

ARTICLE

**A CHRISTIAN VISION OF FREEDOM AND  
DEMOCRACY: NEUTRALITY AS AN OBSTACLE  
TO FREEDOM**

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**Abstract**

This article presents the underlying vision for the argument that principles of liberal neutrality pose a genuine obstacle to freedom in democratic society. There is a growing concern that liberty and justice are unattainable in modern democratic societies that are grounded in neutrality, including the United States. Experience has demonstrated significant shortcomings of the modern freedom movements grounded in political theories, which—along with the theory of neutrality—reject the need for core substantive values to guide law and policy. The underlying basis of such theories is a particular modern conception of freedom. But a well-grounded and reasoned alternative vision of human freedom exists: a distinctively Christian vision of human freedom as understood in light of the philosophical and theological study of God’s revelation to man. A comprehensive treatment of the Christian vision of human freedom can be gleaned from the scholarly work of Cardinal Joseph Ratzinger, currently Pope Emeritus Benedict XVI. From this alternative perspective, freedom is promoted and safeguarded only when core substantive values and moral insights are respected as the point of reference for law and justice in society, a condition which posits a role for the State in prudently fostering respect for those values and insights. Because this alternative vision is often misunderstood, the purpose of this article is to present a concise but in-depth synthesis of the writings of

Ratzinger bearing on human freedom and democracy and to thereby encourage dialogue leading to a more moderate use of neutrality principles.

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**A Christian Vision of Freedom and Democracy:  
Neutrality as an Obstacle to Freedom**

*“A confused ideology of liberty leads to a dogmatism that is proving ever more hostile to real liberty.”<sup>1</sup>*

Freedom has been a defining mark of modern and postmodern thought. In the areas of science and technology, as well as the arenas of politics and sociology, freedom has been the objective. But what is freedom? What is the best way to think about freedom? In the modern era, the goals of science and technology have been to dominate nature, and the political goals have been to eliminate oppressive governing regimes and to end injustice and unjust discrimination based on differences in race, class, and other categorizations. Undoubtedly, many good things have resulted from these goals. But overall, the modern freedom movements have proved unsatisfactory. In European societies, Marxist-based political and social theories led to tyranny and human devastation. In the United States, the “unitedness” promised and envisioned has dissipated. And to many, liberty and justice are no longer perceived as possible because lawmaking and policy-making have been reduced to rule by the strongest. The general direction of the modern quest for freedom surely must be right. An

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<sup>1</sup> JOSEPH RATZINGER, CHRISTIANITY AND THE CRISIS OF CULTURES 36 (2006). In this book, Ratzinger emphasizes that the main divide in contemporary society rests on the question of the existence of God. *Id.* at 40-45. On the one side lies the great historical and religious cultures of humanity; on the other side lies a perspective reflecting humanity’s emancipation from God. In its conclusion, this article affirms that this divide lies at the heart of the controversy regarding use of the neutrality principle. The underlying premise of neutrality is a vision of freedom that, in essence, views family, morality, and God as antitheses to freedom. These ideas will be discussed in Part I & Part IV(A) of this paper.

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important question is why the modern approaches to freedom have gone awry.

To many, the crux of the problem is society's reliance on the idea of neutrality, a doctrine central to legal and political philosophy in the United States today.<sup>2</sup> Modern ideas of liberal neutrality rest on the premise that the state should not express preferences regarding substantive values or competing conceptions of good or, more specifically, the end toward which citizens should strive.<sup>3</sup> This is because, in the liberal tradition, judgments

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<sup>2</sup> See, e.g., JAMES KALB, *THE TYRANNY OF LIBERALISM: UNDERSTANDING AND OVERCOMING ADMINISTERED FREEDOM, INQUISITORIAL TOLERANCE, AND EQUALITY BY COMMAND* (2d ed. 2008); ROBERT H. DIERKER JR., *THE TYRANNY OF TOLERANCE: A SITTING JUDGE BREAKS THE CODE OF SILENCE TO EXPOSE THE LIBERAL JUDICIAL ASSAULT* (2006). See also CATHOLICISM, LIBERALISM, AND COMMUNITARIANISM (Kenneth L. Grasso, Gerard V. Bradley & Robert P. Hunt eds. 1995).

<sup>3</sup> See, e.g., John M. Breen, *Neutrality in Liberal Legal Theory and Catholic Social Thought*, 32 HARV. J.L. & PUB. POL'Y 513, 513-97 (2009) (providing a comparative analysis of neutrality and Catholic social teaching). Breen explains that neutrality is widely considered a defining feature and virtue of that strand of American political philosophy referred to as liberalism; and that liberalism has provided the intellectual foundation for much of the American legal system. *Id.* at 514-15 & 517 (citing and quoting a number of influential works). See also WILLIAM A. GALSTON, *LIBERAL PURPOSES: GOODS, VIRTUES, AND DIVERSITY IN THE LIBERAL STATE* (1991). In America, the neutrality approach is perhaps most properly attributable to John Rawls. Rawls rejected the idea that a "general moral conception" can provide the basis for a "public conception of justice" in a democratic society. He advocated instead for an approach that rests on the "overlapping consensus" of a particular culture. See John Rawls, *Justice as Fairness: Political not Metaphysical*, 14 PHIL. & PUB. AFF. 223, 225 (1985), available at <http://philosophyfaculty.ucsd.edu/faculty/rarneson/Courses/RawlsJustice.pdf> In his mind, this was because "we – we modern inheritors of the traditions of religious tolerance and constitutional government – put liberty ahead of perfection." See generally JOHN RAWLS, *A THEORY OF JUSTICE* (1971).

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concerning what is good, the ends in life worthy of pursuit, are subjective; no conception of what is good exists that would warrant attempts to coerce dissenters.<sup>4</sup> Being neutral means that all values and viewpoints are regarded as equal.<sup>5</sup> Scholars have pointed out deficiencies associated with the principle of neutrality. For example, they say that it is unworkable and illusory to the point of being deceptive.<sup>6</sup> But this creates a new question: if society needs substantive values to guide policy-making, what values should be selected? This is the stumbling block for many people.

In the United States, significant support exists for the idea that core Christian values should provide the foundation for law and justice. Indeed, for much of the history of the United States, Christian values *were* the foundation for society. It is only because of the neutrality principle—especially as imposed by the United States Supreme Court in the arena of Establishment Clause jurisprudence<sup>7</sup>—that the idea has been increasingly quashed. In a recent Establishment Clause case, Justice

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<sup>4</sup> Breen, *supra* note 3, at 525-26 (drawing on ANDREW ALTMAN, *CRITICAL LEGAL STUDIES: A LIBERAL CRITIQUE* (1990)). Breen notes that “because the nature of the good is unsettled, contested, and always open to dispute, liberalism holds that it is never appropriate to use the coercive power of the state to mandate a particular theory of the good.” *Id.* at 526.

<sup>5</sup> See Steven D. Smith, *The Restoration of Tolerance*, 78 CALIF. L. REV. 305, 311-12 (1990) (explaining neutrality as advocated in Bruce Ackerman’s theory of liberal justice and Ronald Dworkin’s theory of rights).

<sup>6</sup> See, e.g., *id.* As explained by Dean Steven Smith, neutrality is illusory and impotent. It cannot guide public policy; cannot garner respect of citizens; and, in fact, operates in a way that is deceptive to the public. *Id.* at 313-29. *Cf.* Galston, *supra* note 3, at 3-21. The citations in footnote 2 above also address this idea.

<sup>7</sup> See, e.g., *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1 (1947) (landmark case in which the Supreme Court adopted the neutrality principle in the context of the Establishment Clause).

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O'Connor, an advocate of the view that it is impermissible for state action to give rise to even a subtle feeling of exclusion (i.e., to make a person aware that his or her religious views might be out of sync with more mainstream religious views), suggested that reconsidering use of the neutrality principle was unthinkable. After noting the existence of strong religious sentiments in the United States, which she attributes to judicial enforcement of the form of neutrality that cabins religious views to the private realm, Justice O'Connor essentially stated: "Why would we want any other approach?"<sup>8</sup>

Importantly, however, if the principle of neutrality itself is misguided—if "unitedness" has been lost and democratic government has been reduced to rule by the strongest—the idea that core Christian values should provide a foundation for law and justice should be rejected only for sound substantive reasons. A key purpose of this article is to explain why acceptance of core Christian values as guideposts can better safeguard liberty and justice. A sound argument exists that liberty and justice in society depend on state recognition of, and prudent use of, core Christian values in policy-making.<sup>9</sup> In response to

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<sup>8</sup> See *McCreary Cnty. v. Am. Civil Liberties Union*, 545 U.S. 844, 882 (2005) (O'Connor, J., concurring). Justice O'Connor had pointed to violence in other areas of the world resulting from "assumption of religious authority by government." She then states: "Those who would renegotiate the boundaries between church and state must therefore answer a difficult question: Why would we trade a system that has served us so well for one that has served others so poorly?" *Id.* Her line of reasoning suggests a failure to appreciate that moving away from neutrality does not mean "assumption of religious authority by government." Rather, it would entail government respect for a source of moral authority beyond the state, which means that it would be beyond the majority vote.

<sup>9</sup> This would not necessarily mean a return to state practices struck down by the Court due to Establishment Clause concerns. Past reliance on Christian values in fashioning laws may not always have been "prudent" and may have involved values beyond the realm

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Justice O'Connor's question, society should want another approach because, in the quest for freedom, *how* humans live does matter.

Notably, the case for a more tempered use of neutrality has been persuasively presented in the work of Cardinal Joseph Ratzinger, currently Pope Emeritus Benedict XVI.<sup>10</sup> In addressing freedom and democracy, Ratzinger's focus has mainly been on the situation in Europe.<sup>11</sup> But his message is relevant to any society hoping to maintain a pluralistic democracy where liberty and justice are possible. The crux of Ratzinger's message is that freedom is promoted and safeguarded only when core Christian moral insights are respected as the foundation and point of reference for law and justice. Regarding the interaction between Christianity and political authority in a pluralistic democracy, Ratzinger's philosophy perhaps is best captured by the statement that democracy must be lived "on the basis of Christianity and Christianity on the basis of the free democratic state."<sup>12</sup>

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appropriately considered "core values." Cf. JOSEPH RATZINGER, VALUES IN A TIME OF UPHEAVAL 21-22 (2006) (noting that Christians have at times in the past expected too much from the "earthly city").

<sup>10</sup> Because the bulk of the writings considered in this article were written by Joseph Cardinal Ratzinger before he was elected Pope, this paper uses the name Ratzinger in both the text of the paper and in citations.

<sup>11</sup> See, e.g., JOSEPH RATZINGER, EUROPE TODAY AND TOMORROW: ADDRESSING THE FUNDAMENTAL ISSUES (Michael J. Miller trans., Ignatius Press 2d ed. 2007) (2004). See also JOSEPH RATZINGER AND MARCELLO PERA, WITHOUT ROOTS: THE WEST, RELATIVISM, CHRISTIANITY, ISLAM (2007); JOSEPH RATZINGER, A TURNING POINT FOR EUROPE? THE CHURCH IN THE MODERN WORLD: ASSESSMENT AND FORECAST (Brian McNeil trans., Ignatius Press, 2d ed. 1994) (1991) [hereinafter Ratzinger, *A Turning Point*].

<sup>12</sup> JOSEPH RATZINGER, *A Christian Orientation in a Pluralistic Democracy?: The Indispensability of Christianity in the Modern Age*, in CHURCH, ECUMENISM & POLITICS: NEW ESSAYS IN ECCLESIOLOGY 204, 215 (Robert Nowell trans., Crossroad Pub. Co. 1st Am. Ed. 1988) (1987) [hereinafter Ratzinger, *A Christian Orientation*].

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The first half of this statement of course meets strong resistance in today's culture. Nonetheless, Ratzinger has been adamant that, although the distinct spheres of Church and State must be respected,<sup>13</sup> a society electing a democratic government must recognize as inviolable a certain basic set of values and those values having a Christian foundation.<sup>14</sup> To Ratzinger, the existence of these values was a precondition for democracy, and adherence to these values is necessary for the survival of democracy.<sup>15</sup>

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<sup>13</sup> See, e.g., JOSEPH RATZINGER, *Theology and the Church's Political Stance*, in CHURCH, ECUMENISM & POLITICS: NEW ESSAYS IN ECCLESIOLOGY, *supra* note 12, at 152, 161-62 [hereinafter Ratzinger, *Political Stance*] (noting that where the Church itself becomes the state, freedom becomes lost; but, also, that freedom is lost when the Church is precluded from being a public and publically relevant authority). Ratzinger has also acknowledged that, in the past, the Church has at times overstepped its bounds. The Church at times has expected too much from civil society in terms of the Christian norms it expected to be recognized by the state and, at times, has over-asserted its claim to public legal status. See, e.g., Ratzinger, *A Christian Orientation*, *supra* note 12, at 212-13.

<sup>14</sup> Ratzinger explains that Christianity provides the rational foundation for ethics; ethics remains rational only when reason is purified by faith; and a Christian foundation "is imperative precisely if [the state] is to remain the state and pluralist." Ratzinger, *A Christian Orientation*, *supra* note 12, at 216-18. The necessary purification of reason by faith (and vice versa) occurs within the context of Christianity and the Church. See Ratzinger, *Political Stance*, *supra* note 13, at 158-60. As explained below, truth exists in the world because it is a product of the Eternal Reason that is Love, also known as God. Humans have access to the truth, but only with the assistance of revelation from God. The Church, understood in its fullness, is the "place where [Truth] is perceived." *Id.* at 160.

<sup>15</sup> "The state must recognize that a basic framework of values with a Christian foundation is the precondition for its existence. It must in this sense as it were simply recognize its historical place, the ground from which it cannot completely free itself without collapsing. It must learn that there is a continued existence of truth which is not subject to consensus but which precedes it and makes it possible." Ratzinger, *A Christian Orientation*, *supra* note 12, at 219. Ratzinger also stresses that democracy was formulated precisely to preserve inviolable values

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Because it is largely a matter of historical fact that Christian values were a precondition for democracy,<sup>16</sup> the more controversial assertion is the claim that moral insights from the Christian tradition are necessary for the *survival* of democracy. Indeed, this perspective may be incomprehensible to persons influenced by the pervasively secular culture present in contemporary society. But the perspective is challenging to understand even for Christians and others who would be open to the idea.

For that reason, in this article I strive to help make this perspective of freedom and democracy comprehensible and, in particular, to do so largely using the work of Cardinal Ratzinger.<sup>17</sup> It is useful and appropriate to focus on Ratzinger's scholarly writings for a number of reasons. Ratzinger is recognized for his strong intellectual capabilities and his ability to communicate his ideas clearly and succinctly.<sup>18</sup> His writings also reveal a genuine attempt

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and rights. See JOSEPH RATZINGER, *What is Truth, in VALUES IN A TIME OF UPHEAVAL* 55 (2006).

<sup>16</sup> Ratzinger, *A Christian Orientation*, *supra* note 12, at 215 n. 11 (While democracy is a product of the fusion of Greek and Christian heritage, it was, more specifically, "formed under the particular conditions of the American Congregationalist pattern;" it is not a product of the so-called Enlightenment era, nor of the European Reformation movement).

<sup>17</sup> Ratzinger's ideas and teaching on human freedom and democratic society are fully consistent with Catholic teaching generally, especially as presented in important papal encyclicals and instructions addressing Catholic social doctrine. See, e.g., J. BRIAN BENESTAD, *CHURCH, STATE, AND SOCIETY: AN INTRODUCTION TO CATHOLIC SOCIAL DOCTRINE* (2011) (presenting Catholic social doctrine, but also usefully integrating the particular contributions of various popes, including Pope Benedict XVI). See generally *MODERN CATHOLIC SOCIAL TEACHING: COMMENTARIES & INTERPRETATIONS*, (Kenneth R. Himes et al. eds., 2005).

<sup>18</sup> See, e.g., D. VINCENT TWOMEY, *THE ESSENTIAL POPE BENEDICT XVI: HIS CENTRAL WRITINGS AND SPEECHES xvii-xix* (John F. Thornton & Susan B. Varenne eds., HarperOne reprint ed. 2008) (commenting on the "breathtaking scope" of Ratzinger's corpus of

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to understand and address opposing positions.<sup>19</sup> Additionally, Ratzinger addressed issues bearing on the foundations of political and social order in a somewhat systematic way throughout his career. Because his work represents an impressive integration and synthesis of theology, philosophy and politics, he has gained respect as a profound political thinker whose ideas are rich and coherent.<sup>20</sup>

Accordingly, this article first frames the issue as one of properly understanding human freedom and then presents the basic Christian vision. Next, the article presents a synthesis of Ratzinger's writings bearing on human freedom to help flesh out the deeper philosophical and theological foundation for the Christian vision; namely, its grounding in the existence of a personal God and the perceptions and conceptions arising from deep reflection on the Trinity and the Incarnation. Such study reveals intelligibility in creation that must be respected. Specifically, it reveals that within each human being there exists an existential capacity designed to reach beyond the self and toward God and others, a capacity fulfilled by re-union with God and others. Freedom, then, is living one's life in a manner that helps one to achieve that union, and Christian values—which are consistent with the intelligibility in creation—thereby promote human freedom. Ratzinger's work presents a strong argument that

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intellectual work, on its originality, creativity, and consistency, and on Ratzinger's attention to the ideas of "the great thinkers of humanity, theologians and otherwise").

<sup>19</sup> *Id.* at xix (noting that all of Ratzinger's writings reveal his "courage to face any question or objection because of the confidence he has in the Truth revealed in Jesus Christ and handed on by the church's apostolic tradition").

<sup>20</sup> See, e.g., THOMAS R. ROURKE, THE SOCIAL AND POLITICAL THOUGHT OF BENEDICT XVI 3-4 (2011), 3-4 (explaining that Benedict's social thought merits considerably more attention than it has received).

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foundational judgments concerning the ends in life worthy of pursuit are not solely subjective. Rather, freedom is an integral aspect of the human person, and thus, *how* freedom is used matters—and matters beyond the personal or private, subjective sphere.

Furthermore, because survival of democracy hinges on sufficient unity among the citizens regarding the values deemed inviolable,<sup>21</sup> Ratzinger advocates that the state has a role in prudently fostering respect for those values, including expecting reverence and respect for God and holy things, and encouraging serious study of questions such as the existence of and nature of God.<sup>22</sup> Again, this

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<sup>21</sup> See JOSEPH RATZINGER, *Freedom and Constraint in the Church*, in CHURCH, ECUMENISM & POLITICS: NEW ESSAYS IN ECCLESIOLOGY, *supra* note 12, at 183, 188 [hereinafter Ratzinger, *Freedom and Constraint*] (“Ultimately, the democratic system can function only if certain fundamental values . . . are recognized as valid by everyone.” “[T]here must be an ethos which is jointly accepted and maintained even if its rational basis cannot be established absolutely and conclusively.”). See also Ratzinger, *A Christian Orientation*, *supra* note 12, at 205 (“Pluralist democracy, in itself, does not “unite[] its citizens in a fundamental assent to the state. . . .For its foundations, it depends on other powers and forces outside of itself.”); JOSEPH RATZINGER, *Luther and the Unity of the Churches*, in CHURCH, ECUMENISM & POLITICS: NEW ESSAYS IN ECCLESIOLOGY, *supra* note 12, at 99, 131 [hereinafter Ratzinger, *Luther*] (noting that “[a] formal unity without clear content is fundamentally no unity at all.” Unity based on common skepticism and not knowledge is, in essence, based on capitulation).

<sup>22</sup> See, e.g., Ratzinger, *A Christian Orientation*, *supra* note 12, at 218-20. Ratzinger is clear, however, in placing the primary responsibility for cultivating the spiritual foundation of society on the Church and Christians. *Id.* See also JOSEPH RATZINGER, *Freedom, Law, and the Good*, in VALUES IN A TIME OF UPHEAVAL 52 (2006) (emphasizing the public task of Christian churches: they must be free to “address the freedom of all human beings so that the moral forces of history may remain forces in the present”); JOSEPH RATZINGER, *Biblical Aspects of the Question of Faith and Politics*, in CHURCH, ECUMENISM & POLITICS: NEW ESSAYS IN ECCLESIOLOGY, *supra* note 12, at 147, 151 (explaining that the core responsible political activity is to nurture

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perspective is at odds with the neutrality principle imposed by the American judiciary, at least since the 1950s.<sup>23</sup> Thus, this article also clarifies how Ratzinger's vision of human freedom renders his approach to Church-State issues fully consistent with vigorous respect for religious freedom or freedom of conscience. The bottom-line is that personal choices about how to live matter, and it is permissible for the state to foster a culture in which persons can more readily live in a genuinely human way—not through heavy-handed or unnecessary measures, but through prudent adherence to a limited number of core values.

## V. The Overarching Issue: Properly Understanding Human Freedom

In discussing democracy's need for grounding itself in Christian moral insights and values, Ratzinger generally supports his message with a two-pronged approach. Under the first prong, he points to and explains why prevalent political theories of the modern era have failed. Under the second prong, he presents, in a variety of ways, his vision for safeguarding genuine human freedom. This article focuses primarily on the second prong of his argument, but this section also briefly introduces Ratzinger's perspective on the failures of modern political philosophies.

In his writings, Ratzinger has demonstrated that political theories following the trajectory initiated by Rousseau-type thinkers are grounded in a radical philosophy of freedom and what he has labeled as the "secular trinity of ideas;" the three ideas are progress, absolutism of scientific technology, and political

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public acceptance of the validity of morality and God's commandments).

<sup>23</sup> In *Everson v. Board of Education of Ewing*, 330 U.S. 1 (1947), the Supreme Court adopted the neutrality principle in the context of the Establishment Clause.

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messianism.<sup>24</sup> Ratzinger characterizes the radical philosophy of freedom as encompassing the individualistic ideology that was a component of all Enlightenment thought, the anarchic tendencies flowing from Rousseau's vision of human nature and the social contract where no right order exists and human will is the sole norm of human action,<sup>25</sup> and the Marxist tendency to rely on structures and

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<sup>24</sup> Ratzinger discusses two good examples of failures of modern philosophies. See Ratzinger, *A Turning Point*, *supra* note 11, at 25-133; JOSEPH RATZINGER, *Freedom and Liberation: The Anthropological Vision of the 1986 Instruction Libertatis Conscientia*, in CHURCH, ECUMENISM & POLITICS, *supra* note 12, at 255, 256-265 [hereinafter Ratzinger, *Freedom and Liberation*].

<sup>25</sup> Rousseau's essay on the social contract was written in 1762. See JEAN-JACQUES ROUSSEAU, *THE SOCIAL CONTRACT OR: PRINCIPLES OF POLITICAL RIGHT*, (1762), available at <http://www.constitution.org/jjr/socon.htm> [hereinafter Rousseau, *Social Contract*]. To Rousseau, the "sacred right" of the social order is built upon conventions, see *id.*, Bk. I, ch. I., conventions that flow from Rousseau's view of human nature. See *id.* at Bk. I, ch. II. To Rousseau, human beings differ from animals in only two respects: they can rise above instincts by an act of freedom or free will, and they have a faculty of self-preservation that develops all other faculties. See JEAN-JACQUES ROUSSEAU, *DISCOURSE ON THE ORIGIN OF INEQUALITY* 25 (Donald A. Cress trans., Hackett Pub. Co. 1992) (1755)).

Rousseau's notion of the social compact reflects these dual and limited aspects of human nature. In his theory of the social contract, because humans cannot know what justice is, nothing exists to delimit the majority vote. See Rousseau, *Social Contract*, *supra*, at Bk II, ch. VI. His concept of the "general will" is, in the end, the only limit on government, and persons are entitled to reclaim their natural rights and liberties when law and government fail to reflect the general will. But Rousseau does not see the general will as being subject to any absolute measure.

Rousseau's philosophy stands in stark contrast to that of John Locke. See JOHN LOCKE, *AN ESSAY CONCERNING THE TRUE ORIGINAL, EXTENT AND END OF CIVIL GOVERNMENT* (1690), available at <http://jim.com/2ndtreat.htm> (also known as Locke's *Second Treatise on Government*). The second essay on civil government was drafted between 1685-1688. See JOHN LOCKE, *TREATISE OF CIVIL GOVERNMENT AND LETTER CONCERNING TOLERATION*, (Sterling P.

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systems to bring about justice.<sup>26</sup> From this perspective, freedom generally is understood as:

the possibility of doing  
everything one wants to do  
and of doing only what one  
would like to do oneself.  
Freedom understood in this  
way is a matter of doing what

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Lamprecht ed. 1937) [hereinafter Locke, *Second Treatise*]. Locke's theory of the social contract rests solidly on an absolute measure that operates as a genuine limit on the "one will" that gives rise to political laws and acts of government. To Locke, the nature of the social compact is inescapably tied to limits on human action existing in the state of nature before societies have consented to be governed: the law of God and the law of nature. To Locke, this law stands as "an eternal rule to all men, legislators as well as others." See Locke, *Second Treatise*, *id.* at #135.

Both Locke and Rousseau recognized consent of the people as the source of authority in civil society, namely, the consent arising upon agreement to be part of the society. Both also propose that legitimate laws made within society will be grounded in the consent of the body politic, as determined by majority vote, and delimited by the notion of the common good of the community. The key difference between Locke and Rousseau lies in the operation of and limits upon that "one will." Whereas in Rousseau's theory the legislative power becomes, in essence, the *source* of the laws governing society, in Locke's theory the legislative power *serves* a higher law, by making the law of God and the law of nature better known and fostering a more effective operation of the law for the general good of all. Further, the majority vote in Locke's theory serves only as a means to ensure that laws reflect the consent of society. The majority vote remains subordinate to the law of God and the law of nature. A majority vote inconsistent with the Eternal law would constitute a sign that the agreement has been breached, thereby legitimizing resort to the natural liberty to form a new society.

<sup>26</sup> JOSEPH RATZINGER, *Truth and Freedom*, in THE ESSENTIAL POPE BENEDICT XVI: HIS CENTRAL WRITINGS & SPEECHES 336, 343 (New York: HarperOne, 2007) (John F. Thornton & Susan B. Varenne eds., HarperOne reprint ed. 2008) [hereinafter Ratzinger, *Truth and Freedom*].

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one likes, of arbitrary whim. . . . From this point of view liberation consists in throwing off constraints and obligations. Every obligation appears as a shackle that restricts freedom; every obligation that is thrown off becomes a step forward on the road to freedom. It is clear that from this kind of point of view the family, the Church, morality, and God must appear antitheses to freedom. God obliges men and women; morality is a basic form in which this obligation to him is expressed. . . . Even the state, declared to be the ruler of man over man, becomes an opponent of freedom.<sup>27</sup>

Ratzinger has noted that this perspective is grounded in a definite understanding of human nature, an understanding expressed most completely in the philosophy of Sarte:

For Sarte man is pure existence without essence. There is no certainty about what he or she is or how he or she should be. One must discover anew what it is to be human from the nothingness of an empty freedom. The idea

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<sup>27</sup> Ratzinger, *Freedom and Liberation*, *supra* note 24, at 259-60.

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of freedom is here pushed to its ultimate radical position, no longer merely emancipation from tradition and authority but emancipation from his or her own nature and essence, a state of complete indeterminacy which is open to anything.<sup>28</sup>

To Ratzinger, history has shown that in reality these perspectives lead to the opposite of freedom and to human dissatisfaction. The dissolution of traditional links and obligations, the dependence on large anonymous systems, and the alienation resulting when societal practices break down traditional structures such as family and Church have, in fact, “turned out more and more to be the precondition for total dictatorship and totalitarian enforcement of conformity.”<sup>29</sup>

Similar negative results flow from the interplay of the secular trinity of ideas of progress, absolutism of scientific technology, and political messianism. Ratzinger has explained that the union of these ideas was most consistently developed in Marxism, emerging as a “political myth of almost irresistible power.” But the union of these ideas also exists today, albeit in weaker forms, in Western society.<sup>30</sup> These ideas also represent the exclusion

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<sup>28</sup> Ratzinger, *Freedom and Constraint*, *supra* note 21, at 191. The perspective is also thoroughly theological: “Behind all this there stands a programme which must ultimately be labeled theological: God is no longer recognized as a reality standing over against man, but instead man may himself or herself become what he or she imagines a divinity would be if it existed. . . .” Ratzinger, *Freedom and Liberation*, *supra* note 24, at 260.

<sup>29</sup> Ratzinger, *Freedom and Liberation*, *supra* note 24, at 262.

<sup>30</sup> See Ratzinger, *A Turning Point*, *supra* note 11, at 129-30.

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of God from the shaping of history and human life.<sup>31</sup> Ideas of progress and absolutism of scientific technology are grounded in a self-limitation of reason: a narrowing down of reason to the perception of what is quantitative and, thus, omits the insights common to almost the whole of mankind before the modern period. In particular, this omits the conviction that morality is not created by man on the basis of calculation of expediency. But, rather, man “finds it already present in the essence of things.”<sup>32</sup> Without substantive values for guidance, “progress” becomes any new approach and any new technology necessarily is a good.<sup>33</sup> Messianic approaches to governance place reliance on systems and structures and political and economic activity, rather than on ethical efforts of citizens. These ideas reflect materialism and its program.<sup>34</sup> As explained by Ratzinger, this brand of liberation depends on abdication of ethical principles and behavior and, therefore, abdication of responsibility and ultimately of conscience.<sup>35</sup> And destruction or loss of conscience is “the precondition for totalitarian obedience and totalitarian domination.”<sup>36</sup> The ultimate result of adhering to these political theories thus is not freedom but, rather, a type of slavery.<sup>37</sup>

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<sup>31</sup> *Id.* at 130 (noting that, in essence, this trinity of ideas replaces and thus excludes the concept of God).

<sup>32</sup> *See id.*, 34. *See also* JOSEPH RATZINGER, CHRISTIANITY AND THE CRISIS OF CULTURES, 39-45 (2006).

<sup>33</sup> *See* JOSEPH RATZINGER, CHRISTIANITY AND THE CRISIS OF CULTURES 41-42 (2006) (“[T]he guiding principle is that man’s capability determines what he does. If you know how to do something, then you are also permitted to do it. . . . But man knows how to do many things, and this knowledge increases all the time. If this knowledge does not find its criterion in a moral norm, it becomes a power for destruction. . . .”).

<sup>34</sup> *See* Ratzinger, *A Christian Orientation*, *supra* note 12, at 205-08.

<sup>35</sup> *Id.*

<sup>36</sup> *Id.* *See also* Ratzinger, *Political Stance*, *supra* note 13, at 165.

<sup>37</sup> *See* Ratzinger, *A Christian Orientation*, *supra* note 12, at 205-11 (emphasizing also the break down of the rule of law and a loss of the

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Ratzinger's attention to and analysis of these shortcomings and failures is crucial. If political philosophies divorced from substantive values or divorced from core Christian values were producing good results, his message would be moot. But modern societies keep stumbling. Even in the United States the situation seems precarious. A prevalent sentiment exists that government, particularly at the federal level, is not working. In each branch of government, law and policy is being made on the basis of power. Even citizens unfamiliar with political philosophies generally, or the doctrine of neutrality in particular, likely would agree that a key problem is the much divided nature of the electorate—a dividedness arising in large part because of the absence of societal consensus on core values.<sup>38</sup>

After highlighting modern governments' failures to achieve freedom, the second prong in Ratzinger's approach explains that genuine human freedom is safeguarded only when democratic government and the majority vote are limited by inviolable moral standards and, more specifically, standards grounded in core Christian values.

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sense of transcendence that causes people to search for ways to escape society). See also CONGREGATION FOR THE DOCTRINE OF THE FAITH, INSTRUCTION ON CHRISTIAN FREEDOM (March 22, 1986), [http://www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_19860322\\_freedom-liberation\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19860322_freedom-liberation_en.html), at #10-19 (noting, *inter alia*, the new forms of oppression arising from unrestrained use of technology, modern acts of terrorism, and collectivist approaches that quash human aspirations for the transcendent).

<sup>38</sup> From Ratzinger's perspective, the increasing dividedness in society is due in large measure to the overarching clash between those believing in dependence on God and those seeking emancipation from God: "The real antagonism typical of today's world is not that between diverse religious cultures; rather, it is the antagonism between the radical emancipation of man from God, from the roots of life, on the one hand, and the great religious cultures, on the other." JOSEPH RATZINGER, CHRISTIANITY AND THE CRISIS OF CULTURES 44 (2006).

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The importance of democratic government and the majority vote being delimited by inviolable moral standards should be fairly obvious. As Ratzinger has emphasized, the history of the twentieth century has readily demonstrated that the majority can err—and err seriously.<sup>39</sup> Those adhering to the neutrality principle tend to believe that the gross abuses that have occurred elsewhere will not happen in the United States.<sup>40</sup> Frankly, that belief has no logical basis. Nonetheless, another valid reason exists for holding the view that inviolable moral standards must exist to delimit the majority. The idea of inviolable rights and standards was a key premise of the founding generation. The premise was part and parcel of the prevailing philosophies of the founding era and is spelled out in the

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<sup>39</sup> The multiple instances of state sanctioned genocide is a prime example. See, e.g., JOSEPH RATZINGER, *Freedom, Law, and the Good*, in VALUES IN A TIME OF UPHEAVAL 45-52 (2006) (pointing to the twentieth century totalitarian states). Ratzinger also has often explained that failure to identify values to limit and guide the majority vote leads to radical relativism. See, e.g., *id.* at 47, 56 (discussing Richard Rorty’s “utopia of banality” wherein a freedom without substance dissolves into meaninglessness). See also Ratzinger, *Luther*, *supra* note 21, at 131 (noting that authority based on skepticism becomes arbitrary). The basic idea is simply that, without inviolable standards to delimit majority vote, law becomes nothing other than a mirror of whatever happens to be the predominant views or opinions of the moment—however egregious those may be.

<sup>40</sup> See, e.g., RICHARD RORTY, TRUTH AND PROGRESS: PHILOSOPHICAL PAPERS (1998); RICHARD RORTY, OBJECTIVITY, RELATIVISM, AND TRUTH: PHILOSOPHICAL PAPERS (1991). Rorty adheres to the view that a certain “intuition” provides sufficient safeguards against egregious government acts. Ratzinger compares Rorty’s views to certain seventeenth century ideas; namely the idea that there was a single, universal morality which was a true and clear light that could be perceived by all humans if they would but open their eyes. Ratzinger explains that reliance on mere intuition is unworkable in contemporary society because the “evidential character” of moral principles no longer exists. See JOSEPH RATZINGER, *Freedom, Law, and the Good*, in VALUES IN A TIME OF UPHEAVAL 50-51 (2006).

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founding documents of the United States.<sup>41</sup> Therefore, the more challenging position for many is why the inviolable values should be—or must be—informed by traditional Christian insights.<sup>42</sup>

To that question, Ratzinger spells out a rationale that is more sophisticated than the one typically provided by advocates for Christian values. The answer gleaned from the corpus of Ratzinger's writings is that Christian values have their origin from the transcendent and, more specifically, from the Creator of humanity and the world. Therefore, these values necessarily are consistent with the meaning or intelligibility *in* creation and will thereby promote genuine human freedom. This answer is grounded in a certain understanding of human freedom: an understanding of freedom that is readily distinguishable from the radical philosophy of freedom described at the outset of this section. Whether to reconsider use of the

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<sup>41</sup> See THE DECLARATION OF INDEPENDENCE, para. 2 (U.S. 1776). Ratzinger notes that de Tocqueville recognized that democracy in America was made possible by the precondition of a basic moral conviction. See JOSEPH RATZINGER, *Freedom, Law, and the Good, in VALUES IN A TIME OF UPHEAVAL* 51 (2006). Indeed, basic social contract doctrine is premised on the idea that the society consenting to government agrees on basic ideas about rights and liberties: otherwise, joining together and consenting to be governed and to be bound by laws of the society makes little sense.

<sup>42</sup> For example, although Professor Steven Smith presents persuasive reasons why the modern concept of liberal neutrality is illusory and ineffective (indeed, deceptive), and, in-turn, argues for the need for a set of substantive beliefs and values upon which public decisions can be based (and also for a return to a proper understanding of toleration). He suggests that the content of the substantive values does not matter: "Legislatures and courts must make decisions, and decisions require choices among beliefs and values. . . . Thus, every regime must have its orthodoxy. *The orthodoxy might not constitute a cohesive ideology or theology, it might not be read into the official constitution, and it might vary from year to year or even, to some degree, from locale to locale.* But a set of substantive beliefs and values . . . must exist." Smith, *supra* note 5, at 332 (emphasis added).

neutrality principle, then, ultimately rests on the extent to which this alternative view of freedom is deemed credible.

As explained, a primary goal of this article is to provide a comprehensive yet comprehensible explanation of this alternate vision of human freedom through a synthesis of Ratzinger's writings.<sup>43</sup> Ratzinger's work makes clear that this is a well-reasoned alternative view. It grounds freedom in a vision of humanity; its history and destiny as understood in light of philosophical and theological scrutiny; and the development of God's revelation to man. It is a vision intimately bound up with belief in God. But it is no more theologically based than neutrality itself and the radical philosophies of freedom, which are bound up with denial of the existence of God.

## II. A Christian View of Human Freedom

Ratzinger's comprehensive vision of human freedom can be understood only by studying a number of sources. These sources include two documents issued by the Congregation for the Doctrine of the Faith: *Instruction on Certain Aspects of the "Theology of Liberation,"* issued August 6, 1984 ("ICATL"), and *Instruction on Christian Freedom and Liberation*, issued March 22, 1986 ("ICFL").<sup>44</sup> It is useful to begin with an analysis of these

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<sup>43</sup> Although this vision of freedom is absolutely central to understanding how to live out Christian faith, this author was unable to identify a good source providing a comprehensive and comprehensible explanation.

<sup>44</sup> Ratzinger served as prefect of the Congregation for the Doctrine of Faith from 1981 until he was elected pope in 2005. The CONGREGATION FOR THE DOCTRINE OF FAITH, INSTRUCTION ON CHRISTIAN FREEDOM AND LIBERATION (Mar. 22, 1986), [http://www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_19860322\\_freedom-liberation\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19860322_freedom-liberation_en.html) [hereinafter ICFL] is the more comprehensive of the two documents. But the CONGREGATION FOR THE DOCTRINE OF FAITH, INSTRUCTION ON

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documents because they present the basic outline of the alternative vision of freedom—namely, the Christian understanding of freedom as liberation from sin and freedom to follow the commandments of God.

In presenting this vision of human freedom, the two Instructions rely predominantly on the biblical witness to God’s historical encounters with humanity.<sup>45</sup> The ICFL makes clear its reliance on revelation—and its approach to interpreting revelation—by noting at the outset that it is through the “mystery of the Incarnate Word and Redeemer of the world” that the Church “possesses the truth regarding the Father and his love for us, and also the truth concerning man and his freedom.”<sup>46</sup> That is, it is only by revelation interpreted in light of Jesus Christ as the fullness of revelation that a proper conception of human freedom can be grasped.

The ICFL points out that the yearning for freedom central to the modern era has its source in the Christian heritage, as captured by the witness of Holy Scripture in both the Old and New Testaments.<sup>47</sup> The key liberating event testified to in the Old Testament is the Exodus: God’s

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CERTAIN ASPECTS OF THE “THEOLOGY OF LIBERATION” (Aug. 6, 1984), [http://www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_19840806\\_theology-liberation\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19840806_theology-liberation_en.html) [hereinafter ICATL] makes certain key points more directly and clearly.

<sup>45</sup> Again, this is likely due to the Congregation for the Doctrine of Faith’s (“CDF”) primary concern with addressing liberation theologies, which tended to reverse the relationship between the Old and New Testaments. See Ratzinger, *Freedom and Liberation*, *supra* note 24, at 265 (noting that, in liberation theology, “baptism is [] understood on the basis of the exodus,” and “it is the symbol of a political process of liberation to which” the oppressed are called; and “Jesus is interpreted by reference back to Moses, while Moses is interpreted in anticipation by reference to Marx.”). As explained by Ratzinger, the Instructions take the traditional path of seeking the internal logic of the basic pattern of biblical testimony to understand God, the world and man. *Id.* at 266.

<sup>46</sup> ICFL, *supra* note 44, at #3.

<sup>47</sup> *Id.* at #5.

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action in rescuing his People from their bondage in Egypt, an event preceded by—and later re-enacted through—the paschal sacrifice and meal.<sup>48</sup> The ICFL recognizes the Exodus as providing a model for freedom and liberation. The event, however, must be properly understood. The ICFL thus explains that, in this event, freedom from economic, political and cultural slavery is attained, but it is attained part and parcel with God’s action in entering into a covenant with Israel. Liberty is thus linked to communion or a relationship with God.<sup>49</sup>

Further, as part of the covenant, God provides to Israel its Law, which included both the moral precepts of the Decalogue and religious and civil norms to govern the life of the people chosen by God to be his witness among the nations.<sup>50</sup> Because the core of this collection of laws is love of God above all things and of neighbor as oneself, the pattern reflected by the Exodus event is freedom to live in a society “centered upon worship of the Lord and based upon justice and law inspired by love.”<sup>51</sup> The ICFL also explains

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<sup>48</sup> As clarified by Ratzinger in *Freedom and Liberation*, the fact of the exodus was possible “through a religious event, the sacrifice of the pasch, which is an anticipated core-element of the Torah.” See Ratzinger, *Freedom and Liberation*, *supra* note 24, at 268.

<sup>49</sup> ICFL, *supra* note 44, at #44.

<sup>50</sup> *Id.* at #45.

<sup>51</sup> *Id.* As explained by Ratzinger in *Freedom and Liberation*, the goal of exodus includes discovery of a law that “provides justice and thus builds up the right relationships of men and women between each other and with the whole of creation.” See Ratzinger, *Freedom and Liberation*, *supra* note 24, at 267. “These relationships . . . depend however on the covenant, indeed they are the covenant; they cannot be devised and shaped by men and women alone, they depend on the fundamental relationship with regulates all other relationships, the relationship with God.” *Id.* at 267. Indeed, “the really liberating element in the exodus is represented by the inauguration of the covenant between God and man, the covenant which is made actual in the Torah, that is in regulations of justice that are the shape of freedom.” *Id.* at 268.

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that the Psalms and the testimony of the Prophets suggest that injustice within this society occurs from transgressions of the law caused by “hardened hearts,” and that those suffering from injustice (the poor and the needy) learn to place their trust in the Lord: “the ‘poor of Yahweh’ know that communion with him is the most precious treasure and the one in which man finds his true freedom.”<sup>52</sup>

Thus, as stated perhaps more directly in the previously issued ICATL, the Old Testament portrays salvation and healing from injustice as essentially a religious experience. For example, whatever form suffering may take on the part of those who are faithful to the God of the Covenant (poverty, political oppression, hostility of enemies, injustice, failure, or death), it is from God alone that one can expect salvation and healing.<sup>53</sup> Further, freedom is linked to covenant with God and bound up with law and norms addressing relationships with God and others.

The witness provided by the New Testament clarifies this pattern of freedom. As expressed in the ICFL: “The Exodus, the Covenant, the Law, the voices of the Prophets and the spirituality of the ‘poor of Yahweh’ only achieve their full significance in Christ.”<sup>54</sup> It is by the power of the Paschal Mystery of Jesus Christ that humanity has been set free: “Through his perfect obedience on the Cross and through the glory of his Resurrection, the Lamb of God has taken away the sin of the world and opened for us the way to definitive liberation.”<sup>55</sup>

More specifically, the ICFL explains that the Paschal Mystery enabled an outpouring of grace. The heart of Christian freedom therefore lies in the action of grace, received through faith and the Church’s sacraments. Grace

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<sup>52</sup> ICFL, *supra* note 44, at #46-47.

<sup>53</sup> ICATL, *supra* note 44, at ch. IV, #5.

<sup>54</sup> ICFL, *supra* note 44, at #49.

<sup>55</sup> *Id.* at #51.

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frees humanity from sin and places humanity in communion with God.<sup>56</sup> That is, through Christ's Death and Resurrection, humanity is offered the opportunity to be reconciled with God, and the human experience of reconciliation is possible through the action of the Holy Spirit.<sup>57</sup> The essence of the freedom attributable to grace and the work of the Holy Spirit is a capacity which sin had impaired—a capacity inherent within human beings to love God above all things and to remain in communion with him—a capacity that is constantly challenged or affected by the mystery of iniquity still at work in the world.<sup>58</sup> As a consequence, Christian life is one of perseverance: human existence is a “spiritual struggle to live according to the Gospel and is waged with the weapons of God.”<sup>59</sup>

Grace, thus, is the source of true freedom.<sup>60</sup> And freedom itself is an enhancement or magnification of the capacity to love. It is moving away from sin and being brought into a closer union with God. It is the breaking down of barriers separating humanity from God.<sup>61</sup> Again, the ICATL perhaps is more clear and direct: “Freedom is a new life in love.”<sup>62</sup>

The Instructions therefore make clear that the Old and New Testaments are consistent in revealing that true

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<sup>56</sup> *Id.* at #52.

<sup>57</sup> *Id.*

<sup>58</sup> *Id.* at #53.

<sup>59</sup> *Id.* at #53 (citing Eph 6, 11-17).

<sup>60</sup> *Id.* at #54.

<sup>61</sup> *Cf. id.* at #52 (“In Christ, we can conquer sin, and death no longer separates us from God”); *Id.* at #53 (“For freedom Christ has set us free” (Gal 5:1).); *Id.* at #58 (“[P]ossessing the pledge of the Spirit, the People of God is led towards the fullness of freedom. The new Jerusalem which we fervently await is rightly called the city of freedom in the highest sense.”); *Id.* at #63 (“Through the word of God and the Sacraments, man is freed in the first place from the power of sin and the power of the Evil One which oppress him; and he is brought into a communion of love with God”).

<sup>62</sup> ICATL, *supra* note 44, at ch. IV, #2.

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liberation depends on God's action in helping humanity to avoid hardness of heart, to avoid transgression and sin, and thus to more fully conform with God's law or command of love.<sup>63</sup> God calls man to freedom,<sup>64</sup> and genuine freedom is freedom from sin and being with God. Communion with God is made possible through grace, and communion with God is linked in some way with how one lives. Living in accordance with the Gospel brings man and society closer to God. Rejecting God's gift of grace results in pursuing the inherent human need for the transcendent—the infinite—in *finite* things. Worship of created things—rather than God—disrupts relationships and causes disorders that affect the sphere of family and society.<sup>65</sup> Thus, liberation from sin is what will alleviate the evils, oppressions, and suffering in the world.

## V. The Deeper Philosophical & Theological Foundation for Human Freedom

As noted, the ICFL explains that the Church possesses the truth concerning man and his freedom through the Mystery of Jesus Christ. “From him, who is ‘the way, the truth, and the life’ (Jn 14:6), the Church receives all that she has to offer mankind.”<sup>66</sup> The ICATL similarly emphasizes that authentic human progress and liberation rests on three “indispensable pillars” of truth: the

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<sup>63</sup> Notably, in light of revelation in Jesus Christ, the law of the Old Testament has been transformed: love is now a “response to the gift of love with which God draws near to us.” Letter from Benedict XVI, Supreme Pontiff, to the Bishops, Priests, and Deacons; Men and Women Religious; and all the Lay Faithful on Christian Love, (Dec. 25, 2005) (on file with author), *available at* [http://www.vatican.va/holy\\_father/benedict\\_xvi/encyclicals/documents/hf\\_ben-xvi\\_enc\\_20051225\\_deus-caritas-est\\_en.html](http://www.vatican.va/holy_father/benedict_xvi/encyclicals/documents/hf_ben-xvi_enc_20051225_deus-caritas-est_en.html), at #1.

<sup>64</sup> ICFL, *supra* note 44, at #37.

<sup>65</sup> *Id.* at #39.

<sup>66</sup> *Id.* at #3.

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truth about Jesus, the Savior from human sin; the truth about the Church; and the truth about man and his dignity.<sup>67</sup> The documents explore most deeply the truth that genuine human liberation is salvific: it is freedom from sin.

Yet, the overarching theme of the Instructions is that truth and freedom are inseparably linked, and that understanding human freedom also hinges on coming to understand the truth about man. The ICFL states that, by revealing to man “his condition as a free person called to enter into communion with God,” the Gospel of Jesus Christ prompted an awareness of “hitherto unsuspected depths of human freedom.”<sup>68</sup> Similarly, the ICATL notes that the radical philosophies of freedom which aim to create a new man through social control and social structures “leads to the denial of the meaning of the person and his transcendence” and, at the same time, destroys the foundation of ethics, namely, the absolute character of the distinction between good and evil.<sup>69</sup> In both instances, the CDF is emphasizing the importance of properly understanding the meaning of the human person. Understanding the truth about man and the human person clarifies what sin is, which in turn clarifies what constitutes liberation.

The Instructions, however, do not explore in any depth the concept of the human person or the truth about man. The ICFL rejects the modern concept of the subject of freedom as “an individual who is fully self-sufficient and whose finality is the satisfaction of his own interests in the enjoyment of earthly goods.”<sup>70</sup> It states that “every individual is oriented toward other people” and that genuine freedom exists only where “reciprocal bonds,

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<sup>67</sup> ICATL, *supra* note 44, at ch. XI, #5.

<sup>68</sup> ICFL, *supra* note 44, at #5.

<sup>69</sup> ICATL, *supra* note 44, ch. IV, #15.

<sup>70</sup> ICFL, *supra* note 44, at #13.

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governed by truth and justice, link people to one another.”<sup>71</sup> It also states that “God did not create man as a ‘solitary being’ but wished him to be a ‘social being,’” and, thus, man “can only grow and realize his vocation in relation with others.”<sup>72</sup> Sin, breaking away from God in acts of total autonomy and self-sufficiency, constitutes a denial of self.<sup>73</sup> The freedom possible with the assistance of grace is a restored capacity to love God and remain in communion with him.<sup>74</sup> Love of God, Christian love, takes the form of fraternal love.<sup>75</sup> And, as stated in the ICATL, “[t]he recognition of the true relationship of human beings to God constitutes the foundation of justice to the extent that it rules the relationships between people.”<sup>76</sup>

But what is the basis for these propositions? In what way does the truth about man and his destiny or about the true relationship of human beings to God *undermine* ideas of autonomy and self-sufficiency or, on the contrary, *support* the idea that human aspirations for freedom hinge on relationships between people? Again, it is by careful reflection on Jesus Christ as the fullness of revelation that truth emerges. In other writings, Cardinal Ratzinger has tried to flesh out the truth about man emerging from philosophical and theological reflection on Jesus Christ.

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<sup>71</sup> *Id.* at #26.

<sup>72</sup> *Id.* at #32.

<sup>73</sup> *Id.* at ##37-38. See also ICATL, *supra* note 44, at ch. IV, #12 (stating that sin “strikes man in the heart of his personality”). Sin, breaking away from God, disturbs man’s internal order and balance and the order and balance in society. Sin also disrupts man’s aspiration to the infinite, and distorted attachment to finite created things leaves him “always searching for an impossible peace.” ICFL, *supra* note 44, at #40.

<sup>74</sup> ICFL, *supra* note 44, at #53.

<sup>75</sup> *Id.* at ##56-57. Fraternal love encompasses the “direct and imperative requirement of respect for all human beings in their rights to life and to dignity.” *Id.*

<sup>76</sup> ICATL, *supra* note 44, at ch. XI, #6. See also ICFL, *supra* note 44, at #60.

The short answer is that the Christian perspective of human freedom is fully supported when it is understood that man is made in God's image precisely insofar as being "from," "with," and "for" constitutes the fundamental anthropological pattern. It is this pattern that constitutes the essence of the human person. Moreover, human freedom is a collective endeavor and attaining freedom depends on following the way opened up by Jesus Christ. The cornerstone supporting these basic principles is the idea of a personal God.

### **A. Freedom Grounded in a Logos that is Love**

A comprehensive vision of Christian freedom is more understandable and compelling when viewed within the bigger picture of the existence of "being" in the world. Explaining how Christianity in general fits into the larger philosophical realm was part of Ratzinger's objective in his book *Introduction to Christianity*. In this book, Ratzinger was not addressing freedom specifically, but, nonetheless, made many points in the book that are relevant to understanding the Christian vision of human freedom. Ratzinger explains that, when considering the existence of being in the world, the overarching question is: "In all the variety of individual things, what is, so to speak, the common stuff of being – what is the one being behind the many 'things', which nevertheless all 'exist.'"<sup>77</sup> He notes that the endless variety of philosophies attempting to think out "being" can, broadly speaking, be reduced to two basic possibilities: the materialist solution or the idealistic solution. He then explains Christianity's tie to the idealistic solution.

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<sup>77</sup> JOSEPH RATZINGER, INTRODUCTION TO CHRISTIANITY 156 (J.R. Foster trans., Ignatius Press 2d ed. 2004) (1968) [hereinafter Ratzinger, *Introduction*].

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The materialistic solution sees everything encountered in the world as mere matter. Matter is the only thing that “always remains as demonstrable reality and, consequently, represents the real being of all that exists.”<sup>78</sup> Matter is the raw tangible stuff that constitutes or comprises *things and beings* in the world. From a philosophical perspective, matter is a being that does not comprehend being in that it “‘is’ but does not understand itself.”<sup>79</sup> Thus, if matter is the being of all that exists, the logical implication is that any capacity to “understand being” that may exist in the cosmos arises only as a secondary, chance product during the course of development.<sup>80</sup> Therefore, the fact that human beings can understand things, or find meaning in things, is a mere accident. Materialism, then, accords primacy to the irrational.<sup>81</sup>

Christianity rejects the materialist solution in favor of a modified idealistic solution.<sup>82</sup> The idealistic solution

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<sup>78</sup> *Id.* at 156.

<sup>79</sup> *Id.*

<sup>80</sup> *Id.*

<sup>81</sup> Ratzinger had highlighted this important point in a number of writings. See, e.g., JOSEPH RATZINGER, CHRISTIANITY AND THE CRISIS OF CULTURES 49 (2006) (noting that whether the world comes from an irrational source is a fundamental issue: “A reason that has its origin in the irrational and is itself ultimately irrational does not offer a solution to our problems. Only that creative reason which has manifested itself as love in the crucified God can truly show us what life is.”).

<sup>82</sup> Ratzinger has explained that all great cultures have recognized the idealistic solution, namely, the doctrine of objective values expressed in the Being of the world, and the conviction that man’s Being contains an imperative; he does not invent morality on the basis of expediency but rather finds it already present in the essence of things. He notes that this common insight presents itself as the primal evidential character of human life, and that modern thinkers drew the “simple conclusion” that moralities of mankind constitute but human constructions. To Ratzinger, “this diagnosis is extremely superficial. . . .” See JOSEPH RATZINGER, *Faith’s Answer to the Crisis of Values*, IN A TURNING POINT FOR EUROPE: THE CHURCH IN THE MODERN WORLD:

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posits that the scrutiny of things in the cosmos shows that *things and beings* are “being-thought.” That is, all being is a product of thought. Thinking is prior to matter, and, specifically, thinking by a subjective mind.<sup>83</sup> In non-Christian versions of idealism, all being is the being-thought of one single consciousness, and all being is unified in the identity of the one consciousness. Any appearance of independence proves to be mere appearance.<sup>84</sup> The Christian understanding is different because the thinking being whose thought produces is not just thought or Eternal Reason but, rather, the being is also Love.

The person of Jesus brought this point to light in a powerful way. But there was an understanding that existed before Christ as a result of God’s encounters with Israel that revealed him as a personal God. As Ratzinger explains, the *shema* of Israel—“Hear, O Israel. He is our God. He is One.”—is the real core of the believer’s

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ASSESSMENT AND FORECAST, *supra* note 11, at 35-36. Ratzinger has also explained that belief in Creation is reasonable, and, further, that “even from the perspective of the data of the natural sciences it is the ‘better hypothesis,’ offering a fuller and better explanation than any of the other theories.” See Joseph Ratzinger, *God the Creator*, in *IN THE BEGINNING. . . : A CATHOLIC UNDERSTANDING OF THE STORY OF THE CREATION AND THE FALL* 17 (Boniface Ramsey trans., Wm. B. Eerdmans Pub. Co. 1995) (1986) [hereinafter Ratzinger, *God the Creator*]. In the second homily Ratzinger explains that the scientific-based theories hinge on the entire ensemble of nature arising out of errors and dissonances and that some scientists acknowledge the absurdness of the theories, but, nonetheless, cannot break out of the scientific mindset because “the scientific method demands that a question not be permitted to which the answer would have to be God.” JOSEPH RATZINGER, *The Meaning of the Biblical Creation Accounts*, in *IN THE BEGINNING. . . : A CATHOLIC UNDERSTANDING OF THE STORY OF THE CREATION AND THE FALL*, *supra*, at 22-25 [hereinafter Ratzinger, *The Meaning*].

<sup>83</sup> Ratzinger, *Introduction*, *supra* note 77, at 156-57.

<sup>84</sup> *Id.* at 157.

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identity and is grounded in the fact that God loves and wants a relationship with his creation.

The believing Jew dies reciting this profession; the Jewish martyrs breathed their last declaring it and gave their lives for it. . . . The fact that this God now shows us his face in Jesus Christ (Jn 14:9) – a face that Moses was not allowed to see (Ex 33:20) – does not alter this profession in the least and changes nothing essential in this identity. Of course, the fact that God is personal is not mentioned in the Bible using that term, but it is apparent nevertheless, inasmuch as there is a name of God. A name implies the ability to be called on, to speak, to hear, to answer. This is essential for the biblical God, and if this is taken away, the faith of the Bible has been abandoned. . . . But what is actually meant, then, by God's name, by his being personal? Precisely this: Not only can we experience him, beyond all [earthly] experience, but also

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he can express and  
communicate himself.<sup>85</sup>

God has revealed to humanity that he wants to communicate with humans. He *has* communicated himself to humanity in history because he desires a relationship with humanity. And he has welcomed prayer from humans.<sup>86</sup> God's desire and the nature of the relationship is revealed most fully through Jesus Christ, but Scripture reveals that God has been in relationship with humanity since the dawn of creation. The first step in understanding human freedom as communal with God—involving a reality internal to the human being, or a capacity to be in union with God, involves considering the issue from the perspective of Christian idealism—namely, the understanding of God as Reason and Love.

Ratzinger has stressed in many forums the importance of the decision by the early Christians to explicitly recognize that the God of the philosophers—the Logos, the divine presence that can be perceived by the rational analysis of reality—is one and the same as the

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<sup>85</sup> *Id.* at 22-23 (preface to the 2000 edition).

<sup>86</sup> In *Spe Salvi*, Pope Benedict XVI explains that outside Christianity, a God to whom one could pray did not exist, and that the idea of a personal God radically changed the prevailing world-view that, in a different way, is prominent today. “It is not the elemental spirits of the universe, the laws of matter, which ultimately govern the world and mankind, but a personal God governs the stars, that is, the universe; it is not the laws of matter and of evolution that have the final say, but reason, will, love – a Person. And if we know this Person and he knows us, then truly the inexorable power of material elements no longer has the last word; we are not slaves of the universe and its laws, we are free.” Letter from Benedict XVI, Supreme Pontiff, to Bishops, Priests, and Deacons; Men and Women Religious; and all the Lay Faithful on Christian Love (Nov., 30 2007) (on file with author), *available at* [http://www.vatican.va/holy\\_father/benedict\\_xvi/encyclicals/documents/hf\\_ben-xvi\\_enc\\_20071130\\_spe-salvi\\_en.html](http://www.vatican.va/holy_father/benedict_xvi/encyclicals/documents/hf_ben-xvi_enc_20071130_spe-salvi_en.html), at #5.

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personal God who has entered history.<sup>87</sup> To Christians, the Logos is not just Eternal Reason. It is not an anonymous, neutral consciousness. The Christian God is not simply a “first cause.” Rather, in Christianity the Logos loves. The Logos *is* Love.<sup>88</sup>

A Logos that is Love fundamentally alters idealism. The consciousness that is the ultimate being is not a mere craftsman, but rather, is creative mind.<sup>89</sup> Indeed, Eternal Reason is creative because it is Love. Freedom is also a consequence of Love. In creating or thinking, the Logos that is Love gives freedom to its creation. As explained by Ratzinger, the creative consciousness that is Love releases what has been thought into the freedom of its own, independent existence. Being-thought of the Logos that is Love has more than a mere appearance of being: being-thought is true being itself.<sup>90</sup>

In *Introduction to Christianity*, Ratzinger highlighted several key implications flowing from this understanding of Logos as creating and loving that are relevant to understanding freedom. First, each human being is not merely an individual “reproduction” or secondary thing—the result of idea being diffused into matter. Rather, each human being is a definite being, a true being, unique and unrepeatable. “The highest is not the

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<sup>87</sup> Ratzinger, *Introduction*, *supra* note 77, at 138.

<sup>88</sup> Ratzinger gives an extensive treatment to the concept that God is Love. See Letter from Benedict XVI, Supreme Pontiff, to the Bishops, Priests, and Deacons; Men and Women Religious; and all the Lay Faithful on Christian Love, (Dec. 25, 2005) (on file with author), *available at* [http://www.vatican.va/holy\\_father/benedict\\_xvi/encyclicals/documents/hf\\_ben-xvi\\_enc\\_20051225\\_deus-caritas-est\\_en.html](http://www.vatican.va/holy_father/benedict_xvi/encyclicals/documents/hf_ben-xvi_enc_20051225_deus-caritas-est_en.html), at #1.

<sup>89</sup> Ratzinger, *Introduction*, *supra* note 77, at 157. Ratzinger has noted that the revelation that existence is Creation was itself a decisive moment of Enlightenment. See Ratzinger, *God the Creator*, *supra* note 82, at 14.

<sup>90</sup> Ratzinger, *Introduction*, *supra* note 77, at 157.

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most universal but, precisely, the particular, and the Christian faith is thus above all also the option for man as the irreducible, infinity-oriented being.”<sup>91</sup> Each human being exists because of being thought by God and, thus, is known by and loved by God.

Second, the existence of any being created by the Logos that is Love is, essentially, freedom. Therefore, freedom is the structural form of all being.<sup>92</sup> Stated another way, it can be said that life itself is freedom. This has positive and negative aspects. Because freedom is the structure of creation, incomprehensibility is part and parcel of the cosmos. The world cannot be reduced to mathematics, and the mystery of the demonic exists: “As the arena of love [the world] is also the playground of freedom and also incurs the risk of evil.” But the mystery of darkness can be seen as an acceptable tradeoff for the greater positives of freedom and love.<sup>93</sup> Each human being is a distinct being set free by God because of God’s love.

Third, all being is intelligible and meaningful because pure intellect made it and He made it by thinking it. The intelligibility *in* things, in being-thought that is true being, is the expression of creative pre-mediation. Human thinking, then, is “re-thinking,” and it is right or true when it is in conformity with the thought of the Creator.<sup>94</sup> As explained by Ratzinger: “Man can rethink the *logos*, the meaning of being, because his own *logos*, his own reason, is *logos* of the one *logos*, thought of the original thought, of the creative spirit that permeates and governs his being.”<sup>95</sup> This means that the conception of man and the way man

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<sup>91</sup> *Id.* at 158. The Supreme Being can care for humans precisely because His consciousness does not have limits – He can embrace the whole. *Id.* at 146. From this perspective, love is higher than thought. *Id.* at 147.

<sup>92</sup> *Id.* at 157.

<sup>93</sup> *Id.* at 159-60.

<sup>94</sup> *Id.* at 59.

<sup>95</sup> *Id.*

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should live is correct and true when in conformity with God's idea of man. Knowing what it means to be human means coming to know the "Idea" of the Creative being.

If Eternal Reason and Creative Love are one and the same, the measure of human action is Truth. This was the message of Jesus: "The truth will make you free" (Jn 8:32). But humanity can only know the Truth with God's help and Truth that comes from God has its center in Jesus Christ.<sup>96</sup> This is the real essence of Christian faith. Faith is the encounter with Jesus. Faith is the Word coming from the transcendent. Faith is reception of what cannot be thought out.<sup>97</sup> In God's encounters with mankind throughout history, God is seeking a relationship that hinges on mankind understanding God's Idea for humanity. Creation and Covenant go hand in hand.<sup>98</sup> Jesus Christ is the key to understanding God's Idea for humanity. Jesus Christ is essential to human freedom because he brought knowledge and understanding—the fullness of revelation—to assist human reasoning. But this is not all. It is his presence and

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<sup>96</sup> ICFL, *supra* note 44, at #3.

<sup>97</sup> See JOSEPH RATZINGER, *The Ecclesiology of the Second Vatican Council*, in CHURCH, ECUMENISM & POLITICS: NEW ESSAYS IN ECCLESIOLOGY, *supra* note 12, at 3, 10 ("Faith is the encounter with what I cannot think up myself or bring about by my own efforts but what must come to encounter me"); Ratzinger, *Luther*, *supra* note 21, at 126-27 (Christian faith is sharing in knowledge with Jesus Christ).

<sup>98</sup> To Ratzinger, this point is crucial. Materialism, as it shows up in its many philosophical forms, rejects creation because it implies a dependence that deprives the world its power and that ultimately is perceived as the real barrier to freedom; it will not entrust itself to a world already created, but only to world still to be created. The Christian option is the opposite. Human beings are dependent. But it is a dependence that takes the form of love and, thus, does not involve diminishment of self, but, rather, leads to freedom. See JOSEPH RATZINGER, *The Consequences of Faith in Creation*, in "In the Beginning. . .: A CATHOLIC UNDERSTANDING OF THE STORY OF CREATION AND THE FALL," *supra* note 82, at 98-100.

the presence of the Holy Spirit that enable human union with God.

## **B. Trinitarian Insights into Freedom**

The Christian vision of freedom as explained by Ratzinger partially rests on the principle that “man is God’s image precisely insofar as being ‘from,’ ‘with,’ and ‘for’ constitute the fundamental anthropological pattern.”<sup>99</sup> It is this pattern that constitutes the essence of the human person. Ratzinger’s understanding of this pattern rests on the concept of the human person as revealed by Jesus Christ and, more specifically, by knowledge of God as “one being in three persons” and knowledge of Jesus Christ as having “two natures and one person.” Therefore, it is a concept with meaning because of the Christian doctrine of the Trinity.

### **1) The Concept of Person**

The concept of person that emerged from the development of the doctrine of the Trinity, and the process of developing the concept, were explored by Ratzinger in *Retrieving the Tradition: Concerning the Notion of Person in Theology*, published in 1990.<sup>100</sup> In this article, Ratzinger points out that early Christian philosophers latched onto a philosophically insignificant concept—the literary use of dialogue or roles, *persona*, to depict the action occurring in dramatic events—and transformed the concept in a radical way. “The ‘role’ truly exists; it is . . . the face, the person

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<sup>99</sup> Ratzinger highlighted this point. See Ratzinger, *Truth and Freedom*, *supra* note 26, at 346-47.

<sup>100</sup> Joseph Ratzinger, *Retrieving the Tradition: Concerning the Notion of Person in Theology*, 17 COMMUNIO 439 (1990) [hereinafter Ratzinger, *Retrieving the Tradition*].

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of the Logos.”<sup>101</sup> Jesus’s words and actions support the concept of the Trinity, but what helps make the concept of the Trinity comprehensible? The early Christian philosophers used the transformed concept of *persona* to help explain the reality of the intra-divine dialogue found throughout Scripture and the ontological reality of being emphasized by St. John in writing his Gospel.

Foremost, the concept of “person” was understood as a dialogical reality whose essence is action. But what is the nature of this reality?<sup>102</sup> To the early Christian philosophers, the nature of reality fell into one of two categories: substance (the sustaining form or real essence of a thing) or matter with its accidents (the chance circumstances of being). God is wholly spirit with no accidents. The crux of the question, then, was whether the persons of God were substance. The philosophers knew this could not be the case since the essence of God’s being

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<sup>101</sup> *Id.* at 439, 442. In interpreting poems or narratives, ancient literary scholars would uncover the *prosopon* or *persona* used by the author. In studying Scripture, Christian philosophers noticed a similar use of dialogue in that God speaks to himself and God speaks through the Prophets. The philosophers spoke in terms of the “sacred writers” introducing “different *prosopa*, different roles,” but the Christian philosophers recognized a radical difference: “The roles introduced by the sacred writer are realities, they are dialogical realities.” *Id.* at 441.

<sup>102</sup> The question whether the three persons were in fact realities was, itself, a challenging philosophical and theological question. Therefore, does the “triplicity” genuinely inform humanity about what God is like in himself or only about how man can relate to God or the mode in which God relates to man? The Church settled on the understanding that “God *is* as he *shows* himself; God does not show himself in a way in which he is not.” Ratzinger, *Introduction*, *supra* note 77, at 165 (emphasis in original). Or, as explained by Ratzinger, “[a]lthough it is true that we only know God as he is reflected in human thought, the Christian faith held firmly to the view that in this reflection it is *him* that we know. Even if we are not capable of breaking *out* of the narrow bounds of our consciousness, God can nevertheless break *into* this consciousness and show himself in it.” *Id.* at 167 (emphasis in original).

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is oneness. Scripture also made clear the idea of “relation” between the persons of God: the Father and the Son. Philosophy traditionally considered “relation” an aspect of accidents, or a characteristic of matter (a thing is between, beside, above, etc.), as opposed to form. The logical solution was thus to conceive of relation differently: as a reality within being and distinct from substance and accident. Person is relation. Relation *is* the person, and the person exists only *as* relation. Father, Son, and the Holy Spirit are real existing relations, and nothing besides.<sup>103</sup> Further, they are pure act. The idea that the Father begets the Son means that the Father *is* self-donation: pure reality of act, pure act-being.<sup>104</sup> In Ratzinger’s words, “[i]n God, person is the pure relativity of being turned toward the other; . . . [it lies] on the level of dialogical reality, of relativity toward other.”<sup>105</sup>

Ratzinger recognizes the interplay between philosophy and theology that led to this original concept of person as pure relativity toward others. But he also emphasizes that Scripture confirms and deepens this understanding. He explains that statements such as “The Son cannot do anything of himself” (John 5:19) or “I and the Father are one” (John 10:30) mean that Jesus “has nothing of himself alone,” that he “does not place himself as a delimited substance next to the Father;” and that Jesus “constitutes nothing but relativity toward [the Father] that

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<sup>103</sup> Ratzinger, *Retrieving the Tradition*, *supra* note 100 at 444.

<sup>104</sup> *Id.* at 444.

<sup>105</sup> *Id.* Ratzinger emphasizes the novelty and value of this Christian contribution to human thought: “Again we encounter the Christian newness of the personalistic idea in all its sharpness and clarity. The contribution offered by faith to human thought becomes especially clear and palpable here. It was faith that gave birth to this idea of pure act, of pure relativity, which does *not* lie on the level of substance and does not touch or divide substance; and it was faith that thereby brought the personal phenomenon into view.” *Id.* at 445 (emphasis in original).

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does not delimit a precinct of what is merely and properly its own.”<sup>106</sup> Ratzinger also sees other Scriptural themes as reinforcing the idea of person or relation as encompassing “openness,” specifically, the theology of mission and the doctrine of the Logos. In both the Old and New Testaments, the emissary is one with the sender. Christ is the genuine emissary who is in his entire nature “the one sent.” As “the one sent” Jesus stands in complete relativity of existence towards the one who sent him. Thus, the “content of Jesus’ existence is ‘being from someone and toward someone,’ the absolute openness of existence without any reservation of what is merely and properly one’s own.”<sup>107</sup> The doctrine of the Logos is consistent. The term Logos has rich significance in terms of eternal rationality. But, in addition, Ratzinger points out that the Logos, as Word, “is essentially from someone else and toward someone else; word is existence that is completely path and openness.”<sup>108</sup>

Moreover, Ratzinger points out that Scripture itself suggests that this idea of person should be transferred to humans. Jesus tells his disciples that “Without me you can do nothing” (John 15:5), and prays that “they may be one as we are one” (John 17:11).<sup>109</sup> The idea of emissary, similarly, is transferred to the disciples when Jesus states, “As the Father has sent me, so I am sending you” (John 20:21). Ratzinger thus notes:

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<sup>106</sup> *Id.* at 445.

<sup>107</sup> *Id.* at 446.

<sup>108</sup> *Id.*

<sup>109</sup> Ratzinger thus notes: “It is thus part of the existence even of the disciples that man does not posit the reservation of what is merely and properly his own, does not strive to form the substance of the closed self, but enters into pure relativity toward the other and toward God. It is in this way that he truly come to himself and into the fullness of his own, because he enters into unity with the one to whom he is related.” *Id.* at 445.

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I believe a profound illumination of God as well as man occurs here, the decisive illumination of what person must mean in terms of Scripture: *not* a substance that closes itself in itself, but the phenomenon of complete relativity, which is, of course, realized in its entirety only in the one who is God, but which indicates the direction of all personal being.”<sup>110</sup>

Theological and philosophical reflection on the knowledge of God as the Trinity, as three persons in one being, thus provides a solid foundation for the idea that “relativity, being turned toward other” is a distinct aspect of the human person and thus of human existence.

In *Retrieving the Tradition*, Ratzinger also discusses how reflection on knowledge of Christ reinforces this vision of the human person. In trying to grasp the meaning of Christ, theologians again focused on the word *persona*. The formula is as follows: Christ has two natures—a divine and human nature—but only one divine person. Ratzinger notes that, as to the meaning of “person” reflected in this formula, the early theologians worked out what the person is *not*, but did not clarify with the same precision what the concept means positively. In the many battles over the question of “who and what is this Christ,” it was clarified that the formula and its use of the phrase “divine person” does not in any way indicate that anything was lacking in the humanity of Christ.<sup>111</sup> Therefore, the phrase “divine person” cannot be thought of as indicating

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<sup>110</sup> *Id.* (emphasis in original).

<sup>111</sup> *Id.* at 448.

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that the reality of person, the reality of relativity, does not reach Jesus's humanity. Rather, the concept of person is an essential aspect of the entire existence of Jesus, his divinity and humanity. Beyond this, however, Ratzinger only identifies "hints that point out the direction" for Christological and, in turn, anthropological reflection. Yet these hints are powerful and well grounded.

Ratzinger points out that Boethius's concept of person, which prevailed in Western philosophy as "the individual substance of a rational nature," is erroneous and unhelpful in the context of the Trinity and Christology because it puts the idea of "person" on the level of substance.<sup>112</sup> Reflection on God as three persons has placed "person" in an arena of being distinct from both substance and accident or matter. Further, person is an aspect of the spirit, and in Jesus, would be an aspect of his divinity and humanity. In humanity, this spirit is embodied.

Ratzinger then engages in philosophical reflection on the nature of spirit to make a key point about the human person. First, in contrast to matter that "is what is," the spirit is that "which is not only there, but is itself in transcending itself, in looking toward the other and in looking back upon itself."<sup>113</sup> Because openness—relatedness to the whole—is thus the essence of spirit, it is in reaching beyond itself, by being *with other*, that spirit comes to itself. Second, spirit is that being which is able to think about itself, about being in general, and about the wholly other, namely, the transcendent God. Indeed, Ratzinger points out that the ability to reflect on the concept of God is the mark that truly distinguishes the

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<sup>112</sup> *Id.* at 448. (In other contexts, Boethius's concept can provide a springboard for reflection about the concept of person. See, e.g., John Paul II's work on the acting-person.)

<sup>113</sup> *Id.* at 451 (quoting HEDWIG CONRAD-MARTIUS, *DAS SEIN* 133 (1957)).

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human spirit from other forms of consciousness found in animals.<sup>114</sup> Third, the other through which the spirit ultimately comes to itself must be God. He concludes that if the person is itself the more it is with the other, “then the person is all the more itself the more it is with the wholly other, with God.”<sup>115</sup> Or, stated another way: the “human person is the event or being of relativity” and the “more the person’s relativity aims totally and directly at its final goal, at transcendence, the more the person is itself.”<sup>116</sup>

Integrating this point with knowledge of Christ, Ratzinger sees two main ideas emerge. In Christ, “being with other” is radically realized. Relativity toward other is *always* the foundation of his consciousness and existence. But this does not cancel out the “being with” that is inherent to his human nature. “In Christ, in the man who is completely with God, human existence is not canceled, but comes to its highest possibility, which consists in transcending itself into the absolute and in the integration of its own relativity into the absoluteness of divine love.”<sup>117</sup> Ratzinger’s first point is that this implies that the human person in history is “being on the way” towards integration into divine love.<sup>118</sup>

His second point flows from the fact that knowledge of Christ “adds the idea of ‘we’ to the idea of ‘I’ and ‘you.’” Ratzinger notes that Scripture depicts Christ as the “all-encompassing space in which the ‘we’ of human beings gathers on the way to the Father.”<sup>119</sup> Therefore, Christ, the one divine person, is the “we” into which Love, the Holy Spirit, gathers humanity. Similarly, Scripture

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<sup>114</sup> *Id.* at 451.

<sup>115</sup> *Id.* at 451-52.

<sup>116</sup> *Id.*

<sup>117</sup> *Id.*

<sup>118</sup> *Id.* Ratzinger does not emphasize the point in this article, but this fact is also the reason why, or the mechanism through which, the persons of collective humanity are able to integrate with God.

<sup>119</sup> *Id.* at 452-53.

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shows God as the “we” of Father, Son, and Holy Spirit. Thus, the dialogical principle in Christianity is not simply an “I-Thou” relationship. Rather, on both sides of the dialogue, the “I” is integrated into the greater “we.”<sup>120</sup> Thus, the true character of dialogue with the Father—integration of the human relativity with Divine Love—is properly reflected in the liturgical formula “through Christ in the Holy Spirit to the Father.”<sup>121</sup> To Ratzinger, this proper understanding of the human person’s relationship with God totally undermines a Christian view that emphasizes only an individualized relationship with God.<sup>122</sup> Individuals should strive for a deep and personally heartfelt relationship with God, but each person’s relationship with God is necessarily intertwined with and part of God’s relationship with humanity as a whole.

## 2) Freedom as Transcendence towards Other

Understanding the concept of the human person, and integrating it with the cornerstone idea of a personal God, clarifies the following: The human being is a unity, a spirit-in-body. An essential aspect of this unity is an existential component: a reality encompassed by the term person, a component that is pure relativity that knows of God and is striving for integration with or union with God.

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<sup>120</sup> *Id.* at 453.

<sup>121</sup> *Id.*

<sup>122</sup> He also notes that the typical individualized “I”–“You” perspective contributed to the eventual loss of the “You.” *Id.* at 453 (noting that in Kant’s transcendental philosophy the “you” is no longer found). At the same time, Ratzinger acknowledges that this collective vision of integration or union with God was obscured by the manner in which both Augustine and Thomas Aquinas presented certain aspects of the Trinity. *Id.* at 454. *See also id.* at 449. But, the existential approach had been introduced by the beginning of the Middle Ages by Richard of St. Victor. *See id.* at 449.

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This existential component is integral to each human being by virtue of being a creature of a personal God, a Logos that is Love, and a God whose essence of oneness includes a dialogical reality that is pure relativity of being turned toward other. Indeed, for a Logos that is Love—a personal God—this reality that is pure relativity necessarily exists. It is the essence of Love. And it is this Love that is an integral part of each human being and an inherent aspect of human nature.<sup>123</sup> It is this Love that is the person and the relativity of each human. The love or relativity within each human being is completed only by re-union with God. Union or integration occurs on the level or plane of relation, or Love, and union with God depends on thinking and acting with God. Union or integration of this love in each human being with Divine Love is possible in and through Jesus Christ and, thus, occurs collectively with other human beings.

These insights into the essence of the concept of person clarify the nature of sin and thus why genuine liberation is freedom from sin. Man does not come to himself through autonomy and self-sufficiency. Rather, the human person strives towards transcendence. “It is in this way that he truly comes to himself and into the fullness of his own, because he enters into unity with the one to whom he is related.”<sup>124</sup> This involves turning toward others. The fundamental figure of human existence thus is a being “from,” “with,” and “for,” and sin thus consists in human

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<sup>123</sup> The magisterium uses the phrase “nature of a being” to refer to what constitutes the being as such, with the dynamism of its tendencies toward its proper ends; “It is from God that natures possess what they are, as well as their proper ends.” Beings are created and “impregnated with a significance in which man, as the image of God, is capable of discerning the creating hand of God.” INTERNATIONAL THEOLOGICAL COMMISSION, FAITH AND INCULTURATION ch. I, #1 (1988), *available* [http://www.vatican.va/roman\\_curia/congregations/cfaith/cti\\_documents/rc\\_cti\\_1988\\_fede-inculturazione\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_1988_fede-inculturazione_en.html) (internal quotations omitted)

<sup>124</sup> Ratzinger, *Retrieving the Tradition*, *supra* note 100, at 445.

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actions that interfere with this pattern and with union with God. Further, because the person is more himself or herself the more the person's relativity aims totally and directly at its final goal and at transcendence, freedom necessarily consists in liberation from sin.

**C. The Incarnation: Freedom as Fulfillment of the Divine Idea**

The revelation brought by Jesus Christ opened a whole new dimension to humanity's knowledge of God and, in turn, humanity's knowledge of man. While this article has discussed much of that insight bearing on human freedom, Ratzinger's writing fleshes out an even deeper dimension of human freedom. A dimension grounded in the unity of humanity and relating to how Jesus Christ enables human union with God. This perspective of human freedom only comes to light with the fullness of the message of Christ. A fullness that is still unfolding but that was rendered substantially comprehensible in the first several centuries of Christianity by Christian philosophers working with the Church and from within the faith.

In working out the implications of the doctrine of the Trinity, along with the implications of understanding the Logos as Love, the meaning of liberation from sin began to come to light. Jesus brought liberation from sin. It is *in* Christ that humanity has been set free. Freedom is thinking and acting with God, such that union with God occurs on the level or plane of relation, or Love. But, the question arises: How, more specifically, does Jesus enable humanity to achieve God's objective? Ratzinger has addressed this more particular aspect of the Mystery of the Incarnation and the Trinity.

As explained, the doctrine of the Trinity posits God as three Persons in One Being. Each Person is a reality or an act of relativity. God is Father only in relation to his

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Son, only in “being for” the other. He *is* the act of giving himself. Similarly, Christ is Son only in relation to Father. He has nothing of his own and can do nothing on his own. He stands in the Father and constantly is one with him. Son is “being from” another. But since he also is one with the Father, he is a “being for.” The Son *is* being “for others.” This is the essence of the revelation of Jesus’s life and work: the whole being of Jesus is a function of the “for us.”<sup>125</sup> Jesus is thus absolute openness of existence, from and for. This existence is a complete path and openness. The Holy Spirit is God facing outward, the means through which Jesus Christ—in all his openness and breadth and freedom—remains present in the history of the world.<sup>126</sup> The Holy Spirit is the gift of Love and the constituting principle of the new man in Christ.<sup>127</sup>

Ratzinger notes in *Introduction to Christianity* that, in addition to other radical insights, the triple relativity of these Persons in the one Being of God brought about a profound break-through relating to unity and plurality in

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<sup>125</sup> Ratzinger, *Introduction*, *supra* note 77, at 204. Indeed, Christians understand that it is only “to him who died on the Cross, to him who renounced all earthly power . . . to him who laid aside the sword and . . . went to his death for others, to him who saw the meaning of human existence, not in power and self-assertion, but in existing utterly for others – who indeed was, as the Cross shows, existence for others – to him and him alone God has said “You are my son, today I have begotten you.” *Id.* at 219. Love of God and neighbor, which devolves to service to others is, of course, the crux of the Jesus’s teaching. But, what is important is not that Jesus left behind a body of teaching. What is important is that Jesus *is* his teaching. *Id.* at 205, 226. As explained by Ratzinger, “his *being* itself is service” and for this reason “it is sonship.” *Id.* at 226.

<sup>126</sup> *Id.* at 332-34.

<sup>127</sup> *Id.* at 337. The Holy Spirit is “God’s gift to history in the community of those who believe in Christ,” *id.* at 331, a gift accessible largely through baptism, penance, and the Eucharist. *Id.* at 336. The center of the Spirit’s activity in the world is thus the Church. *Id.* at 335.

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the philosophy of being. To ancient thought, only unity or oneness could be divine, and plurality was conceived as a disintegration of divine.<sup>128</sup> However, if the highest Being no longer is understood as a detached Being, existing closed in on himself in his oneness, divinity is not mere unity. Plurality too has its inner ground in God. “Plurality is not just disintegration that sets in outside the divinity. . . . it is not the result of the dualism of two opposing powers; it corresponds to the creative fullness of God, who himself stands above plurality and unity, encompassing both.”<sup>129</sup> Ratzinger explains that the “multi-unity that grows in love is a more radical, truer unity than the unity of the ‘atom.’”<sup>130</sup> Thus, the “three persons” who exist in God do not impair the unity or oneness of God but, rather, *fills-out* that oneness.<sup>131</sup>

The idea that plurality can enhance unity makes comprehensible the idea of collective freedom in and through Jesus. Notably, Ratzinger explains in *Introduction to Christianity* that this fuller message of Christian liberation from sin has been obscured in recent centuries due to an emphasis on “theologies of the cross” and St. Anselm’s “satisfaction theory.”<sup>132</sup> While these theories have elements of truth, Ratzinger argues that a truer picture exists. This picture rests more heavily on a theology of the Incarnation and the Logos as Love. As explained, the Logos that is Love creates being that can understand itself and desires. That being does understand itself and that it thereby comes to itself. The Incarnation is essential to this objective. For humanity, the Incarnation was a crucial step in the process of coming to know itself. Further, for the

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<sup>128</sup> *Id.* at 178.

<sup>129</sup> *Id.* at 179.

<sup>130</sup> *Id.*

<sup>131</sup> “[P]ure oneness can only occur in the spirit and embraces the relatedness of love.” *Id.* at 188.

<sup>132</sup> *Id.* at 231-32.

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Logos that is Love, the Incarnation simply is part and parcel of the divine Idea “man.”

The doctrine of the Incarnation focuses on the fact of God’s assuming human nature: the fact that the Word became flesh. Although this paper has not yet focused on it, one other important aspect of the philosophical and theological debates concerning the doctrine of the Trinity is the key question whether Jesus was both fully divine and fully human. In fact, the issue is *the* most fundamental one because if Jesus was not fully divine and fully human, there would be no need to delve into the issue of what it means that there exist “three Persons in one Being.” Despite the many theories proffered with other answers, however, Christian philosophers working with the Church and from within the faith adhered to the central conviction that Jesus’s two natures, human and divine, were both complete. Only in this way would his mediation be true mediation. If he were some type of intermediate being his presence would guide humanity not toward God, but away from God, resulting in separation rather than mediation.<sup>133</sup> As explained by Ratzinger, “[o]nly if he was really a man like us can he be our mediator, and only if he is really God, like God, does the mediation reach its goal.”<sup>134</sup>

In Incarnation theologies, being mediator (or pathway) is an essential aspect of Christ’s liberation of humanity. Ratzinger explains the theory as follows: Jesus is the exemplary man, the Second Adam.<sup>135</sup> The first Adam, the moment when God’s Idea of man first took shape, was but a first step in man’s process of becoming man.<sup>136</sup> The first step involved the transition from mere life to mind. The second step, accomplished in Jesus, the

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<sup>133</sup> *Id.* at 163.

<sup>134</sup> *Id.* at 166.

<sup>135</sup> Holy Scripture refers to Jesus as the Second Adam. *See id.* at 236.

<sup>136</sup> Ratzinger explains that, in the Bible, the word “Adam” expresses the unity of the whole creature “man.” *Id.* at 236.

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Second Adam, involved a more intense contact between humanity and God.

Man came into existence out of the “clay” at the moment when a creature was no longer merely “there” but, over and above just being there and filling his needs, was aware of the whole. But this step, through which *logos*, understanding, mind, first came into this world, is only completed when the *Logos* itself, the whole creative meaning, and man merge into each other. Man’s full “hominization” presupposes God’s becoming man; only by this event is the Rubicon dividing the “animal” from the “logical” finally crossed for ever and the highest possible development accorded to the process [of humanity’s creation].<sup>137</sup>

It is in Jesus Christ, then, that humanity has reached its goal.<sup>138</sup> It is openness to the infinite that is the true mark of man, and man is most complete when he is one with the infinite. Jesus is “true man” because the person that is part and parcel of his human nature is one with God.

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<sup>137</sup> *Id.* at 235.

<sup>138</sup> As Ratzinger has stated elsewhere: “We can say that God created the universe in order to enter into a history of love with humankind.” Ratzinger, *The Meaning*, *supra* note 82, at 30.

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It is important to appreciate two distinct aspects of this Incarnation theory. First, it is grounded in the understanding that there is one Divine Idea “man” that is fulfilled in Jesus Christ.<sup>139</sup> This key point was uniformly held and taught by important and influential early Christian thinkers.<sup>140</sup> Ratzinger explicitly made this point in a 1981 Lenten homily entitled *The Creation of the Human Being*.<sup>141</sup> In that homily, Ratzinger explains that, in the biblical account of Creation, God reveals much insight about this Divine Idea:

- Humanity is one Creation from God’s one Good Earth.
- The human being comes into existence after God has breathed his breath into the body, when divine reality enters humanity—when God enters into his Creation.
- Because divine reality is in humanity, each human being is known and loved by God, is willed, and is made in his image.

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<sup>139</sup> Ratzinger makes this point only in passing in Ratzinger, *Truth and Freedom*, *supra* note 26, at 351.

<sup>140</sup> See HENRI DE LUBAC, CATHOLICISM: CHRIST AND THE COMMON DESTINY OF MAN (Lacelot C. Sheppard & Sister Elizabeth Englund trans., Ignatius Press 1988) (1947) (citing and extensively quoting from the work of the Church Fathers and early Christian philosophers). Notably, Lubac’s work greatly influenced Ratzinger’s approach to faith and theology.

<sup>141</sup> JOSEPH RATZINGER, *The Creation of the Human Being*, in IN THE BEGINNING . . . : A CATHOLIC UNDERSTANDING OF THE STORY OF CREATION AND THE FALL, *supra* note 82, at 41-58 [hereinafter Ratzinger, *The Creation*].

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- Each human being realizes the One project of God, and has his or her origin in the same Creative Idea of God.
- To be the image of God implies an inherent capacity for relationship and capacity for God.
- The distinctive mark of the human being is the capability to think and to pray; humans are beings of word and love—beings moving toward Another.<sup>142</sup>

Jesus is the exemplary man or Last Adam because, in Jesus, the person inherent to his human nature is integrated with his divinity and is completely open to God. God's one Idea "man" has thus achieved the goal of being completely open to God.

This tells us about God's goal for each human being. The "true man"—the man conforming with the Divine Idea "man"—is a person in union with God in a manner akin to Jesus, but in a manner that is only possible in and through Jesus. And this leads to the second important aspect of the Incarnation theory. It helps clarify how it is that Jesus Christ enables humanity to achieve God's goal.

In the article *Retrieving the Tradition*, Ratzinger points out that in integrating knowledge about the human person with knowledge of Christ, two main ideas emerge. One is the idea that the human person in history is "being on the way" towards fuller integration into Divine Love. The second idea has bearing on how Jesus enables

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<sup>142</sup> *Id.* at 44-48.

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humanity, as a unity, to achieve God's goal. Jesus Christ is the all-encompassing space in which the "we" of human beings gather on the way to the Father, into which the Holy Spirit, Love, gathers humanity.<sup>143</sup>

The vision, then, is one in which the Holy Spirit (the means through which Jesus Christ remains present in history) is *within* human beings, enabling and enhancing the inherent human capacity to love God and the inherent relativity (Love) within human beings. In turn, that Love within human beings is held together in unity and in the space, openness, or path that *is* Jesus Christ, thereby linking united human love with God's love.

As pointed out by Ratzinger, this vision necessarily implies the collective nature of man's union with God. Love of God and love of neighbor are thus inherently and inextricably intertwined. Within the human being there is a reality consisting of relativity, Love. This relativity is ultimately reaching for God. But it is affected by interactions with others. Actions of "being-with" or "being-for" others enhances the movement towards God and vice versa. The collective nature of humanity's union with God means that the action of any one person affects the union of others with God. Actions of "being-with" or "being-for" by any individual enhance the overall movement towards God; negative actions by any individual have a negative effect on the whole of humanity's movement towards God.

In humanity, then, from the beginning, heaven and earth touch. In Jesus Christ the creation of humanity is brought to completion. The pathway between heaven and earth is fully opened, and all integration or union between God and humanity—the one Divine Idea—will be by way of the divine person Jesus. Thus, Jesus is "the way, and the truth, and the life" (Jn 14:6). Jesus is the pathway that each

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<sup>143</sup> See *supra* notes 113 to 122 and accompanying text.

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human being must endeavor to follow during his or her lifetime in history. By following Jesus Christ in one's lifetime, one becomes, in reality, encompassed within Jesus's one saving action.<sup>144</sup> Each individual is saved only within the context of the whole. Moreover, by virtue of being integrated with God, the plurality within the human unity—a multi-unity in Love—contributes to the fullness of the oneness of God.

#### D. Reprise of the Vision

As demonstrated by the foregoing subsection, the Christian vision of freedom has layers of complexity. The deeper the reflection is pushed—the more one uses human reasoning to assist in understanding God's revelation—the more it becomes apparent that *how* freedom is used is important. The Christian vision is based on an understanding of humanity and its history and destiny as revealed by God. Human freedom depends on God and is freedom from sin. This is so because the Creator of humanity is Reason and Love. Each human being is a distinct being set free by the Creative Logos that is Love. Human life—the living out the freedom given by God—should be a response to God. That response is guided by and made possible by God, both by virtue of inherent capacities within the human person and by virtue of God's

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<sup>144</sup> In discussing Christian worship, which encompasses the entirety of one's life, Ratzinger explains: "The fundamental principle of Christian worship is consequently this movement of exodus with its two-in-one direction toward God and fellowman. By carrying humanity to God, Christ incorporates it in his salvation. . . . [H]e who was crucified has smelted the body of humanity into the Yes of worship. [Christian sacrifice] is completely 'anthropocentric', entirely related to man, because it was radical theocentricity, delivery of the 'I' and therefore of the creature man to God. . . . The fundamental principle of sacrifice is not destruction but love." Ratzinger, *Introduction*, *supra* note 77, at 289.

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revelation, especially the fullness of revelation in Jesus Christ.

In particular, love is a capacity, an existential capacity that is itself a reality. Love is a transcendent character within humans designed to reach beyond self, especially towards God but also towards other human beings. The purpose and goal of this capacity in the human person is re-union with God, which depends on acting in accord with God, which means acting in accord with the truth at both the individual and collective levels. It is this union with the transcendent that the human spirit is striving for and that gives rise to the human yearning for freedom. It is this inherent capacity to seek God that is the truly distinguishing characteristic of humanity.

Union with the Creator depends on thinking and acting in conformity with Eternal Reason and Love. In practice, this means being receptive to God and other and acting in conformity with the fundamental anthropological pattern: being-from, being-with, and being-for. This is the meaning or intelligibility *within* man, and it is acting consistently with the meaning internal to man that constitutes genuine human freedom.<sup>145</sup> The inviolable standards necessary for democratic society must be standards that safeguard genuine human freedom. Christian values provide just this type of standard. They are values that have their origin from the Creator of humanity and the world and are fully consistent with the

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<sup>145</sup> Because human freedom depends on grace, the Church and its sacraments, especially baptism and penance and the Eucharist, generally are crucial to attaining freedom. The capacity to love God and remain in communion with him is dramatically enhanced by reception of grace through the sacraments. For example, Ratzinger has described the Eucharistic community as a “holy thing” granted to the Church as the “real bond of unity.” See Ratzinger, *Introduction, supra* note 77, at 334. Further, the Church is to be understood as the “center of the Spirit’s activity in the world.” *Id.* at 335-36.

pattern of love, the pattern of being-from, being-with, and being-for.

## **V. Ordering Freedom in Accord with the Human Spirit and Democratic Ideals**

The well-reasoned alternative vision of human freedom presented by Ratzinger clarifies the argument that freedom is promoted and safeguarded only when core Christian moral insights provide the point of reference for law and justice. As noted at the outset, Ratzinger has supplemented his argument with analysis of why prevalent political theories of the modern era have failed. Part I of this article presented part of Ratzinger's assessment of the shortcomings of modernity's radical notion of human freedom. This part of the article highlights another aspect of the assessment, namely, that modernity's typical approach to freedom has missed its mark precisely because of its failure to be guided by the fundamental pattern of love imprinted within every human being. It then briefly discusses certain aspects of how use of fundamental Christian insights can be fully consistent with key ideals held in a pluralistic democratic society.

### **A. Modern Ideas of Freedom Are in Opposition to the Essence of the Human Person**

In *Truth and Freedom*,<sup>146</sup> published in 1996, Ratzinger identifies fundamental elements of modern approaches to freedom<sup>147</sup> and shows that these elements

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<sup>146</sup> Ratzinger, *Truth and Freedom*, *supra* note 26, at 337-53.

<sup>147</sup> Ratzinger traces the evolution from Luther's struggle for freedom of conscience in the religious sphere; to the middle phrase characterized by Kant's call to use "pure reason," and where two distinct approaches emerged: a natural rights orientation grounded in a metaphysical idea, and a radical anarchic approach wherein no right order exists in nature

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tend to allow humans to act in opposition to the internal striving of the human spirit. Ratzinger's analysis supports the vision that freedom is inherently linked to truth and, specifically, the truth regarding the essence of human existence. He shows that modernity's anarchical conception of freedom cannot be correct because it allows humans to regard the "fundamental figure of human existence" as itself an attack on freedom.

Ratzinger's analysis is based on the principle that the fundamental pattern of human existence is a being "from," "with," and "for" another.<sup>148</sup> Ratzinger points out

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(arising from Rousseau's ideas); to the later Marxist approaches. *Id.* at 340-43. He concludes that the widespread view of freedom today is characterized by the individualistic ideology which was a component of all Enlightenment thought by anarchic tendencies (human will is the sole norm of human action) and by the Marxist tendency to rely on structures and systems to bring about justice. *Id.* at 342-43. Despite failures to bring about a sense of justice, Ratzinger notes that the radical current of Enlightenment has not lost its appeal. Fascination for the grand promise of emancipation made at the inception of modernity remains. *Id.* at 344. To Ratzinger, then, the question "What is freedom?" cannot be avoided and involves issues of "what man is and how he can live rightly both individually and collectively." *Id.* at 338-40, 344.

<sup>148</sup> *Id.* at 346. Notably, the philosophical or theological basis for understanding human beings as "beings from, with, and for" is suggested only in passing in *Truth and Freedom*. Ratzinger points to the "hidden theological core" underlying the modern, anarchic conception of freedom: the desire to be "like a god who depends on nothing and no one, whose own freedom is not restricted by that of another." *Id.* at 347. But he also points to the theological error. In this ideology the divinity is conceived as a pure egoism, which is the extreme opposite of the real essence of God as revealed by God in Jesus Christ. In Jesus, God has revealed himself as relational: "by his very nature he is entirely being-for (Father), being-from (Son), and being-with (Holy Spirit)." *Id.* at 347. For Ratzinger, this is the reason why the essence of human existence follows the pattern. Resisting the pattern leads to dehumanization, which will result in the destruction of the human being through the destruction of the truth of the human being. *Id.* at 347.

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that this fundamental anthropological pattern is most starkly presented by the unborn child. The being of the unborn child is only from and through the mother and can survive only by physically being with the mother. The “being-with” of the child prompts the being of the mother to become a “being for.” Importantly, the pattern remains after the child is born. The outward form of the “being-from and -with” may change as the child matures. The child nonetheless remains dependent; and although the mother may assign the care of the child to another, there remains “a ‘from’ that demands a ‘for.’”<sup>149</sup> Furthermore, Ratzinger points out that this pattern remains even in adults: “Even the adult can exist only with and from another, and is thus continually thrown back on that being-for which is the very thing he would like to shut out.”<sup>150</sup>

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<sup>149</sup> *Id.* at 346.

<sup>150</sup> *Id.* at 346. Notably, this important point—the all-encompassing nature of the “from” and “for” pattern—is illustrated more thoroughly by Ratzinger in other writings. Ratzinger links the pattern to humanity’s corporality, i.e., his being “spirit in body.” See Ratzinger, *Introduction*, *supra* note 77. Corporality necessitates physical dependence on those immediately surrounding a human being (including both parentage and mutual daily care); but this dependence extends to needs of the spirit in man and, as well, extends to dependence on the past and future of mankind. By way of example, he points to the human need for language (to which the whole of history has contributed); for culture (the “web of history that impinges on the individual through speech and social communication”); and for a future (“man is a being who lives for the future, who continually takes care to plan ahead beyond the passing moment and could no longer exist if he suddenly found himself without a future”). *Id.* at 245-48.

Another important insight on the human need for other was made by Ratzinger in a 1981 Lenten homily: “Human beings have their selves not only in themselves but also outside of themselves: they live in those whom they love and in those who love them and to whom they are ‘present.’” See JOSEPH RATZINGER, *Sin and Salvation*, in *IN THE BEGINNING . . . : A CATHOLIC UNDERSTANDING OF THE STORY OF CREATION AND THE FALL*, *supra* note 82, at 72.

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Ratzinger then focuses on the fact that man in contemporary society mightily resists this fundamental pattern. “[M]an quite spontaneously takes for granted the being-for of others in the form of today’s network of service systems, yet if he had his way he would prefer not to be forced to participate in such a “from” and “for,” but would like to become wholly independent, and to be able to do and not to do just what he pleases.”<sup>151</sup> Ratzinger notes that it is this modern attitude or demand for freedom that is reflected in society’s acceptance of abortion. “[A]bortion appears as a right of freedom.” The woman “must have the power to make decisions about her own life, and no one else can – so we are told – impose from the outside any ultimately binding norm.”<sup>152</sup> Ratzinger’s point of emphasis is that, from the modern perspective of freedom, requiring a woman to act in accord with the basic anthropologic pattern is perceived as an attack on freedom.<sup>153</sup> This example supports Ratzinger’s key argument that a conception of freedom that demands liberation from the very essence of what it means to be human simply cannot be correct. As he states, “exactly what sort of freedom has the right to annul another’s freedom as soon as it begins?”<sup>154</sup>

Genuine human freedom, therefore, cannot rest on the individualistic model of radical autonomy and self-sufficiency. The complex weave of human dependencies does not allow this approach. Rather, Ratzinger explains, “Man’s freedom is shared freedom, freedom in the conjoint existence of liberties that limit and thus sustain one

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<sup>151</sup> Ratzinger, *Truth and Freedom*, *supra* note 26, at 346-47.

<sup>152</sup> *Id.* at 346.

<sup>153</sup> *Id.* at 347.

<sup>154</sup> That society would allow real but secondary interests to prevail over the fundamental right to life also shows that modernity’s decision to restrict reason results in reason being used to justify the irrational. JOSEPH RATZINGER, *CHRISTIANITY AND THE CRISIS OF CULTURES* 63 (2006).

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another.”<sup>155</sup> This conception of freedom thus necessarily requires a right or just ordering of rights and relationships: an “ordered communion of freedoms.”<sup>156</sup> This sort of “right ordering” requires laws in society that are grounded in standards or values that foster human action consistent with the truth regarding the essence of human existence. This reference to “right ordering” in *Truth and Freedom* is very similar to a statement expressed in the *Instruction on Christian Freedom and Liberation* issued by the Congregation for the Doctrine of the Faith:

Truth and justice are therefore the measure of true freedom. . . . Far from being achieved in total self-sufficiency and an absence of relationships, freedom only truly exists where reciprocal bonds, governed by truth and justice, link people to one another. But for such bonds to be possible, each person must live in the truth.<sup>157</sup>

This is, then, but another way of saying that each person must live in conformity with the intelligibility within man, the pattern of “being-from,” “being-with,” and “being-for.”

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<sup>155</sup> Ratzinger, *Truth and Freedom*, *supra* note 26, at 348.

<sup>156</sup> *Id.* at 352.

<sup>157</sup> ICFL, *supra* note 44, at #26. In *Truth and Freedom*, Ratzinger shows that freedom is enhanced by heightened awareness of responsibility and acceptance of ever greater fraternal bonds and that responsibility, living in response to what the human being is in truth, entails being guided by the Decalogue, unfolded in rational understanding. Ratzinger, *Truth and Freedom*, *supra* note 26, at 349-51.

## **B. Ordering Freedom in Love Is Consistent with Democratic Ideals**

Ratzinger's vision for protecting freedom in society rests on three points. First, freedom is safeguarded only when democratic government and the majority vote are limited by inviolable moral standards. Second, safeguarding genuine freedom—freedom consistent with the internal yearning for the transcendent—requires that the inviolable standards be consistent with the intelligibility within man—the “being-from,” “being-with,” and “being-for” pattern impressed on the human spirit by virtue of being a creature of God. Third, core Christian insights and values properly used to inform the ordering of relationships in society can achieve this requisite conformity to Eternal Reason and Love. As noted, this “right ordering” requires laws in society that are grounded in standards or values that foster human action consistent with the truth. Further, although Ratzinger agrees with the idea of a secular state, he advocates that the State has a role in prudently fostering respect for those values, including expecting reverence and respect for God and holy things, and encouraging serious study of questions such as the existence of and nature of God.<sup>158</sup> This vision remains consistent with key

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<sup>158</sup> See, e.g., Ratzinger, *A Christian Orientation*, *supra* note 12, at 218-20. A key reason for this type of state action is the need for sufficient unity among the citizens regarding the values deemed inviolable. See Ratzinger, *Freedom and Constraint*, *supra* note 21, at 188 (“Ultimately, the democratic system can only function if certain fundamental values . . . are recognized as valid by everyone . . . an ethos which is jointly accepted and maintained even if its rational basis cannot be established absolutely and conclusively”). See also Ratzinger, *A Christian Orientation*, *supra* note 12, at 205 (“[Pluralist democracy, in itself, does not] unite[] its citizens in a fundamental assent to the state;” for its foundations, it depends on other powers and forces outside of itself); Ratzinger, *Luther*, *supra* note 21, at 131 (noting that “a formal unity without clear content is fundamentally no

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democratic ideals. It is beyond the scope of this article to discuss this point in detail, but it is important to recognize that Ratzinger has addressed this concern.

From a practical perspective, Ratzinger recognizes the need to adhere to two key principles in carrying out the exchange between politics and faith. First, he readily acknowledges the need to maintain the properly distinct and delimited spheres of Church and State.<sup>159</sup> Ratzinger notes that the Christian faith brought about the secular state, a society in which the political realm is limited and provides space for freedom of conscience.<sup>160</sup> The State is responsible for peace and justice, and governs on the basis

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unity at all; unity based on common skepticism and not knowledge is, in essence, based on capitulation).

Ratzinger is clear, however, in placing the primary responsibility for cultivating the spiritual foundation of society on the Church and Christians. *Id.* See also JOSEPH RATZINGER, *Freedom, Law, and the Good*, in VALUES IN A TIME OF UPHEAVAL 52 (2006) (emphasizing the public task of Christian churches in that they must be free “to address the freedom of all human beings so the moral forces of history may remain forces in the present”); JOSEPH RATZINGER, *Biblical Aspects of the Question of Faith and Politics*, in CHURCH, ECUMENISM & POLITICS: NEW ESSAYS IN ECCLESIOLOGY, *supra* note 12, at 147, 151 [hereinafter Ratzinger, *Biblical Aspects*] (The core responsible political activity is to nurture public acceptance of the validity of morality and God’s commandments.).

<sup>159</sup> See, e.g., Ratzinger, *Political Stance*, *supra* note 13, at 161-62 (noting that “[w]here the Church itself becomes the state, freedom becomes lost.” But freedom is also lost when the Church is precluded from being a public and publically relevant authority).

<sup>160</sup> See, e.g., JOSEPH RATZINGER, *Conscience in Its Age*, in CHURCH, ECUMENISM & POLITICS: NEW ESSAYS IN ECCLESIOLOGY, *supra* note 12, at 165, 174 [hereinafter Ratzinger, *Conscience*] (noting that, by altering the ancient practice of state authority over religion, Jesus set a limit to earthly authority and proclaimed the freedom of the person that transcends all political systems); Ratzinger, *Biblical Aspects*, *supra* note 158, at 148-49; JOSEPH RATZINGER, *Searching for Peace*, in VALUES IN A TIME OF UPHEAVAL 114 (2006).

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of reason.<sup>161</sup> But Church and State have a common moral responsibility based on the essence of man and the essence of justice.<sup>162</sup> Thus, although politics is the realm of reason, Ratzinger emphasizes that political reason must include moral reason.<sup>163</sup> Further, it cannot be limited to mere technological and calculating reason, a reason that has cut off its historical roots, namely, the basic memory of mankind.<sup>164</sup> Because of modernity's self-imposed narrowing of reason, the evidential character of a fundamental intuition common to all the great cultures has been eroded, namely, the conviction regarding:

[T]he doctrine of objective values expressed in the Being of the world; the belief that attitudes exist that correspond to the message of the universe and are true and therefore good, and that other attitudes

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<sup>161</sup> See, e.g., JOSEPH RATZINGER, *Searching for Peace*, in *VALUES IN A TIME OF UPHEAVAL* 22-24 (2006)..

<sup>162</sup> See, e.g., *id.* at 114. Ratzinger frequently explains that the essence of justice depends on a universal criterion, as opposed to merely pragmatic criteria determined by the group or by majority vote. See, e.g., Ratzinger, *A Turning Point*, *supra* note 11, at 133-37 (noting that, in Greek and Roman philosophy of the state, a state that constructs justice only on the basis of majority opinions sinks down to the level of the "robber band").

<sup>163</sup> See, e.g., JOSEPH RATZINGER, *NEED ARTICLE NAME*, in *VALUES IN A TIME OF UPHEAVAL* 24 (2006); Ratzinger, *A Christian Orientation*, *supra* note 12, 216-17.

<sup>164</sup> See, e.g., JOSEPH RATZINGER, *CHRISTIANITY AND THE CRISIS OF CULTURES* 36-43 (2006) (explaining the confused ideology of freedom that has resulted from modern philosophy's tendency to limit reason to what is considered objectively verifiable fact, and to see issues only in terms of feasibility, functionality, and effectiveness and characterizing such an approach to reasoning as being radically opposed to all other historical cultures of humanity).

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likewise exist that are genuinely and always false because they contradict Being. . . . [and thus] the conviction that man's Being contains an imperative; the conviction that he does not himself *invent* morality on the basis of calculations of expediency but rather *finds* it already present in the essence of things.<sup>165</sup>

In governing, the State should make full use of reason's capacity to discern the moral message—the intelligible meaning—within creation. And, in doing so, the State should recognize that the discernment process is greatly assisted by the insights of faith.<sup>166</sup>

For its part, the Church's primary role is to evangelize and bring about the inner conversion of

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<sup>165</sup> Ratzinger, *A Turning Point*, *supra* note 11, at 34-36 (emphasis in original).

<sup>166</sup> Ratzinger explains that modernity's self-limitation of reason has meant that what is most specific to man—moral reasoning—has been unjustifiably delimited to the subjective realm. He notes that, in reality, reason can perceive more than quantitative facts. Creation reveals a moral message that is discernible by use of reason, especially when assisted by faith and when it draws upon the experience of human existence over time. Full use of moral reasoning is reasoning in the highest sense. The imposed limitation of reason to quantifiable facts precludes the scientific method from attaining its aim of garnering knowledge most in accord with reality; and, conversely, full use of reason's capabilities will more readily attain knowledge in accord with reality. Thus, "the great ethical insights of mankind are just as rational and just as true as—indeed, more true than—the experimental knowledge of the realm of the natural sciences and technology. They are more true, because they touch more deeply the essential character of Being and have a more decisive significance for the humanity of man." *Id.* at 37-42.

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individuals. The political and economic running of society is not a direct part of the Church's mission, but Jesus "entrusted to [the Church] the word of truth which is capable of enlightening consciences."<sup>167</sup> The power of the Gospel, as lived by convicted Christians, can "penetrate[] the human community and its history," thereby purifying and sustaining a culture of life consistent with the Beatitudes.<sup>168</sup> This includes nurturing the idea of conscience as recognition of man as creation, thereby fostering respect for the Creator *in* man as opposed to the more common notion of conscience being a wholly independent internal forum for deciding what is good or evil.<sup>169</sup> But the Church in various institutional forms, and especially in and through the activities of individuals, can and also must make claims and demands on public law.<sup>170</sup>

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<sup>167</sup> ICFL, *supra* note 44, at #61.

<sup>168</sup> *Id.* at #62. *See also* ICATL, *supra* note 44, at ch. XI, #8 ("[I]t is only by making appeal to the 'moral potential' of the person and to the constant need for interior conversion, that social change will be brought about which will be truly in the service of man. For it will only be in the measure that they collaborate freely in these necessary changes through their own initiative and in solidarity, that people, awakened to a sense of their responsibility, will grow in humanity. The inversion of morality and structures is steeped in a materialist anthropology which is incompatible with the dignity of mankind").

<sup>169</sup> *See* Ratzinger, *Conscience*, *supra* note 160, at 169-70 (quoting Reinhold Schneider: "Conscience is knowledge of responsibility for the whole of creation and before him who has made it."). Ratzinger agrees that a person must follow a clear verdict of conscience, but stresses that this must be understood in conjunction with the reality that conscience cannot be identified with a person's subjective certainty about himself and his moral conduct (this would in fact enslave persons by making them dependent on prevailing opinions of the day), and also that conscience can err. *See* JOSEPH RATZINGER, *If You Want Peace. . . , in* VALUES IN A TIME OF UPHEAVAL 75-100 (2006).

<sup>170</sup> *See* Ratzinger, *Political Stance*, *supra* note 13, at 163 (noting that "the Church cannot simply retreat into the private sphere"). In addition, the Church has societal function. As explained by Ratzinger in *Introduction to Christianity*, the Church and being Christian relate to

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In making demands on the public law, however, Ratzinger emphasizes the need to focus on *essential core values* bearing on freedom. This is the second key principle to keep in mind in carrying out the exchange between politics and faith. It is an important way of preventing overreaching that would upset a proper Church-State balance. At times Ratzinger points to certain core essentials, namely, human dignity and human rights grounded in man as the image of God; marriage, and family, grounded in the truth of the human person; and reverence for God and to that which is holy to other persons.<sup>171</sup> More often, Ratzinger points to the Decalogue as a starting point, because it constitutes a “sublime expression” of moral reason and, as such, coincides in many ways with the great ethical traditions of other religions.<sup>172</sup> To Ratzinger, respect for the Creator *in* man entails living “as an answer – as a response to what we are in truth.”<sup>173</sup> And the Decalogue, with its origin from the Creator, is a “self-presentation and self-exhibition of God,” and thus a “luminous manifestation of his truth.”<sup>174</sup> Notably, he stresses the need to continually unfold the meaning of the Decalogue, recognizing that coming to appreciate the whole of the truth requires an active process in which “reason’s entire quest for the criteria of our

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the fact that each human must work out his freedom within the “framework of the already existing whole of human life that stamps and molds him;” their purpose is “to save history as history and to break through or transform the collective grid that forms the site of human existence.” Ratzinger, *Introduction*, *supra* note 77, 247-48.

<sup>171</sup> See, e.g., JOSEPH RATZINGER, *Europe’s Identity*, in *VALUES IN A TIME OF UPHEAVAL* 147-49 (2006).

<sup>172</sup> See JOSEPH RATZINGER, *To Change or Preserve*, in *VALUES IN A TIME OF UPHEAVAL* 29 (2006).

<sup>173</sup> See Ratzinger, *Truth and Freedom*, *supra* note 26, at 349-51.

<sup>174</sup> *Id.*

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responsibility truly comes into its own.”<sup>175</sup> To Ratzinger, this is simply part and parcel of Christianity’s synthesis of faith and reason: reason needs faith, but faith also, precisely as faith, must work in conjunction with reason.<sup>176</sup>

Ratzinger also is convinced that judicious use of core Christian insights and values to inform the ordering of relationships in society helps maintain full consistency with notions of tolerance. His reasoning on this issue has two aspects to it. First, Ratzinger has explained that use of Christian insights as the inviolable point of reference for law and justice in society should not be considered an unjust imposition of values. The insights reflect the intelligibility *in* things or the meaning or truth in Creation. And, as explained by Ratzinger, there is in man—at the ontological level—an expectation of sorts, a primal knowledge or remembrance of the good and true that needs help from without to become aware of its own self.<sup>177</sup> This is the ontological level of the human conscience. He explains:

This anamnesis of our origin,  
resulting from the fact that our  
being is constitutively in  
keeping with God, is not a

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<sup>175</sup> *Id.* (noting that freedom is enhanced by heightened awareness of responsibility—living in response to what the human being is in truth—which entails being guided by the Decalogue, unfolded in rational understanding).

<sup>176</sup> Ratzinger has explained the relationship between faith and reason as follows: “[F]aith demands and reveals reason, understands itself as the environment of reason, so that faith is not correct if the insights to which it leads are not at least rudimentarily reasonable, while on the other hand reason cuts the ground from beneath its feet if it does away with faith.” Ratzinger, *Political Stance*, *supra* note 13, at 158.

<sup>177</sup> JOSEPH RATZINGER, *If You Want Peace: Conscience and Truth, in VALUES IN A TIME OF UPHEAVAL* 90-95 (2006) (explaining the classical concept of *synderesis* as *anamnesis of the Creator* existing at the ontological level of conscience).

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knowledge articulated in concepts, a treasure store of retrievable contents. It is an inner sense, a capacity for recognition, in such a way that the one addressed recognizes in himself an echo of what is said to him. If he does not hide from his own self, he comes to the insight: *this* is the goal toward which my whole being tends, *this* is where I want to go. This *anamnesis of the Creator*, which is *identical with the foundations of our existence*, is the reason that mission is both possible and justified.<sup>178</sup>

This primal knowledge, of course, can become distorted or greatly weakened by culture. Nonetheless, when the Church or others present and explain Christian values, it can spark recognition. This is not an imposition, but, rather, there is a fusion that activates the capacity to receive the truth.<sup>179</sup>

Second, because Christian insights and values are grounded in Love, their use as the inviolable reference should not lead to inappropriate intolerance for other perspectives. Rather, as explained by Ratzinger, the surest guarantee of tolerance is the identity of Truth and Love. On the one hand this means that, in an appropriate praxis of freedom, the evangelical mission of the Church and Christians will be carried out with Love, which necessarily implies respect for religious liberty freedom in civil

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<sup>178</sup> *Id.* at 92.

<sup>179</sup> *Id.* at 92-94.

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society.<sup>180</sup> On a deeper level, however, the identity of Truth and Love suggests that typical notions of tolerance reflect confusion about the meaning of genuine human freedom. The typical idea of tolerance is that it is the attitude of respect for the views of others that safeguards freedom.<sup>181</sup> From the Christian perspective of human freedom, it is the use of core Christian values or insights as a point of reference for law and justice that is itself the safeguard for freedom. Tolerance is simply the appropriate attitude to have since matters of conscience should not be coerced. This is a subtle but real distinction. The persuasiveness of Ratzinger's view—as to both aspects of notions of tolerance—is tied to careful and prudent use of essential core values.

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<sup>180</sup> See JOSEPH RATZINGER, TRUTH AND TOLERANCE: CHRISTIAN BELIEF AND WORLD RELIGIONS 231 (Henry Taylor trans., Ignatius Press 1st Am. ed. 2004). See also Letter from Benedict XVI, Supreme Pontiff, to the Bishops, Priests, and Deacons; Men and Women Religious; and all the Lay Faithful on Christian Love, (June 29, 2009) (on file with author), available at [http://www.vatican.va/holy\\_father/benedict\\_xvi/encyclicals/documents/hf\\_ben-xvi\\_enc\\_20090629\\_caritas-in-veritate\\_en.html](http://www.vatican.va/holy_father/benedict_xvi/encyclicals/documents/hf_ben-xvi_enc_20090629_caritas-in-veritate_en.html), at #2 (noting that “[t]ruth needs to be sought, found and expressed with the ‘economy’ of charity, but charity in its turn needs to be understood, confirmed and practiced in the light of the truth”). See also Declaration on Religious Freedom (*DIGNITATIS HUMANAЕ*): On the Right of the Person and of Communities to Social and Civil Freedom in Matters Religious), promulgated by Pope Paul VI, December 7, 1965 (available at [http://www.vatican.va/archive/hist\\_councils/ii\\_vatican\\_council/documents/vat-ii\\_decl\\_19651207\\_dignitatis-humanae\\_en.html](http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651207_dignitatis-humanae_en.html)) (last accessed 4/28/2014).

<sup>181</sup> For example, in a law review article calling for the abandonment of the neutrality principle, Dean Steven Smith explains that the “restoration of tolerance” as a “respectable attitude” is justified. He explains that tolerance – respect for the views of those who disagree with the substantive values selected by society – will protect their liberty. See Steven D. Smith, *The Restoration of Tolerance*, 78 Calif. L. Rev. 305 (1990).

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Ratzinger has thus addressed the major concerns that relate to use of core Christian insights as the inviolable standard in a pluralistic democratic society. The Christian vision, when fully and properly understood, remains consistent with key democratic ideals.

## V. Conclusion

A key purpose of this article has been to explain, in a comprehensive way, a well-reasoned alternative perspective of human freedom that brings to light the fact that the doctrine of neutrality presents a real obstacle to freedom in democratic society. A sound argument exists to support the claim that liberty and justice in society depend on state recognition of, and prudent use of, core Christian values in lawmaking and policy-making.<sup>182</sup> A strong case has been made that judgments concerning the ends in life worthy of pursuit are *not* solely subjective. Rather, freedom is an integral aspect of the human person, and, thus, *how* freedom is used matters. The heart of the message is that Christian values have their origin from the transcendent and, more specifically, from the Creator of humanity and the world. As such, these values are necessarily consistent with the meaning or intelligibility *in* creation and will thereby promote genuine human freedom. Personal choices about how to live *do* matter, and it should be permissible for the State—through prudent adherence to core values—to foster a culture in which persons can more readily live in a genuinely human way.

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<sup>182</sup> It is appropriate to reiterate that this would not necessarily mean a return to state practices struck down by the Court due to Establishment Clause concerns. Past reliance on Christian values in fashioning laws may not always have been “prudent” and may have involved values beyond the realm appropriately considered “core values.” Cf. Ratzinger, *A Christian Orientation*, *supra* note 12, at 212 (noting that Christians have at times in the past expected too much from the “earthly city”).

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From this alternative perspective, the essence of human freedom is being receptive to God the Creator, and acting consistent with the pattern impressed on the human spirit by virtue of being a creature of God.<sup>183</sup> This view of freedom is of course intimately bound-up with belief in God. But the counter-perspective—the view associated with the radical philosophy of freedom and, ultimately, the principle of liberal neutrality—similarly has a theological basis, namely, the rejection of belief in God the Creator.<sup>184</sup> A rejection that is played out by the banishment of ideas related to religion and morality to the subjective realm.<sup>185</sup> Indeed, in *Christianity and the Crisis of Cultures*, Ratzinger emphasized that the ultimate divide in contemporary society rests on the question of the existence of God:

The real antagonism typical of today's world is not that between diverse religious cultures; rather, it is the antagonism between the

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<sup>183</sup> Indeed, Ratzinger has stated that “[i]f there is no longer any obligation to which [man] can and must respond in freedom, then there is no longer any realm of freedom at all.” Ratzinger, *A Turning Point*, *supra* note 11, at 41.

<sup>184</sup> Ratzinger has explained that behind the radical philosophy of freedom “there stands a programme which must ultimately be labeled theological: God is no longer recognized as a reality standing over against man, but instead man may himself or herself become what he or she imagines a divinity would be if it existed. . . .” Ratzinger, *Freedom and Liberation*, *supra* note 24, at 260.

<sup>185</sup> See, e.g., Ratzinger, *A Turning Point*, *supra* note 11, at 33-41 (noting that the consequence of materialism and the narrowing of reason is that “[m]orality, just like religion, now belongs to the realm of the subjective. If it is subjective, then it is something posited by man. It does not precede vis-à-vis us: we precede it and fashion it. This movement of [separating the world of feelings and the world of facts] . . . essentially knows no limits. . . . Calculation rules, and power rules. Morality has surrendered.”).

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radical emancipation of man from God, from the roots of life, on the one hand, and the great religious cultures, on the other. If we come to experience a clash of cultures . . . [it] will be between this radical emancipation of man and the great historical cultures. Accordingly, [the strategy of using constitutions to keep God out of the public realm] is not the expression of tolerance that wishes to protect the non-theistic religions and the dignity of atheists and agnostics; rather, it is the expression of a consciousness that would like to see God eradicated once and for all from the public life of humanity and shut up in the subjective sphere of cultural residues from the past. In this way relativism, which is the starting point of the whole process, becomes a dogmatism that believes itself in possession of the definitive knowledge of human reason, with the right to consider everything else merely as a stage in human history that is basically obsolete and deserves to be relativized. In reality, this means that we

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have need of roots if we are to survive and that we must not lose sight of God if we do not want human dignity to disappear.<sup>186</sup>

This is strong language from a respected political thinker, and the relativism of which he speaks is simply another way of discussing neutrality. In the *Crisis of Cultures* and other writings, Ratzinger has addressed the reasonableness of belief in creation<sup>187</sup> and the reasonableness of faith.<sup>188</sup>

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<sup>186</sup> JOSEPH RATZINGER, CHRISTIANITY AND THE CRISIS OF CULTURES 44 (2006) (The phrase “the strategy of using constitutions to keep God out of the public realm” was substituted for the phrase “the refusal to refer to God in the Constitution,” in which Ratzinger was referring to the European constitution).

<sup>187</sup> For example, Ratzinger has explained that belief in Creation is reasonable, and, further, that “even from the perspective of the data of the natural sciences it is the ‘better hypothesis,’ offering a fuller and better explanation than any of the other theories.” See Ratzinger, *God the Creator*, *supra* note 82, at 17. In the second homily, Ratzinger explains that the scientific-based theories hinge on the entire ensemble of nature arising out of errors and dissonances and that some scientists acknowledge the absurdness of the theories but, nonetheless, cannot break out of the scientific mindset because “the scientific method demands that a question not be permitted to which the answer would have to be God.” Ratzinger, *The Meaning*, *supra* note 82, at 22-25.

<sup>188</sup> In *Crisis of Cultures*, Ratzinger explains that science cannot prove that God does not exist, and, if a person searches for God, certainty can be reached as to God’s existence. The assurance arises in part the way faith in other aspects of a technology-based society arises: we place trust in others who are qualified, credible and have knowledge when the validity of that trust is verified in daily experiences. A relationship with God always involves relationship with other humans. Over time, the living encounter with others that is inherently part of faith (the encounter with God and other humans) leads to certainty. Faith is transformed to knowledge. “The experience builds and comes to possess an evidentiary character that assures us.” JOSEPH RATZINGER, CHRISTIANITY AND THE CRISIS OF CULTURES 79-82, 103-110 (2006). Ratzinger notes that seeking knowledge of God is not irrational.

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In light of the failures of the modern political freedom movements and the thorough and well-reasoned case supporting the prudent use of core Christian values in democratic society, it is reasonable to conclude that a more moderate use of neutrality principles will better safeguard liberty and justice.

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Rather, what is being sought is actually the very foundation of rationality. *Id.* at 89-90.

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