Henry Ford is often quoted as saying, “History is bunk.” That’s not quite accurate. What he actually told the Chicago Tribune in 1916 is this: “I wouldn’t give a nickel for all the history in the world. It means nothing to me. History is more or less bunk. It’s tradition. We don’t want tradition. We want to live in the present, and the only history that’s worth a tinker’s damn is the history we make today.”

It’s hard to imagine a better statement of the American spirit, or at least a certain strain in our national character. The Founders clearly understood the value of the past. Most were Christians. Nearly all were religious believers. They revered the memory of Roman law, architecture, and republican process. But they also very consciously intended to create a *novus ordo seclorum*—a “new order of the ages.”

And they succeeded. Tocqueville describes the difference between democracy and all the forms of political and social life that came before it as a gulf between “two distinct
humanities.” Democratic man is very different from his ancestors—or so we're led to believe. So it’s no surprise that Americans tend to be poor students of history. We enjoy nostalgia because it’s a kind of entertainment. But the real events of the real past come with annoying baggage. We can’t reinvent ourselves in the present if we're dragging around a history of inconvenient duties and facts. The good news is that this is part of our genius. We innovate because we’re not crushed by the weight of our memories. The bad news is that it leads to forgetting things we need to remember. And amnesia is dangerous both for individuals and for nations.

Along with being a bishop, I’m a Capuchin Franciscan. That’s the Catholic religious community that formed me in the faith of the Church. Franciscans have a very long memory, and a good memory is useful for our purposes today. Exactly eight hundred years ago, in the summer of 1215, Francis of Assisi was founding and growing the early Franciscan movement in Italy. At exactly the same time, King John of England had an interesting exchange of views with his barons and bishops in a meadow called Runnymede. The result was a list of sixty-three royal commitments and concessions that we know as Magna Carta. That discussion eight centuries ago still has meaning for us today. Which brings us to the point of our time together this morning.

I want to do three simple things in my comments today. First, I want to talk about the Great Charter—“Magna Carta” in Latin—and why it still matters. Second, I'll offer some thoughts on the nature of our country’s public life. And third, I'll touch on some of the concerns that the LDS and Catholic communities share, and what we need to do in the years ahead if we want to be faithful to our dual responsibilities as believers and citizens.

So let’s turn to my first task: why the Great Charter matters. We can start by realizing that Magna Carta has gone through long periods of being ignored or belittled by scholars. Designed to make peace, it resulted in civil war. In its original 1215 wording, it was poorly organized and never had the force of law. It survived only a few months
and was annulled by the Pope. It's been called a “long and disorderly jumble” focused on “petty domestic matters” that sometimes make no sense at all to the modern reader. During the Tudor period, it was largely forgotten. Yet despite all of this, Magna Carta emerged over time as the cornerstone of English liberties, grounding three other great statutes of the English system—the 1628 Petition of Right, the 1689 Bill of Rights, and the 1701 Act of Settlement. The question is, why?

The trigger for the Great Charter was simple. King John taxed heavily, interfered with the rights and properties of his barons, played loose with the law, alienated the Church, and waged a disastrous war that cost him most of the English possessions in France. John’s father, Henry II, had encouraged the murder of Thomas Becket, the popular archbishop of Canterbury, for resisting royal intrusions into Church affairs. John’s own record was just as ugly. It was a successor of Thomas Becket, Archbishop Stephen Langton, who probably wrote much of the original Charter draft. John’s barons revolted, supported by leading bishops, and they forced the king to submit—at least briefly—to the demands outlined in the Charter.

Magna Carta did not die in 1215. It was reissued with modified language in 1216. It became part of the Lambeth peace treaty in 1217. It was reissued again in 1225. And it became part of English statute law in 1297. Again, the question is why? It clearly wasn’t a “democratic” document. In some ways it could be called reactionary. It was thoroughly feudal. But its unintended genius is this. It limited a sovereign’s power. It started the process of carving out space for what would become civil society. It began the effort of codifying the law in a rational way. And in doing so, it arguably echoed the Papal Revolution in canon law that transformed legal systems on the continent in the twelfth and thirteenth centuries.

The Charter said that free men had the right to be judged by their peers under the law of the land. It said that justice could not be sold to the highest bidder. It said that justice should be available to all men, regardless of rank, on impartial terms. The Great
Charter thus holds the earliest seeds of due process. Its impact can be seen on the charters of the American colonies, on the First Continental Congress, on the Bill of Rights of the United States, on the 1948 Universal Declaration of Human Rights, and on national constitutions around the world.

What’s most interesting for our conversation today though is this: Magna Carta begins in Paragraph 1 and ends in Paragraph 63 with a royal oath that “the English Church shall be free and enjoy her rights in their integrity and her liberties untouched.” That might sound odd to some modern ears. But it’s not a dead piece of the past. Paragraph 1 was compromised by the Tudor Reformation, but it remains a living part of the English Constitution, eight hundred years later. It’s worth discussing, and we’ll return to it in a few minutes.

Before we do that though, I want to turn to the second task of these remarks: reflecting on the nature of our country’s public life.

Here’s my premise. Our political system presumes a civil society that pre-exists the state. It’s an idea that is already emerging in Magna Carta’s demand for recognition of the rights of the Church, and the rights of persons in their legal relations with one another and with their rulers. In the American model, the state is meant to be modest in scope. It’s constrained by checks and balances. Mediating institutions like the family, churches, and fraternal organizations feed the life of the civic community. They stand between the individual and the state. And when they decline, the state fills the vacuum they leave. So protecting these mediating institutions is vital to our freedoms. The state rarely fears individuals. Alone, individuals have little power. They can be isolated or ignored. But organized communities—including communities of faith—are a different matter. They can resist. They can’t be ignored. And that’s why they pose a problem for social engineers and an expanding state.
We need to remember that democracy is not an end in itself. Majority opinion doesn’t determine what’s good and true. Like every other form of power, democracy can become a means of repression and idolatry.

The scholar Robert Kraynak argues that democracy—for all its strengths—also carries the seeds of its own kind of social tyranny. The reason is simple. Democracy advances the forces of mass culture. Those same forces tend to narrow the aims of life from beauty, heroic virtue, and transcendent meaning to the pursuits of work, material consumption and entertainment. Human life settles into “a one-dimensional materialism and [a diminished moral] existence” that undermine human dignity and eventually tend to a withering of the spirit.

To put it another way: The right to pursue happiness does not include a right to excuse or ignore evil in ourselves or anyone else. When we divorce our politics from a grounding in virtue and truth, we transform our country from a living moral organism into a kind of golem of legal machinery without a soul.

This is why working for good laws is so important. This is why getting involved politically is so urgent. This is why every one of our votes matters. We need to elect the best public leaders, who then create the best policies and appoint the best judges. This has a huge impact on the kind of nation we become. Democracies depend for their survival on people of conviction fighting for what they believe in the public square—legally and peacefully, but zealously and without apologies. That includes all of us.

Critics often accuse religious believers of pursuing a “culture war” on issues like abortion, sexuality, marriage and the family, and religious liberty. And in a sense, they’re right. We are working hard for what we believe. But of course, so are the people on the other side of all these issues—and no one seems to call them “culture warriors.” In any case, neither they nor we should feel bad about fighting for our
convictions. Democracy thrives on the struggle of competing ideas. We steal from ourselves and from our fellow citizens if we try to avoid that struggle. Two of the worst qualities in any human being are cowardice and acedia—and by acedia I mean the kind of moral sloth that masquerades as tolerance but leaves a soul so empty of courage and character that even the devil Screwtape would spit it out.

In real life, democracy is built on two practical pillars: cooperation and conflict. It requires both. Cooperation, because people have a natural hunger for solidarity that makes all community possible. And conflict, because people have competing visions of what's right and true. The more deeply they hold their convictions, the more naturally people seek to have those convictions shape society.

We have a duty to treat all persons with charity and justice. We have a duty to seek common ground where possible. But that's never an excuse for compromising with grave evil. It's never an excuse for being naive. And it's never an excuse for standing idly by while our liberty to preach and serve God in the public square is whittled away. We need to work vigorously in law and politics to form our culture in a godly understanding of human dignity and the purpose of human freedom. Otherwise, we should stop trying to fool ourselves that we really believe what we claim to believe.

There's more. To work as the Founders intended, America needs a special kind of citizen. It needs mature, well-informed men and women able to reason clearly and rule themselves prudently. If that's true—and it is—then the greatest danger to our liberty today is not religious extremism. It's a culture of narcissism that cocoons us in vulgarity, distraction, and noise, while excluding God from the human imagination.

Kierkegaard once wrote that “the introspection of silence is the condition of all educated intercourse,” and that a culture of constant chattering “is afraid of the silence which reveals its emptiness.” Silence feeds the soul. Silence invites God to speak. And silence is exactly what American life no longer allows. Securing the place
of religious freedom in our society is therefore not just a matter of law and politics, but of prayer and our own interior renewal.

What I’m suggesting is this. The America of memory is not the America of the present moment or the emerging future. Sooner or later, a nation basing itself on a degraded notion of liberty, on license rather than real freedom—in other words, a nation of abortion, confused sexuality, consumer appetites, and indifference to immigrants and the poor—will not be worthy of its founding ideals. And on that day, it will have no claim on the virtuous heart.

So let’s turn now to my third and final task. I want to dwell for just a few minutes on concerns that the LDS and Catholic communities share, and what we need to do in the years ahead.

The differences in our doctrine and practice are obvious. Ignoring them wouldn’t serve the truth. But that doesn’t preclude friendship. It doesn’t preclude working together. And it doesn’t obscure the fact that we face many of the same problems and share many of the same convictions about marriage and family, the nature of our sexuality, the sanctity of human life, and the urgency of religious liberty. That’s a lot of common ground rooted in the natural law. We can’t afford to concede it to people and ideas very different from the beliefs we cherish.

I want to stress again the importance of really living what we claim to believe. That needs to be a priority—not just in our personal and family lives but in our churches, our political choices, our business dealings, our treatment of the poor; in other words, in everything we do. Nothing is more powerful than personal witness, except an entire community committed to that same witness of justice, charity, and truth.

Acting on our faith, of course, presumes that we have the mental toughness and moral integrity to make action possible. Words are important, but actually doing the right
thing usually has a cost. It requires courage. And therein lies a rub. Democracy makes citizens equal. But as Tocqueville shrewdly saw, it does so by subtly separating and isolating individuals, and undermining the confidence of anyone with opinions not shared by the majority. Mass culture places heavy pressure on its members to fit in.

Here's why that's important. Learn from the Catholic experience. We Catholics believe that our vocation is to be leaven in society. But there's a fine line between being leaven in society, and being digested by society.

In the space of a century, American Catholics have gone from a disdained minority to a high degree of professional and material success. We wanted to assimilate, and we did. Today Catholics are prominent in Congress, on the Supreme Court and throughout the nation's economic leadership. Whether we evangelized this country, or were evangelized by it, is another matter. My point is that, despite the millions of Catholics who do take their faith seriously and do work hard to live it, some of our best Catholic institutions have either lost or greatly softened their religious identity. And too often they've done it freely, in the name of professional excellence and standing—as if being distinctly and faithfully Catholic precluded these things.

I have a high regard for Dr. Ralph Hancock's work, and of course he's on faculty here at BYU. I read his thoughts on Mormon identity in higher education last year in First Things with a great deal of interest, because some of the same concerns that he raised could be applied very easily to many Catholic institutions. Brigham Young is an extraordinary university not just because of its academic excellence—or the fact that it occasionally beats Notre Dame—but because it's a center of learning enriched by its religious identity. Never lose that.

I said earlier that I'd return to Paragraphs 1 and 63 of Magna Carta. Now it's time to do that. The struggle of our own religious institutions to maintain their identity in the modern state is prefigured in the Church's struggle to claim its own space.
in King John’s England.

Enlightenment scholars saw the medieval Church as a kind of clerical syndicate peddling superstition and retarding human progress. “Middle Ages” was originally meant as a term of derision. That myth has trickled down the centuries to become the background radiation for much of modern secular thought. Obviously any institution that acquires great influence can abuse it. Churchmen of the Middle Ages were no exception. But the Enlightenment view of medieval religion and Church life is not just prejudiced. In many ways, it’s flatly wrong.

The dispute in England that led to the murder of Thomas Becket in 1170 was part of a century-long European struggle. Over the decades, Popes gradually broke or weakened the power of kings to name bishops and to use the Church as a plaything of secular policy. As scholars like Harold Berman and Richard Helmholz have shown, the development of canon law that took place in the so-called “Papal Revolution” played a key role in forming the principles of Western law. Berman, one of the truly great legal authorities of the last sixty years, put it this bluntly: “Without a fear of purgatory and a hope of the Last Judgment, the Western legal tradition could not have come into being.”

Magna Carta can’t be fully understood outside that historical context. By 1215, the English Church had become a counterweight to royal ambition and tyranny. The Church wasn’t the only player in the struggle. But it’s no accident that in his preamble to the Great Charter, John addresses the bishops first, the barons and others second.

So what does all this mean for us today? The terrain of our lives in the twenty-first century is very different from the world in 1215. But the power of religious faith to limit the power of a sovereign—whether elected to the White House or a king by divine right—might be very familiar to the men who gathered at Runnymede.
Magna Carta, without ever intending it, set in motion a sea change in government and liberty that we inherit today. In 2015, we’re a nation of many faith communities and no single church. That’s a gift, not a burden. But as the Founders knew, and we forget at our peril, the American project of ordered liberty can’t work without the support of a moral people—a people formed by a living faith in a loving God. Religion is to democracy as a bridle is to a horse. And only religious faith can guide and moderate democracy because it appeals to an Authority higher than democracy itself.

Winston Churchill once said that “We live in a time of great events and little men.” If that’s true, it’s because men have forgotten the meaning and nobility of being human. God made us to be better than that. God made us to be more than that. As believers we’re called to mirror the glory, the justice, and the love of God to the world, with the greatness of soul he placed into each of us.

And that’s a life worth living—in any century.

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