity to govern oneself, and argues that this capacity is social not only in its development but in its exercise.<sup>75</sup> Civic virtue is then explained in terms of a citizen's willingness to act with the common good in mind. This leads the argument into a consideration of the kind of communities that would encourage republican liberal citizenship

The concept of a community applied is borrowed from political scientist Michael Taylor, who conceives community as a matter of degree. Communities are said to have "shared values and beliefs, direct and many-sided relationships, and the practice of reciprocity."<sup>76</sup> Dagger argues that republican liberal citizenship can be explained in terms of the "assurance model," a game theoretic model derivative of Rousseau's stag hunt

example. According to this model individual citizens will become ‘conditional altruists,’ rather than rational egoists of ‘prisoner’s dilemma,’ because they have knowledge of the willingness of others to fulfill their duties to the community over a period of time. Dagger surmises that,

The life of the active, public-spirited citizen is a demanding one, and under current conditions likely to be unrewarding as well. The person who plays the part of the republican-liberal citizen may also find that he or she is playing the part of the sucker, working futilely to help provide public goods while others try to enjoy these goods without bearing any of the costs of their production.<sup>77</sup>

One cannot help but to be puzzled by this hypothesis, given contemporary social scientific research that seems to demonstrate that active, publicly-spirited citizens tend to be more content than those who are not.<sup>78</sup> In order to compel those who would not be ‘suckers’ into their roles as citizens Dagger proposes an account of political obligation based on Rousseau’s contract theory, thus attempting to ground a liberal account of citizenship with an absolutist account of the state.

When Dagger turns his attention to civic education he, like Galston, discusses the issue almost entirely in terms of the need for public schools that help to mold citizens for autonomy and civic virtue. These accounts reveal a clear assumption against educational choice, and especially against religious schools. Behind that assumption lays the view that religious education is likely to inhibit autonomy, the liberal virtues needed to encourage participation in the contemporary democracy. Here again, the two authors reason based on assumptions that are not clear. Sociologists Christian Smith and David Sikkink have studied the effects of private schools and home schooling on the levels of civic engagement among families in the United States. Controlling for a range of

variables, they have concluded that private Catholic schools, other Christian schools, home school associations and nonreligious private schools embed their participants in networks that foster civic engagement better than do public schools.<sup>79</sup>

Thus, while some contemporary liberal theorists' concern about virtue seems to be converging with Murray's account of the American consensus, these same theorists seem convinced that classical and Christian accounts of virtue are inconsistent with contemporary liberal democracy, and that political obligation must be justified based on contract theory or some similar intellectual device.

Here one must acknowledge the weaknesses of Murray's account as a basis for a contemporary consensus. Some time ago sympathetic critic of Murray pointed out some key weaknesses in his attempt to expand the role of biblical discourse in the public life of the United States. One is that the scholar's emphasis on liberty and limited government may appear to be a simple restatement of the liberal tradition that runs through Locke to contemporary libertarians like Robert Nozick. Another is that Murray failed to address the extent to which the natural law tradition rests upon Catholic theological principles.<sup>80</sup> In virtually the same breath John Coleman pointed out that he shared Murray's pessimism about the revival of "classical republicanism." Be that as it may, republicanism, classical or otherwise, is exactly what is described by the language of the civil conversation and the American consensus that Murray urges upon us as we enter into the post-modern world.

If we shift our focus to the concept of conversation per se, it would seem that a good deal of convergence might be found between theorists of deliberative democracy and Murray's approach. However, though it is a burgeoning field of study, the

deliberative theory of democracy is still ambiguous as it regards the opposition of individualism and collectivism. A recent approach defines deliberative democracy as:

... a form of government in which free and equal citizens (and their representatives), justify decisions in a process in which they give one another reasons that are mutually acceptable and generally accessible, with the aim of reaching conclusions that are binding in the present on all citizens but open to challenge in the future.<sup>81</sup>

Notice that here again the preoccupation of the authors is with the establishment of binding political obligations on individual citizens. What of their excellence and their happiness?

Just as Murray was becoming preoccupied with Second Vatican Council's declaration on religious freedom, he provided some interesting remarks in response to John Rawls' views on political obligation. He pointed out that his own approach to the problem derived from the Bible in junction of *Romans* 12 as interpreted through St. Augustine and scholasticism. The problem in this context is stated, "...how shall it be brought about, in theory and in practice, that in society man should, in the end, obey only God?"<sup>82</sup> This seems to close off Murray's ability to participate in much of the contemporary civil conversation.

It may be that Murray's problem was his pessimism about the republican tradition and its potential to influence in the civil conversation and the American proposition. The study of the language of republicanism and its plural significations is becoming an important part of contemporary studies in the history of political thought. The futility of the contemporary civil conversation may well give way to a new conversation, like that envisaged by the historian John McGreevy who asks writes that:

Perhaps the final assessment of the long Catholic encounter

with American ideas of freedom will rest here: on whether twenty-first-century Catholics can convince their fellow citizens, and themselves that associations and ties with the strangers in our midst satisfy our deepest, and most common aspirations.<sup>83</sup>

Here the contemporary historian draws our attention back the medieval republican view of a civil conversation discussed throughout this essay. Catholics who would seek associations with others could do worse than to adopt the understanding of the value civil life one finds in Aquinas, and that is transformed into a contemporary discourse about human dignity in the “Declaration of religious Freedom” (*Dignitatis Humanae*). With that said, it should be noted that the medieval republican discourse in which Aquinas was a participant is a broad and diverse set of problems and arguments that may provide us resources for our understanding of contemporary political life. An exclusive focus on Aquinas and the language of natural law is no longer a logical strategy for the contemporary civil conversation in the United States.

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<sup>1</sup> See John Courtney Murray, *We Hold These Truths: Catholic Reflections on the American Proposition*, (New York: Sheed and Ward, 1960; reprinted by Rowman and Littlefield, 2005), 30-31, the selections in *John Courtney Murray and the American Civil Conversation*, Robert P. Hunt and Kenneth L. Grasso, editors (Grand Rapids, Eerdmans, 1992). Richard J. Regan’s, *The Moral Dimensions of Politics*, (New York: Oxford University Press, 1986) develops a contemporary account of civil discourse based in part on that of Murray. See Chapter 4. “Moral Good and Civic Good,” 92-106.

<sup>2</sup> See Murray (2005) 25. This concern is also reflected in the contemporary literature on deliberative democracy. For an interesting recent contribution interpreting deliberative democratic theory in terms of Gadamer’s phenomenology of a conversation see Darren

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R. Walhof, "Bringing the Deliberative Back in: Gadamer on Conversation and Understanding," *Contemporary Political Theory* 4 (2005) 154-174.

<sup>3</sup> Murray's account of the American consensus includes five components: the conviction that the United States is a nation under God, the tradition of natural law, the principle of consent, the idea of a virtuous people, and the vindication of historical and human rights (2005, 43-57). Murray's account of the natural law tradition is interesting in itself, since it stresses the continual development of the natural law tradition from Aquinas into the British context and through Fortescue, Bracton and Blackstone into the colonies by the Founding Era (2005, 46-48). In this regard he seems to have been influenced by the works of Clinton Rossiter and by Edward S. Corwin's *The "Higher Law" Background of American Constitutional Law* (Ithaca, NY: Cornell University Press, 1955).

<sup>4</sup> Tertio modo inest homini inclination ad bonum secundum naturam rationis quae est sibi propria: sicut homo habet naturalem inclinationem ad hoc quod veritatem cognoscat de Deo, et ad hoc quod societate vivat; et secundum hoc ad legem naturalem pertinent ea quae ad huiusmodi inclinationem spectant, utpote quod homo ignorantiam vitet, quod alios non offendat cum quibus debet conversari, et caetera huiusmodi quae ad hoc spectant. Translation and Latin text from St. Thomas Aquinas, *The Treatise of Law: Summa Theologiae I-II; qq. 90-97*, edited by R.J. Henle, S.J. (Notre Dame, IN: University of Notre Dame Press, 1993) 249-250.

<sup>5</sup> I have in mind especially "deontological" approaches to Liberalism, and particularly the works of John Rawls.

<sup>6</sup> See John Finnis, *Aquinas: Moral, Political, and Legal Theory* (Oxford: Oxford University Press, 1998), especially Chapter VII, "The State: Its Elements and Purposes,"

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(220-254) for an argument that Aquinas believed that political society is something less than a ‘basic human good,’ and that Aquinas believed that political society is instrumental to the instantiation of the basic good of ‘society’ in the household and the religious community. For cogent critique of the Finnis’s account as an interpretation of Aquinas, see Lawrence Dewan, O.P. “St. Thomas, John Finnis, and the Political Good,” *The Thomist*, 64 (2000) 337-74.

<sup>7</sup> This difference arises from the account of contemporary Thomist philosopher Servais Pinckaers, O.P.<sup>7</sup> Father Pinckaers distinguishes between a morality of happiness and the virtues on one hand, and a morality of obligation on the other. A morality of happiness and the virtues treats freedom and human inclinations toward happiness as integrally related. Pinckaers refers to this conception of human action as “freedom for excellence.” A morality of obligation assumes that human choice precedes, controls, and dominates human inclinations. Consequently freedom is divorced from inclinations to happiness. All inclinations, including the love of God, are to be regulated by reason and law. Pinckaers fears that the divorce of freedom from happiness results in an idea of “freedom as indifference.” See Servais Pinckaers, O.P. *Morality: The Catholic View* (South Bend, IN: St. Augustine’s Press, 2003).

<sup>8</sup> See *Summa Theologiae* I-II 4, 8, where Aquinas argues that the fellowship of friends is concomitant to perfect happiness even though it is not required.

<sup>9</sup> See Aristotle, *Politics*, I, 2, 1252<sup>a</sup>24ff, where he discusses the polis from “its first growth and origin.”

<sup>10</sup> Aquinas composed his polemical work *Contra impugnantes Dei cultum religionem* (1256) during his first year of magisterial teaching at Paris to counter arguments of

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members of the faculty at the University of Paris who argued that the members of new mendicant orders should not be allowed to such positions. See Jean-Pierre Torrell, O.P. *Saint Thomas Aquinas: Volume I, The Person and His Work* (Washington: Catholic University Press, 1996) 75ff.

<sup>11</sup> *Politics* I.2, 12, 1252<sup>a</sup>24ff

<sup>12</sup> Aliis enim animalibus natura praeparavit cibum, tegumenta pilorum, defensionem, ut dentes, cornua, ungues vel saltem velocitatem ad fugam. Homo autem institutus est nullo horum sibi a natura praeparato, sed loco omnium data est ei ratio, per quam sibi haec omnia officio manuum posset praeparare ad quae omnia praeparanda unus homo non sufficit. Nam unus homo per se sufficiens vitam transigere non posset. Es igitur homini naturale, quod in societate multorum vivat. See *De Regimine Principum* in *Aquinas: Selected Political Writings*, edited by A.P. D'Entréves (Oxford: Basil Blackwell, 1948) p. 2, for the Latin text. The translation is from Aquinas, *On Kingship, to the King of Cyprus*, I, 1, in *Aquinas: On Law, Morality and Politics*, Edited by William p. Baumgarth and Richard J. Regan (Indianapolis: Hackett Publishing Company, 2<sup>nd</sup> Edition, 2002), 204.

<sup>13</sup> *Ibid*, 204

<sup>14</sup> ordinat actus aliarum virtutum ad suum finem, quod est movere per imperium omnes alias virtutes. *ST* II-II 58, 6

<sup>15</sup> *ST* II-II 109, 3, ad 1 & 3.

<sup>16</sup> St. Thomas Aquinas *Summa Theologiae*, Volume 41, "The Virtues of Justice in the Human Community" (Cambridge University Press, 2006 reprint)

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<sup>17</sup> *ST* II-II, 58, 1, *Utrum convenienter definiatur justitia, quod est perpetua et constans voluntas jus suum unicuique tribuendi*. The immediate source of the definition is Ulpian's *Digest* 1,1.

<sup>18</sup> *ST* II-II 104

<sup>19</sup> *ST* II-II 81-120

<sup>20</sup> Cicero, *de Inventione* (ii, 52, 157ff)

<sup>21</sup> Cary Nederman has written extensively on the importance of the Ciceronian tradition in medieval political ideas and the way that it complicates the concept of “medieval Aristotelianism”. See his “Nature Sin and the Origins of Society: The Ciceronian Tradition in Medieval Political Thought,” *Journal of the History of Ideas* 49 (1988) 3-26, “Aristotelianism and the Origins of ‘Political Science’ in the Twelfth Century,” *Journal of the History of Ideas* 52 (1991) 179-194, and “The Meaning of Aristotelianism in Moral and Political Thought,” *Journal of the History of Ideas* 57 (1996) 563-585.

<sup>22</sup> *ST* II-II, 104, *de obedientia*

<sup>23</sup> *ST* II-II, 102 & 103

<sup>24</sup> *ST* II-II 104, 1

<sup>25</sup> *ST* II-II 104, 2

<sup>26</sup> *ST* II-II 104, 4 ad 3

<sup>27</sup> Murray, *We Hold These Truths*, 44-46

<sup>28</sup> See Maritain, *Man and the State* (University of Chicago Press, 1951) “It is my contention that political philosophy must get rid of the word, as well as the concept, of Sovereignty...the concept is intrinsically wrong and bound to mislead us if we keep using it—...” <sup>29</sup> On the parallel careers of Murray and Maritain see John T. McGreevy,

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*Catholicism and American Freedom: A History* (New York: W.W. Norton & Company, 2003), Chapter Seven, “Democracy, Religious Freedom, and the Nouvelle Théologie,” 189-215.

<sup>29</sup> *ST II-II* 104, 4

<sup>30</sup> *ST II-II* 104, 5; Aquinas does not cite Aristotle’s ordering of relations of rule and subjection in the household (*Politics I*, 1253<sup>aff</sup>) in these passages. On the political implications of Aquinas’ understanding of natural equality and natural hierarchy see Mark C. Murphy, “Consent, Custom and the Common Good in Aquinas’s Account of Political Authority,” *Review of Politics* 59 (1997) 323-350.

<sup>31</sup> See *ST Supplement to III*, 45. For an in depth study of the canon law of marriage during the middle ages see Charles J. Reid, *Power over the Body, Equality in the Family: Rights and Domestic Relations in Medieval Canon Law* (Grand Rapids: Eerdmans, 2004).

<sup>32</sup> *ST II-II*, 104, 5, ad 3

<sup>33</sup> One might well argue that such relationships involve ‘expertise’ rather than authority, or that authority based on expertise is distinct from political authority. On these problems and others related to the concept of authority see Richard B. Friedman, “On the Concept of Authority in Political Philosophy,” in Joseph Raz, editor, *Authority* (New York University Press, 1990) 56-91.

<sup>34</sup> This is explained in *Summa Theologiae I*, 96, 4, where Aquinas argues that even in the state of innocence human beings would have needed civil rule because many left to themselves are concerned with many things. Therefore civil rule is necessary to care for the common good, and people who live under civil government are still free human beings (*liberos*).

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<sup>35</sup> See *ST* I, 96, 4; I-II, 105, 1 and *On Kingship* I, 1 & 6; and *ST* II-II, 47, 10 & 11 and 50, 1-2.

<sup>36</sup> *Morality: The Catholic View*, pp. 65-66.

<sup>37</sup> *ST* I-II, 100, 3 & II-II 122

<sup>38</sup> *ST* II-II, 23, 6

<sup>39</sup> *ST* II-II, 104, 5

<sup>40</sup> *ST* II-II, 104, 5, fn. 10 at p. 68 in the Blackfriars edition.

<sup>41</sup> *ST* I-II 96, 4

<sup>42</sup> *ST* II-II 47, 12

<sup>43</sup> This point has been stressed in the works of Alasdair MacIntyre. See most recently *Ethics and Politics: Selected Essays, Volume 2* (Cambridge University Press, 2006) and *Dependent Rational Animals: Why Human Beings Need the Virtues* (Chicago: Open Court, 1999).

<sup>44</sup> Mary Keys, "Aquinas's Two Pedagogies: A Reconsideration of the Relation between Law and Moral Virtue," *American Journal of Political Science*, 45 (2001) 519-531 and more recently her *Aquinas, Aristotle, and the Promise of the Common Good* (Cambridge University Press, 2006).

<sup>45</sup> Keys (2001) 528

<sup>46</sup> *ST* II-II 104, 5

<sup>47</sup> See *ST Supplement* to III, 51

<sup>48</sup> *ST* II-II 104, 6

<sup>49</sup> In *Aquinas; On Law, Morality, and Politics*, 204-206

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<sup>50</sup> *De regimine principum* 1, 3 “That it is more beneficial for a community of men living together to be ruled by one than by many,” in *Aquinas: Political Writings* (Cambridge University Press, 2002) 10ff.

<sup>51</sup> *Ibid.* 1,7at 17-18

<sup>52</sup> *ST I-II* 105,1

<sup>53</sup> *ibid.*

<sup>54</sup> James Blythe has demonstrated that Ptolemy of Lucca’s continuation of Aquinas’s work seems to have significant influence on the development of republican ideas in the later Middle Ages and early modern periods. See Blythe, *Ideal Government and the Mixed Constitution in the Middle Ages* (Princeton: Princeton University Press, 1992) and Ptolemy of Lucca, *On the Government of Princes, with Portions attributed to Thomas Aquinas*, Translated by James M. Blythe (Philadelphia: University of Pennsylvania Press, 1997). Murray’s understanding of republican government during the middle ages is derived from the R.W. Carlyle and A.J. Carlyle, *A History of Medieval Political Theory in the West* (Edinburgh: William Blackwood and Son, 1903 and other dates). See Murray (2005, 298)

<sup>55</sup> *Political Writings*, at 18

<sup>56</sup> *Ibid.* 19, citing 1 Peter 2:18f

<sup>57</sup> *Ibid.* 20-21

<sup>58</sup> On this point Aquinas’ approach may differ from that of Dr. Martin Luther King’s in his *Letter from the Birmingham Jail*.

<sup>59</sup> *ST I-II*, 96, 4

<sup>60</sup> *ST II-II*, 104, 6

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<sup>61</sup> Ibid. as 1

<sup>62</sup> Ibid, ad 3

<sup>63</sup> Ibid

<sup>64</sup> *ST* II-II 42, 2

<sup>65</sup> I use the term “proximate ends” to stress that for Aquinas prudence deals only with means since he believed that the human end is the ‘beatific vision.’

<sup>66</sup> Murray (2005) 50-51.

<sup>67</sup> “The Problem of Mr. Rawls Problem,” in *Law and Philosophy: A Symposium*, ed. By Sidney Hook (New York, 1964) p. 40, quoted in McGreevy (2003) 265.

<sup>68</sup> Murray (2005) 48-50.

<sup>69</sup> Michael Sandel states this problem elegantly: “Since human beings are storytelling beings, we are bound to rebel against a drift to storylessness.” See *Democracy Discontents: America in Search of a Public Philosophy* (Cambridge: Harvard University Press, 1996) p. 351.

<sup>70</sup> See Richard Dagger, *Civic Virtues: Rights, Citizenship, and Republican Liberalism* (Oxford University Press, 1997) and William Galston, *Liberal Purposes* (Cambridge University Press, 1991). Of course Dagger and Galston are only examples of a number of liberal theorists who have proposed perfectionist alternatives to the procedural liberalism advocated scholars John Rawls and Ronald Dworkin. For further examples see Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon Press, 1986), Stephen Macedo, *Liberal Virtues: Citizenship, Virtue, and Community in Constitutional Liberalism* (Oxford: Clarendon Press, 1990), George Sher, *Beyond Neutrality:*

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*Perfectionism in Politics* (Cambridge University Press, 1997) and Peter Berkowitz, *Virtue and the Making of Modern Liberalism* (Princeton: Princeton University Press, 1999).

<sup>71</sup> It is also true that both authors are in part responding to critiques of contemporary liberalism raised by communitarian critics like Alasdair MacIntyre and Charles Taylor.

<sup>72</sup> On this point see Peter Augustine Lawler, "Murray's Natural-Law Articulation of the American Proposition," in Hunt & Grasso (1992) pp. 116-134. Murray (2005) States that "We know that the myopic individualism of modernity led it into other errors, even into the false conception of the problem of the state in terms of the unreal dichotomy, individualism vs. collectivism." (185).

<sup>73</sup> Galston (1992) 232-237.

<sup>74</sup> Ibid. 241-289.

<sup>75</sup> Dagger (1997) p. 30-31, and 66-68.

<sup>76</sup> Taylor, *Community, Anarchy, and Liberty* (Cambridge: Cambridge University Press, 1982) p. 32, quoted in Dagger (1997) p. 112.

<sup>77</sup> Dagger, (1997) 109

<sup>78</sup> See especially Robert Putnam's work on social capital, especially Putnam, with Roberto Leonardi and Raffaella Y. Nanetti, *Making Democracy Work: Civic Traditions in Modern Italy* (Princeton: Princeton University Press, 1993).

<sup>79</sup> Christian Smith and David Sikkink, "Is Private School Privatizing," *First Things* 92 (April, 1999) 16-20. On a related issue see Sikkink's "The Social Sources of Alienation from Public Schools," *Social Forces* 78 (1999) 51-86.

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<sup>80</sup> John A. Coleman , “A Possible Role for Biblical Religion in Public Life,” *Theological Studies* 40 (1979), reprinted in Charles E. Curran and Leslie Griffin (editors) *The Catholic Church, Morality and Politics* (New York: Paulist Press, 2001), 12-18.

<sup>81</sup> See Amy Gutman and Dennis Thompson, *Why Deliberative Democracy* (Princeton: Princeton University Press, 2004) p. 7.

<sup>82</sup> See Murray (1963) p.32.

<sup>83</sup> See McGreevy (2003) p.295.