

FOUNDATIONS
OF A
CATHOLIC POLITICAL ORDER

Thomas Storck



1998

DESIGNER: H. Donald Kroitzsh

FOUR FACES COLOPHON DESIGN: Daniel Nichols

Copyright © 1998 by Thomas Storck. All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted, in any form, or by any means, electronic, mechanical, recorded, photocopied, or otherwise, without the prior written permission of the copyright owner, except by a reviewer who may quote brief passages in a review. For information or orders contact Four Faces Press, P O Box 902, Beltsville, MD 20704, USA. Phone—301-345-1935

Printed in Canada

Foundations of a Catholic Political Order
ISBN: 1-886699-11-9

So long as Christ does not reign over nations, His influence over individuals remains superficial and precarious. If it is true that the work of the apostolate consists in the conversion of individuals and that nations as such do not go to Heaven, but souls, one by one, we must not forget, nevertheless, that the individual member of society lives under the never-ceasing influence of his environment, in which, if we may not say that he is submerged, he is, at least, deeply plunged. If the environment is non-Catholic, it prevents him from embracing the faith, or if he has the faith, it tends to root out of his heart every vestige of belief. If we imagine Catholic social institutions, with Our Lord no longer living in the hearts of the individual members of society, then religion has there become a displeasing signboard which will soon be torn down. But, on the other hand, try to convert individuals without Catholicizing the social institutions and your work is without stability. The structure you erect in the morning will be torn down by others in the evening. Is not the strategy of the enemies of God there to teach us a lesson? They want to destroy the faith in the hearts of individuals, it is true, but they direct still more vigorous efforts to the elimination of religion from social institutions. Even one defeat of God in this domain means the weakening, if not the ruin, of the faith in the souls of many.

- Louis Cardinal Pie, 1815-1880

...oral instruction, the common opinion of men, the example of our neighbours, and the trend of life in general, play a smaller part in the formation and instruction of Catholics than they did formerly. People do not go to hear sermons now as they used to; religion is not talked about, at least, with any accuracy; our neighbours often have ideals that are far from Catholic - if indeed they have any at all; and there is little in our general surroundings that is of direct help to incite us or to help us to find God. In fact the general effect of our modern environment is not merely negative; it has even a positive tendency to lead us away from God. This it does not so much by being against God, but rather by leaving Him out. We live in fact in a pagan civilization.

- M. Eugene Boylan, *This Tremendous Lover*

No person of experience will question the powerful influence of daily environment upon any human being.

- John A. O'Brien, *The Faith of Millions*

To my wife



Mulieris bonae beatus vir
numerus enim annorum illius duplex.
- Sirach 26:1

Contents

Preface	vii
Chapter One: Introduction	1
Chapter Two: The State and Religious Liberty	21
Chapter Three: The Framework of Economic Activity	43
Chapter Four: Censorship	87
Chapter Five: Family Law and Other Legal Matters	99
Chapter Six: Democracy	115
Chapter Seven: The Ultimate Preservatives of a Christian Culture	125
Epilogue	135
Appendix I	137
Appendix II	147

(Portions of chapters 2 and 3 appeared first in altered form in *Homiletic and Pastoral Review* and *Social Justice Review* respectively.)

Preface

This book is intended to be a continuation of the general theme I first treated of in my 1987 book, *The Catholic Milieu*, which dealt with the culture of a Catholic civilization. In this present work I develop the political and juridical aspects of such a culture, that is, those formal political and juridical institutions, in their most general aspects, which seem to me necessary for the preservation, stability and perfection of a Catholic culture. Because this connection between Catholicism and the political order will strike many as novel, I think it might be well to say a few words about this here.

I have noticed in the last few years a growing awareness on the part of Catholics of the necessity for what can be called Catholic culture, that is, we are becoming aware that Catholicism is not an individualistic religion. The Faith transforms not only individual lives but societies. The Faith creates a social order and does this on every level of culture. And as Catholics devote more attention to this fact, sooner or later we are going to have to face up to the question of the political order. Can the political order likewise be brought into subjection to Christ the King? Or is it somehow outside any possibility of being baptized? Our tradition, of course, is clear on this matter: the state can be christianized. Catholic teaching long ago consecrated the notion of the Catholic state, and Catholic practice, however imperfectly, attempted to make that teaching a reality. In doing so, as I will argue, we were simply facing up to the fact that man organized on a political level is as much in need of God as man organized in any other way. When we realize this, then we can begin thinking seriously about what form a Catholic state might take.

Catholics in America have rarely been comfortable with such an inquiry, however. We have generally been satisfied, even happy, with our constitutional arrangements toward church and state. But as long ago as 1895 Pope Leo XIII felt called upon to remind us that, however prosperous the condition of the Church was in the U.S., “it would be very erroneous to draw the conclusion that in America is to be sought the type of the most desirable status of the Church” or that the separation of Church and state was “universally lawful or expedient.” Moreover, he stated that the Church in this country “would bring forth more abundant fruits if, in addition to liberty, she enjoyed the favor of the laws and the patronage of the public authority” (Encyclical *Longinqua Oceani*, January 6, 1895). And because of what I consider widespread misunderstandings of

what the Second Vatican Council really taught, it has become even harder to find a sympathetic audience for this traditional teaching than it was a century ago.

The question of a Catholic state should, it seems to me, be regarded as an aspect of the question of the sanctification of culture. That is, if we realize the necessity, even inevitability, of the Faith influencing the external and public life of Catholics, then the question of the political order becomes inescapable. Only considered in this way will the arguments in this book make sense. For if we approach the question of a Catholic state simply and primarily as a political question, not only will we be committing an intellectual error, but we will be stirring up all the bitterness that political questions too often give rise to. For the Catholic state is ultimately rooted in the faith and holiness of individual Catholics, and in the faith and holiness that we naturally seek to create in the world around us.

It is true, of course, that today not only are there no Catholic states in existence, but there is no prospect for the establishment of any. But nonetheless I do not think that an attempt to explore this question is useless, and that for two reasons. First, an attempt to delineate truths, no matter how far from a foreseeable application, is never vain, since it is never vain to set our thinking in order; and second, it may be that in future centuries Catholic cultures and Catholic states will again become realities, and thus our thinking about what they should be like may perhaps make some small contribution to the work of our descendents in the Faith.

To many outside the Church, no doubt it seems that now is hardly the time to be planning for future Catholic civilizations, for as far as they can see, not only is Catholic culture dead, but the Catholic Church herself is in an irreversible decline. For them our discussion of this subject may be likened to the action of those Romans who so irritated Hannibal. After defeating nearly every Roman army sent against him, Hannibal was finally encamped in front of the walls of Rome. While there he learned to his dismay

...that the very land on which he had encamped had just been sold at no loss of value whatsoever. It seemed to him to be such supercilious insolence for a buyer to have been found for the very land which he himself occupied... (Livy, bk. 26, chap. 11, trans. Hadas and Poe).

Though our foes see us as dying, we Catholics know that the first Resurrection presaged many another in his Mystical Body, the

Church. And in one of these future resurrections of the Mystical Body, the beginnings of which it may please God that we ourselves shall see, perhaps Christian civilization will again have another day of glory.

This book is not a complete treatise on the state or the relations between Church and state. It deals with only a limited aspect of the subject. Of works known to me, the closest to this book is E. Cahill, S.J.'s *The Framework of a Christian State* (Dublin : Gill, 1932). Fr. Cahill's work, however, is more of an historical account than this present effort of mine, and on the whole more general in its discussion of the character of a Christian state.

Lastly, I wish to thank those individuals who in any way helped this book move from vision to reality, especially all those who read parts of the manuscript and aided me with suggestions, in particular, Rupert Ederer, Kirk Kramer, and my wife, Inez Storck, who in addition, before the English version was available, translated portions of the *Catechism of the Catholic Church* for me from the French.

Thomas Storck
Feast of the Most Holy Trinity, 1998

Chapter One

INTRODUCTION

A full Christian life is one lived out in one's art, one's politics, the form one's city takes, and any check placed on public expression of one's Christianity is an attack on the possibility of living an integrated life, an attempt to disallow Christian maturation.

- Glen W. Olsen¹

The subject of this book is a Catholic political order or a Catholic state, that is, a regime which explicitly accepts the Catholic faith as true, acknowledges its duty to honor Almighty God and seeks via its laws to protect and foster the practice of that faith. And the question such a regime has to answer at the outset, whether it is a real and actually existing state or one merely theoretical, is: Why is it necessary? What is the reason for a Catholic state? And the answer that must be given is that the Catholic state has a humble but vital role, namely, to safeguard and perfect a Catholic culture or way of life. Because a Catholic culture is necessary, a Catholic state becomes equally necessary.

The question then is put back one step further: Why is a Catholic culture necessary? And the answer to this is twofold: In the first place, a Catholic culture is necessary to allow Catholics the full and normal expression of their faith, both personal and corporate, private and public, and, secondly, to protect them in their possession and maintenance of that faith, in order both to live it more fully here on earth and to attain their eternal reward in Heaven.

The normal practice of the Catholic faith encourages or even requires community among its adherents, and will transform its external environment to reflect that community and its Faith; in other words, it will create a culture.² Catholicism is not an individualistic or private religion, and though obviously a Catholic could live in a state of grace alone in an alien society or even on a desert island, this would be a very abnormal Catholic life. The Catholic Church is the Mystical Body of Christ and St. Paul describes how the different parts of the Mystical Body need each other and work together for the common good (I Cor. 12:4-31). Thus the individual and personal expression of the Faith is incomplete without the corporate, and in fact easily blends with it, as in the liturgy, which is its most perfect expression. At a minimum, Catholics have always met together for the Sacrifice of the Mass and it is difficult to imagine a situation where a group of Catholics would not go well

beyond that minimum. However, in order to see what Catholics will do when they are able to express the Faith in a normal and unfettered manner, one should observe those countries and regions in which Catholicism has traditionally been the common and established religion.

In these countries the numerous social and cultural activities that are natural to man as a social being are intimately bound up with the Faith, and thus there are numerous public and common celebrations and activities, institutions and organizations, in which the Faith is publicly expressed and works carried on to further some object, spiritual or temporal, connected with the Faith. In addition to sacramental and other rituals, either in or outside the church building itself, there are numerous sodalities and confraternities, processions, pilgrimages, observances of feast days with popular devotions and other traditions such as dramas, dances, games or sports, not to mention activities to relieve or otherwise aid the poor, including charitable establishments of many kinds, cooperatives and special funds for needs, such as dowries for poor girls. Catholicism has also hallowed many of the everyday pursuits of mankind, with blessings of houses, land, fishing fleets, tools, food and drink and numerous other items and tasks. Thus, historically, when a society has been made up of individual Catholics, it has been natural for them to express their faith not merely as so many individuals, but corporately and institutionally, by establishing institutions and forms, or changing those already existing, to reflect the Catholic religion.³

No one in these traditional Catholic lands, moreover, ever supposed that a distinction could be made between the private adherence of the individual and his family to Catholicism and the public life of the country, on the grounds that religious belief was a personal matter and that, although all or nearly all citizens were Catholics, somehow their religion must be kept separate from their public life. No, for it seemed obvious to them, as indeed it should, that if the Catholic religion is really true, then it should be observed not merely by individuals and families but by all groups of men, including man organized on a cultural or political basis. It is hard to conceive how anyone who really believed that the Faith was true could think that it was an ideal for society to publicly and officially ignore the Faith.⁴ How could it possibly be a benefit for organized society to ignore the most fundamental and important truths of all? Unless one has been thoroughly schooled in a false point of view, such as the American tradition of separation of dogma and

government, it is doubtful whether it would ever occur to any Catholic to separate his private practice from the corporate practice of his religion.

If it is true that Catholicism in its normal state will flourish in a thousand practices and will thoroughly hallow a culture, and that this is the natural effect of the living Faith, then it follows that the natural state of a Catholic is to live in a Catholic culture, the only place where Catholic life can be lived as it ought to be lived. I do not say that many Catholics today are fortunate enough to enjoy such a situation, or even that all Catholics in the past lived in such circumstances — only that it is the milieu in which what is normal for a Catholic may be freely expressed. Obviously in non-Catholic societies a Catholic must, and usually can, adjust to the necessity of an unnatural separation between the private and the public spheres, but where Catholics are in a majority, especially an overwhelming and traditional majority, it would be very odd for fervent Catholics to establish or maintain customs or institutions that were not specifically Catholic. For example, in North America we have many civic and cultural holidays which Catholics usually observe in conjunction with the rest of the population, such as Mother's Day, Memorial Day, Labor Day, Thanksgiving and others. This seems quite natural to us. In fact we do not realize how unusual this is, how odd in historical perspective to have holidays unconnected with what we profess to be the most important thing in our lives, namely the true religion.⁵ There is nothing necessarily wrong in the intent of any of the celebrations mentioned, but there is something wrong with their lack of connection with our Faith. Mother's Day, for example, could easily be on a feast day of Our Lady; Labor Day (as in Europe) on the feast of St. Joseph the Worker; Thanksgiving (as formerly in Catholic Europe) on a saint's day, and so forth. Why should we have a Catholic standard for ruling our personal or family life and a secular one for our public or civic life? The reason for this state of affairs in the United States, English-speaking Canada and elsewhere, is obviously that these are Protestant and secular lands, but where Catholics are dominant they would not act thus, unless they were misled by false theories about the proper relation between religion and cultural and political life.

So when a Catholic lives in a non-Catholic culture, whether in a secularized or other non-Catholic society, he is forced, however slightly, to restrain his expression of the Faith. How can a holy day be really observed in a non-Catholic culture, for example? Though

an individual Catholic can go to Mass and perhaps even stay home from work, he knows that others are working and ignoring the holy day, that life all around him is denying what should be a public event. He cannot celebrate the holy day except as a private individual and within his family. Contrast this with an observance that is public and corporate, e.g. (in the United States) of the 4th of July or of our cultural and secular celebration of Christmas. The very mood and faces of people change as Christmas approaches and the public media give their full attention to the coming holiday. Its observance is a shared cultural event. In fact, certain difficulties arise for a Catholic who is trying to observe Advent and Christmas according to the spirit of the liturgical year, for it is simply assumed that everyone will join in the secular Christmas festivity during Advent. But the point here is that it is proper for holidays to be corporate celebrations. It is not fitting that the Catholic observance of the Assumption or the Immaculate Conception must be merely private events, unrecognized by either the culture or the state.⁶ For of course the Protestant and secular regimes and cultures naturally recognize their holidays and ignore ours. But this troubles, or should trouble, a Catholic, for how can his religion, a religion that demands public and corporate expression to be itself, exist in a healthy manner when that public expression is prohibited or at least hampered? What non-Catholic culture will carefully observe the Church's liturgical calendar in its holidays and seasons; for example, in its decorations and displays, in the closing of shops and schools and the cessation of public business? Any non-Catholic culture will instead honor its own heroes and celebrate its own triumphs, either political and nationalistic as among us, or, as in pagan Rome or even today in India, those of alien religions.

Moreover, it is in more than simply public celebrations that Catholicism makes its influence felt in a culture. For, as I noted above, a culture is nothing less than the entire way of life of a people, including their legal and educational systems, their economics, their attitude toward technology, how they plan their cities and build their houses, and of course, their art and music and literature. The most basic constituent of a culture, the one that shapes it throughout, is its theological orientation, its religion or its secular substitute for religion;⁷ and Catholicism, when it is free to be itself, will shape a culture's educational and economic systems as surely as it will determine which public holidays will be observed. It was no accident, for example, that capitalism and the industrial revolution arose in the newly Protestant lands, while in Catholic

Europe the culture, often without even knowing why, clung to a way of life more in harmony with the nature of man as well as with the natural world in which we live.⁸

This then is the first and most important reason for a Catholic culture, to allow the full and free expression and flowering of Catholicism: in public celebrations, in its influence on a thousand things, from education to politics, from economic activity to marriage. And in this influence on both the big and little things of life, one can see the second reason for a Catholic culture, the protection of the individual believer from error and sin.

This second reason for a Catholic culture, though obviously closely related to the first one, is what might be called its protective and negative one, namely, to prevent error and evil in the life of the individual Catholic. Thus a Catholic culture is of great importance for the individual, since it reinforces him in the Faith, reminds him of doctrinal truths necessary for living a holy life, and helps him to remember to dedicate his whole being and life and work to God. Moreover, it continually declares, by its customs, laws and institutions, even by its very physical objects, that religion is not something to be put into a small box or allowed into only one compartment of life. Whether it be the blessing of tools, the existence of a roadside shrine or a public procession, all these public manifestations of the Faith remind us of the fact that God exists, that his Church teaches us truths necessary to gain Heaven and avoid Hell, and that only through our daily living of the Gospel can we hope to save our souls.

Moreover, more than we like to admit, our surrounding culture influences and conditions how we think. It frames questions for us, structures debates and sets limits to what we consider acceptable answers and solutions. For example, on the subject of regulation of the economy, our present culture in the United States puts the question to us as follows: How much should the government regulate the economy or how much should the economy be left to itself? As a result of the way the question is raised, our answers generally address only the amount of government activity, whether they favor little or much government regulation. The question as put by the culture does not even consider the possibility of substantive regulation by anyone but the government, for example, by the intermediary groups which papal teaching has called for. So most of us are engaged in a sterile debate on a question which, as far as Catholic thought is concerned, has no good answer, because the

question is not even framed properly. But most people are not prepared to look beyond the terms in which a question is put to them.

What we might call a culture's reigning ideas, that is, its most basic theological and philosophical orientations, and what can be deduced from them, pretty much determine the shape of a culture's institutions, including the political structure, the legal system, the economic system, the schools, even the role of art and music and of science and technology within a civilization. No one can deny that the materialistic, naturalistic society of the United States, with its emphasis on what is considered efficient and up-to-date, influenced the thinking of Catholics in America well before the Second Vatican Council on questions such as the separation of Church and state, the place of commercialism in public and personal life, and the aims and forms of education.⁹ This is largely the influence of Protestantism. Today, however, secularism is doing the same thing, especially in matters such as abortion, divorce and homosexual activity, to condition the thinking even of believing Catholics, and this in countries formerly Catholic as well as those formerly Protestant.

Secularism allows the individual, and indeed entire civilizations, to live without reference to God or to anything supernatural. A secularized person in a secularized society either finds it very difficult even to discuss the question of whether God might exist, or if he does recognize the fact that there is a God, he is practically unable to look upon religion as anything but a minor compartment in his life.¹⁰ It never occurs to him that his relations with God are the most important matters there are. Each area of his life he thinks about separately, and, for example, in his business greed and power are his main motives, in personal matters, pleasure, and in his vague attentions to religion, a certain emotional satisfaction is his goal. Practically he is an atheist, and though he might respond on a questionnaire that he believes in a god, actually this means little or nothing to him.

Thus it is the case that a secularized society makes it hard for many or even most people not to be secularists, either explicit or practical atheists. And while we are right to aim to convert individuals to Catholicism, even in the midst of secularism, the only stable condition for the Christian believer is in a Catholic society. We have today many cases of persons Catholic in faith but non-Catholic in culture, and non-Catholic to a degree that almost all

practical expressions of their religion, beyond the purely personal, are made null and void by their non-Catholic culture. Even persons who accept all that the Church dogmatically teaches and seek to avoid sin on a purely individual level — a diminishing number today — in every area beyond the personal too often think and act as non-Catholics. For example, they see the purpose of education as increased income for the individual or productivity for their nation. All learning for them must be justified by its practical fruits. The notion of speculative knowledge as knowledge meant simply for contemplation is entirely foreign to them. Why? Because the utilitarian culture they live in frames all discussions about education within certain boundaries, which take for granted that all learning must be for some fairly immediate practical purpose. And unless a man has a particularly vigorous mind he will rarely be able to attend to first principles enough to think beyond the bounds in which his society has framed a question.

And if this is the situation of those who still accept what the Church teaches, what of other Catholics? As public opinion polls show, very few of them can be counted on to hold any central point, either of dogma or of morals. Whether it is the ordination of women, abortion or especially the use of contraceptives, their opinions are not very different from those of their fellow countrymen. And while the lack of firm dogmatic preaching within the Church is doubtless in part responsible, I think that their life within purely secular surroundings bears much responsibility for their sad condition.¹¹

A culture can subtly impose its limits on us in many other ways. In religion it can make us tend to think that the purpose and justification for a religion is how well it makes men behave; that religion is merely an elaborate mechanism to promote morality, or even to produce peace of mind. This notion, of course, leads to a kind of indifferentism that is interested in results, not truth. In political matters, a culture of liberalism¹² seems to be able easily to convince most people that the notion that government or the laws might have some concern with morality or even with religion, or some explicit duty toward Almighty God, is too bizarre to be worth refuting.

Catholics need to do more than simply accept the dogmatic and moral teachings of the Church if they are to avoid the situations I have just described. Although intensive catechizing and other educational efforts are important for forming the faithful to be Catholic in every area of their lives, the best, the normal, and, for

the vast majority of men, the only secure way to accomplish this, is to create a Catholic culture. Only in a Catholic civilization will the unconscious lessons that all cultures teach not just reinforce the Faith, but also mold our thinking into Catholic patterns. It is of course necessary for Catholics to accept the dogmatic and moral teachings of the hierarchical Magisterium, but this is not enough, nor is it enough to “accept Catholic social teaching,” for example. What must be done is for Catholics to be initiated into a way of thought and life, that is, into a culture, into Catholic culture.¹³ Of course, if a living Catholic culture actually existed anywhere in the world today, then those Catholics residing there could easily achieve such initiation and attain an integrated Catholic outlook. But for most of us, in secularized cultures or disintegrating Catholic cultures, we must make conscious efforts to form our own souls in a Catholic manner, to organize our thoughts, our lives, and as much as possible and on as wide a scale as possible, our surroundings, so that they are thoroughly Catholic. Only in this way can we begin to create a normal atmosphere for a Catholic life, an atmosphere that will nourish and strengthen our faith.

The reason that this aspect of a Catholic culture is necessary, what I call its protective and negative function, is the existence of original sin. Because of original sin our intellects are darkened and their control over our appetites weak, and our personal sins have further weakened our natures, so that all of us are susceptible to error and occasions of sin. And it is precisely the removal of some of these occasions of sin which a Catholic culture, protected by a Catholic state, can hope to accomplish. Quite obviously such a regime and civilization cannot remove all occasions of sin. But wise law, supported by and supporting a Catholic culture, can do something. Though a Catholic political order by itself is empty and futile, if it is protecting a living Catholic culture it is of immense value, for the cultural by itself is vulnerable without the political.

Granted, then, the desirability of a Catholic culture, why is a Catholic state necessary to safeguard it? Man must live under some political arrangement, indeed he cannot perfect himself without the political, and unless that arrangement is Catholic, it will be non-Catholic and ultimately anti-Catholic.¹⁴ A Catholic culture cannot safely exist under non-Catholic rulers, for even if it is tolerated for a time, there is no security for such a culture. The rulers may seek to destroy it at any time they choose or, more likely, to harass and restrict it so that ultimately it is reduced to a nullity.¹⁵

But even were non-Catholic political authorities not actively hostile in their attitude toward a Catholic subculture, would they really permit the proper celebration of a Holy Day, for example? Would they permit business to be disrupted by a part of the population, streets clogged for processions, municipal services perhaps cut off? I do not say they would always positively prohibit such things; but without official recognition, the simple pressures of life would make it very difficult for all but the most militant Catholics to stay away from work and take part in such a celebration. In the United States today, for example, when people often have some choice as to what vacation days they will take, how many Catholics take the holy days of obligation off from work? For here, as in other matters, it is the subtle interaction and mutual support of culture and law that gives stability to a way of life in a nation. It has more than once been said that laws are useless without the support of custom, and surely this is true. But custom also needs the framework of law to support it, because if the law ignores it or tries to crush it, then custom can rarely stand up to it for long. For even if Catholicism itself is able to withstand the force of law, as it did in Ireland under English oppression or in Poland under Communist rule, the evil laws will deprive the Faith of that cultural expression which is crucial to forming Catholics and a Catholic society. In short, although the Faith may survive under an anti-Catholic regime, an integral Catholic culture cannot.¹⁶

The point is that a non-Catholic political framework never can and never will understand the Catholic point of view and the necessity for the full expression of Catholic faith. The difficulty of allowing Catholics to fully observe the liturgical year by the proper celebration of holy days has been mentioned. In another area, the non-Catholic political order will always be tending to make just one or two seemingly very sensible exceptions on such matters as divorce or abortion. It is very hard for most non-Catholics to grasp that Christ's law against divorce or abortion allows no exceptions whatsoever, for to their way of thinking it is insanity to prohibit divorce when a wife (say) has escaped from a drunken husband and wants to begin her life over again, or to disallow abortion for a victim of rape. Yet a Catholic way of life obviously will follow the law of God on both these matters, and it is right that such a way of life be protected by human laws framed according to the truth.

Moreover, since the political is an important part of man organized into society, the mere political arrangements of society also shape

our cultures and thus our very selves. Thus one of the most important things forming the outlook of Catholics in America has been the American government, with its pseudo-messianic notions of a universal mission on behalf of democracy and freedom,¹⁷ as well as its studied indifference to Christ the King and to religion and morality in general. Since by and large this messianic mythology has been accepted by Catholics as much as non-Catholics in the United States, it has been one of the most important forces deforming the Catholic mind in America. With such ideas of government and politics reigning, how could a Catholic culture in the U.S. exist without a fatal taint? For unless our thinking is sound, our culture cannot be sound. With a non-Catholic government and political system, our Catholic subcultures were necessarily confused about a very important matter, namely the proper arrangements that should be made for securing the temporal common good. It is no wonder that Catholics in America have so often been resistant to Catholic social teaching, since our very political system makes it hard for them to rise above individualism and materialism.

The state is important, therefore, not merely as a bulwark, since the political community itself is a very important expression of man's corporate nature, and thus a part of his culture. This is well stated in the following passage of Josef Pieper.

The state, we may note, occupies a unique place in the scale that extends from the individual to the whole of mankind; more than anything else, it represents the "social whole." The idea of the common good is its distinctive attribute. A nation (in the midst of other nations) ordered in a state is the proper, historically concrete image of man's communal life. *Communitas politica est communitas principalissima* — Political community is community in the highest degree. In the fullest sense the state alone incorporates, realizes, and administers the *bonum commune*. That does not mean, however, that the family, the community, free associations, and the Church are not important for the realization of the common good, too. But it means that the harmonizing and integration of nearly all men's functions occurs only in the political community.¹⁸

A culture without political organs to order and express itself is not even a healthy culture, practically an unorganized mass. Although the political must not be allowed to swallow up the rest of man's social life, without the political, social life cannot be itself and serve man fully.

In the remainder of this book, then, I will take up what this role of protecting and perfecting a Catholic culture might actually look like. What would be the powers and duties of a Catholic state, what special institutions might it have or foster, what would be the spirit of its approach to governing? Necessarily much that will be discussed in subsequent chapters will concern restrictions and limits on men's behavior. No state is without its laws and police, so this will come as no surprise. But I should emphasize that these restraints should be seen as the framework, made necessary largely by original sin,¹⁹ within which Catholicism should be able to flower in freedom. A Catholic state, as I said, exists to make possible something more important, a Catholic culture. So that much of the work of the state is negative, while the work of the culture, although it has its restraining aspects, is for the most part positive, in that it is an expression of Catholic life.

I think, however, that it is necessary to discuss briefly how we should regard these legal restrictions on our conduct, for when this question of restrictions on freedom of behavior is mentioned in the West today, this is seen as a challenge to the central dogma of contemporary culture and of the liberal state, a dogma well-expressed by a recent writer, namely, that "each of us should be able to do pretty much what she or he wants."²⁰ And this dogma is more entrenched in most of our minds than perhaps we like to think. The notion that the state and its laws exist to point us toward virtue and help us attain it is entirely foreign to our way of thinking.²¹ This, of course, is in large part because we do not think man has any virtue, that is, any intrinsic purpose or perfection of which his separate virtues are aspects. We also no longer know the reason why people live together in community, so it is no surprise that we do not know the purpose of a community or of its laws. The extent to which modern notions of man and the state are departures from Christian and classical teaching is astounding. Only when we get rid of the idea that "each of us should be able to do pretty much what she or he wants," *not* because one wants to impose a totalitarian regime, but because even our legitimate and necessary freedoms must be looked at in a different light, can we begin to understand the truth of this matter.²²

We are apt to regard *freedom to err* as the essence of freedom, forgetting that the ability to do so is not necessary to our freedom nor an essential sign of it, for, as Leo XIII pointed out, "...the pursuit of what has a false appearance of good, though a proof of our

freedom, just as a disease is a proof of our vitality, implies defect in human liberty.”²³ Our Lord had perfect freedom of will, yet could not sin. The purpose of our freedom is to allow us to choose the good.

In addition, too often the freedom of choice that necessarily accompanies any rational creature has been seen as in conflict, at least potentially, with the needs of the community. For example, it is plausible, but incorrect, to say that our freedom is limited by the legitimate requirements of living together in a community, as if the community and our proper freedom could be in conflict. It is even worse to say that by a kind of bargain or contract we limit our natural freedom to gain the advantages of living in society. It is not our freedom, but a distortion of our freedom, that demands a right to act contrary to the good. In fact, when a political community restrains man’s activities, we should not think of this as a restriction on our freedom but as a guiding of it toward both the common good as well as our own good. A choice of evil is not an exercise of our rational freedom but an abuse of it.

At least in Anglo-Saxon countries, Catholics, even orthodox ones, are for the most part infected with the surrounding political liberalism, that is, with political ideas that descend through John Locke, and which involve the notion of the social contract and of the bargain, at least theoretical and implicit, made by each individual to give up some of his natural freedom and thereby obtain the benefits of society. With this point of view every restriction of our desires and appetites is seen as a restriction of that natural freedom, even if we consider the restriction justified in this or that case. But those who hold the liberal or Lockean viewpoint are disposed to regard suspiciously every law limiting what they suppose is their natural freedom. The burden of proof is always on those making the law, and as a result we have today in the West totally irresponsible conduct in our societies, for example, in the economy, we have conduct which aims merely to enrich the individual, but does nothing to fulfill the intrinsic purpose of economic activity, supplying needed goods and services, and that frequently even injures the common good; and, equally, in publishing or otherwise disseminating opinions and in entertainment and the arts, we have material which causes harm to the community, however much it may gratify its producers and enrich its distributors. This distorted notion of freedom has even influenced our daily social interactions, as we see an increasing unwillingness to accept any restrictions on

the fulfillment of our desires, and less and less does anyone seem to want to restrain himself for the sake of the common good.

Although it would require a sea change in the attitudes of most Catholics, yet this is necessary if we wish ever to re-establish a Catholic culture protected and ordered by a Catholic state. The next few chapters, then, which deal with restrictions on our religious behavior, on our economic activity and on our expression of opinions and our artistic expression, should be looked at in this light, that they do not so much restrict as order our true freedom. I do not deny, of course, that governments too often impose restraints which the common good does not demand, and which are even opposed to the common good, but the existence of such unjust or petty laws should not bring us to see the state as our enemy or to look at laws with an individualistic eye. If we remember that our own nature requires that the laws direct us toward the common good, then we can look at stupid or unjust laws as so many impediments toward the harmonious functioning of the community and not primarily as impositions on our individual freedom. It is the community's good which is violated here as much as the individual's, and we can oppose such wrongs without taking refuge in Lockean individualism or liberal theories of the state.²⁴

Notes

¹ “The Meaning of Christian Culture, a Historical View” in David Schindler, ed., *Catholicism and Secularization in America* (Huntington, Indiana : Our Sunday Visitor, 1990) p. 108. In fairness, I should note that Professor Olsen probably would not endorse all the political measures that I suggest in this book.

² The word “culture” is still often understood as meaning only the fine arts, literature, etc. I am using it in its anthropological sense to mean — in Christopher Dawson’s words — “a common way of life” (“The Sources of Culture Change” in *The Dynamics of World History*, La Salle, Ill. : Sherwood Sugden, 1978, p. 4). Thus a culture includes religion, philosophy, art, music and literature, political, economic and educational systems, but also material things, including the planning and organization of cities, means of transportation, machines, tools and utensils, types of clothing, everyday habits and customs, and so on.

At the center of any culture is a religion or some substitute for religion, and necessarily that religious ideal is reflected and worked out in the specific institutions, laws, customs and ideals of the society. “At the heart of every culture lies the attitude a person takes to the greatest mystery: the mystery of God.” John Paul II, Encyclical *Centesimus Annus*, no. 24.

Quotations from papal encyclicals throughout this book are from the following sources: All encyclicals of Leo XIII, except *Rerum Novarum* and *Longinqua Oceani*, are from Etienne Gilson, ed., *The Church Speaks to the Modern World* (Garden City, N.Y. : Image, 1954). *Rerum Novarum*, *Quadragesimo Anno* and *Mater et Magistra* are from *Seven Great Encyclicals* (New York : Paulist, c. 1963); *Vix Pervenit* and *Longinqua Oceani* from Claudia Carlen, ed., *The Papal Encyclicals, 1740-1981*, (McGrath, 1981), a 5 volume set. All others from the Daughters of St. Paul editions.

³ The call for the transformation of culture by the Faith has been present in a number of recent documents of the Holy See, e.g., Pope Paul VI, Apostolic Exhortation, *Evangelii Nuntiandi*, no. 48, which discusses popular piety; John Paul II, Apostolic Constitution, *Sapientia Christiana* (April 15, 1979), “Indeed, the Church’s mission of spreading the Gospel not only demands that the Good News be preached ever more widely and to ever greater numbers of men and women, but that the very power of the Gospel should permeate thought patterns, standards of judgment, and norms of behavior; in a word, it is necessary that the whole of human culture be steeped in the Gospel.” (Foreword, I). Daughters of St. Paul ed. Compare also John Paul’s words, “A faith that does not become culture would be a faith not fully received, not entirely thought out, and not faithfully lived.” Quoted in Luigi Giussani, “Religious Awareness in Modern Man,” *Communio*, vol. 25, no. 1, spring 1998, p. 138.

Also the document, *Faith and Inculturation* of the International Theological Commission (October 1988), which discusses popular piety, mentioning “festival, pilgrimage, dance, and song” (Part III, 2). The entire document is contained in

Schindler, ed., *Catholicism and Secularization in America*, pp. 214-236. The part quoted appears on pp. 226- 227.

In addition see the *Catechism of the Catholic Church*, nos. 1674-1676.

The present author's work, *The Catholic Milieu* (Front Royal, Va. : Christendom College, 1987), contains an extended discussion of the reasons why a Catholic culture is necessary, and of the types of practices and observances which characterize, or should characterize, a Catholic culture.

⁴ Although chapter two of this work is a discussion of the way in which a political community can and should recognize the Catholic religion in the light of Vatican II's teaching, I think it is worthwhile to note here that Pope Leo XIII insisted throughout his encyclicals on the important duty of man organized politically to recognize officially the true religion. See, for example, *Immortale Dei*, nos. 6, 21-23, *Libertas Praestantissimum*, nos. 18-21, *Longinqua Oceani*, no. 6.

⁵ See Amintore Fanfani, *Catholicism, Protestantism and Capitalism* (New York : Sheed & Ward, 1939) p. 96, for some comments on secular holidays. In most cultures holidays have always been religious — at least until modern times. Even today most European and Latin American countries have quite a few Christian holy days as official holidays. Lists of the official holidays for countries may be found in the annual two volume set, *Europa World Yearbook* (London : Europa Publications).

⁶ In Europe Catholic holy days first became official state holidays in the reign of the Emperor Theodosius (379-395). "The feast days of the Church became public holidays and Lent a holy season." Philip Hughes, *A Popular History of the Catholic Church* (New York : Macmillan, c. 1947) p. 37. The *Catechism of the Catholic Church* states (no. 2188), "...Christians should seek recognition of Sundays and the Church's holy days as legal holidays."

⁷ "In the last resort every civilization is built on a religious foundation : it is the expression in social institutions and cultural activity of a faith or a vision of reality which gives the civilization its spiritual unity. Thus the great world cultures correspond with the great world religions, and when a religion dies the civilization that it has inspired gradually decays." Christopher Dawson, *Understanding Europe* (Garden City, N.Y. : Image, 1960), p. 211.

⁸ In the period during which capitalism was becoming well established in Europe, many recognized its basic incompatibility with the Catholic faith. An English writer in 1671 stated, "There is a kind of natural unaptness in the Popish religion to business..." while another Englishman, Lawrence Braddon, wrote in 1717, "The superstition of their religion obligeth France to keep (at least) fifty Holy days more

than we are obliged to keep; and every such day wherein no work is done is one hundred and twenty thousand pounds loss to the deluded people.” Both of these are quoted in Richard Tawney, *Religion and the Rise of Capitalism* (New York, Harcourt, Brace, 1926), pp. 206 and 315. Granted that these are hostile witnesses, but they seem to be stating what was considered a commonplace.

More recent scholars have investigated the connection between Protestantism and capitalism and the literature on it is voluminous. The classic studies are Max Weber, *The Protestant Ethic and the Spirit of Capitalism* (New York : Charles Scribner’s, 1958, first published in 1904- 05); Tawney, *Religion and the Rise of Capitalism*; and Fanfani, *Catholicism, Protestantism and Capitalism*.

Less recognized is the connection between Catholicism and an attitude toward the natural world (the world of created natures) which is more benign than the Cartesian exploitation that has been the norm in the West for the past two hundred and more years. A few earlier Catholic writers touch on this, including Christopher Dawson, “Catholicism and the Bourgeois Mind,” in *The Dynamics of World History*; Hilaire Belloc, “The Faith and Industrial Capitalism” in *Essays of a Catholic* (Rockford, Ill : TAN Books, 1992 printing); Denis Fahey, *The Church and Farming* (Hawthorne, Calif. : Omni, 1988 printing). I have treated of this more than once, including “Catholics and the Bourgeois Mind,” *Social Justice Review*, September-October 1983 and “Change and Return,” *Caelum et Terra*, summer 1991.

⁹ In 1937 Robert M. Hutchins gave an address to the National Catholic Educational Association Midwest Regional Meeting on “The Integrating Principle of Catholic Higher Education.” He charged that Catholic education in the United States had “imitated the worst features of secular education,” namely “athleticism and collegiatism.” The former, of course, is football and other sports, the latter is “the production of well-tubbed young Americans. They don’t have much in their heads, but are acceptable as decorations of at least one political party and make good additions to a house-party.” He went on to say, “What I say is that Catholic education is not Catholic enough. The Catholic Church has the longest intellectual tradition of any institution in the contemporary world, the only uninterrupted tradition and the only explicit tradition....What I say is that this tradition must not be merely an ideal, but must be practiced.” His entire address was printed in *College Newsletter* (May 1937) and excerpts can be found in Frank L. Christ, ed., *American Catholicism and the Intellectual Ideal* (New York : Appleton-Century-Crofts, c. 1961), pp. 109-111.

¹⁰ Cardinal Joseph Ratzinger in his *Introduction to Christianity* (New York : Seabury, 1979) has an interesting discussion (pp. 15-21) of this situation in which secularism has placed man today. He speaks of the “oppressive power of unbelief in the midst of [a believer’s] own will to believe.” p. 17.

¹¹ Before the mid-1960s the Church, in the United States, for example, tried to keep Catholic life healthy not just by preaching and teaching all the truths of the Faith, but by creating a subculture in which this Catholic life could be lived, a subculture with its own educational institutions, publications, clubs, sports teams, etc.

Compare this statement: “If a Christian society is de-christianized, this means in fact that many Christians lose their faith. They lose it long before they are conscious of it: that is, when the Christian faith that permeates all the institutions and is present in all the important moments of life, while still being an omnipresent landscape in the culture, has ceased being the factor that determines human experience. More and more aspects of human experience and activity are being left at the margins of faith, determined by other factors, so that the Christian faith is being turned into a forgotten language, to a great extent incomprehensible and, therefore, irrelevant for real life.” Francisco Javier Martinez, “To Speak of God or to Show the Redemption of Christ?” *Communio*, vol. 21, no. 4, winter 1994, p. 689.

¹² I must make it clear that by liberalism I mean the political and social philosophy and outlook that arose during the Protestant revolt of the 16th century and received its mature expression in the so-called Enlightenment of the late 17th and the 18th centuries. This political and social force includes *both* what we in the United States call liberalism and what we call conservatism, for House Speaker Newt Gingrich is as much its representative as is President Clinton. “In America both liberals and conservatives appealed to the same liberal founding and documents. Thus, conservatism in the United States has upheld the basic tenets of classic Anglo-Saxon and continental liberalism regarding the absolute rights of individuals, the privatization of religion, and a supposed impossibility of resolving the question of truth in serious disputes regarding morality and religion.” Matthew Lamb, “Modernism and Americanism Revisited Dialectically : A Challenge for Evangelization” *Communio*, vol. 21, no. 4, winter 1994, pp. 647-648.

Liberalism began as a revolt against Christian economic morality and by now is attacking the family and chastity. It really has no doctrines per se, except to break down Christian civilization, and it is necessarily secularistic, i.e. a-religious. Nearly the whole of the modern world is built upon this liberalism, and it is today the chief enemy of the Church within Western culture. Whenever I speak of “liberals” or “liberalism” in this work, I am using the words in this sense. See also my article, “The Superficiality of ‘Left’ and ‘Right,’” *New Oxford Review*, vol. 59, no. 8, October 1992.

¹³ “...Catholicism existed before it was formulated, and that as formulated, a thousand things are left which are irreducible to any means of explicit communication.” George Bull, S.J., “The Function of the Catholic Graduate School,” *Thought*, vol. 13, no. 50, Sept. 1938, pp. 368-69. I might mention that it was in Fr. Bull’s essay that, over fifteen years ago, I first encountered the concept of Catholic culture.

¹⁴ I should point out that when speaking of the political I am using that word in its classical sense, which refers to a general care for the common good with subordinate ends and appropriate means. Thus political in this sense does not mean partisan rivalry for office, but rather concern for the common good of the *polis*, meaning (roughly) the state. We have perverted the meaning of the word, for politics has come to mean something bad because we have lost sight of what it should be, and the political is conceived as nothing more than a means to power with too often the unjust enriching of oneself and one's friends.

¹⁵ "The community is the dimension and condition necessary for the human seed to bear fruit. For this reason, we can say that the true, the most intelligent persecution, is not the one employed by Nero and his amphitheatre of wild beasts or the concentration camp. The most ferocious persecution is the modern state's attempt to block the expression of the communal dimension of the religious phenomenon. As far as the state is concerned, a person can, in conscience, believe what he likes, as long as this faith does not imply that all believers are one, and therefore, have the right to live and express this reality. To obstruct communal expression is like cutting off the roots that nourish the plant: the plant soon dies." Luigi Giussani, *The Religious Sense* (Montreal : McGill-Queen's University, 1997) p. 131.

¹⁶ The difficulty which Poland has had in outlawing abortion several years after the overthrow of Communism is a good example of how non-Catholic political arrangements poison the national life and accustom people to the easy acceptance of evils.

The island of Guam, a U.S. possession, is about 90% Catholic. Yet with the exception of January 1 and Christmas Day, all of its holidays are secular, being mainly the same as official U.S. holidays. In contrast, in secularized Sweden, the following are among the official holidays: January 1, Epiphany, Good Friday, Easter Monday, Ascension Day, the Monday after Pentecost, All Saints, Christmas Day, Feast of St. Stephen! Obviously this is simply a holdover from Sweden's Catholic days, but to the extent that it gives the opportunity for corporate recognition of certain sacred days and events, it is a good. The U.S., with its secularized culture *ab initio*, never developed such Catholic cultural practices, and because of its political connection with Guam, that unfortunate island is made to share our secular heritage. And even though Guam is predominantly Catholic, her Catholic life is vitiated to the extent that its political connections impede corporate observance of holy days. More seriously, because of her association with the United States, Guam sustains numerous other direct evil influences from the mainland. For example, the Guam Federation of Teachers is associated with the anti-Catholic American Federation of Teachers. And this in a commonwealth 90% Catholic! (Information on Guam and Sweden from *Europa World Yearbook*, 1992, vol. 2, London : Europa Publications, pp. 2579, 3078-3079, 3081.)

And it is not merely Guam into which the secular political regime of the United States has intruded its evils. The U.S. introduced legal abortion and divorce likewise into Catholic Puerto Rico.

¹⁷ See John Rao, *Americanism and the Collapse of the Church in the United States* (St. Paul : The Remnant, n.d.) and my articles, “American Idolatry,” *Fidelity*, vol. 9, no. 6 (May 1990) and “The Americanization of the Globe” *New Oxford Review*, vol. 65, no. 2 (February 1998).

¹⁸ Josef Pieper, *The Four Cardinal Virtues* (Notre Dame : University of Notre Dame, 1966) p. 85. Compare these words of Pope Paul VI: “Political power, which is the natural and necessary link for ensuring the cohesion of the social body, must have as its aim the achievement of the common good. While respecting the legitimate liberties of individuals, families and subsidiary groups, it acts in such a way as to create, effectively and for the well-being of all, the conditions required for attaining man’s true and complete good, including his spiritual end.” Apostolic Letter *Octogesima Adveniens* (May 14, 1971), no. 46.

¹⁹ Naturally I do not mean to imply that had the Fall never occurred there would now be *no* government at all, simply that such a government would not need to restrict men’s behavior so much as to coordinate it. See St. Thomas, *Summa Theologiae* I, q. 96, art. 4, and what I said immediately above about the positive role of the political power.

²⁰ As expressed by Mary Doyle, in “From Russia, With Doubts” *Legal Times*, November 26, 1990, p. 24.

²¹ The classical, traditional and, indeed, common sense, view may be found in, e.g., Plato, *Laws* I, 631b-632d; Aristotle, *Ethics* V, 1 and X, 9 or *Politics* I, 1 and III, 9; and very clearly in St. Thomas, *Summa Theologiae*, I-II, q. 92, art. 1 and q. 96, art. 2 and 3, especially Reply to obj. 2 of art. 2.

²² When one looks at the encyclicals of Pope Leo XIII which deal with political questions, e.g. *Immortale Dei*, *Diuturnum*, and *Libertas Praestantissimum*, one finds there a conception of liberty and of the powers of the government which, though certainly not totalitarian, are equally far from our liberal notions of such things. I simply mention Pope Leo’s teaching here, but reserve a fuller discussion of it for the chapters on religious liberty (chapter two) and on censorship (chapter four). An edition of Pope Leo’s encyclicals, *The Great Encyclical Letters of Pope Leo XIII*, is available from TAN Books, Rockford, Illinois.

²³ Encyclical *Libertas Praestantissimum*, no. 6.

²⁴ This is not to say that the police in a Catholic state will force everyone to obey every precept of the moral law. St. Thomas, for example, asks the question whether the civil law should repress all vices and answers in the negative. See *Summa Theologiae* I-II, q. 96, art. 1, 2 and 3.

Chapter Two

THE STATE AND RELIGIOUS LIBERTY

There was once a time when States were governed by the philosophy of the Gospel. Then it was that the power and divine virtue of Christian wisdom had diffused itself throughout the laws, institutions, and morals of the people, permeating all ranks and relations of civil society. Then, too, the religion instituted by Jesus Christ, established firmly in befitting dignity, flourished everywhere, by the favor of princes and the legitimate protection of magistrates; and Church and State were happily united in concord and friendly interchange of good offices.

- Leo XIII, *Immortale Dei*, no. 21

I

This chapter is certainly the most crucial of this book, for in it will be discussed the question of how much a Catholic state may favor and support the one true religion, the Catholic faith, and on the other hand, restrict the expression of false, i.e., non-Catholic, religions.¹ This question is of supreme importance because the conception of a culture unified around Catholic truth, and expressing that truth publicly through a variety of customs, institutions and practices of all sorts, would seem to be seriously compromised by at least certain types of public expression and advocacy of religious error. The continual public manifestation of non-Catholic religions, even more so their promotion, would profoundly alter the character of a Catholic society. There would be the possibility that some — or even great numbers — would be led astray from the true Faith, the very face of the society would no longer be a Catholic one, but to some degree would need to give in to pluralism, an attitude that is not far from conceding that on some level the culture may prescind from concern about which is the true religion. In addition, the question of religious liberty is obviously important for any discussion of censorship, which is the topic of chapter four, because the degree and type of censorship will depend in part on what decisions are made on freedom of proselytizing and of public worship by non-Catholics.

The question of the recognition of Catholic truth by the culture as a whole, and particularly by the state or its government,² is important also because of what it implies about man's duty to God. Traditional Catholic teaching has always held that men organized on a political basis were not exempt from the duty that obligated

each one of them as individuals, namely, to render to Almighty God that worship which he himself desires. And even apart from the teaching of the Church, it is hard to see why man organized into a political community should be able to officially ignore his Creator and Redeemer — or, for that matter, why he would even want to ignore the true source of his highest benefits. But if a body of non-Catholics is able to publicly worship, and especially to try to propagate their faith, then, as I said, what was before a society whose every institution and custom expressed and embodied Catholic truth, now, to some degree at least, those institutions and customs must make allowance for error. Any lessening of the public *corporate* adherence to the true Faith disturbs and disfigures a Catholic society; on the intellectual plain it might involve permitting error which could bring about, for example, a serious perversion of a country's entire economic process, as notions of work and efficiency are promoted that undermine an economy's purpose of simply supplying our temporal necessities and allowing us to use our time for more important things than making money, on our spiritual, intellectual, family and social lives. But in all, to one degree or another, a non-Catholic presence in a Catholic society will change the face of the culture.

Now the Church's traditional teaching did full justice to a conception of a Catholic state and a Catholic society as ideally expressing unity of Faith. In particular, several nineteenth and twentieth century popes taught explicitly the value of such an arrangement, and condemned a pluralistic society, except as was made necessary for other reasons, such as preserving civil peace. It will not be amiss, I think, to quote from some of these papal documents. The first instance is from the *Syllabus of Errors* of Pope Pius IX (reigned 1846 to 1878), December 8, 1864. The *Syllabus* is a list of condemned propositions, so in each case what is affirmed by the Pope is the contradictory of the proposition stated. One can obtain the contradictory of a proposition by placing some such phrase as 'It is not the case that...' at the beginning of the statement in question.

no. 77. In the present day it is no longer expedient that the Catholic religion should be held as the only religion of the State, to the exclusion of all other forms of worship.

no. 78. Hence it has been wisely decided by law, in some Catholic countries, that persons coming to reside therein shall enjoy the public exercise of their own peculiar worship

no. 79. Moreover, it is false that the civil liberty of every form of worship, and the full power, given to all, of overtly and publicly manifesting any opinions whatsoever and thoughts, conduce more easily to corrupt the morals and minds of the people, and to propagate the pest of indifferentism.³

Pius IX's successor on the chair of Peter, Leo XIII (reigned 1878 to 1903), approached this question in a systematic way, deliberately issuing a series of encyclicals on the major political and social problems of his day, and indeed of all days. He treated the question of the duty of states and societies to offer true worship to God several times, as also the related question of the toleration of erroneous forms of worship. Appropriate quotations from these encyclicals are as follows:

As a consequence, the State, constituted as it is, is clearly bound to act up to the manifold and weighty duties linking it to God, by the public profession of religion. Nature and reason, which command every individual devoutly to worship God in holiness, because we belong to Him and must return to Him, since from Him we came, bind also the civil community by a like law. For, men, living together in society are under the power of God no less than individuals are, and society, no less than individuals, owes gratitude to God who gave it being and maintains it and whose ever-bounteous goodness enriches it with countless blessings. Since, then, no one is allowed to be remiss in the service due to God, and since the chief duty of all men is to cling to religion in both its teaching and practice — not such religion as they may have a preference for, but the religion which God enjoins, and which certain and most clear marks show to be the only one true religion — it is a public crime to act as though there were no God...or out of many forms of religion to adopt that one which chimes in with the fancy; for we are bound absolutely to worship God in that way which He has shown to be His will. *Immortale Dei*, no. 6

There was once a time when States were governed by the philosophy of the Gospel. Then it was that the power and divine virtue of Christian wisdom had diffused itself throughout the laws, institutions, and morals of the people, permeating all ranks and relations of civil society. Then, too, the religion instituted by Jesus Christ, established firmly in befitting dignity, flourished everywhere, by the favor of princes and the legitimate protection of magistrates; and Church and State were happily united in

concord and friendly interchange of good offices. *Immortale Dei*, no. 21.

...that it is not lawful for the State, any more than for the individual, either to disregard all religious duties or to hold in equal favor different kinds of religion... *Immortale Dei*, no. 35.

It is also of great moment to the public welfare to take a prudent part in the business of municipal administration...so that...public provision may be made for the instruction of youth in religion and true morality. *Immortale Dei*, no. 43.

But, to justify [liberty of worship], it must needs be taken as true that the State has no duties toward God, or that such duties, if they exist, can be abandoned with impunity, both of which assertions are manifestly false. For it cannot be doubted but that, by the will of God, men are united in civil society; whether its component parts be considered; or its form, which implies authority; or the object of its existence; or the abundance of the vast services which it renders to man. God it is who has made man for society, and has placed him in the company of others like himself, so that what was wanting to his nature, and beyond his attainment if left to his own resources, he might obtain by association with others. Wherefore, civil society must acknowledge God as its Founder and Parent, and must obey and reverence His power and authority. Justice therefore forbids, and reason itself forbids, the State to be godless; or to adopt a line of action which would end in godlessness — namely, to treat the various religions (as they call them) alike, and to bestow upon them promiscuously equal rights and privileges. Since, then, the profession of one religion is necessary in the State, that religion must be professed which alone is true...*Libertas Praestantissimum*, no. 21

Yet, with the discernment of a true mother, the Church weighs the great burden of human weakness, and well knows the course down which the minds and actions of men are in this our age being borne. For this reason, while not conceding any right to anything save what is true and honest, she does not forbid public authority to tolerate what is at variance with truth and justice, for the sake of avoiding some greater evil, or of obtaining or preserving some greater good....But if, in such circumstances, for the sake of the common good (and this is the only legitimate reason), human law may or even should tolerate evil, it may not and should not approve or desire evil for its own sake; for evil of

itself, being a privation of good, is opposed to the common welfare which every legislator is bound to desire and defend to the best of his ability. *Libertas Praestantissimum*, no. 33⁴

It remains to quote parts of an address by Pope Pius XII (reigned 1939 to 1958), entitled *Ci Riesce*, and given on December 6, 1953 to a convention of the Union of Italian Catholic Jurists.

Could God, although it would be possible and easy for Him to repress error and moral deviation, in some cases choose the *non impedire* without contradicting His infinite perfection? Could it be that *in certain circumstances* He would not give men any mandate, would not impose any duty, and would not even communicate the right to impede or to repress what is erroneous and false? A look at things as they are gives an affirmative answer.

Pope Pius goes on to say,

The duty of repressing moral and religious error cannot therefore be an ultimate norm of action. It must be subordinate to *higher and more general* norms which *in some circumstances* permit, and even perhaps seem to indicate as the better policy, toleration of error in order to promote *a greater good*.

And the next paragraph contains the following assertion:

...that which does not correspond to truth or to the norm of morality objectively has no right to exist, to be spread, or to be activated.⁵

Note that there are two separate issues treated of in these statements, 1. the duty of the political community, the state, to affirm the true faith and worship God, and 2. the right or duty, as the case may be, of those same political authorities to restrict in some manner the activities of non-Catholic sects and religions. Although obviously connected, they are distinct, for it would be possible to have a state which gave due honor to Christ according to the forms of the religion he has revealed, Catholicism, and yet which allowed some, or even considerable, freedom to non-Catholic religions. After all, even such secularized liberal democracies as England and the Scandanavian countries have state churches and religious rites in the coronations of their monarchs.

As to the second point, the right or duty of restricting non-Catholic religious activity, one can see that although this duty of a Catholic government was taken for granted, yet there were circumstances in which it could not be fully applied. Leo XIII makes clear that

sometimes because of the common good “human law may or even should tolerate evil,” while Pius XII affirms this, pointing out that in such cases God “would not even communicate the right to impede or to repress what is erroneous and false.” But these instances were held to be exceptions to the general rule of the state’s “duty of repressing moral and religious error.”

Now, were these statements of Leo XIII and the other popes all that one had to deal with, there would be little room for controversy on this subject. However, there is another document which we must also consider, the Declaration on Religious Liberty, *Dignitatis Humanae* (December 7, 1965) of the Second Vatican Council.

In this document the Vatican Council seems, at least at first glance, to teach much that is contrary to the papal teaching quoted above. Here are the main points of the Declaration,

The Vatican Council declares that the human person has a right to religious freedom. Freedom of this kind means that all men should be immune from coercion on the part of individuals, social groups and every human power so that, within due limits, nobody is forced to act against his convictions nor is anyone to be restrained from acting in accordance with his convictions in religious matters in private or in public, alone or in associations with others. The Council further declares that the right to religious freedom is based on the very dignity of the human person as known through the revealed word of God and by reason itself. This right of the human person to religious freedom must be given such recognition in the constitutional order of society as will make it a civil right.

...Therefore the right to religious freedom has its foundation not in the subjective attitude of the individual but in his very nature. For this reason the right to this immunity continues to exist even in those who do not live up to their obligations of seeking the truth and adhering to it. The exercise of this right cannot be interfered with as long as the just requirements of public order are observed.

...Consequently to deny man the free exercise of religion in society, when the just requirements of public order are observed, is to do an injustice to the human person and to the very order established by God for men....

The freedom or immunity from coercion in religious matters which is the right of individuals must also be accorded to men

when they act in community....

Religious communities have the further right not to be prevented from publicly teaching and bearing witness to their beliefs by the spoken or written word....

Also included in the right to religious freedom is the right of religious groups not to be prevented from freely demonstrating the special value of their teaching for the organization of society and the inspiration of all human activity.⁶

However, in the paragraph immediately before the sections quoted above, occurs this sentence:

So while the religious freedom which men demand in fulfilling their obligation to worship God has to do with freedom from coercion in civil society, it leaves intact the traditional Catholic teaching on the moral duty of individuals and societies toward the true religion and the one Church of Christ.⁷

My method in this chapter will be as follows. I will consider this seeming contradiction between *Dignitatis Humanae* and the earlier teaching, attempting to make sense of the situation and arguing for what seems to me the truth of this matter. Then in the second part of the chapter I will draw out the conclusions as to how this might shape the laws and policies of a Catholic state in the field of religious freedom. As I said above, I will leave a more detailed discussion till Appendix II

Since both the papal teaching here in question and the decree of the Second Vatican Council are examples of the teaching of the Church's Magisterium, it would seem that any loyal Catholic should first try to see if those teachings can be harmonized. Now, while there is much in *Dignitatis Humanae* that certainly differs in tone from the earlier teaching, and even seems to differ in content, one must take a close look at that document to see what is actually demanded by its teaching.

In the first place, then, I would suggest that *Dignitatis Humanae* is not as easily understood as it seems at first glance. Although most of the document speaks much of man's right to religious freedom, yet it also contains the statement (in no. 1 of the Declaration), quoted above, that "the traditional Catholic teaching on the moral duty of individuals and societies towards the true religion and the one Church of Christ" is left unchanged by this document. Yet this "traditional teaching" is precisely the matter of the encyclicals and other documents of Pius IX, Leo XIII, Pius XI

and Pius XII. In other words, *Dignitatis Humanae* explicitly affirms the very body of teaching it is usually assumed to contradict and supplant!

The greater part of *Dignitatis Humanae*, however, does not affirm traditional teaching, but speaks at length and in some detail of man's religious liberty, and in terms very different from Leo XIII. Thus, it seems to me, the task is not just to understand how the earlier papal teaching is congruent with *Dignitatis Humanae*, but how the reaffirmation of the "traditional teaching" at the beginning of *Dignitatis Humanae* is congruent with the discussion of the right to religious freedom that makes up the bulk of the document. Can these seemingly differing affirmations in the Declaration be harmonized? Does *Dignitatis Humanae* contradict itself? Let us see if the following procedure makes sense.

If we take seriously the affirmation of traditional teaching at the beginning of the Declaration, then what comes after must be understood in its light. Thus we cannot attempt to understand the latter (and larger) part of *Dignitatis Humanae* absolutely and on its own, but only in the light of this statement in its first article. Now, if this is so, then certain cautions in the document can be seen in a new light.

The larger part of the Declaration on Religious Liberty (nos. 2 through 15) discusses the right to this religious freedom, but with limitations. These are the "due limits" and the "just requirements of public order," both mentioned in no. 2 (and quoted above) and also a very important statement in no. 7, which declares that religious freedom, as is the case with any other freedom exercised in society, is bound by "the rights of others" and "the common good of all."⁸ Now it may seem to some that to interpret these limitations along the lines of the teaching of Pius IX, Leo XIII and their successors might seem forced, but this is so only if one forgets what seems to me the guiding principle of interpretation of this document, the statement in the first article that "traditional Catholic teaching" is not changed. If this statement is taken at face value (and I see no reason why it should not be), then the "due limits" and the "just requirements of public order," and especially the requirement that the exercise of religious freedom is limited by "the common good of all," must mean more than they might seem to mean at first glance.

Basically, the solution that I suggest is this:⁹ That the "just requirements of public order," the "due limits," and considerations of the rights of others and of the common good vary considerably

from society to society, and that in a society overwhelmingly and traditionally Catholic they could easily include restrictions, and even an outright prohibition, on the *public* activities of non-Catholic sects, particularly on their proselytizing activities. Man's religious liberty is real and the Council's Declaration is not false or heretical; simply that the right to exercise such freedom is not the same in every place and time. A non-Catholic has the real right, even in a Catholic state, to privately profess his own religion and privately meet with his co-religionists; in a liberal regime he has a right to considerably more freedom. In both cases the freedom is real, simply that the "requirements of public order" and of the common good differ.

In *Ci Riesce* Pius XII stated that the "duty of repressing moral and religious error cannot...be an ultimate norm of action. It must be subordinate to *higher and more general* norms...." One of these more general norms is, of course, that of the common good, not only the national, but that of the Church and of the entire world. Thus obviously it could never be in accord with the common good to repress non-Catholics where they are in the majority nor even in a large or traditional minority. So while in some cases the common good would allow and might even require limitations on non-Catholic public activity, in other cases the common good permits or demands a greater degree of the exercise of liberty by non-Catholics, for, as even *Dignitatis Humanae* itself states, the right to religious freedom is subject to the "common good of all" (no. 7).¹⁰

If this manner of interpretation seems contrived, I would simply ask how else can we make sense of the claim at the beginning of the Declaration that it is leaving "intact" the "traditional Catholic teaching" on this subject? This position, moreover, receives official confirmation in the new *Catechism of the Catholic Church*.¹¹ Here are the relevant passages:

Freedom is exercised in relationships between human beings. Every human person, created in the image of God, has the natural right to be recognized as a free and responsible being. All owe to each other this duty of respect. The *right to the exercise of freedom*, especially in moral and religious matters, is an inalienable requirement of the dignity of the human person. This right must be recognized and protected by civil authority within the limits of the common good and public order. (no. 1738) (Emphasis in original.)

The duty of offering God genuine worship concerns man both individually and socially. This is "the traditional Catholic

teaching on the moral duty of individuals and societies toward the true religion and the one Church of Christ.” By constantly evangelizing men, the Church works toward enabling them “to infuse the Christian spirit into the mentality and mores, laws and structures of the communities in which [they] live.” The social duty of Christians is to respect and awaken in each man the love of the true and the good. It requires them to make known the worship of the one true religion which subsists in the Catholic and apostolic Church. Christians are called to be the light of the world. Thus, the Church shows forth the kingship of Christ over all creation and in particular over human societies. (no. 2105)

The right to religious liberty can of itself be neither unlimited nor limited only by a “public order” conceived in a positivist or naturalist manner. The “due limits” which are inherent in it must be determined for each social situation by political prudence, according to the requirements of the common good, and ratified by the civil authority in accordance with “legal principles which are in conformity with the objective moral order.” (no. 2109)

(Moreover, the footnotes in the *Catechism* also point the way toward full acknowledgment of the continuity of the earlier teaching with that of *Dignitatis Humanae*, and include references to *Immortale Dei* and *Libertas* of Leo XIII, *Quas Primas* of Pius XI and even *Quanta Cura* of Pius IX, the encyclical which accompanied the *Syllabus of Errors*. See pp. 511-12.)

Paragraphs 1738 and 2109 from the *Catechism* affirm not only that the common good is the controlling principle in the regulation of religious liberty, and that “public order” may not be conceived after a merely “positivist” manner, i.e., without taking into account moral and spiritual realities, but even more to the point, that “each social situation” requires a differing estimation of the common good according to political prudence. The requirements of the common good, and thus, the type and degree of religious liberty that should be granted in “each social situation,” will necessarily differ. In a culture entirely Catholic, or almost so, the requirements of the common good have traditionally been seen as demanding prohibitions, to one degree of another, on public non-Catholic religious activity. Thus *Dignitatis Humanae* can clearly be interpreted in harmony with the common teaching on religious liberty that obtained before the Second Vatican Council.¹²

I believe, then, that there is no contradiction between the teaching of the earlier popes and of *Dignitatis Humanae* rightly understood, despite the very different tone of that latter document. If we examine the Declaration carefully, as we must, and especially if we look at it in the light of the new *Catechism*, then we can see that “traditional Catholic teaching on the moral duty of individuals and societies toward the true religion and the one Church of Christ” does indeed remain “intact”!

II

If there is only one true religion, and if its possession is the most important good in life for States as well as individuals, then the public profession, protection, and promotion of this religion and the legal prohibition of all direct assaults upon it, become one of the most obvious and fundamental duties of the State.

- Msgr. John A. Ryan¹³

We wish also to make amends...for the public crimes of nations who resist the rights and teaching authority of the Church which you have founded.

- Prayer, Jesu dulcissime¹⁴

In this second part of the chapter, then, I will apply the conclusions reached in the first part regarding religious liberty in a Catholic society and state. Now in the first place, as I said above, there are two parts to Catholic teaching on religious liberty, as was explicit in the pre-Vatican II documents, and which was not overruled by Vatican II. The first is the public, official and corporate recognition by the state¹⁵ of the existence of God and of the other truths of the Catholic religion, and of the worship of God according to the religion which he has revealed; the second is the restricting of public activities of non-Catholic religions. Now the first point, the official recognition of God and Catholic truth, in turn has two parts of its own: in the first place, the *ceremonial* recognition of God, as for example, in the opening of a session of parliament with Catholic prayers, the coronation of a monarch with Catholic rites, making holy days official state holidays, etc. In the second place is the *framing of all laws on all subjects* — economics, censorship, family law, etc. — so that they do not contradict Catholic moral teaching, and in fact so that the laws reflect and promote Catholic truth and a Catholic organization of society.¹⁶ The bulk of this book deals with this last effort, that of framing all laws so that they aid in the preservation and perfection of a truly Catholic society.

In normal circumstances the recognition of God and of the Catholic religion should be explicit on the part of the state. For example, it should have an appropriate place in any written constitution or charter, and the nation's legal codes should contain a statement that they are to be interpreted according to Catholic moral teaching. Fr. Harrison does not think that explicit written recognition by the public authorities is necessary for the state — conceived of as political community — to fulfill its duty of

acknowledging God and Catholic truth.¹⁷ This would seem to me to be true only very rarely. For in the first place, ordinarily constitutions and like documents set forth the ideals and purposes of a regime, and if a regime were Catholic, why would it wish to be silent on that subject which was most important and which in fact held the nation together? By intentionally not mentioning the Kingship of Christ Jesus, it would seem that the framers of such constitutions were not making use of an opportunity to honor his Royal authority over men and nations.¹⁸ Secondly, although Fr. Harrison, in the passages cited above in note 17, makes much of the Philippines and its Catholic president, Corazon Aquino, as embodying the values of a Catholic state more than some countries in the past that had written such recognition into their basic documents, a little notice in the *Financial Times* of July 20, 1993, seems to me to show why such written guarantees are very necessary for the protection of the nation. The notice, on the front page, read,

Clash on birth control: Fidel Ramos, the Philippines first non-Catholic president, vowed to press on with his birth control project despite Church opposition. The country has 65m people and the world's 14th biggest population.

Were an acknowledgment of Catholic truth and morality written into the constitution of the Philippines, then there might be some means of mounting a legal challenge against such a campaign. But without it, with the separation of Church and state officially prevailing in that country,¹⁹ what means is there to show or prove that the political community is in fact committed to Christ the King?

By no means, though, do I think that everything that obtained in some places in the past is desirable for a Catholic state. For example (and I trust there is no Catholic who would defend this as the ideal), there is the practice of the nomination of bishops by the government, or at least the approval by the government of bishops chosen by the Holy See. This seems to me a dangerous invasion by the state of the province of God's Church, however much it may have prevailed in the past.

There is another practice which also ought to be condemned, I think, namely, the payment of the clergy's salaries by the government. Although not in itself an evil, it would easily and frequently lead to one or both of two great evils. First, by making the clergy financially dependent upon the state, it is apt to cause them to become subservient to the civil rulers, although as a matter of fact, the general tendency is for priests to be too uncritical in

their acceptance of government policy, for example, on the question of the justice of a war. But if a situation occurred which required sharp comments on state policy, could one expect the clergy to (so to speak) bite the hand that fed them, or, on the part of the authorities, to subsidize their critics? The other evil which this would lead to would be a lessening of the sense of duty on the part of the laity toward supporting the Church with their gifts. I see nothing wrong, however, with the state supporting the Church from time to time with gifts for special purposes, such as construction of buildings, etc., or a regular donation for the Church's charities or for education.

The second part of the application of Catholic doctrine on religious liberty concerns restrictions on non-Catholic worship and activity. The purpose of any restrictions imposed on such conduct is the protection of the common good of society, so it is not possible to lay down beforehand what should be done in this regard, except in the most general way, especially on the question of restricting the public worship of non-Catholics. It is easier, though, to consider the question of restrictions on proselytizing by non-Catholics. It seems to me that, wherever it would not cause greater harm, such as disruption of the civil order or the economy by a powerful and rich religious minority, or intervention by a foreign power sympathetic to a minority sect, that there should be a complete prohibition of all evangelizing activity by non-Catholic faiths. I cannot imagine that a Catholic state should ever take a lenient stance toward a practice that might result in even one Catholic being lost to the Church. Of course, despite everything, there will doubtless always be some personal attempts to proselytize by individuals here and there, and were the law to try to root out such it would bring about a tyranny. But any *organized* attempts at seducing Catholics from the Faith that come to the notice of the authorities should not be permitted to continue. No doubt from time to time some Catholics will leave the Church, even with the best of laws, and this must be permitted, *de jure* as well as *de facto*. Moreover, the members of a minority religion should not be penalized if Catholics join them, as long as they have done nothing to cause such defections from the Faith.²⁰

Much harder to judge and to propose regulations for is the question of to what extent non-Catholics should be permitted to gather for worship and other religious activity, such as religious education. The question here concerns not only the possibility of Catholics leaving the Church or becoming indifferent to religious

truth, but also of preserving a Catholic face to the public life of the nation. Now obviously non-Catholic religious gatherings would be permitted in private homes, and, it seems to me, that usually it would be wise to allow more than this. For example, to permit non-Catholic sects to have juridical personality, to own property, including buildings for worship and schools, as long as these buildings were not too prominent, imposing, etc., either as to form or location. If a Catholic culture is healthy, in the long run it must depend for its preservation on the strength of its Catholicism, not on suppression of other religions. But since original sin is an ever present reality, it is necessary to have restrictions on non-Catholic activity, yet it seems wiser in most cases to allow more, rather than less, freedom. Thus, also, if the state is not too harsh to a religious minority, more non-Catholics might consider conversion to the Catholic faith, than if they were subjected to too stern laws.

In estimating the requirements of the common good by means of the virtue of political prudence,²¹ the rulers of the state should take account of the general tenor of the society, the degree of fervor and religious knowledge among Catholics, and the attitude commonly held toward members of minority religions by Catholics. If the Catholics have a right regard for non-Catholics, having *truth in charity* toward them, then more religious freedom can be granted to those outside the Church. But if Catholics are ill-instructed and susceptible to being led into error, it may be that the activities of heretical sects and non-Christian religions should be kept entirely out of public sight and recognition, being confined to their private homes and unmarked church buildings. It is also possible that some false religions can be given more liberty than others, again, according to the requirements of the common good. For example, historical experience would say, I think, that it is relatively uncommon for Catholics to convert to Judaism; thus Jews could well be given much more freedom than is given to heretical Christian sects, which experience shows can be great threats to a Catholic social order.

One other possibility that could obtain in some nations is that non-Catholics are well established only in some regions of the country. In such a case — one might think of the Waldenses in northern Italy — if they had a traditional or large presence there, the common good might dictate that they be able to exercise a larger degree of religious liberty there than in parts of the nation not infected with heresy. In fact, one can imagine the rulers of the state making a bargain with the leaders of the sect, allowing them

considerable exercise of religious freedom in certain restricted places in exchange for promises not to migrate to other parts of the country.

Another point to be considered is the question of non-Catholic activity by foreigners. It goes without saying that no non-Catholic missionaries would be permitted into a Catholic state, nor would foreign agencies be allowed to send money into the country for the purpose of undermining the Catholic social order in any way. Nor would the government be under any obligation to permit non-Catholics to enter the state to live there. The kind of religious minority we are looking at in this chapter is an indigenous one; the state has no duty, and indeed no right, to disturb the religious unity of a Catholic nation by allowing those of other religions, or of no religion, to come to live there.

What of aid supplied by foreign coreligionists to non-Catholics within a Catholic nation? Whether this should be permitted or not seems to me to depend on several factors. If the non-Catholic sect in question is a relatively benign one, both in terms of its own doctrines and practices, and in terms of how well its officials and members have obeyed the law against proselytizing, then the authorities might well permit aid from outside, as, for example, for new hymnbooks or textbooks, or whatever. Could they ever allow a foreign pastor to come and serve a non-Catholic congregation? Again, as in the above example, if the false religion in question has a good record and there is a real need, I see no reason why not, though the authorities would have to take care that this neither is nor becomes a covert means of materially increasing the number of non-Catholics in the nation. But one or a few, including their families, would seem to make little difference. Such individuals could be given visas which allowed for easy deportation if trouble should arise.

If the state makes grants of money available to *parents* for the education of their children, it should not discriminate with regard to non-Catholics, even though it foresees that the money will be used to educate their children in heresy. The money is given to the parents for the legitimate purpose of education, and if the parents choose to pervert that purpose, that is the right of the parents and does not implicate the state in the promotion of heresy.

In this discussion of religious liberty it is always important to remember, moreover, that only in countries overwhelmingly and traditionally Catholic would it be right to institute these kinds of restrictions on religious liberty, at least in their fulness. I see no reason why any Catholic government should be unable to honor

Christ the King, even if it must permit full or considerable freedom to non-Catholic religious groups. But in order to restrict the activities of these groups, I would argue that more is needed, namely, as I said, a society almost totally Catholic and traditionally so. For only in such cases, as I will argue in Appendix II, does the state possess the necessary right to restrict non-Catholic activity. In addition, wherever even a very small religious minority has been allowed to function openly for a long space of time they acquire a kind of right by prescription. But the reader must remember that in this book I am dealing only with abstract situations, and everything would have to be adapted to specific situations, keeping in mind justice, the common good and a Catholic sense, as judged by political prudence.

Notes

¹ The question of religious liberty is much controverted and argued in today's Church. For that reason, it seems to me that a detailed argument and a review of some other writers' discussions is necessary. Yet in order not to interrupt the course of the book, I will save the more extensive argumentation and criticism for Appendix II, while in the first part of this chapter giving a less detailed presentation of my basic case, and in the second part the application of this doctrine to a Catholic state and society.

² What do I mean by state? "The State comprises all those who are politically united within a determinate territory under the same authority..." Msgr. Josephus Pasquazi, quoted in John Wright, *National Patriotism in Papal Teaching* (Westminster, Maryland: Newman, 1956) p. 47. But the concept of "state" conceives of the body of inhabitants not only as "politically united" but also as politically organized, i.e., as the body politic. To look at these same individuals, prescindng from their political organization, and regarded under some other aspect, one could call them the community or the society or the country, etc. Thus, the material object of the state and of society is the same, but the formal objects are different. It is the government which politically organizes and shapes a society into a state or body politic, and only through the government can a political community express itself or act.

³ *Dogmatic Canons and Decrees* (Rockford, Ill. : TAN Books, 1977) pp. 208-209.

⁴ These are the chief Leonine texts, but there are other relevant passages, which I merely cite here in order not to make the text unduly long: *Humanum Genus*, nos. 22, 24, *Immortale Dei*, no. 32, *Libertas Praestantissimum*, nos. 18, 19-30, *Longinqua Oceani*, no. 6. Also several encyclicals of Pius XI (reigned 1922 to 1939) restate these truths on the duties of the state toward Christ and the true faith; they include *Ubi Arcano*, no. 22 and *Quas Primas*, nos. 8 and 20.

⁵ The entire address is reprinted in Michael Davies, *The Second Vatican Council and Religious Liberty* (Long Prairie, Minn. : Neumann Press, c. 1992) pp. 303-315. The excerpts quoted are on page 311 and the emphasis is in the source quoted.

A good summary and defense of this pre-Vatican II teaching can be found in John A. Ryan and Francis J. Boland, *Catholic Principles of Politics* (New York : Macmillan, 1947, pp. 311-321). This is the same Fr. John Ryan who was the foremost interpreter of the Church's teaching on social and economic justice in the United States. For a time during the 1920s he was a national board member of the American Civil Liberties Union! In our misleading use of political labels in the United States, he is often called a liberal. Yet as a faithful son of the Church, he upheld the teaching of Leo XIII and the other popes. (See his interesting autobiography, *Social Doctrine in Action*, New York : Harper, 1941. Msgr. Ryan discusses his involvement with the ACLU on pp. 173-176.)

⁶ Austin Flannery, ed., *Vatican Council II, the Conciliar and Post Conciliar Documents*, (Northport, N.Y. : Costello Publishing, c. 1975, 1980 printing) pp. 800-803. This printing, variously called the 1981 edition or the 2nd edition, corrects a printing error in a crucial passage on page 800 in the previous printings done by Liturgical Press.

⁷ *Ibid.*, p. 800.

⁸ *Ibid.*, pp. 804-805.

⁹ I argued for a similar, though not identical, explanation of the difficulties surrounding *Dignitatis Humanae* in an article, "The Problem of Religious Liberty: A New Proposal," *Faith & Reason*, vol. 15, no. 1, spring 1989, and I have published essentially the same argument as is contained in this chapter in "Catholics and Religious Liberty: What Can We Believe?" *Homiletic & Pastoral Review*, vol. 97, no. 4, January 1997.

¹⁰ *Vatican Council II, the Conciliar and Post Conciliar Documents*, pp. 804-805.

Even John Courtney Murray, one of the architects of the religious liberty declaration, in commenting on this very passage, wrote, "Note that the right itself is always inalienable, never to be denied; only the exercise of the right is subject to control in particular instances." Walter Abbott, ed., *The Documents of Vatican II* (New York : Guild Press, 1966), footnote 20 on page 686.

See also the *Catechism of the Catholic Church*, no. 1738.

¹¹ All references to the *Catechism* will be given simply by paragraph number and quotations from it are taken from the authorized English edition (1994).

¹² According to Michael Davies in *The Second Vatican Council and Religious Liberty*, p. 158, quoting Fr. Wiltgen's *The Rhine Flows into the Tiber*, at one point in the conciliar deliberations on the religious liberty declaration, the International Group of Fathers (the group of bishops who were concerned that the Council's documents explicitly uphold traditional Catholic teaching and which included Archbishop Marcel Lefebvre) suggested that if *Dignitatis Humanae* were changed so that the common good, rather than simply public order, were made the limiting factor on religious freedom in society, then their group would be willing to accept the Declaration! As a matter of fact, the principle of the common good is clearly noted in no. 7 of the Declaration. But the *Catechism* has made this much clearer. See also Davies, p. 157.

¹³ Ryan and Boland, *Catholic Principles of Politics*, p. 319.

¹⁴ This is from an indulgenced prayer listed in the post-Vatican II compilation of indulgences, the *Enchiridion Indulgentiarum* (Vatican City : Libreria Editrice Vaticana, 1968 and 1986). The 1969 English edition, *Enchiridion of Indulgences* (New York : Catholic Book Publishing Co.), from which the quote here has been taken, is much more faithful to the originals in its translations of the indulgenced prayers than the later edition, *The Handbook of Indulgences* (New York : Catholic Book Publishing Co., c. 1991). Although the *Handbook* is based on a later edition of the *Enchiridion Indulgentiarum* (1986), the indulgenced prayers are almost completely the same — saving the translations, which were done in large part by the ICEL. The text from the prayer, *Jesu dulcissime*, in the ICEL translation reads, “We wish to make amends...for the public defiance of your law” (p. 54).

¹⁵ Fr. Brian Harrison makes a distinction between two meanings of the word state, the first being the political authorities or government, the second, the body politic or, as he calls it, the civic community. He is certainly correct, but I do not think that much practical flows from this distinction, since the only way that the political community can act in any way is via the government, as I noted above in note 2. cf. Brian Harrison, *Religious Liberty and Contraception* (Melbourne : John XXIII Fellowship Co-operative, 1988), pp. 76-77, 78-79, 152-153, 156-159.

¹⁶ Leo XIII, *Libertas*, no. 18. It must be remembered, though, that the state and human law are not required to attempt to ban every sin and vice of mankind. To do so in some cases would infringe too much on human freedom and in others it would be impossible to enforce, thus making the law look ridiculous. Rulers must use political prudence in framing laws. See St. Thomas, *Summa Theologiae*, I-II, q. 96, art. 2.

¹⁷ Harrison, *Religious Liberty and Contraception*, pp. 79-81, 105-106.

¹⁸ Although deficient in that it did not explicitly make Catholicism the religion of the state, nor explicitly mention the Kingship of Jesus Christ, nevertheless the Irish constitution of 1937 (which is still in force) contains an impressive recognition of the Holy Trinity and of our Divine Lord. It begins thus, “In the Name of the Most Holy Trinity, from Whom is all authority and to Whom, as our final end, all actions both of men and States must be referred, We, the people of Eire, humbly acknowledging all our obligations to our Divine Lord Jesus Christ....” Later, in Article 44, clause I (i), it states, “The State acknowledges that the homage of public worship is due to Almighty God.” In Sidney Z. Ehler and John B. Morrall, eds., *Church and State Through the Centuries, a Collection of Historic Documents with Commentaries* (Westminster, Md. : Newman, 1954) pp. 595-596, 598.

¹⁹ Harrison, *Religious Liberty and Contraception*, p. 80.

²⁰ Naturally, what I say here and in the next section about non- Catholic religions applies also to secularists or unbelievers of any type.

²¹ See the *Catechism of the Catholic Church*, no. 2109.

Chapter Three

THE FRAMEWORK OF ECONOMIC ACTIVITY

I

...if we have food and clothing, with these we shall be content. But those who desire to be rich fall in temptation, into a snare, into many senseless and hurtful desires that plunge men into ruin and destruction. For the love of money is the root of all evils; it is through this craving that some have wandered away from the faith and pierced their hearts with many pangs.

I Tim. 6:8-10

Come now, you rich, weep and howl for the miseries that are coming upon you. Your riches have rotted and your garments are moth-eaten. Your gold and silver have rusted, and their rust will be evidence against you and will eat your flesh like fire.

James 5:1-3a

From these as well as other passages in both the Old and New Testaments¹ we ought to be able to see clearly that there is some sort of a problem in regard to riches and moneymaking. Quite obviously the problem is complex and cannot be reduced to saying that all the rich are evil and will end up in Hell nor that the desire for material goods is evil. Neither of these statements is true. Neither, however, can Christians accept the modern world's attitude toward riches and material things, an attitude which fails to see that there is anything to be troubled about. Catholicism, when it has been free to be true to itself, has always set up safeguards around the activities connected with money and the accumulation of wealth, safeguards for the common good and health of the community, as well as for the spiritual safety of the individual possessor of wealth himself, precisely because the Church knows the weakness of man and his propensity to sin.

Because of the original disaster that affects all of Adam's descendants, man tends to disorder, his appetites tend to revolt against his reason. We see this clearly in reference to our sexual appetites, but perhaps twentieth-century Catholics do not see this quite as clearly in regard to our appetite for pecuniary gain as did our medieval fathers in the Faith. Moreover, I think that we have not always well understood what it is about our sexual appetites that is disorderly. Some, I fear, have tended to see sexual desire as in a class by itself, either somehow inherently evil, or at least tainted. But this is not the correct way of looking at the matter, for the

problem is not in our sexual desire itself, but in the entire integration of our human nature.

Man's sexual appetite and all that naturally goes with it were quite obviously created by God, and thus share in the original Divine approbation, "And God saw everything that he had made, and behold, it was very good," Genesis 1:31.² They were created for a purpose, namely to bring new human beings into the world, and ultimately into Heaven, in cooperation with Almighty God. What is wrong with our sexual appetite today, and indeed since the Fall, is that the appetite tends toward objects with whom it is impossible to obtain the end for which that appetite was given to us, that is, to beget children and bring up those children in the circle of a loving family. Our sexual desire, one of our concupiscible appetites, is indiscriminate and blind in its wants. Instead of being readily subordinate to its controlling purpose, the begetting and subsequent rearing of children, it simply wants what it wants. In the state of original justice the intellect easily ruled over all subordinate aspects of man, and thus would effortlessly have directed a man's sexual desire exclusively toward his spouse, but since Adam's sin this has not been the case. In our present condition we must all struggle to subject the concupiscible appetites to the rule of reason. But in this hard work of ruling our blind appetites we do not do anything against what is natural for us. We were created with reason as the ruling element in us and it is impossible to make sense of human beings in any other way; thus to restrain our blind desires within the bounds of reason, though at times a bitter effort, is simply to live as is natural to man, in fact, to live according to nature.

A similar thing is true of our desire for material things, which is the basis for man's economic activity and all that goes with it. Since we have bodies we need material things, and this would have been true had the Fall never occurred. But instead of asking why we need material things, we make them ends in themselves, not means toward allowing us to cultivate what is important in life, namely, our spiritual lives, our intellectual lives, our family and social lives. As with our sexual appetite, our desire for money and material goods is now more or less indiscriminate and inordinate in its wants. But also as with our sexual appetite, our appetite for material goods was created for an end. Material goods exist *for the sake of* the more important aspects of our lives. Such goods are good only to the extent that they facilitate our easier attainment of spiritual, intellectual, family and social goods, just as sexual activity is good

to the extent it furthers one of the three ends of marriage.³ And just as the sexual appetite run out of bounds hurts not only the individuals involved but the entire community, the same is true of our appetite for economic gain. Adam Smith notwithstanding, it is not the case that if each man seeks his own gain to the utmost the community will necessarily benefit thereby. History as well as common sense teach otherwise.⁴

One of the main reasons why this is so hard for many otherwise orthodox Catholics to grasp today is, I think, that we have been so accustomed to attacks on free-market capitalism coming from socialists and communists, that we assume only they can have anything bad to say about our economic system. But just as the logic of looking at our sexual appetite and the role it ought to play in human affairs according to its own nature, leads us to conclude that man must put many restraints on his sexual conduct, which at the time *feel* as if they were going against his nature, but in reality are fulfilling that nature, in a similar fashion, if we ask ourselves fundamental questions about man's capacity for and need of material goods, and look honestly at the disruptive effect unrestrained economic activity has on human society, we are led to propose strong curbs, curbs which indeed are different from those proposed by socialists, but which are equally contrary to our present system and to the desires of unrestrained greed.

If any Catholic is disposed to dispute this line of argument, then I would point out two different things which confirm what I have said. The first is the practice of medieval Christendom. The attitude toward economic activity that obtained in Europe during the Middle Ages was vastly different from our own. The following from Richard Tawney conveys some idea of the medieval outlook:

Material riches are necessary; they have a secondary importance, since without them men cannot support themselves and help one another; the wise ruler, as St. Thomas said, will consider in founding his State the natural resources of the country. But economic motives are suspect. Because they are powerful appetites, men fear them, but they are not mean enough to applaud them. Like other strong passions, what they need, it is thought, is not a clear field, but repression. There is no place in medieval theory for economic activity which is not related to a moral end, and to found a science of society upon the assumption that the appetite for economic gain is a constant and measurable force, to be accepted, like other natural forces,

as an inevitable and self-evident *datum* would have appeared to the medieval thinker as hardly less irrational or less immoral than to make the premise of social philosophy the unrestrained operation of such necessary human attributes as pugnacity or the sexual instinct

Tawney continues with his description of medieval economic ethics,

At every turn, therefore, there are limits, restrictions, warnings, against allowing economic interests to interfere with serious affairs. It is right for a man to seek such wealth as is necessary for a livelihood in his station. To seek more is not enterprise, but avarice, and avarice is a deadly sin. Trade is legitimate; the different resources of different countries show that it was intended by Providence. But it is a dangerous business. A man must be sure that he carries it on for the public benefit, and that the profits which he takes are no more than the wages of his labor.⁵

How unbelievably different is our modern attitude. With us not only is trade in goods no longer held to be a dangerous activity, but we see no problem even in trade in such nebulous things as commodity futures contracts! It is difficult to fully fathom the huge differences in our mentality from that of the medievals. Most English-speaking Catholics are infected to a greater or lesser extent with the modern and unchristian conception of economic life. Christopher Dawson sums up this modern attitude thus:

In the lands where these [new, non-Catholic] ideals had free play — Holland, Great Britain, above all New England, a new type of character was produced, canny, methodical and laborious; men who lived not for enjoyment but for work, who spent little and gained much, and who looked on themselves as unfaithful stewards before God, if they neglected any opportunity of honest gain.⁶

The second thing to which I would appeal in confirmation of the line of argument I am making, is the corpus of modern papal teaching on the economy. As is well known, this body of doctrine began with the encyclical *Rerum Novarum* of Leo XIII in 1891 and, as of this writing, has continued down to *Centesimus Annus* of John Paul II in 1991. Though diverse, in that they were for the most part addressing the immediate needs of widely varying situations — the economy of 1891 is not that of 1931 nor yet that of today — nevertheless several basic themes can be discerned.⁷

From the beginning, with *Rerum Novarum*, the Popes have made it clear that the economic system must serve mankind, and from this it follows that any particular economic arrangements must be judged on how well they in fact are serving the human race.⁸ Secondly, they have also pointed out again and again that it will always be necessary to bring other factors into the ordering of our economic affairs besides mere free competition. Some kind of legal framework is necessary to make sure that human goods are given their proper respect. One cannot depend either on the blind forces of the market or enlightened self-interest or even individual rectitude.⁹

Now the purpose of the restraints on economic activity which this attitude demands is twofold. On the one hand, if the activities of moneymaking and the accumulation of external goods are firmly put in their place, men will be able to concentrate on what is really of importance in life. Men of good will, who in a capitalistic economy and society might devote too much of their energies to material things and even get entirely caught up in them, will be deterred from this not only by the explicit teaching of the Church, but also by that of the state and of all organs of society, such as educational institutions and publications, as well as by regulations firmly administered, which aim to prevent the beginnings of wrongdoing in these matters. These same regulations, on the other hand, backed by appropriate sanctions, will also help to forestall the actions of truly bad men, who would otherwise harm their fellows and the society as a whole.

Though no one can expect this apparatus to work perfectly, its aim is to uphold the common good by helping to enforce a notion of society that puts the general welfare first. Elsewhere Christopher Dawson notes that the traditional monarchies in Europe “had striven to keep the several orders of the polity within their appointed limits, to maintain the corporative system in industry, to regulate wages and prices, and to protect the peasants from eviction and enclosures.”¹⁰ This conception of society does not especially value some notions that are dear to Americans, such as continuous improvement in one’s standard of living or the chance to get rich. But it does aim to allow everyone to have at least enough, and to further ensure the maintenance of that social peace which is necessary if we are to apply ourselves to those things which are truly important. For if material goods exist only *for the sake of* other and non-material things, and if money in turn exists only *for the sake of* material goods, then money is twice removed from what is

valuable in human life. But how a Catholic state actually tries to realize such an approach to living is the subject of the following sections of this chapter.

II

We can, therefore, lay down as the first principle of mediaeval economics that there was a limit to money-making imposed by the purpose for which the money was made. Each worker had to keep in front of himself the aim of his life and consider the acquiring of money as a means only to an end, which at one and the same time justified and limited him. When, therefore, sufficiency had been obtained there could be no reason for continuing further efforts at getting rich,...except in order to help others...

- Bede Jarrett, *Social Theories of the Middle Ages*¹¹

In considering actual institutions and policies to realize such a Christian order as I sketched out in the preceding section, it is necessary first to discuss in some more detail the basic principles which both the supreme pontiffs have taught and which were actually put into place by medieval Christendom, and were designed to implement the general truths about man's economic appetite which I discussed above.

And in beginning, it again must be stressed that all the social doctrine of the Church and the social practice of Catholics is related to a recognition of the purpose of economic activity. To take up the same analogy I used before, if there is no intrinsic purpose in our sexual desire, then each individual is surely justified in fulfilling such desire for whatever reason, and in whatever way, he wishes. On this view, sexual desire or sexual activity as a whole is purposeless; it is only each man's own sexual activity which has a purpose, and that purpose is whatever he chooses to give to it. This line of argument, of course, justifies limitless and irresponsible indulgence in sex, and perhaps even the violence of rape or sadism, if that is what pleases a man, for who am I to say that *my* desires are better than *yours*. No, to judge something, to pronounce that something is objectively better or worse, it is necessary to have some standard greater than mere individual predilection. There must be some purpose of sex which is inherent in all sexual activity, a part of the very reason man is equipped to reproduce and experience genital pleasure in the way he does. If this is the case, then it is up to us to conform to that purpose, which in fact will be what is truly natural for us, and, to the extent we fail to do so, our behavior is blameworthy. If human sexual activity has its own purpose, apart from the desires of this or that man, then our individual sexual behavior must always be subordinated to that purpose, and evaluated on how well it in fact fulfills that purpose.

The purpose of man's economic activity, as we saw above, is simply to facilitate man's spiritual, intellectual, family and social life, by making available the material goods and services he needs.¹² Any arrangement of economic activity is good only to the extent it contributes to that purpose. If it hinders that purpose, then it is bad and must be changed. Economic activity is not something autonomous, existing simply with its own laws, to which everything else must adapt. If a particular economic structure is making family life difficult, then it is not family life that must adapt, but rather the economic structure must be changed. If, for example, factories are closing, forcing people to move, breaking up long-established neighborhoods and extended families, it is not enough just to say that that's how it is, and we must go along with the economic system or with the supposed sacred rights of business, etc. No, for the entire economic system exists only for the sake of individuals and families. If it is not serving them, then it has lost its title to exist, and must be changed. It is true that one cannot make bricks without straw, and no amount of sermons on social justice can make the impossible possible.¹³ But there should never be any question as to who should yield, business or the family, when there is conflict between them.

If this is so, it should be clear that no economic system can be oriented toward the true common good except by means of a juridical framework, that is, a set of laws and regulations designed to point economic activity toward its true end. Pius XI is quite explicit about the need for such laws. In *Quadragesimo Anno* he wrote the following:

It is therefore very necessary that economic affairs be once more subjected to and governed by a true and effective guiding principleIt cannot, however, be curbed and governed by itself. More lofty and noble principles must therefore be sought in order to regulate this supremacy firmly and honestly: to wit, social justice and social charity.

To that end all the institutions of public and social life must be imbued with the spirit of justice, and this justice must above all be truly operative. It must build up a juridical and social order able to pervade all economic activity. Social charity should be, as it were, the soul of this order. It is the duty of the State to safeguard effectively and to vindicate promptly this order,.... (no. 88)¹⁴

Laws are needed, since because of original sin we cannot depend on the spontaneous benevolence of men. *Homo homini lupus* — man is a wolf to man — is a proverb unfortunately truly spoken.

The important question, of course, is exactly what will be those laws that will curb and govern the economic order. After all, communism attempted to do that, ostensibly in the interests of the poor and the common good. What will be the Catholic legal framework of economic justice, especially as it would exist in an explicitly Catholic regime? Broadly speaking, such a framework will contain the following elements: first, as Pius XI noted, social justice and social charity spread throughout the entire social order; secondly and more specifically, a recognition of the essential harmony of the interests of all classes in society, a correct understanding of the right and purpose of private property, and a thoroughgoing application of the principle of subsidiarity, which necessarily includes the recognition and organization of occupational groups. Let us look at each of these points in more detail.

The classical definition of justice is ‘to render to each man his due,’ and social justice necessarily has regard to this just rendering as it involves the very structures of society, i.e., just laws and policies, well-functioning groups and institutions, etc., all of which will tend to promote justice by their very natures and relationships. This is not to say, as we shall see later, that institutions and structures by themselves can guarantee virtue — only that they are an indispensable aid and framework.

How is all this to be applied concretely, especially under a system of wages? At the very beginning of *Quadragesimo Anno* Pius XI speaks of the situation at the end of the nineteenth century, when many Catholics looked on the “undeserved misery of the laboring classes, and...could not persuade themselves that so vast and unfair a distinction in the distribution of temporal goods was really in harmony with the designs of an all-wise Creator” (no. 5). In other words, simply the presence of so much misery on the one hand and so much superfluous wealth on the other, seems to be enough evidence to convince the Pope that this is not in accord with justice, particularly with the truth that “the earth, though divided among private owners, ceases not thereby to minister to the needs of all...” (*Rerum Novarum*, no. 7). One cannot justify that grossly unequal arrangement by arguing that the workingmen were not able to produce sufficient of economic value to obtain higher wages or that, after all, they had freely accepted a low rate of pay. No, for justice simply demands that all men be treated as human persons, and as such, each should receive his due.

In *Quadragesimo Anno* Pius XI treats extensively of justice, and

in this context notes the demand of *commutative* justice, the most strict kind, that the wage earner receive at least a living family wage, “the wage paid to the workingman should be sufficient for the support of himself and of his family” (no. 71). A few pages later he says that this wage should allow the worker to obtain material goods “sufficient to supply all needs and an honest livelihood, and to uplift men to that higher level of prosperity and culture...” (no. 75). These are the minimum demands of justice under the system in which the owners of capital are normally separate from those who do the actual work in a concern (cf. *Quadragesimo Anno*, nos. 100-101).¹⁵ But granting that this system is morally acceptable, one may ask whether it is an ideal arrangement. Later we will take up the question in detail of what is the ideal economic pattern for a Catholic society, but at this point I will simply point out that nearly all the social encyclicals urge more extensive property ownership on the part of workers, suggesting perhaps that the Pontiffs themselves do not regard the separation between worker and capital as exactly the ideal.¹⁶

Proceeding to the next major point, Pius XI termed social charity the soul of a just social order, and it is important to realize that no set of external arrangements can guarantee justice for all. This is part of the reason why simply changing structures cannot bring about social justice, because justice, especially when framed into laws, can never accurately foresee every situation and can even be administered in a harsh and unyielding manner. In *Hamlet* Polonius says he will treat the visiting actors “according to their desert.” Hamlet replies,

God’s bodykins, man, much better. Use every man after his desert, and who shall scape whipping? (II,2)

Though justice is obviously essential for a society, nevertheless to be fixated on it alone will very often lead to harshness. In *Dives in Misericordia*, John Paul II wrote,

And yet, it would be difficult not to notice that very often programs which start from the idea of justice and which ought to assist its fulfillment among individuals, groups and human societies, in practice suffer from distortions. Although they continue to appeal to the idea of justice, nevertheless experience shows that other negative forces have gained the upper hand over justice, such as spite, hatred and even cruelty. (no. 12)

Justice that is not filled with a constant reference to charity, and even to mercy, can be a fearsome power which can seem to be

zealously working for a kind of abstract righteousness that does not care about the fate of individual men. Justice will be all the more true to itself if it is coupled with charity.¹⁷

It is usually assumed, more or less unconsciously today, that the interests of the different classes or groups in society are opposed to one another, for example, that the interests of producers and consumers, farmers and urban dwellers, and especially, of workers and managers or owners, are contradictory. But the direct opposite of this, particularly with regard to labor and management, is strongly insisted upon in papal social teaching.¹⁸ Aside from the authoritative teaching of the papal magisterium on this subject, it is easy from reason alone to see why this must be the case. For if God is the author of all, including of civil society, could he have placed at the heart of things a necessary conflict? Even granting that it is not ideal for capital and labor to be separated as they are in the capitalistic system, and that in a sense this system is a disease and degeneration of a healthy state, still society is a natural and therefore God-given state for man, and all of us do have common interests. This point will be discussed further in the section dealing with occupational groups.

In discussing social justice, labor and the ownership of capital, the institution of private property has been assumed. But it is necessary to discuss this in more detail, both because it is a bedrock of the social order and because errors of different kinds have long affected men's minds on this subject. In the first place, one must ask, since private property is a right, what is the purpose of that right? Rights are not given for no purpose at all, but rather to accomplish some end, and the right to private property is no exception. Surprisingly, this right is given so as to efficiently and peaceably make available to *all men* the fruits of the earth. That is, the earth was given for the sustenance of the entire human race, and the institution of private property is simply the best means to accomplish that sustenance.¹⁹ Therefore, if any particular arrangement of private property is not accomplishing that purpose, it must be changed. For though the right to property is from God and the interrelated system of natures which he created, the specific right of property can take many forms, as Pius XI noted,²⁰ and the civil law can rightly determine, within the wide bounds of the natural law, the limits and forms of this right. The state, to be sure, does not have the right to abolish private property, but it can regulate its forms in order to provide better for the very purpose for which it

exists. For example, in the Middle Ages, guild regulations, backed by the civil law, in many places limited the number of apprentices each master could employ, thus limiting how far each could expand his own business. The purpose of this was to safeguard the common good by preventing one owner from acquiring too much property and putting others out of business. For when one owner acquires more property than he needs for himself and his family, any additional property he obtains is necessarily at someone else's expense, thus making it less easy for the earth's goods to support the entire human race because certain men have appropriated for themselves more than they need. In addition, this tends to create social instability, unemployment and the beginnings of a permanent proletariat class.²¹

The last general principle that must be mentioned before we discuss their actual application is the principle of subsidiarity. This principle was originally stated by Pius XI in *Quadragesimo Anno* as follows:

...it is a fundamental principle of social philosophy, fixed and unchangeable, that one should not withdraw from individuals and commit to the community what they can accomplish by their own enterprise and industry. So, too, it is an injustice and at the same time a grave evil and a disturbance of right order, to transfer to the larger and higher collectivity functions which can be performed and provided for by lesser and subordinate bodies. Inasmuch as every social activity should, by its very nature, prove a help to members of the body social, it should never destroy or absorb them. (no. 79)

The principle stated here is a key to understanding how Catholic teaching transcends the sterile debate between what we call the Right and the Left on the role of the state in the economy. For as will be made clearer in the discussion of occupational groups in the next section, the framing and enforcement of regulations for the sake of the common good is often naturally lodged elsewhere than the central government. To take a humble example, the enforcement of the common good in a family is naturally lodged in the parents. This is not a right and duty delegated to them by the state; it is their right and duty by the nature of things. Similarly the enforcement of the common good within a town or an industry is not naturally the province directly of the central government either. For those who are closer to the situation itself, who are both more familiar with its exigencies and better able to take care of them, are those who inhabit

the town or who work in the industry. We are more likely to be able to understand this truth without hesitation in regard to local government, and it is only with difficulty that we apply it to the economy. But the application of this principle of subsidiarity is, I think, the most revolutionary aspect of Catholic teaching on economics.²²

How exactly will a Catholic state frame its laws so as to accomplish all these points? That is the subject of the last two sections of this chapter.

III

At one period there existed a social order which, though by no means perfect in every respect, corresponded nevertheless in a certain measure to right reason according to the needs and conditions of the times.

*- Pope Pius XI, *Quadragesimo Anno*, no. 97*

In this and the next section of this chapter I will discuss the specific institutions which Catholic social thought suggests are necessary in order to apply the principles which were treated of above. And undoubtedly the chief institution and the key to having a just economy, which at the same time avoids the errors of statism, is an institution sometimes called the occupational group.²³ Although the concept of the occupational group is little known or comprehended today, especially in the United States, its importance for a right understanding of the subject of the economy can hardly be overstated.²⁴ Such groups are the only way to avoid the errors of, on the one hand, direct state control of the economy, or, on the other, of allowing free competition to be the ruling principle of economic affairs. Both of these approaches are wrong, and the occupational group is the means to escape them. The reason that either statism or the free market seem like the only solutions to economic problems is that most people have accepted uncritically the notion that there is only one body which can rightly intervene on behalf of the common good with the force of law. And this body, of course, is the state. Thus some, anxious to avoid the manifest injustices that result from the rule of the free market, propose more or less massive regulation by the central state authorities. And others, reacting against the evils and economic absurdities that come from such regulation, offer again the free market. Is there no escape from this conflict? There is an escape, and it is *not* a middle way of a small amount of regulation, just the right amount. Aside from the fact that we could never agree on exactly how much to impose, a little bit of regulation leaves numerous injustices uncorrected, while at the same time giving the state a taste and precedent for intervention whenever there is a problem that no one else is presently addressing. No, the solution involves applying the principle of subsidiarity and recognizing and giving form to the naturally existing occupational groups.

The principle of subsidiarity — the principle that higher and larger

bodies, including the state, should not take over the functions and duties of lower and smaller ones — is the key to dealing successfully with the socio-economic question, because it allows regulation of the economy in the interests of justice and protection of workers and consumers, yet without the immediate presence of the machinery of central government. And it does this, not by *delegating* the right to regulate to smaller and lower bodies, but by allowing the powers of self-regulation that *naturally* lodge in smaller groups to be exercised without hindrance, subject only to general supervision by the state, by way of “directing, supervising, encouraging, restraining”²⁵ should one of the lower bodies require such.²⁶

Now the lower and smaller bodies that I am concerned with here are, of course, the occupational groups. And the best way to introduce them is to show that, far from being a layer of bureaucracy created by European clerics and ideologues, they are naturally existing groups, and an economy such as that of the United States, where they are unorganized and unrecognized, is an unnatural economy.

When men have a common task to accomplish and are engaged upon that task, *ipso facto*, simply by virtue of their common task, they form a separate and special group set apart for that task. Perhaps they do not realize this fact, and perhaps the group is unorganized and unacknowledged, but nonetheless it exists. Consider twenty men, occupied in digging a ditch. They form a group because of their collective work and purpose, whether they recognize it or not. The relations among them are, or at least should be, governed by their mutual connections with the work being performed. The more this is recognized and accepted, the better and faster will the work be finished. In fact, if the men refuse to allow their common task to impose any kind of unity on them, that is, if they will not acknowledge that the work itself has created a unity, then they are not likely to dig a ditch at all, but twenty separate holes instead. The point to be noted here is that, in so far as the workmen are aiming for a common end, they have a unity arising from the work itself; it is not a unity artificially imposed on them from the outside. It is a natural unity, in view of the shared work. This is true, moreover, whether the twenty are employees of the same firm, separate independent contractors or even volunteers. And this unity extends also to anyone who may be giving the actual diggers instructions or direction in their effort. He too is part of this

common work.

In the encyclical letter *Quadragesimo Anno* Pope Pius XI compares this unity arising from shared work to that arising from proximity of dwelling.²⁷ People living in the same town have a unity among themselves based on their geographical nearness. The town government simply expresses and orders this existing unity, it does not create it. The inhabitants of the town naturally come together to solve their common problems — police and fire protection, sanitation, etc., and generally form structured bodies to deal more effectively with these problems: local governments, volunteer fire departments, property owner associations, community leagues, and the like. But the important thing to note is that unless there were an already existing unity, natural and not artificially created or imposed, the people could not organize for themselves formal instruments, such as governments, to express that unity. Both the common problems and the bodies created to solve the problems can exist only because geography has made a unity. Of course, this unity need not incline them to cooperate, for it is a unity of geographical proximity, not necessarily of attitude and will. But it does make such cooperation both possible and natural. It is a necessary condition for it.

Can factors other than geographical proximity create such unity? Above I illustrated a unity based on an immediate shared task, that of digging a ditch. But can this be carried further? Take, for example, all the bakers and bakeries in one nation. Though they might have little geographical nearness or unity arising from a physically shared joint task, yet because they are all engaged in one kind of work, they do have a unity based on common concerns and aims. They are all interested, for example, in price and availability of their raw materials, in new technologies, in ability to obtain skilled workers. They likewise exhibit their unity in their collective concern over questions of marketing, such as price of their product, market share of the various establishments, etc. In short, they have similar problems and interests resulting from their common work.²⁸

Thus it is easy to see that there is a natural unity even among widely scattered producers of the same product or service, and that, to be effective in dealing with common needs and problems, this unity must be embodied in a formal organization. The industry or trade association is expressive of a part of this unity of individuals and firms engaged in the same kind of work. But there is another aspect to the unity of those doing the same work. This is the unity

between employer and employed, and is interestingly illustrated in a passage from John Steinbeck's novel of the 1930s, *The Grapes of Wrath*. In the book a labor contractor is recruiting men at one of the numerous migrant camps in California. The recruiter is vague about the conditions of work, including the rate of wages. The following dialogue ensues:

Floyd stepped out ahead. He said quietly, "I'll go, mister. You're a contractor, an' you got a license. You jus' show your license, an' then you give us an order to go to work, an' where, an' when, an' how much we'll get, an' you sign that, an' we'll all go."

The contractor turned, scowling. "You telling me how to run my own business?"

Floyd said, "'F we're workin' for you, it's our business too."

This last line, "'F we're workin' for you, it's our business too," expresses exactly the truth that in a real sense the business belongs to all who work for it, whether legally owners or not, because all who work for it are legitimately concerned about profits, working conditions, prospects for the future, since all of these people must draw their livelihood and their families' livelihood from it. If a firm or an entire industry is declining, no matter what the reason, it is absurd to imagine that only the owners or managers should worry, on the grounds that only they are legally responsible for such questions. As if the workers should happily go on welding pipes or running lathes till the day their paychecks cease! The truth is that everyone, worker, manager or owner, will, or should, prosper if the firm prospers, and everyone will suffer if the firm suffers. Especially the workers.

That there is no natural antipathy between employer and employee, but rather a unity based on their shared work and common fortune, is one of the points insisted on most strongly in papal social thought, as well as in the perceptive comments of many others.²⁹ When an industry comes upon hard times, as did the U.S. auto industry some years ago, we see how natural it is for those working together to aid one another to keep the industry alive. We fail to see that such temporary collaboration ought to be the norm in business and industry. The obvious fact is that both labor and management must draw their living from the same source, the sale of the products or services they jointly provide. They both depend on each other, and both have a natural interest in perfecting their joint productive work in order to obtain the greatest prosperity for the industry, and thus for themselves.

If one argues that labor and management are naturally in competition for their share of the return they make from sales, why are the laborer and the company president more in competition than the company vice-presidents and the president? It is true that out of a finite amount the compensation of the managers cannot be increased indefinitely without there being less for the workers to receive. But likewise, the compensation of the president cannot be increased without limit without there being less for the vice-presidents to receive. Yet no one thinks of the latter as being naturally at war with the president. No, the supposed naturalness of industrial warfare, between owners and managers on the one side, and workers on the other, does not arise from the nature of production, or even from the factory system,³⁰ but is a peculiar state of affairs, brought into being by human greed, fueled by the lack of ethical ideals in our economic system, and the disparity in power and prestige between employers and workers. Industrial warfare is not natural and need not be permanent.

The unity which is brought about by making the same product or providing the same service extends to all involved in the work, regardless of position on the labor market. An organization comprising all such, that is, which includes employers, employees, and owner-operators is what is meant by an occupational group. Such groups simply express and order the natural unity that already exists between all engaged in the same productive process, and allows those so engaged to more easily accomplish their common ends.

What are the occupational group's ends, its purposes and functions? Their first function, as I suggested above, is to unite all who labor in the same industry or profession to advance their common interests. An occupational group would obviously take an interest in both internal and external aspects of its industry, that is, relations among various subgroups within the industry, the industry's relations with suppliers, consumers, the government, etc. In short, the occupational group would attempt to coordinate all involved in the work to keep full the common pot out of which all must be fed, particularly striving to obtain industrial peace, between both labor and management and between different firms and proprietors, full employment, and, of course, justice for everyone involved in the work. But there is a second task, of even greater importance, also naturally arising from the work itself.

In order to understand what this second task is, it is necessary to recall the reasons why the human race engages in economic activity. Why, even, do we have the capacity to engage in such activity? The answer, as I said above, is that we need to do so in order to obtain the material objects we need to live. And by “live” we certainly mean not merely bodily survival, but life as human beings, in a civilized community, with appropriate family, social, intellectual and spiritual pursuits. If this is true, then economic activity exists for a purpose, and is therefore subordinate to that purpose. Economic activity, then, must be judged by how well it fulfills its purposes, by how well it contributes to and supports the living of a full human life by all, a life that is a fitting preparation for the life to come. Too often, though, economic activity does not fulfill this function well. If an economic system fosters gross inequality, materialistic consumerism, degrades the environment and disrupts family and community life by its feverish pulse, then it does not accomplish well that for the sake of which it exists.

But how can we see to it that economic activity adequately fulfills its purpose? The two answers usually proposed, as I said above, are both wrong. The first is that if only economic activity is left alone, or nearly so, then the free market will take care of the problem. Men, by means of their many individual choices, motivated only by a desire to maximize their gains and minimize their losses, will unerringly direct economic activity into serving the common good. But this supposition is entirely wrong. A free market indeed serves human wishes, but whose and of what sort? There is a difference between human needs and human wants, and especially between the wants of the powerful and the rich, and the needs of the community. Free competition does allow those with most power or resources to make choices and act upon them, but what is to guarantee that their choices also promote the common good? As Pope Pius XI wrote, “unrestrained free competition... permits the survival of those only who are the strongest. This often means those who fight most relentlessly, who pay least heed to the dictates of conscience” (Encyclical *Quadragesimo Anno*, no. 107). But the more basic problem with this attempted solution to the economic question is the false notion that “unregulated competition [is] a principle of self-direction more suitable for guiding [economic activity] than any created intellect which might intervene,” as Pius XI further noted in the same encyclical. In other words, just as in every other human activity, from digging a garden to fighting a war, suitable planning

and guidance must be exercised if the proper end is to be obtained, so also in economic affairs. The free market solution, then, is wrong because it misunderstands human nature and the human community.

The second commonly advanced solution, though more realistic about planning and the need to intervene in the economy, also is mistaken. This solution is the intervention by the central government with a detailed plan for economic life, the introduction of statism into economic activity. Though this solution claims to aim at the correct ends, namely justice and the provision of sufficient economic means for everyone to live as befits his humanity, because of the pervasive centralization, the results produced are invariably bad: excessive bureaucratic regulation of everyday life, limiting of legitimate freedom, in a word, treating of human persons as so many cattle or pigs, to be counted and numbered and herded into pens and fed the same diet from common troughs, sufficient perhaps for our minimum daily dietary requirements, but unfitting for human persons.

Though both of these approaches are wrong, nevertheless the problem is quite real. How can we insure, to the best of our ability, that all the multifarious economic undertakings of man really work together to promote human life on this earth, the life of man in the family, the community, the Church? Here again, the occupational group is the answer, for the second task of occupational groups is to orient the activity of the industry or profession in question toward the common good, to see to it that the products made or the services provided are useful, well-made or well-performed, fairly priced, and advertised without fraud or exaggeration. According to Pius XI, this second task of the occupational group is the more important. He wrote, "...it is easy to conclude that in these associations the common interest of the whole 'group' must predominate: and among these interests the most important is the directing of the activities of the group to the common good" (*Quadragesimo Anno*, no. 85). In other words, an occupational group will not be doing its duty if, although the industry is flourishing, with both employees and employers receiving generous sums, this is being done at the expense of the public, either through shoddy items, unfair prices, the introduction of products which are harmful, useless or debasing to society, or dangerous to the environment.

The twin tasks of occupational groups are therefore, to bring order to the existing unity in an industry or profession so that all can

work harmoniously together for prosperity; and secondly, to orient the industry or profession toward genuine service to society. Now how are these noble aims to be attained?

In the case of the first aim, that of bringing internal order to an industry, one can recognize that industrial disorder comes about from strife between labor and management or from strife among different firms. Moreover, in both cases, an end to discord based on one side being crushed seldom creates a stable situation. The defeated group dreams of revenge, and at best sullenly serves the victors. But a lessening of discord based on submission to a higher rule of justice does have the potential to bring about genuine peace, at least as much as fallen man can hope to have. But such a result in industrial relations requires that all parties recognize the legitimate claims of the others. And by "legitimate claims" I do not mean simply that by a process of give and take and compromise all will get less than they want for the sake of the whole. No, I mean that all sides will recognize an overarching standard by which the validity of their own and of others' demands can be judged and measured.

In regard to wages, for example, if we recognize that all men, simply as men, have the right to live in human dignity, and that normally the only means people have to obtain the necessary sums to do so is by their labor, then we will recognize a worker's right to a wage sufficient to allow for such dignity. Thus a living family wage will not be a concession grudgingly granted as the outcome of tough negotiations, nor as a charitable largess, but as something that is simply the due of the worker, something he naturally should expect and receive. Similarly with a level of profits for the firm adequate for maintenance of the industry: the costs of doing business, rehabilitation and enhancement of physical facilities, replacement of capital, etc. Since these are all necessary they can be granted without feeling that management has somehow triumphed. So also with a reasonable return to managers and owners and bondholders, that is, an amount that is reasonable for the time or money invested in the business. Management and owners do not have the right simply to dispose according to their will of whatever money is not needed for labor, production and other costs, for everything connected with the industry must be judged according to justice and the common good.³¹ If we grant that the profits of an industry must be distributed according to reason and justice, rather than power, then there will be considerably less fighting between

management and labor over these questions. A living wage can be calculated if both parties will give up the practice, a practice which labor learned from management, of trying to gain as much as possible with no thought for justice or the common welfare.

The strife between companies producing the same product likewise contributes to industrial instability. If the struggle between labor and management can be lessened or eliminated by looking to what is just and reasonable, so can that between different firms. Strife between firms largely concerns matters of production. If the market for a particular item is only so large, then obviously a firm can sell more only by reducing the market share and profits of its competitors. This they all attempt to do in various ways, by pricing, advertising, product design and quality, reducing production costs, etc. All this is the cause, however, not only of much industrial instability, ultimately resulting in layoffs, plant closings and suchlike, but of deception of the consuming public as well, by deceitful advertising and shoddy but appealing products. But if different firms making the same product would regard themselves as cooperating to provide the public with a needed item or service, rather than as competing to gain as large a profit as possible,³² then some kind of self-regulation naturally suggests itself. If firms agree to share the market based on factors such as the public's real need for the product or service, the various firms' capacities to produce, production levels required by each firm to make a reasonable profit, etc., then no one's reasonable interests will be injured, though unbounded acquisitive desires might well be thwarted.

The methods by which an occupational group might reach solutions to these problems could include the following: require all unions and firms in an industry to reach joint collective bargaining decisions, or perhaps extend to the entire industry a model agreement when a certain percentage of the industry has ratified it;³³ require all firms within the industry to participate in negotiating market sharing agreements; frame industry-wide safety standards and enforce them by mixed worker/management committees; negotiate industry-wide contracts with suppliers of raw materials. Of course, all concerned must be fairly represented in reaching these decisions and agreements.

All these things involve the internal structure of an industry, either labor/management relations or relations among different companies. What of the second but more important aim of

occupational groups, that of orienting the industry toward the common good?

As I said above, the relationship of an industry or profession to service to the public embraces primarily the following topics: the quality of the goods or services provided, and whether they are truly beneficial to society; fairness of prices or fees; truthful advertising; and possible harm to the environment during the production process or during use of the product.

What would an occupational group do in regard to these matters?

The medieval guilds, the occupational groups of their day, in order to insure that only quality products were sold to the public, carefully superintended the production of craft or industrial articles. Guild representatives sought to make sure that only raw materials which met guild standards were used, and that the process of production likewise met its criteria. It seems to me that something analogous would need to be done by occupational groups today. In earlier times, in fact, when manufacturing processes were much simpler, the resultant finished product was easier to examine for flaws or shoddy workmanship. Today inferior mechanisms can hide beneath a shiny coat of thin metal, and most consumers are not capable of judging the complex technology of machines. Especially with regard to major purchases, such as washing machines or refrigerators, buyer choice in the market has little influence over manufacturers, for even though the consumer may be disappointed by the product quality, the fact that he is unlikely to buy another such item for many years, considerably detracts from his ability to influence manufacturers' practices by his choices in the marketplace. But even with frequently used items, such as soap or toothpaste, a consumer rarely can accurately gauge the product's worth. Thus it would seem that careful supervision of production by occupational group representatives, with powers to impose fines or other punishments, is necessary to guarantee product quality.

The question of whether or not a particular product or service is truly beneficial to society or *merely* a means of moneymaking, is more complicated. But since it ultimately involves considerations of the common good of the state and society, it is a matter properly left to those charged with care of the temporal common good, the state authorities, rather than to any occupational group or groups. This is true even though an occupational group's competence and official concerns extend to the industry's relations with the public

and others, because such a group's mission is still necessarily specialized and narrow.

The question of fair prices is complex. The medieval guilds frankly and firmly set prices for their members, or they were set by the state or municipal authorities, and in the context of the more static medieval economy this undoubtedly resulted in just prices for consumers. There are many different opinions, however, on how best to accomplish this same aim today. Setting of prices by occupational groups or the state is unquestionably licit, but it is a question of prudence whether or not it is the best contemporary method for achieving justice in pricing. One approach would be merely to publish figures as to production and other costs, plus an indication of a fair profit, thus forcing each producer to adhere to a just price through force of public opinion and buyer choice in the market. Still others have suggested that only very excessive monopoly prices or very low prices that result from low wages and give an unfair competitive edge, or from an unjust situation, as in a large chain competing against a small concern, should be controlled. As a matter of fact, if all the pacts between firms and the industry-wide labor-management agreements that I mentioned above were implemented, firms would naturally tend toward similar and just prices.³⁴ In any case, although a just price may at times be difficult to calculate, commutative justice demands that a thing be sold for what it is worth and no more.³⁵ Ordinarily this would be connected with reasonable costs of doing business.

Advertising must be conceived of as more a way of informing the public as to what is available and at what price, than of persuading anyone to buy an item. And if this is so, then several firms could advertise jointly, simply listing what was for sale, etc. Since advertising is obviously directly accessible to the public, it should be easy to establish a mechanism whereby complaints about misleading advertising could be lodged with the firm in question, with appeals possible to the occupational group, and perhaps after that to a special tribunal conducted by the federation of all occupational groups, or to special or ordinary courts.³⁶

In the last area, that of possible harm to the environment, the firm itself would obviously be responsible for insuring that its productive processes and finished products were harmless and safe, but again supervision by the occupational group would be necessary. In case of disputes, or complaints from the public, recourse would be available to the occupational-group federation, and finally to the state.

A few more things must be said about the organization and working of occupational groups before this section ends. In the first place, a typical occupational group will be organized, first on a local basis, then on a regional basis, then on the national level. (Under proper government supervision, occupational groups might well have some kind of international aspect, being affiliated with like groups in other countries, especially major trading partners.) Matters will be handled at the local level where possible, and at the regional and national when necessary or fitting. Moreover, as I intimated above, at the national level all the various occupational groups will be linked together to coordinate in a cooperative manner the entire national economy, not to impose centralized planning, but to endeavor to make the economy work harmoniously, to avoid depressions and recessions, etc. This inter-occupational organization could well have certain powers to hear appeals from its member groups. It should be noted, though, that on these organizational matters, the structure of the groups might well differ from country to country or even from industry to industry within a country. It is not in the spirit of Catholic teaching to impose any kind of blueprint on these groups — given proper recognition, encouragement and guidance, they will take form and begin to exercise their functions on their own.

Occupational groups will also likely take charge of many things that are now the direct concern either of the state or of the individual. For example, occupational groups might own and run trade or technical schools or otherwise provide apprenticeship and other training to members or prospective members; they properly would provide insurance to members and their families, and, as I will speak more of below, they might own industrial banks to provide for their own business financing.

Secondly, it must be noted that although occupational groups are independent and self-governing bodies, and not organs of the state, they are not voluntary associations, which one is free to join or not. Everyone working or producing in a particular industry or profession would be required to join his occupational group, and the regulations of the occupational group would be backed by the force of law. This is obviously necessary if their work is to have any effect on the economy. Nor is this an infringement on legitimate freedom, for true economic freedom consists in the freedom to make a reasonable and sufficient living by serving some need of one's fellow man. Any economic freedom compatible with a community that values family and social life above moneymaking simply cannot

be freedom to amass unlimited amounts of money, especially at the expense of others or of the stability of the community. If one has enough for a reasonable and comfortable human existence, then true freedom does not require the opportunity to acquire more, especially if that acquisition involves hurting others economically or socially, by taking over their markets, driving them out of business, closing factories, relocating workers and breaking up communities and families, etc. It is difficult to see, for example, why the owners of a large and profitable chain of fast food stores, if they already are rich, should have the liberty to continue to expand at the expense of small restaurants and food outlets, whose owners, perhaps, are struggling to survive and to support their own families. G. K. Chesterton's remark, to the effect that the institution of private property no more implies the right to acquire unlimited property than the institution of marriage implies the right to acquire unlimited wives, is appropriate to recall here.³⁷

The last thing to be noted about the organization of occupational groups, one which I stated earlier and wish only to underscore here, is that they will contain and represent all involved in a particular industry, workers, managers and owners. Though the occupational groups will insure that all points of view and interests are adequately heard, and though on certain issues separate votes by subgroup might well need to be taken,³⁸ the occupational group as a whole will represent all regardless of their position on the labor market. Otherwise the group will be a formal expression of class division and conflict, rather than of the organic unity arising from the interconnection of one man's work with that of his fellows. Occupational groups are to aid in binding a community together, not be agents of its division into warring halves.

Moreover, and lastly, though we have seen how occupational groups are to insure the provision of justice, another word must be added about social charity. As Pius XI, again in *Quadragesimo Anno*, said (no. 137),

Charity cannot take the place of justice unfairly withheld, but, even though a state of things be pictured in which every man receives at last all that is his due, a wide field will nevertheless remain open for charity. For, justice alone, even though most faithfully observed, can remove indeed the cause of social strife, but can never bring about a union of hearts and minds. Yet this union, binding men together, is the main principle of stability in all institutions, no matter how perfect they may seem, which

aim at establishing social peace and promoting mutual aid. In its absence, as repeated experience proves, the wisest regulations come to nothing. Then only will it be possible to unite all in harmonious striving for the common good, when all sections of society have the intimate conviction that they are members of a single family and children of the same Heavenly Father....

If some wonder how occupational groups are to accomplish all that is demanded of them, remember that they will accomplish very little without the social charity which must be the soul of this social order. And there is no reason to be unwilling to admit that social charity cannot exist without the working of Almighty God. This last fact, however, clearly shows that the reform of institutions cannot be thought of apart from the reform of morals, and this continues to involve us in considerations of how best to promote and safeguard Catholic faith within a Catholic culture and a Catholic state.

IV

Capitalism no more means the affirmation of an individual, or a family's right to possess land, machinery, housing, clothing, reserves of food and the rest, than fatty degeneration of the heart means the normal function of the heart as the circulator of the blood in a healthy human body.

- Hilaire Belloc³⁹

In section III of this chapter I discussed the occupational group in detail, but without specific reference to any other changes that would be necessary to make an economic system conform to the ideal of a Catholic society. I do not wish to suggest, however, that with the exception of the occupational group, the economy of a Catholic state would otherwise be the same as that of today's world. And although it is impossible, when speaking on as general a level as I am, to lay down too specific prescriptions, still certain things demand discussion. And the first is the question of capitalism itself.

I remind the reader of the definition of capitalism given above and gathered from *Quadragesimo Anno* no. 101, namely "that economic system in which were provided by different people the capital and labor jointly needed for production."⁴⁰ There is no question but that a system based largely on such arrangements is in itself just. Nevertheless, I think such a system is unwise and dangerous for the following two reasons: First, because under it some men are mainly suppliers of capital and thus one step removed from the process of production itself, they tend to see the economic system in terms not of production for human needs, but of manipulation of money, stocks, bonds, etc. for their own profit. In other words, finance comes to be an end in itself, or more precisely, the economic system is conceived of as existing for the sake of making some people rich through financial transactions, rather than existing for the sake of supplying our necessary material needs. Second, the separation of ownership from labor tends to create a permanent class of non-owning workers, a circumstance often deplored by the popes, and one which exacerbates class feeling and class warfare. This situation in turn produces men alienated from their work and dulled in spirit. If the managers and directors of corporations had to work in coal mines and on assembly lines we would soon see drastic changes in such work. When one contrasts the wonderful cooperative work of the medieval craft guilds, who put on complicated and lavish religious dramas each year, with the modern worker in

front of his television set, we might well ask ourselves if being in charge of one's own work does not have consequences far beyond the workplace itself.⁴¹

But if capitalism — that is, the separation of labor from capital — were eliminated, what would replace it? I think that the replacement truest to the Catholic spirit would doubtless be a society of owner-operators, that is, small businesses, whether stores or workshops or service businesses. Such establishments would need to be very small by today's standards, for the ideal is surely for every worker to have the chance of becoming an owner. Thus each owner-employer could hardly have more than two or three hired workers, who themselves would be, formally or informally, learning the skills of the work in question and hoping eventually to become owners themselves. But for enterprises which needed large workforces and big machines, cooperative ownership by the workers themselves would be the obvious way of avoiding the noxious separation of capital and labor.⁴²

Moreover, the widespread ownership of productive property would have consequences beyond the simply economic. For it would still be necessary for these small-owners to be organized into their occupational groups in order to avoid economic strife over market share and to prevent some owners from enlarging their establishments at the expense of their fellow producers. In fact, unless the existence of the natural bond of the occupational group is made manifest, men will tend to view their fellow producers as competitors, instead of as what they are, namely, brothers in providing for the needs of their fellow men. And, as in the Middle Ages, such Catholic occupational groups can be expected to become main agents in the promotion of social charity, establishing insurance funds for their members and their widows and orphans. The medieval occupational groups — the guilds — celebrated the festivals of the patron saints of their trades, employed chaplains to say Mass for their dead, and otherwise contributed to the intricate interlocking religious and social order that characterized medieval Europe. In addition, as established cooperative corporations with their own membership and treasury, occupational groups would be an important counterweight to any excesses on the part of the government. In fact one of the ways in which medieval society provided checks on the abuse of power by the monarch and his court was by establishing other centers of power and wealth, with their own traditional rights and privileges. If the king was minded to overthrow the traditional rights of his subjects, he had to reckon

with an established and well-organized opposition, very jealous of its immemorial rights and with enough know-how and wealth to stand up for them. Occupational groups are thus an important aspect of a society which is to contain many other kinds of intermediate bodies — for example, towns, well-endowed universities, cooperatives of many kinds — and whose citizens will be members of many subsidiary parts of the whole social body, what Pius XI called “the highly developed social life which once flourished in a variety of prosperous and interdependent institutions....”⁴³ In fact, a Catholic society will necessarily be marked by the existence of many such groups, each of which fulfills some important socio-economic role and each of which directly or indirectly supports all the others. Men will see themselves as members of various corporate bodies and not as lone individuals. The social role of the occupational groups and of the other cooperatives will be at least as important as their economic, for they are the chief means of both overcoming individualism and of uniting men into the rich tapestry of a solid social life.

The chief remaining subjects which it is necessary to discuss have to do with the role of money. Logically speaking, money truly is secondary in the economic process, for this process exists to provide us with material goods and services. We cannot eat money nor wear it nor make music with it. Yet in recent times, money, and other surrogates for real wealth, such as shares of stock, have assumed a role as if they were what economics was all about. As a result there are several points about money which must be examined, the first of which is the question of usury.

Usury is a difficult point to discuss, because the development of Church teaching is explained differently by different people and because the moral question at the heart of usury is likewise explained in different ways.⁴⁴ But the best way to begin any discussion is to quote from the latest papal document on the subject, the encyclical *Vix Peruenit* (1745) of Pope Benedict XIV.

The nature of the sin called usury has its proper place and origin in a loan contract. This financial contract between consenting parties demands, by its very nature, that one return to another only as much as he has received. The sin rests on the fact that sometimes the creditor desires more than he has given. Therefore he contends some gain is owned him beyond that which he loaned, but any gain which exceeds the amount he gave is illicit and usurious

One cannot condone the sin of usury by arguing that the gain is not great or excessive, but rather moderate or small; neither can it be condoned by arguing that the borrower is rich; nor even by arguing that the money borrowed is not left idle, but is spent usefully, either to increase one's fortune...or to engage in business transactions. The law governing loans consists necessarily in the equality of what is given and returned; once the equality has been established, whoever demands more than that violates the terms of the loan....

By these remarks, however, We do not deny that at times together with the loan contract certain other titles — which are not at all intrinsic to the contract — may run parallel with it. From these other titles, entirely just and legitimate reasons arise to demand something over and above the amount due on the contract.

Moreover, prior to that encyclical, the Fifth Lateran Ecumenical Council in 1515 called usury “the attempt to draw profit and increment, without labour, without cost, and without risk, out of the use of a thing that does not fructify.”⁴⁵

Contemporary writers who are faithful to these definitions of a former day explain how, according to principles laid down by earlier writers, interest which is *not* usury may be taken in some cases, as Benedict XIV noted above. For example,

Suppose land is purchaseable, and it is proposed to stock a farm with cattle, and rear them, and convey them to a large town where there is a brisk demand for meat...then, though the lender [of the money for this scheme] has other monies in hand for the needs of his household, and the security is good, yet the money is not so lent as that he foregoes no occasion of lawful gain by lending it. He foregoes the purchase of land and farm stock, or at least delays it, and delay is loss where profit is perennial. On that score of gain forfeited he may exact interest on the money that he lends, which interest will be no usury.⁴⁶

In other words, the lender in the above example may legitimately ask the borrower for more than the face amount of the loan because the lender has given up the opportunity of profiting by the use of the money that he lent by buying and selling or any other licit form of business activity. Or a lender could ask for more than the face amount if he were to suffer loss through his temporary separation from his money; for example, if he did not have the necessary funds on hand to pay his taxes and so incurred a tax penalty.

Now although from these examples one may see that much modern interest taking may not be usury — it may be a charge for a loss sustained or for a gain unable to be taken advantage of — still one may question whether a system based on routine interest taking is all for the best. If our economy were dedicated more toward production for fulfilling human needs and the economic stability that promotes social stability, then the need for the complex financial instruments used by capitalists in their various transactions would be largely obviated and doubtless the need for interest reduced. Muslims, moreover, even in the context of twentieth-century capitalism, have maintained and actually expanded a banking system which is based upon the principle of no interest.⁴⁷ One can regret that Catholics did not oppose more stalwartly the introduction of economic practices that are dependent on interest taking for their smooth operation.

One additional practice involving money that many have questioned is the role of banks as creators of money. A number of twentieth-century writers, including professional economists,⁴⁸ have seriously called into question the wisdom or justice of our present arrangements. Consider this account from an elementary economics text of how money is created:

An individual banker might say that his bank cannot create or destroy money. This is true insofar as an individual bank is concerned. But it is not true of our commercial banking system as a whole. Most of the monetary supply is created by the banking system and is withdrawn from the economy when it is not needed.

The ability of the commercial banking system to create money is based on the *fractional reserve* banking method. The basic business of a commercial bank is to accept deposits, most of which are in turn loaned to other customers at interest. The bank makes most of its income from this interest. It can loan money deposited by some of its customers because it knows from long experience that all its depositors are not likely to want to withdraw all their funds at the same time. In other words, it is only necessary that a bank keep a fractional amount of its deposits on reserve in the form of cash to meet its daily needs.

Let us assume that banks feel that they must keep, or that they are legally required to keep, 20 per cent of all their deposits on hand as a reserve. Then, let us trace what may happen if you deposit \$1,000 in a bank. This deposit increases the bank's

cash on hand by \$1,000. Of this amount, it must keep \$200 in reserve, but it can loan \$800 to someone else. Assume that the person borrowing the \$800 now deposits all of this in a second bank. That bank's deposits increase by \$800, of which it can loan \$640. If this borrowed \$640 is in turn deposited in a third bank, that bank can loan \$512. And so it can go, throughout the banking system. All of this may be done by checks; no currency or coins need be involved.

Note, however, that you still have a deposit of \$1,000 in your bank. Also, the three borrowers have deposits in other banks in the amounts of \$800, \$640, and \$512, respectively. Each of you can write checks against your deposits. Your original \$1,000 has now been expanded to \$2,952 in actual buying power — or \$1,952 dollars in new deposit money has been created.⁴⁹

What is wrong with the situation here described? In regard to the question of bank-created money, a concept that I think must seem strange to most people when they first become aware of it, two points may be raised. First, since as the text states, a bank “makes most of its income” from the money it loans out at interest, and further, that over half of this money is money the banking system itself creates, out of nothing as it were, is it just for banks to receive interest on money they have created out of nothing? Secondly, is this formidable power over the entire economic system, what Pius XI in *Quadragesimo Anno* called “the life-blood to the entire economic body,” (no. 106), rightly exercised by private individuals, that is, privately owned commercial banks, working for their own private profit?

It has seemed to many Catholic economists and students of this problem that the creation of most of our money supply by banks is fundamentally wrong.⁵⁰ The alternative generally proposed is for the government to issue all money, with the money supply keeping pace with the growth of economic activity in the country, and money thus serving its purpose of aiding productive economic activity. The technicalities of this easily bewilder many nonspecialists, yet if one points out that money is not really wealth - money cannot be eaten or drunk or worn — and that, for example, were all coins and currency, as well as other surrogates such as stock certificates, to suddenly vanish, no *real wealth* would disappear from the country, one sometimes seems able to get people's attention. From this one is led to suspect that manipulations of money and other pieces of paper may have played a great part in bringing about such calamities

as the Great Depression of 1929. In fact, during this period real wealth, for example, milk and farm animals, was actually destroyed, while people starved.⁵¹

There is another matter regarding banks that is worth discussing. If economic activity exists for the sake of the life of man, and further, if finance exists for the sake of aiding economic activity, then obviously finance and financial institutions are twice removed from what should be the primary concerns of mankind. One possible way of formalizing this subsidiary role of finance would be for occupational groups, or perhaps federations of occupational groups, to own their own banks in order to provide necessary financing to member businesses. If this were the case, and if the managers of these financial institutions were employees of the occupational groups, it is probable that it would be much easier to keep finance within its proper bounds, that of service to true productive economic activity. Such banks would be for business and industrial purposes only, while consumer credit needs could be served by parallel cooperative banks for the individual members of the occupational groups, or perhaps by cooperative banks (credit unions as they are known in the English-speaking world today) formed directly by the inhabitants of a town, a parish, a religious sodality, etc.

After this long and sometimes technical discussion of economics it seems fitting to highlight briefly those features of the economy which would necessarily characterize a Catholic state. And first, for any laws to be properly framed, let alone observed and enforced, the principle must be grasped and accepted that economic activity is to be judged on how well it serves the common good of society. Society must not be twisted and deformed to serve spurious economic laws or questionable principles of morality, such as exaggerated notions of property rights or false notions of economic freedom. Moreover, the spirit that encourages the amassing of large fortunes likewise must die. With this change of attitude, then, the formal establishment of occupational groups is surely the first thing to be done, and if done correctly, much of the rest will follow of its own accord, or rather, will follow from the logic of an economy devoted to service, not limitless profit. Other laws must eventually bring about the reform of money and banking. But all this will be for nothing if men do not thoroughly understand and unreservedly acknowledge the Christian, and indeed human, view of economic activity, which sees material things, and such surrogates as money,

for what they are, and sees what human life in society is intended by God to be. Only then will all the principles, institutions and rules make sense and be used and administered for the glory of God and the true welfare of mankind.

Notes

¹ Some other passages that tend toward the same point are: Proverbs 23:4; Micah 6:12a; Matthew 19:24; Luke 1:53b.

² See also *Summa Theologiae* I, q. 98, art. 2.

³ Compare the statement of Paul VI in the Encyclical *Populorum Progressio*, no. 19, "Increased possession is not the ultimate goal of nations nor of individuals. All growth is ambivalent. It is essential if man is to develop as a man, but in a way it imprisons man if he considers it the supreme good, and it restricts his vision. Then we see hearts harden and minds close, and men no longer gather together in friendship but out of self-interest, which soon leads to oppositions and disunity. The exclusive pursuit of possessions thus become an obstacle to individual fulfilment and to man's true greatness. Both for nations and for individual men, avarice is the most evident form of moral underdevelopment."

See also the *Catechism of the Catholic Church*, no. 2426.

⁴ This judgment is explicitly endorsed by Pius XI in *Quadragesimo Anno*, no. 88, "...the proper ordering of economic affairs cannot be left to the free play of rugged competition." This, I think, is the great stumbling block to many Catholics, at least in the United States, namely, acceptance of the notion that there must be both internal and external restraints on our economic appetite, including restraints enforced by the state or intermediary bodies, and that the satisfaction of this potentially boundless appetite is not always lawful.

The latest papal social encyclical, *Centesimus Annus*, though widely hailed as a paean to the free market, is equally emphatic about the need for juridical restraints to orient economic activity toward the common good. See especially nos. 35, 40, 42 and 48.

⁵ Richard H. Tawney, *Religion and the Rise of Capitalism* (New York : Harcourt, Brace, c. 1926) pp. 31-32.

⁶ "Economics in the Medieval and in the Modern World" *The Dawson Newsletter*, vol. 3, no. 4 (winter 1984-85) p. 3. (Reprinted from *Black-friars*, July 1924)

⁷ A good summary and commentary on these encyclicals is Rupert J. Ederer, *Economics as if God Matters* (South Bend, Ind. : Fidelity, 1995). See also my series of articles in *The Catholic Faith*, running from May/June 1997 to September/October 1998.

⁸ Cf. *Rerum Novarum*, nos. 7-8, 22, 35, *Quadragesimo Anno*, nos. 43 and 75, *Laborem Exercens*, no. 10, *Centesimus Annus*, nos. 30-31, 53.

⁹ See, for example, *Rerum Novarum*, nos. 26-29, 33-34; *Quadragesimo Anno*, nos. 25-28, 49, 61, 76-96; *Populorum Progressio*, nos. 58-61; *Centesimus Annus*, nos. 35, 40, 42, 48.

¹⁰ "The Historic Origins of Liberalism" in *The Image of Man* (Notre Dame : University of Notre Dame, 1959) p. 110.

¹¹ (Westminster, Md. : Newman, 1942) pp. 157-158. The entire chapter on Money-Making runs from pages 150 to 180.

¹² Fr. Jarrett (*Social Theories of the Middle Ages*) quotes St. Thomas and St. Antoninus on the subordination of moneymaking to the inherent purpose of wealth; pp. 154-156.

¹³ Pius XI had the following to say in *Quadragesimo Anno*, no. 42.

"For, though economic activity and moral discipline are guided each by its own principles in its own sphere, it is false that the two orders are so distinct and alien that the former in no way depends on the latter. The laws of economics, as they are called, derived from the nature of earthly goods and from the qualities of the human body and soul, determine what aims are unattainable or attainable in economic matters and what means are thereby necessary. But reason itself clearly deduces from the nature of things and from the individual and social character of man, what is the end and object of the whole economic order assigned by God the Creator."

¹⁴ See also the references given above in note 9.

¹⁵ I consider this to be the best definition of capitalism, namely, the definition given in *Quadragesimo Anno*, no. 100, that capitalism is "that economic system in which were provided by different people the capital and labor jointly needed for production." Now, the actual historical "spirit of capitalism" is something more than this, something definitely contrary to Christian teaching and social justice. Seldom if ever has capitalism operated in a benign way. Moreover, I would argue that even if it did, it would still not be the best arrangement for a Catholic society, or for any society for that matter. Ownership and labor are best when not separated. This point will be taken up in more detail later. On the question of Pius XI's definition of capitalism, see Oswald von Nell-Breuning, *Reorganization of Social Economy* (Milwaukee : Bruce, c. 1936-37) p. 270.

¹⁶ For encyclical teachings on widespread ownership, see the following: *Rerum Novarum*, nos. 4 and 35; *Quadragesimo Anno*, nos. 59 to 63; *Mater et Magistra*, nos. 112 to 115; *Laborem Exercens*, no. 14.

¹⁷ On social charity see also *Quadragesimo Anno*, no. 137. On the limits of justice see, Josef Pieper, *The Four Cardinal Virtues*, p. 112. In *Centesimus Annus* Pope John Paul equates social charity with the virtue or “principle of solidarity” (no. 10).

¹⁸ See especially *Rerum Novarum*, no. 15; *Quadragesimo Anno*, nos. 81 to 87.

¹⁹ Cf. *Rerum Novarum*, nos. 6 to 8; *Quadragesimo Anno*, nos. 45 to 52, 114-115; *Mater et Magistra*, nos. 108 to 115; *Populorum Progressio*, nos. 22 to 24; *Laborem Exercens*, no. 14; *Centesimus Annus*, no. 31. See also, St. Thomas Aquinas, *Summa Theologiae* II-II, q. 66, art. 2.

²⁰ *Quadragesimo Anno*, no. 49.

²¹ John A. Ryan, *Distributive Justice* 3rd ed. (New York : Macmillan, 1942) p. 224, states clearly that the state may limit the quantity and kind of property one may own. “There is nothing in the nature of things nor in the purpose of property to indicate that the right of ownership is unlimited in quantity any more than it is in quality. The final end and justification of individual rights of property is human welfare; that is, the welfare of all individuals severally and collectively.”

Fanfani, *Catholicism, Protestantism and Capitalism*, pp. 50-51, mentions some of the restrictions on the use of property imposed by the medieval guilds on their members.

In the Middle Ages much property in land was not individually owned, but was owned in common. For example, the so-called “medieval open field” was a situation in which villages held land in common and allotted its use, some for individual use, some for common use, such as grazing. An interesting recent discussion of property rights, which focuses on common ownership, including *family* ownership, is Robert C. Ellickson, “Property in Land,” *Yale Law Journal*, vol. 102, no. 6, April 1993, pp. 1315-1395. The account of the medieval open field is on pages 1388-1394.

Fr. Jarrett, *Social Theories of the Middle Ages*, pp. 133-149, discusses medieval notions of land tenure, arguing that in the Middle Ages land was never owned, but merely “held” in exchange for duties to be performed by the tenent — whether this was a nobleman or a serf.

The point of this is not that cooperative ownership is always better, but that it sometimes is, and unlike the Lockean ideologue, a Catholic should be willing to consider each case on its merits.

²² The principle of subsidiarity has been applied by Catholics to economics since the encyclical *Quadragesimo Anno*. This far-reaching principle can also, I think, be applied to cultural creation and dissemination, and I have so argued in *The Catholic Milieu*, pp. 43-49, and in “When Small is Sensible : Culture, Technology and Subsidiarity,” *Caelum et Terra*, vol 1, no. 2, fall 1991.

²³ Occupational groups have been called by various names, including the following: vocational groups, functional groups, industry councils, organized industries and professions, guilds, corporations, professional bodies, orders, estates. See Raymond J. Miller, *Forty Years After : Pius XI and the Social Order* (St. Paul, Minn. : Frs. Rumble & Carty, c. 1947) pp. 161-62, for a discussion of the best English name for these bodies.

In 1948 a committee of the American Catholic Sociological Society recommended the term “industry council,” and the American bishops, in a statement later that year, took note of that decision. John F. Cronin, *Catholic Social Principles* (Milwaukee : Bruce, 1950) pp. 221-22. However, I prefer the term “occupational group” as being more generic.

²⁴ It is sometimes asserted that papal documents no longer recommend or mention occupational groups, leading some to suppose that they are not to be considered a permanent part of Catholic social doctrine. However, this is not the case. *Mater et Magistra* refers to them (no. 37), and later speaks of the necessary activities of intermediate groups (see nos. 65-67, 84, 86-90, 100). John Paul II also clearly alludes to occupational groups in *Laborem Exercens*. See nos. 14 and 20. See also *Centesimus Annus*, nos. 7, 13, 43, 48.

²⁵ Pius XI, Encyclical *Quadragesimo Anno*, no. 80. Although Leo XIII in *Rerum Novarum* (nos. 36-43) had mentioned and recommended the establishment of organizations which were to have some of the functions of occupational groups, it is Pius XI who for the first time delineates the occupational group proper. His classic account of their nature and functions is in *Quadragesimo Anno*, nos. 81 to 87.

²⁶ The liberal mind has difficulty conceiving that such authority can rightly belong to any entity except the state. See, for example, James Q. Whitman, “Of Corporatism, Fascism, and the First New Deal,” *American Journal of Comparative Law*, vol. 39, no. 4, fall 1991, pp. 747-778. On p. 752 he says, “Nevertheless, elusive as ‘corporatism’ may be, all orders identified by social scientists as ‘corporatist’ share, to the eye of any American lawyer, one feature: they involve the *delegation* of what most lawyers think of as state powers to private organizations. Accordingly, for purposes of this paper, I will define ‘corporatism’ as the delegation of powers that, in a given society, are generally considered *state* powers, to *private* organizations.” To a liberal mind, whatever is not governmental is private, and private in the sense of voluntary and not necessary for the common good. This kind of thinking is characteristic of both left and right liberals. For these different sorts of liberals, see my article, “The Superficiality of ‘Left’ and ‘Right’” *New Oxford Review*, vol. 59, no. 8, October 1992.

²⁷ No. 87.

²⁸ The grocery industry in the U.S. adopted bar coding cooperatively and voluntarily: "...in mid-1970, an industry consortium established an ad hoc committee to look into bar codes. The committee set guidelines for bar-code development and created a symbol-selection subcommittee to help standardize the approach." The chairman of the subcommittee was quoted as saying, "We showed that it could be done on a massive scale, that cooperation without antitrust implications was possible for the common good, and that business didn't need the government to shove it in the right direction." Tony Seideman, "Bar Codes Sweep the World" *Invention & Technology*, vol. 8, no. 4, spring 1993, p. 60. There is no reason why such a cooperative approach among businessmen could not be the norm instead of the exception.

²⁹ Men are always rediscovering for themselves the truths taught in the Church's social encyclicals. For one of the most recent examples, see *Labor-Management Cooperation : 1990 State-of-the-Art Symposium*, published by the Bureau of Labor-Management Relations and Cooperative Programs of the U.S. Dept. of Labor in 1991. This is a summary of a conference held by the Bureau on restructuring companies in order to achieve a situation in which labor and management have "an equal stake and an equal say in the success of the organization" (p. 1). The entire book is replete with insights and suggestions that the Roman Pontiffs had had decades ago, even to the point of shared ownership (p. 42) and the fact that both the union and management often have a common point of view on dealing with the "external environment — lobbying the government on tariffs and other issues vital to an entire industry..." (p. 26).

The Bureau of Labor-Management Relations and Cooperative Programs was abolished at the end of Fiscal Year 1992!

In Germany what is called "codetermination," an organized system of cooperation between workers and management, was established beginning in 1951. The German attitude can be summed up as follows:

Employers' associations and trade unions do not see themselves as opponents but as partners in an agreement that forms the basis of the economic development of the country. Each side is fully aware that it is dependent upon the other. Both know that at the end of negotiations, agreement must be reached. Furthermore, both sides affirm their responsibility for finding solutions to existing social problems. This results in a basic consensus that is not destroyed by occasional industrial disputes. For this reason, employers' organizations and trade unions in Germany are usually referred to as *social partners*.

Under codetermination, the chief board of a German industrial concern is comprised of "an equal number of shareholders' representatives and employees' representatives...." Uwe Liebig, "Dialogue Instead of Confrontation : the German System," *Canada-U.S. Outlook*, vol. 3, no. 4, May 1993, pp. 56-57. Thus one of the major economic powers in the world openly applies a central tenet of Catholic teaching!

See Miller, *Forty Years After*, pp. 162-163, for some examples of earlier recognition of the necessity for such cooperation; also, Joseph D. Munier, *Some American*

Approximations to Pius XI's "Industries and Professions" (Washington : Catholic University, 1943).

³⁰ "Opposition between labor and capital does not spring from the structure of the production process or from the structure of the economic process." Encyclical *Laborem Exercens*, no. 13.

³¹ See Miller, *Forty Years After*, pp. 103-107.

³² Richard Tawney's book, *The Acquisitive Society* (New York : Harcourt, Brace and World, 1920) contains a chapter, "Industry as a Profession," pp. 91 to 122, which is a very good discussion of the notion of *all* work as a necessary service to the public, i.e., a profession, and thus rightly subject to the same kinds of restraints that have come to be associated with the professions. See especially pp. 94 to 97.

³³ "Within one of Germany's autonomous regions, an identical wage and salary system applies to all companies in a particular branch of industry. Because most companies are members of an employers' association, and are thus bound by the collective wage agreement, the agreement virtually has the weight of a statutory law." Uwe Liebig, "Dialogue Instead of Confrontation," p. 55.

³⁴ In regard to just prices, see John F. Cronin, S.S., *Catholic Social Principles*, pp. 295-298 and the same author's *Economics and Society* (New York : American Book Company, 1939) pp. 108-111.

Under the National Recovery Administration (1933-1935), the only serious attempt in the United States to establish an orderly industrial arrangement for the common good of the entire economy, each industry set, usually via its so-called code authority, *minimum* prices. This was an attempt to eliminate the practice of ruthless competition — with accompanying substandard wages — by tying prices to cost of production, including adequate wages. See George Terborgh, *Price Control Devices in NRA Codes* (Washington : Brookings Institution, 1934) and Leverett S. Lyon et al., *The National Recovery Administration, an Analysis and Appraisal* (Washington : Brookings Institution, 1935) pp. 578-622. The latter work comments (p. 578), "It would seem hardly necessary to explain that, for all practical purposes, the power to fix a minimum price is in effect the power to fix price."

³⁵ See *Summa Theologiae* II-II q. 77, art. 1.

³⁶ Advertising, with all its misrepresentations and outright lies, now seems a natural part of life to us, but this was not always so. See Fanfani, *Catholicism, Protestantism and Capitalism*, pp. 33 and 79-80.

³⁷ *What's Wrong With the World* (Peru, Ill. : Sherwood Sugden, n.d.) p. 36 (chap. 6).

³⁸ *Quadragesimo Anno*, no. 85.

³⁹ *The Crisis of Civilization* (Rockford, Ill. : TAN Books, 1992 printing) p. 139.

⁴⁰ See note 15 above.

⁴¹ No social or economic arrangements can bring about a Utopia, but even in our fallen world some are better than others. Under capitalism some men are in a sense tools of those who are the owners of capital. Even when the directors and their managers have good reasons for making a decision which is perceived as detrimental to the workers, the workers do not know what the reasons are and have no opportunity of joining in making the decision about what is best for the enterprise. To choose an example that I have heard about myself, in a certain mining enterprise in the U.S., when work is slack, the manager lays off the miners for *four* days at a time, since they cannot obtain unemployment benefits (which the firm is required to contribute to) unless they are laid off for *five* consecutive days. The management apparently claims that the firm cannot afford the extra outlay for unemployment benefits. Is this just? Does the firm need to do this in order to survive? The point is that the workers *do not know*. Perhaps the management is right and this is the only way the enterprise can continue to exist. And since the mine pays comparatively high wages for that region, people continue to work there. But it would seem that the workers have an interest, if not a right, in participating in such a decision. If the management is indeed correct, the workers might well agree with that decision, *if they had access to the facts*. They cannot be treated as mere pawns, to be moved about as though they were not rational creatures. As John Paul II wrote in *Laborem Exercens* (no. 15), “the person who works desires *not only* due remuneration for his work; he also wishes that, within the production process, provision be made for him to be able to *know* that in his work, even on something that is owned in common, he is working *for himself*.” [emphasis in original] The Pontiff goes on to say that when he is a tool of a bureaucracy — and that would be true whether that bureaucracy were capitalistic, socialistic or even cooperative — the worker feels that he is “a mere production instrument rather than a true subject of work with an initiative of his own.” Capitalism, with its separation of ownership from work, does not normally allow a worker to be a “true subject of work.”

⁴² While it is true that papal teaching has never condemned capitalism as in itself unjust, still in their social encyclicals the popes have repeatedly urged widespread property ownership as a partial remedy for the “wage slavery” of the working class. See, for example, *Rerum Novarum*, nos. 4, 10, 26, 35; *Quadragesimo Anno*, nos. 59-62, 65; *Mater et Magistra*, nos. 85-89, 91-93, 111-115; *Laborem Exercens*, no. 14.

Hilaire Belloc's *The Restoration of Property* (New York : Sheed & Ward, 1946) not only upholds the ideal of a society of small owners and well-distributed property, but gives many practical hints on how to establish one. Belloc, incidently, also favored some kind of cooperative ownership of enterprises that are necessarily large ("we may either promote the ownership of it into shares...or we may accept the principle of communal ownership, whether by a guild or by the State..." p. 88). See pp. 81-101. See also my article, "Distributing America," *New Oxford Review*, vol. 60, no. 4, May 1993.

Fanfani's comment is also worth noting, "But if the Catholic Church often finds nothing to which to take exception in the private instruments of capitalism, she finds much to blame in the end to which they are directed and the manner in which they are organized." *Catholicism, Protestantism and Capitalism*, p. 141.

⁴³ *Quadragesimo Anno*, no. 78. Compare also John Paul II, "According to *Rerum Novarum* and the whole social doctrine of the Church, the social nature of man is not completely fulfilled in the State, but is realized in various intermediary groups, beginning with the family and including economic, social, political and cultural groups which stem from human nature itself and have their own autonomy, always with a view to the common good." *Centesimus Annus*, no. 13.

⁴⁴ For an example of an explanation of the Church's teaching that I consider confusing, see John F. Cronin, *Catholic Social Principles*, pp. 106- 107.

⁴⁵ Quoted in Joseph Rickaby, *Moral Philosophy*, 4th ed. (London : Longmans, Green, 1919) p. 257.

⁴⁶ Joseph Rickaby, *Moral Philosophy*, 4th ed., pp. 259-60. In order to understand the moral points at issue in the matter of usury, see Aquinas' lucid discussion of the question in the *Summa Theologiae*, II-II, q. 78, art. 1, 2. See also the excellent discussion by Lewis Watt, S.J. in his *Usury in Catholic Theology* (Oxford : Catholic Social Guild, 1945), selections from which were reprinted in Richard Mulcahy, ed., *Readings in Economics* (Westminster, Md. : Newman, 1959) pp. 268-281, and also Rupert J. Ederer, "Is Usury Still a Problem?," *Homiletic & Pastoral Review*, August-September 1984, pp. 12-20.

⁴⁷ On Islamic banking, see Zubair Iqbal and Abbas Mirakhor, *Islamic Banking* (Washington : International Monetary Fund, 1987), occasional paper no. 49. Most Muslim countries have at least some non-interest banking, and some make use of this solely. Iran and Pakistan within the last dozen years have initiated total non-interest banking. See also, Rodney Wilson, ed., *Islamic Financial Markets* (London : Routledge, 1990). Pp. 172-195 have an interesting account of how the government gradually introduced this type of banking in Pakistan.

An article by Richard T. de Belder and Mansoor Hassan Khan, "The Changing Face of Islamic Banking," *International Financial Law Review*, vol. 12, no. 11, November 1993, pp. 23-26, gives an interesting overview of non-interest banking and explains the chief types of financial contracts that Muslims can use. The authors state that the "Islamic finance movement has dramatically grown in recent years" and even say that the "excess liquidity" of Islamic banks is "encouraging Western institutions to consider Islamic financing in terms of, for example, using their international contacts to arrange Islamic financial transactions." (p. 23) Shall the once-Christian West be brought back to its former rejection of usury by Muslims?

Also by Mansoor Hassan Khan is "Designing an Islamic Model for Project Finance," *International Financial Law Review*, vol. 16, no. 6, June 1997, pp. 13-16. The author states, "For Muslims around the world, Islamic banking holds more than a merely commercial significance because it relates to the fulfilment of the religious obligation to live all spheres of one's life according [to] the tenets of Islam." (p. 13)

Two other recent works (not seen by me) are Nabil A. Saleh, *Unlawful Gain and Legitimate Profit in Islamic Law* (London : Graham & Trotman, 2nd ed., 1992) and Nicholas D. Ray, *Arab Islamic Banking and the Renewal of Islamic Law* (London : Graham & Trotman, 1994).

There is a bibliography on Islamic banking (not, however, exhaustive) in John and Marianne Makdisi, "Islamic Law Bibliography, Revised and Updated List of Secondary Sources," *Law Library Journal*, vol. 87, no. 1, winter, 1995. The section on banking is on pages 122 through 125. The original bibliography, of which this is the update, appeared in the same journal in vol. 78, no. 1, winter 1986, beginning on page 103.

⁴⁸ See, for example, Irving Fisher, *100% Money* (New York : Adelphi, 1935); Milton Friedman, *A Program for Monetary Stability* (New York : Fordham University, 1960); and Rupert J. Ederer, *The Evolution of Money* (Washington : Public Affairs Press, 1964).

⁴⁹ Roy J. Sampson and Thomas W. Calmus, *Economics: Concepts, Applications, Analysis* (Boston : Houghton Mifflin, c. 1974), pp. 75-76.

⁵⁰ See Ederer, "Is Usury Still a Problem?" pp. 18-20, and the references he gives there. Moreover, he links money creation by banks with the usury problem. Some other Catholic writers who have espoused the same position on bank created money are Fr. Denis Fahey in *Money Manipulation and Social Order* (Hawthorne, Calif. : Omni Publications, 1986) and Fr. F. H. Drinkwater in *Seven Addresses on Social Justice* (London : Burns, Oates & Washbourne, 1937).

⁵¹ Herbert Feis, *1933 : Characters in Crisis* (Boston : Little, Brown, 1966) p. 10-11.

Chapter Four

CENSORSHIP

The question of censorship in a Catholic state has two parts. The first part is the necessity of establishing the legitimacy of censorship; the second and longer must be a discussion of prudential matters, e.g., granted that censorship is legitimate, is it wise to do it in these particular circumstances, how should it be done, to what extent, and so on.

In regard to the first part of the question, whether censorship is legitimate, the argument is simple. If a man has no right to harm his fellow by shooting him or giving him poison, can he have the right to harm him by poisoning his mind or his morals? Similarly, if the community can protect itself from menaces to its physical health, e.g., if someone were to try to poison its water supply, can it not also protect itself against danger and harm to its intellectual and moral health? Moreover, protection of the community against intellectual error is often simply a protection against subsequent physical evil, as, for instance, to ban a book that advocated theft would help protect citizens against actual loss of their property.

Now all this of course presupposes that we can identify intellectual error and moral evil and make an informed prudential judgment about dangers, but there should be no hesitation about this for the orthodox Catholic. For surely if the Catholic faith is true, then those things which are contrary to the true Faith¹ and to sound morals, which latter are in fact also contrary to our human nature, cannot be helpful to an individual or to society as a whole. And likewise, their advocacy in print and otherwise cannot be helpful. For if the actual practice of these evils tends to undermine society, will not their advocacy do this also? To take an example of an evil that even very few outside the Faith will dispute: if it is wrong to murder, then could it be morally licit to advocate murder? And should the civil law be helpless to restrain speech which provokes to such an evil deed, on the sophistry that only the deed is evil, not the speech? Anyone who understands what speech or writing is, will realize that its persuasive power is such that often one speaker or writer is truly the author of more acts than any single doer. And it seems disingenuous and hypocritical to argue that, though we can restrain or punish for an act, we are helpless to do so for one who incites to the act.²

When censorship is discussed in the United States, favorable

reference is often made to Justice Oliver Wendell Holmes, Jr.'s opinion in the Supreme Court case of *Schenck v. United States* (249 U.S. 47, March 3, 1919), a case from the First World War dealing with literature which urged resistance to the draft. But it is instructive to read from what Holmes actually wrote.

The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic. It does not even protect a man from an injunction against uttering words that may have all the effect of force. The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree. When a nation is at war many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight and that no Court could regard them as protected by any constitutional right. It seems to be admitted that if an actual obstruction of the recruiting service were proved, liability for words that produced that effect might be enforced. (*id.* at 52)

I am not maintaining that Justice Holmes's statements agree entirely with my thesis here; however, I simply point out that the difference between what he states and what I am arguing for is one of degree and prudential judgment. For, as he says, if a connection between words and "substantive evils" is clear and proximate, then the words themselves may be prohibited. Our disagreement is only in the prudential judgment of the amount of "proximity and degree" that is required before some speech or writing may be banned. Holmes apparently thinks that the connection must be immediate and specific, while it seems to me evident that the general advocacy of evils can and does poison individuals and entire societies, and that the connection between advocating evil, or portraying it in an attractive light, and the actual evil acts, need not be specific before the authorities may reasonably take steps to protect the community. If someone is seen pouring poison into the drinking water must we wait until someone actually dies from drinking it before we take any action to restrain or punish? Or must we even wait until we have proven beyond a reasonable doubt that the death resulted from the very dose of poison which the suspect put into the water?

Now all this should be obvious to any clear-thinking Catholic. Indeed, the encyclicals of Leo XIII that deal with what might be

called questions of political philosophy, especially *Diuturnum*, *Immortale Dei* and *Libertas Praestantissimum*, clearly teach this doctrine. Consider the following passage from *Libertas*, no. 23.

Men have a right freely and prudently to propagat throughout the State what things soever are true and honorable, so that as many as possible may possess them; but lying opinions, than which no mental plague is greater, and vices which corrupt the heart and moral life, should be diligently repressed by public authority, lest they insidiously work the ruin of the State. The excesses of an unbridled intellect, which unfailingly end in the oppression of the untutored multitude, are no less rightly controlled by the authority of the law than are the injuries inflicted by violence upon the weak. And this all the more surely, because by far the greater part of the community is either absolutely unable, or able only with great difficulty, to escape from illusions and deceitful subtleties, especially such as flatter the passions. If unbridled license of speech and of writing be granted to all, nothing will remain sacred and inviolate; even the highest and truest mandates of natures, justly held to be the common and noblest heritage of the human race, will not be spared. Thus, truth being gradually obscured by darkness, pernicious and manifold error, as too often happens, will easily prevail.

The only questions, then, that ought to arise are on the kinds, limits and means of censorship the Catholic state will employ in safeguarding its citizens. But in this connection there are numerous issues, though in fact many of them cannot be decided apart from local circumstances and actual attempts to construct and apply censorship laws. But in so far as one can speak generally, I will try to describe how censorship might in practice work.

The first question, of course, is what sorts of things will the Catholic state censor. Naturally today one immediately thinks of pornography and things inciting to unchastity and violence, but there are more fundamental things than this, and pornography will be dealt with in its turn. For first of all, it is intellectual matters that must be treated of. Ultimately ideas govern the conduct of both individuals and civilizations, and the most abstruse writings of metaphysicians will eventually be the most important influence on everyday life.³ Naturally there are other factors at work also, but by far the most important is the character of the ruling ideas that are accepted, even if only half-consciously, by a culture and especially by its elites.

It is primarily the influence of Kant, for example, with his doctrine of the unknowability of the real, that makes twentieth-century man doubt whether he can really know what *is*, what really exists. This skepticism, when applied to morality, makes us doubt whether we know right and wrong, justice or injustice, and thus is for the most part responsible for a legal system that strives not for justice but for victory, by manipulating the judicial process and rules and intimidating opponents. Likewise, the notion that rules of morality, especially those involving chastity, are something imposed on man and essentially alien to his nature, stem in part from erroneous political philosophies which argue that our original condition was in an absolutely free and amoral state of nature, and that civilization and moral restraint are thus, strictly speaking, unnatural and represent a surrender of part of our birthright of freedom. The state of nature theory descended from Thomas Hobbes in the 17th century through John Locke to Rousseau in the 18th, whose version has probably influenced contemporary thought the most. It would be easy to show how other mistaken philosophical notions have also affected subsequent thought and life, as for instance, how the ignoring of Aristotle's category of substance, with concentration only on the other categories of quantity, quality, place and the rest, has influenced our technological development and even our attitudes toward nature and the environment. But the point, I think, has been sufficiently made that since thought does indeed influence life, rulers seeking to preserve a state in a healthy way of life must take steps to protect the community from intellectual error.

What then will a Catholic state do? Stated briefly, it will prohibit advocacy and free discussion of ideas which are erroneous and which will cause grave harm to individuals or tend to undermine the state and society, insofar as state and society are founded on truth. How far will this have to go? It can go only as far as Catholic faith allows, for we cannot prohibit that which is permitted by the Faith. For example, the state could not prohibit advocacy of Scotist as opposed to Thomist philosophical theses, but it could prohibit advocacy of Cartesianism, rationalism, empiricism, Kantianism, Marxism, logical positivism and deconstructionism, to name just a few. That is, no one would be allowed to argue on behalf of these philosophical systems nor would free discussion of them be allowed in books or periodicals intended for general circulation. Of course, in universities and learned books and periodicals there would have to be considerable freedom of discussion. Thus authors who advocate

error would need to be read and discussed, their ideas commented on, their influence traced, etc. Otherwise no real intellectual life is possible. But this discussion could never extend to actual *advocacy* of these erroneous ideas.

There is no doubt that it would sometimes be difficult to know when one had crossed the sometimes fine line from discussion to advocacy, from expounding an erroneous idea to promoting it. It is also very clear that one can imagine enormous abuses on the part of the censors, the stifling of insights, as well as corrupting and hypocritical efforts to evade stupid and heavy-handed censorship, much as the philosophes of 18th century France evaded the official censorship of the decaying monarchy. The only remedy for this is that the intellectuals and scholars of a Catholic state be really Catholic. Indeed, if they are not then the state and culture will not endure and all the efforts set forth in this book are in vain. Unless the men who think and write and study and learn are really committed to Catholic truth, and thus will work in good faith and realize that mistakes will occur, both on the part of writers and of officials, can there be any hope for a Catholic state with an apparatus of censorship. If there cannot exist a reasonable *modus vivendi* between scholars and writers on the one hand, and censors on the other, then a Catholic state, and indeed a Catholic culture, is impossible. But if censorship can be conducted in an intelligent and reasonable manner, then, despite the inevitable errors that will occur, a body of Catholic intellectuals and artists will be able to exist and flourish under this type of arrangement. Otherwise there will be the demoralizing spectacle of writers and artists using their ingenuity to avoid despised censorship regulations while those who administer the laws are either boorish morons or hypocrites who wink at what they are supposed to suppress. Any state thus constituted is doomed.

And, of course, there is no reason why the censors must be narrow-minded bureaucrats, haters of art and of everything new. The ideal censor is someone of liberal education, wide reading, and the ability to reason from first principles. As a matter of fact, any board of censors should contain men from a mixture of backgrounds, writers, artists, lawyers, theologians, philosophers. Among intellectuals truly convinced of the truth of the Catholic faith, such censors would not, at least in principle, be viewed as enemies or fools, but as doing a necessary and honorable task, one that, like all the rest of what is done by the children of Adam, will be done

imperfectly. But, like the work of the police or of surgeons, we do not eliminate the function because of those imperfections. Instead we attempt to do the work better.

I said above that in universities and among the learned great freedom of discussion must be allowed. But it would still be necessary to erect safeguards to prevent, as far as possible, the corruption of those exposed to error, especially of university students. The best of these safeguards, though, is surely the clear presentation of the truth and a convincing refutation of the error. Now certainly whenever human beings are involved there is the possibility that something will eventually go awry. So despite any safeguards we may erect, it is possible that reading of books advocating falsehood in universities and among the learned will lead some astray. However, the certain harm that would result were the entire learned class shielded from direct contact with reading such works, works which constitute a necessary part of one's liberal education and of scholarly inquiry, is both more sure and greater than any harm that the reading of these works might bring about. Therefore the risks must be taken and individual cases dealt with as well as possible.

I might add too that when one is thinking of the undergraduate students of the universities, one need not imagine a situation such as obtains in the United States today, where very many study at universities who have no intellectual vocation nor intention to pursue a learned career. Though I think that in a Catholic society education, including advanced degrees, should be absolutely free to all who are capable of *mastering* the material, still I think that the ideal is for a much smaller number of people to receive a higher education than is the case in the U.S. today. Thus those who were exposed to error in their studies would be a much smaller percentage of the population, and a more intellectual one, than those who undertake higher education in the contemporary United States.

Some readers might recall the situation that obtained in the Church when the positive law of the *Index Librorum Prohibitorum* was still in force. In that case, those who had need to read books that were on the Index were supposed to obtain permission from their bishop before reading them. If one had a legitimate need, one could get permission.⁴ I imagine a system that is more liberal than that, however, in which those who by education or position are undertaking serious studies would have a more or less lifetime permission to use any books they needed and subscribe to any

journals.⁵ Some, such as university teachers, would have this privilege as a matter of course. As for others, perhaps all university graduates could apply for permission, which would be readily granted, and lists kept of those who were allowed this free access. Others could also apply, but would have to prove their fitness and show some good reason for gaining such access. But the officials charged with putting people on such a list should administer the law in the most liberal fashion consonant with the intellectual safety of the state. Their mission is to safeguard intellectual life, not suppress or harass it.

In addition to restricting works whose ideas are erroneous, a Catholic state would need to watch over works of the imagination, that is over novels, poetry, plays, as well as films and the visual arts. Here the danger is different from the case of intellectual argumentation. Literature and the arts usually do not directly and by a series of propositions inculcate particular philosophies. Yet they can very effectively promote a point of view and a kind of behavior, and these can be wrong and harmful to the community.⁶ Moreover, even in an artistic or literary creation which basically supports a sound way of life, incidental aspects of the work may be harmful by offending, for example, against standards of chastity or modesty. So again, in these areas the state authorities must be prudently active. Here obviously would be included censorship of pornography, for this is usually material purporting to be literary, but which is entirely vicious.

In cases of censorship of works of the imagination, it would be necessary for the censors to proceed with even greater care than in dealing with intellectual works, since often the meaning of the work, and its likely effect, would be less clear. But since the power of imaginative literature over the tone and outlook of entire societies is so strong, it is a task that a Catholic state cannot neglect, however difficult it may be to perform.

How is all this activity of censorship to be undertaken? This is a prudential question that will vary from state to state, but I think that at least in some cases prior approval should be required for publication or exhibition of items, while in other cases, possibly for periodicals, the state can permit publication without previous approval if the editors are trustworthy and understand the law on the matter.⁷ And certainly the police will have the right to seize material which has been produced or imported illegally, or which is in the wrong hands, as in the case of books which are proper for the

learned but not for mass circulation. And since one of the aims of a Catholic state is to have decisions made on the lowest proper level — the principle of subsidiarity — a good deal of the regulation of books and periodicals among the learned might be done by the proper occupational groups and university faculties themselves. Much of the details would depend on the character of a society, whether there is a strong body which objects to the official goals and policies of the state, or whether the society is basically united around the Faith. And since no public officials can be infallible, there must be provision for appeal and for reconsideration of banned or seized material. But one hopes that writers and artists will be mature enough to understand that there will sometimes be mistakes on the part of the censorship authorities, and that these are no more intolerable than other governmental errors of judgment. One or a few errors will not kill culture or dry up the springs of creativity.

It is also true that even the type of literary or artistic content which is prohibited, and what might be called the degree or the depth of censorship, will vary from culture to culture, depending on factors such as the unity of the people, their Catholic sense, their intellectual and cultural maturity and the proximity of evil cultural influences from neighboring countries. For example, the freedom which medieval writers and visual artists had in treating of sexual matters and the naked human body might not be appropriate in less intellectually mature cultures, such as those of the twentieth-century West, but given time and a Catholic environment, rules might be gradually made less restrictive.⁸

I know that for very many people the mere word “censor” provokes such a negative emotional reaction that a calm consideration of the merits and procedures of a full-blown state censorship seems intolerable. But I would simply urge those readers to consider the matter in the light of the remarks on liberty and community in the introductory chapter, and of Pope Leo XIII’s teaching on this subject quoted here. It seems to me clear that if we can ever know right from wrong, then censorship is clearly sometimes both a right and a duty, if we conceive that society ought to protect itself and its weakest members. Of course no system of censorship will be perfect, but our minds must not be fixed on instances of stupid censorship attempts, nor can we condemn the practice in general, any more than we would condemn surgery because of some individual surgeon’s mistakes or wrongdoing. As long as man is infected with the weakness resulting from Adam’s sin, that is, until the end of

the world, we will be susceptible to error and thus will need to safeguard the good of society in its intellectual and moral health.

I might point out, too, that censorship is actually a protection chiefly for the poorest and weakest members of a society. It is primarily the poor who have been injured by the centuries-long liberal revolt against Christian truth and morals, first against the Church's economic and social teaching, and latterly against the very concept of the family and the person. It is the poor who have seen their traditional villages and families ravaged, the minds of their sons and daughters corrupted, their stable world undone. Censorship on behalf of the truth is a service of social justice for the poor and the working class. It is one important task which the Catholic state must undertake, and without it all the other safeguards for the health of society will exist on very shaky foundations.

Notes

¹ Everything here presupposes, of course, the discussion in chapter two about the state's right to regulate the exercise of non-Catholic public religious activity and the corresponding right to private religious freedom. Thus non-Catholic minorities should have the right of printing or importing books and other material they need for their religious services and education, as long as these are not contrary to the natural law. But such production or importation should be done by special channels so as not to get into general circulation and become a danger to the intellectual health of the nation.

² Ordinary laws in a liberal democracy may be able to punish someone for *direct* incitement to murder, e.g., if one were to write or say that so and so should be killed. But what of *indirect* incitement? For example, some writers have argued that children up to a certain age, ranging from a few days to seven *years*, should not be considered persons, and that either their parents or the state should be permitted to kill them. Is not this an incitement to murder those children, at least by changing the law so that their murder will be legal? I see no reason why such speech or writing should not be suppressed by the state. Since instances of infanticide actually take place, one can see that the debate is far from being merely hypothetical. And the same thing may be said for arguments or propaganda on behalf of euthanasia. Writings advocating abortion or discussing it in a sympathetic light helped pave the way for legalized abortion.

³ Compare this statement from Leo XIII's encyclical *Aeterni Patris*. "Whoso turns his attention to the bitter strifes of these days and seeks a reason for the troubles that vex public and private life must come to the conclusion that a fruitful cause of the evils which now afflict, as well as those which threaten, us lies in this: that false conclusions concerning divine and human things, which originated in the schools of philosophy, have now crept into all the orders of the State, and have been accepted by the common consent of the masses. For, since it is in the very nature of man to follow the guide of reason in his actions, if his intellect sins at all his will soon follows; and thus it happens that false opinions, whose seat is in the understanding, influence human actions and pervert them." no. 2.

⁴ One explanation (among a number) of the procedures regarding the *Index* is Francis S. Betten, *The Roman Index of Forbidden Books Briefly Explained* (Chicago : Loyola University, 1925). Pp. 18-19 and 36 mention the obtaining of permission to read forbidden books.

⁵ Obviously this would not apply to pornography, and there would also be a need for procedures to revoke someone's permission if repeated abuses occurred.

⁶ A valuable but little-known work that discusses the manner in which literature inculcates and advocates ideas and behavior is Austin J. App's *The True Concept of Literature* (San Antonio : Mission Press, 1948). This work would also be a helpful corrective to the simplistic notion that censors should be concerned only or chiefly with exactly how much of the human body is uncovered in a film or how many times certain words are used.

⁷ Mention must be made of items mailed and otherwise imported into a country. Censorship must extend to these cases also.

⁸ See App, *The True Concept of Literature*, pp. 17-29, for a discussion of the presentation of "sin and temptation in literature." App deals with how a culture's maturity and level of virtue must be taken into account when there is question of what can be portrayed in books or on the stage.

Chapter Five

FAMILY LAW AND OTHER LEGAL MATTERS

I

Some of the most striking matters with which the state must deal have already been discussed, matters such as religious liberty, the economy, and censorship. But several very important things still remain, and among the most important are matters relating to the family. And in treating of the family other matters will also be discussed, matters which find their proper place as they relate to the family, for in understanding the centrality of the family and the proper function of the laws as defending and favoring the family, we may see the relationship of the law to other matters, for example, sexuality as a whole, welfare, and education.

An excellent framework for this discussion is the Charter of Family Rights from the apostolic exhortation *Familiaris Consortio* of Pope John Paul II.¹ Therefore in the first section of this chapter I will list each of the statements from the Charter and use each statement as the basis for the discussion that follows. One important matter should be discussed at the outset, however. This is the role and function of the state in providing for the needs enumerated in the Charter. The shade of liberal opinion that upholds the rigor and purity of the free market (those whom we in the U.S. usually call conservatives) tends to say that the state should have little or no role in these matters, that they are best left to private, for-profit enterprises. The more statist liberals, on the other hand, see in each of them an opportunity for a new government bureau, which will try to solve the problem directly. For example, in the provision of health insurance, one side argues that private individuals, with no motive other than greed, will adequately provide for society's needs; the other wants a new government program. The better approach, which is also the Catholic approach, sees the state's function to be this: "directing, supervising, encouraging, restraining, as circumstances suggest or necessity demands."² That is, the state has an important task in such matters, but it is ordinarily not one of directly providing a service itself, but rather of seeing that someone else is doing so, *fairly and efficiently*. And this someone else is more likely to be a mutual aid society or a cooperative, than a for-profit business, for the Catholic mind is as well aware of the dangers of greed as it is aware of the natural solidarity of mankind. With this in mind, let us turn to the Charter of Family Rights.

-the right to exist and progress as a family, that is to say, the right of every human being, even if he or she is poor, to found a family and to have adequate means to support it.

In the discussion of economics in chapter three, I pointed out that economic activity could be understood only if one attended to its purpose; that to look at such activity as simply a complex of individual actions with only the motives that each individual actor in this process has, is to gravely misunderstand why man has the need and capacity for economic activity. Similarly here we must look at the purpose of the human desire of marrying and founding a family. To say, for example, that if one is sufficiently poor then one has no right to marry, or at least to have children, is to look only at the individual's desires as if such desires were no more profound or significant than someone's yearning for a vacation home or a speedboat. In fact, God has put a desire for marriage into man's heart for very important social reasons. By creating man in the way that he did, God signified to a great degree how man was to live; that is, by creating him as a social being who was entirely helpless during his early years, God clearly shows the necessity for both society (including a political order) and the family. And since what God does for us on one level does not frustrate what he does on another, but rather usually helps fulfill it, our own persons are completed by this also. All of us are dependent on society and on a family. Even if in some cases a person is not begotten or raised in a family, still the family is the norm. And if this ethical norm ceases to be the statistical norm, we will see just how dependent society's well-being is on the family — as those of us in the United States are fast finding out. But perhaps more importantly, for most of us, life within society and within a family — or the quasi-family of a religious community — also fulfills the potencies present in our own personalities and provides us with opportunities for perfecting ourselves. Thus the desire to marry and to found a family signifies much more than one's desire for a particular material good or gratification, since it flows from the depths of our nature as God created us.

If this is so, than obviously poverty or lack of means should not be allowed to prevent one from marrying or having a family. There seem to be two ways of addressing this. One is for the government or some intermediary body, or even the Church, to supply what is needed to the individuals who desire to marry so that poverty does not burden them in their family life and in the raising of their

children. The second way, which I think is preferable, is for the laws and institutions of society to be such that poverty — at least poverty which is not solely the result of individual fault — would not exist. Some would still be richer than others, of course, but if the kind of economy sketched in chapter three existed, then no man would lack what was necessary for living a life worthy of a human person.³

However, even in the most just of economies there will be times when for one reason or another, individuals or families are reduced to poverty. The following from Josep Pieper applies to this matter.

Because men must do without things that are due to them (since others are withholding them unjustly); since human need and want persist even though no specific person fails to fulfill his obligation, and even though no binding obligation can be construed for anyone; for these very reasons it is not “just and right” for the just man to restrict himself to rendering only what is strictly due.⁴

Nor would such duty bind only men as individuals. Therefore in such cases means outside the strictly economic must be supplied, and must be promptly and efficiently supplied. The Church has always had her charities; similarly occupational groups, especially toward their own members or their members’ families, the government, both central and local, and private groups, as in the St. Vincent de Paul Society, can supply this need. But if an economy is well functioning one hopes such occasions would be few. In some cases, as in someone disabled or a widow with children, long-term arrangements would have to be made, and the state must see to it that someone is there to take care of these kinds of needs, and always in a manner that respects the dignity and personality of the individual who is being helped.

-the right to exercise its responsibility regarding the transmission of life and to educate children.

Here one is concerned with a government’s interference with a married couple’s right, first, to exercise responsibility before God for the size of their family, and secondly, to be masters of the education of their children. In regard to both these points, obviously a Catholic state, as long as it remained Catholic, would interfere with neither. As to the state’s role in the first matter, it would protect married couples by prohibiting the manufacture or importing of contraceptive or abortifacient devices or chemicals. I believe that a

state should make natural family planning widely available, as long as certain provisos were maintained. First, that such teaching would obviously have to promote Catholic sexual morality, and the Church would have to have the legal right to examine and veto the use of any books or other materials which were contrary to good morals, regardless of what organization was actually doing the teaching. Secondly, since even natural family planning can be misused, no state could teach natural family planning and then demand that couples limit the number of their children. Lastly, clearly such provision of natural family planning need not be provided directly by the government. The better way would be for the authorities to encourage and subsidize organizations and individuals who do this, not in order to fulfill some state population policy, but to make the sweet yoke of Christ easier for married couples.

What of situations in which a particular country or region were truly overcrowded, could in those circumstances a government organize a *non-coercive* campaign to promote natural family planning, at the same time in no way penalizing those who chose to have large families? Could it be that the command of Almighty God in Genesis, “Be fruitful and multiply, and fill the earth....” (1:28) might be considered accomplished if the earth really were fully populated as far as living in a reasonable human manner is concerned? It is true that the earth is not presently full, but if one country were, and its neighbors did not permit extensive immigration, then it seems to me it would not be unjust for its government to initiate such a non-coercive campaign for natural family planning. The *Catechism of the Catholic Church* seems to address and approve such a situation when it says (no. 2372) that the state may “intervene to orient the demography of the population. This can be done by means of objective and respectful information, but certainly not by authoritarian, coercive measures.”⁵

Another matter, important at this time, is that it would be well if the government encouraged the practice of breastfeeding babies and young children. One would hope that a Catholic culture would support this eminently human and Christian act, which not only is good for the baby’s and the mother’s health, but also in many cases provides a period of natural infertility for couples.⁶ And in cases where for any reason such a healthy cultural activity is being eroded, it is just and fitting for the state to step in and, for example, require that a mother receive a physician’s prescription in order to feed her baby with prepared formula.

As regards the education of children, the state must see its function as one of assisting parents, and not necessarily even directly assisting them. Thus the state should see that there are sufficient schools and universities for its population, but this does not mean that the state itself must found these institutions. Direct and indirect aid to the Church or to groups of laymen or to the parents of students should be the ordinary means, and only if for some reason there is a need that is not being met by others' initiatives should the government directly establish its own schools. And, as I said in a previous chapter, it seems clear to me that the state should see that no one is hindered by poverty from receiving as much education as he can truly *master*, by providing scholarships and other aid, as necessary.

While speaking of education, it might be well to discuss the question of universal and compulsory education. Today, at least in most places, it is deemed exceedingly important that every adult be able to read and write. And, in the present circumstances, there is some justification for that, since one needs to be able to read for nearly every job, to use public transportation, drive, etc. But, since I am writing for any state at any time, it is well to consider this question in the abstract.

In his delightful and prophetic book, *Survivals and New Arrivals*,⁷ Hilaire Belloc had some very interesting words on this matter which I think bear repeating.

According to [the Catholic conception of human nature], the first, the most necessary thing, is the teaching of the children, affirmatively, as a divine truth necessary not only to the conduct of its own life, but also to that of all society, the doctrines and the particular, defined, morals of the Catholic Church. In comparison with instruction in that one prime essential, nothing else counts. It is good to be able to read and write and cast up simple sums; it is better still to know something of the past of one's people, and to have a true idea of the world around one. But these are nothing compared with the Faith.

A little later he notes,

It is not without significance that the claim to interfere by force not only in the all-important character of early instruction, but in a score of other domestic things, has gone side by side with the spread of fatalism in the world and with the inhuman concept of unalterable mechanical laws. It is not insignificant

that the Church in the rare places and times when She had power to do so, did not comple [sic] the mind. During all that intense intellectual life of the thirteenth century instruction was by choice: *endowed* — so that the poorest could reach the highest inspiration, but at the choice of the individual or family will, to be taken or left.

Then a few pages later he makes the following striking comment, Here is an example: the attitude of the “Modern Mind” to illiteracy. The chief subjects of elementary instruction are reading and writing. Therefore a weakness or incapacity in these two departments becomes the test of inferiority. One nation may build, sing, paint, fight, better than another; but if it has a larger proportion unable to read, it is branded as the lesser of the two. A Spaniard of Estremadura may carve stone images as living as those of the thirteenth century, but if he cannot read, the “Modern Mind” puts him far below the loafer picking out racing tips in his paper.

It seems to me that what Belloc says here makes much sense. Insofar as schooling helps bring to actuality the various potentialities in a man, so much the better. If it enables him to know about God and the things of God, about the world and men in the light of the Faith, again, so much the better. But just as many other things can actualize his potentialities, e.g., a living tradition of art or oral poetry or music, so being able to read can simply mean that one will pass one’s idle time reading worthless matter that tends to weaken and destroy both mind and soul. How many in industrial societies today spend time reading trash whose illiterate ancestors may have spent their time singing those old ballads or telling the tales that are some of the treasures of European civilization?

In practice, moreover, compulsory schooling has often been seen as benefiting neither children nor their families, but the state. As one American public school official put it in 1912, “The schools exist primarily for the benefit of the State rather than for the benefit of the individual.”⁸ And though it is not wrong for a government to wish to make the nation strong, those who govern must always remember that the rulers of the state exist for the sake of the people, not vice versa.

Absence of compulsory schooling, then, would be the ideal, *when it is possible*, such as in an agricultural society, etc. But when this is not feasible for any reason, a Catholic state would do well to include in its constitution or basic law the right of parents to home

school their children, as the Irish constitution does in Article 42, clause 2.⁹

-the right to the intimacy of conjugal and family life.

In this regard the most important thing that can be done for the family is to make it possible for fathers to have work, and to have work near where their wives and children live. In many areas of the world there is not enough work for men in certain regions, and as a result they must travel and live at a distance from their wives and children. Obviously this produces stresses on the family and temptations for husbands and wives. This separation of the father — or even the mother! — from the family also results from the capitalistic economy which requires some workers, such as salesmen, to travel about in their work, again creating this same problem. The solution to these problems lies in creating a just economy in which decentralized production and consumption eliminate as much as possible the need for workers to spend long periods of time away from their families.

-the right to the stability of the bond and of the institution of marriage.

The state will be able to render great help to the institution of marriage and to each and every married couple, help which will promote their temporal and their eternal happiness, by prohibiting completely divorce. In fact, there is no reason for the state to have power over the marriages of Catholics at all, for the state has no rights over such marriages.¹⁰ Thus, when Catholics marry, the priest will simply send notification of this fact to some office of the state, so that the civil effects, as for example, property rights, etc., can be adjusted to take account of the married state of the persons involved. But the priest will not be acting as the agent of the state in witnessing the marriage, and the registration of the marriage with the state will be after the fact of the marriage, i.e., it will be simply a notation that the marriage has occurred. The state will be taking cognizance of something that happened under the Church's jurisdiction, but which also concerns the civil authorities because of such matters as property, inheritance, etc. If this is done, then ecclesiastical courts alone will deal with questions involving declarations of nullity. Despite the fact that such courts in some eras and places, including our own, have been subject to abuses in giving annulments, nevertheless, they are the correct tribunals to govern Catholic

marriages, rather than civil courts.

The state could permit those who adhere to other religions to contract marriages according to their own religious rites, if their religious doctrines do not violate the natural law in this regard, as for example, by allowing divorce. Or, conceivably, it could require civil marriage for non-Catholics. Certainly there would have to be some provision for civil marriage for non-believers, unless it was judged wiser to simply allow marriage according to the natural law for them. In this case, couples, after having contracted marriage according to the natural law, that is, by mutual and free consent to a lifelong and exclusive union, could register their marriage with the state in order to give effect to property and inheritance rights. In such cases registration would also prevent pretended divorce or bigamy, since individuals attempting to register another marriage while their spouse was still living would be found out.

- the right to believe in and profess one's faith and to propagate it.

- the right to bring up children in accordance with the family's own traditions and religious and cultural values, with the necessary instruments, means and institutions.

These two rights have been discussed in chapter two, which dealt with religious liberty. I only reiterate here that the family will have freedom to raise its children according to the religion of the parents, and freedom to use the "instruments, means and institutions" that are placed at their disposal by the state and society, e.g., educational funds and grants, as they see fit.

- the right, especially of the poor and the sick, to obtain physical, social, political and economic security.

- the right to housing suitable for living family life in a proper way.

I pointed out in chapter three that the purpose of economic activity is to supply the material goods needed by every individual and family, so that they can concentrate on things of more importance, such as their spiritual, intellectual, family and social lives. So, here again, the question is of the general justice of the economy, an economy structured so that each individual and head of family is able to work in dignity, to receive from his work sufficient for a decent human and family life, with freedom from inordinate cares, so that

he and his family can devote their time to those things that are more important. Obviously this includes provision for adequate housing, and here, as in education, the state has the responsibility to oversee the situation and do what is necessary — usually indirectly, but directly if need be — so that people do not lack this housing.

The best way is simply for the economy to be arranged in such a way that even the poor have amply enough so that they themselves can provide for their own housing, as well as all their ordinary expenses and needs. In this connection, since the Pope speaks of the sick, I might mention the question of medical care. And here, I think, a distinction is in order between what might be called ordinary care and what is sometimes called in the United States catastrophic care, i.e., major illnesses or accidents, long hospital stays, expensive tests, etc. No one can be expected to pay for costly catastrophic care out of his income or savings, so here some system of insurance is clearly necessary. A national government system is one possible way, and in some circumstances it might be the best, especially in a poor country; otherwise the various occupational groups, or a confederation of all occupational groups, or non-profit mutual aid societies, might provide such insurance to their members and their families, or perhaps a parish based system might work the best in other cases. What is important to remember is that no one type of system is always the best, and although the Catholic tradition would favor a type run by some intermediary group, such as an occupational group, it would not say that a state system could never be the best choice. Nor is there anything wrong with more than one type of system in a country. For example, the unemployed might be directly insured by the state, while others would have their insurance through their occupational groups. If some occupational groups were too small or poor to provide insurance, perhaps more than one group could combine, or the state could offer these groups assistance. But the point here is that the Catholic mind does not insist on only one approach to the matter or on one type of provider.

Moreover, there is nothing wrong, of course, in medical insurance schemes covering even routine physician's visits. In fact, in the early part of this century in the United States some fraternal lodges or societies included medical care as part of the benefits offered to members. Two of the most prominent organizations to rely on this system, known at the time as lodge practice, were the Foresters and the Fraternal Order of Eagles. The cost of this service was very low. The Foresters charged two dollars a year for a doctor's care, and the

Eagles charged one dollar. In the case of the Eagles, coverage extended to the immediate family of the member and included home visits.¹¹ A few fraternal societies even had their own hospitals or hospitalization programs.¹²

-the right to expression and to representation, either directly or through associations, before the economic, social and cultural public authorities and lower authorities.

-the right to form associations with other families and institutions, in order to fulfill the family's role suitably and expeditiously.

These issues are discussed in chapter six, on democracy.

-the right to protect minors by adequate institutions and legislation from harmful drugs, pornography, alcoholism, etc.

This right goes without saying, but perhaps one should point out that, without the support of a culture, such laws are generally in vain. Thus the state will have to do more than simply outlaw, e.g., harmful drugs. By its watchful care of the economy, by its censorship laws, by its entire oversight of the common good, the state will strive to create the conditions in which a healthy culture can thrive, so that in turn the culture will make the state's laws fruitful and effective.

-the right to wholesome recreation of a kind that also fosters family values.

For the most part, the exercise of this right depends on families having the resources to obtain fitting recreation, and thus the problem is the same one treated of in chapter three, namely, how to insure economic justice in the nation for individuals and families, and the means discussed in that chapter, naturally, will apply here. And as is the case with education, the state will provide what is fitting, as, for instance, parks.

-the right of the elderly to a worthy life and a worthy death.

One would hope that in a Catholic culture the elderly would rarely be placed in nursing homes or otherwise separated from their children and families. Again, economic issues are important here, for the aged need enough to live on, and families need enough so

that care for their elders is not economically or socially burdensome. If individuals and extended families own productive property, then this will help supply such needs, and what I said above about catastrophic insurance obviously applies here also. Of course, any culture worthy of the name Catholic, would accord to the elderly some of that respect and honor which our ancestors were accustomed to render to them.

-the right to emigrate as a family in search of a better life.

No sensible nor just Catholic state will ever constrain any person or family wishing to leave the country. Aside from the injustice to the family, as the Holy Father here notes, it is folly to prevent persons dissatisfied with the regime from leaving, for that simply allows a cancer of dissent to grow in the bowels of the nation.

II

Elsewhere I have argued that the kind of technology that a society has is a matter of great moment, and particularly is this true for a Christian society.¹³ Technology is not neutral, merely something that can be used for good or evil but that of itself has no influence. Rather, it seems obvious that the kind of technology we use in a society has immense influence over how that society lives and even how that society thinks and perceives reality. Now I do not say that technology *forces* us to live or to think in a certain way; simply that, given our propensity to take the easy way out and to follow the path of least resistance, this is the case. To take but one instance out of many, the automobile makes it easy for small towns and rural areas to lose the stores and other institutions that make up their economic base. With the automobile it becomes easy to drive to the nearest large town to shop in order to find a little wider selection or a little cheaper prices. As stores in villages close, this helps to depopulate them, as well as turn them into simply collections of residences, bedroom communities for the large towns where the jobs and stores are. Before the automobile, men could always travel if they really wanted to, if they had reason, but now we can drive off with hardly a second thought. Similarly in cities, not just the automobile but all modern means of transportation have made it possible for men to live miles from their place of work, contributing to the sprawl of the suburbs into the countryside, the building of gigantic and now overcrowded highway systems, and, of course, the separation of family from work, an important part of the disunity of today's life.

Moreover, this has affected how we think too, as I said above. When men plan cities or new roads or new factories or anything, they assume the use of the automobile and the separation of work from home. They look on a stable community as a stagnant pond instead of as a solid oak tree, growing and content in its own place. They cannot imagine a world without the automobile. But if we really value community and detest the atomization of modern life, then it seems to me that we must regret the invention of the car.¹⁴

But even should one disagree with me on the specific question of the automobile, I still insist on the general principle that technology can sometimes do evil to a society and a people. And if this is true, then the question arises, should a Catholic state formulate laws dealing with technology, perhaps seek to regulate inventions for the common good? The answer to this question depends upon many

things, including the technological state of the country when a Catholic regime is instituted. In some cases it might be wise to have some kind of official board which judges new inventions. Obviously in some situations such a board would be ludicrous, but there are some actions that I think can be done in any situation. First, refuse to erect artificial spurs to invention, such as patent laws, which encourage indiscriminate inventions regardless of their merits and the needs of society.¹⁵ Secondly and more importantly, attempt to diffuse throughout the society a spirit which, instead of welcoming everything new, attempts to judge whether new things truly serve the purpose of technology, namely, whether they allow us to devote more of our time and energy to our spiritual, intellectual, family and social lives *without injuring the social body or the environment in any way*.¹⁶ If they do, then admit them to the state; if not, do not admit them. I realize that to many the notion of controlling technology is, to say the least, novel, but if we admit that technology affects how we live, how can we afford to do nothing? Unless we are to lose all control over such an important aspect of the common good, we cannot afford to adopt a *laissez-faire* attitude here.¹⁷ Nor do I insist that the remedies I have suggested are always the appropriate ones. But I do insist that the issue is real, and that the guardians of the temporal common good cannot neglect it if they wish to preserve the health of the culture.¹⁸ For, just as in artistic creation, not everything that comes from the hand of fallen man is truly for his good.

Notes

¹ *Apostolic Exhortation, The Role of the Family in the Modern World, Familiaris Consortio* (Boston : St. Paul Editions, n.d.) The Charter appears on pages 71 and 72.

² Encyclical *Quadragesimo Anno*, no. 80.

³ The Irish Constitution (Article 45, clause 2) states, “The State shall, in particular, direct its policy towards securing: (i) That the citizens...may through their occupations find the means of making reasonable provision for their domestic needs.” In Ehler and Morrall, *Church and State Through the Centuries*, p. 599.

⁴ *The Four Cardinal Virtues*, p. 112.

⁵ John XXIII had touched on this subject in *Mater et Magistra*, nos. 185-195. See also *Populorum Progressio*, no. 37 and *Sollicitudo Rei Socialis*, no. 25.

⁶ See Sheila Kippley, *Breast-Feeding and Natural Child Spacing : the Ecology of Natural Mothering*, 2nd ed. (Cincinnati : Couple to Couple League, 1989).

⁷ New York : Macmillan, 1929. The passages quoted are on pages 155- 157 and page 165. The entire section on compulsory education runs from page 154 to 167. This book has recently been reprinted by TAN Books, Rockford, Illinois.

⁸ Quoted in Allan Carlson, *From Cottage to Work Station* (San Francisco : Ignatius, 1993) p. 19. This book has a short but revealing account of the compulsory schooling movement in the United States on pages 18-20.

⁹ “Parents shall be free to provide this education in their homes or in private schools or in schools recognized or established by the State.” In Ehler and Morrall, eds., *Church and State Through the Centuries*, p. 598.

¹⁰ “Neither, therefore, by reasoning can it be shown, nor by any testimony of history be proved, that power over the marriages of Christians has ever lawfully been handed over to the rulers of the State.” Leo XIII, Encyclical *Arcanum Divinae Sapientiae*, no. 24.

¹¹ David T. Beito, “Fraternal Societies as an Alternative to the Welfare State” in Jeffrey J. Sikkenga, ed., *Transforming Welfare : the Revival of American Charity* (Grand Rapids, Mich. : Acton Institute, 1997) pp. 36-37.

¹² *Ibid.*, p. 37. See also Bertram B. Fowler, *The Co-operative Challenge* (Boston : Little, Brown, 1947) pp. 182-194. The American Medical Association was hostile both to physicians contracting with fraternal societies and with cooperative medical plans. (See Beito, p. 38 and Fowler, pp. 185-188.)

¹³ I have dealt with technology at length in chapter two of *The Catholic Milieu* and in two articles in *Caelum et Terra*, “When Small is Sensible : Culture, Technology and Subsidiarity,” vol. 1, no. 2, fall 1991, and “The Problem of Technology,” vol. 2, no. 1, winter 1992.

¹⁴ The best indictment of the automobile that I have ever seen appeared in George Kennan’s recent book, *Around the Cragged Hill : A Personal and Political Philosophy* (New York : Norton, 1993). The section on the automobile was excerpted in *New Oxford Review*, vol. 60, no. 5, June 1993, pp. 14-25. It seems to me difficult to praise Kennan’s remarks on the automobile too highly.

¹⁵ In Mark Twain’s novel, *A Connecticut Yankee in King Arthur’s Court*, the hero, “a nineteenth-century technical Yankee” who manages to establish a “benevolent dictatorship” over sixth-century Britain, says that the establishment of a patent office was the first act of his rule. “The very first official thing I did, in my administration...was to start a patent office; for I knew that a country without a patent office and good patent laws was just a crab, and couldn’t travel any way but sideways or backwards.” Quoted in Richard Hofstadter, *Anti-intellectualism in American Life* (New York : Alfred A. Knopf, 1964) p. 242.

¹⁶ Consider these words of Pius XII, from his Christmas message of 1957, “Technical progress, on the other hand, when it imprisons man within its own narrow confines, cuts him off from the rest of the universe, especially the world of the spiritual and of the inner man, and forms him according to its own characteristics, the most noteworthy of which are superficiality and instability. The way this kind of deformation comes about is no secret to anyone who is aware of man’s tendency to accept false judgments and errors as long as they hold out the promise of an easier life. Take for example the questionable substitution of values that has taken place as a result of the wonderful progress made in the speed of machines. The “speed-crazy” man is attracted by this progress and easily carries his high regard for speed over to things whose proper development and value do not depend on rapid change, but rather on stability and fidelity to traditions.” Quoted in John Cronin, *Social Principles and Economic Life* (Milwaukee : Bruce, 1959) pp. 8-9.

In *Mater et Magistra* John XXIII wrote, apropos of technology, “But the Church likewise teaches that goods of this kind are to be judged properly in accordance with their natures: they are always to be considered as instruments for man’s use, the better

to achieve his highest end: that he can the more easily improve himself, in both the natural and supernatural orders” (no. 246).

¹⁷ St. Thomas endorses Plato’s opinion that products of an art “which for the most part some people put to an evil use, although such arts are not unlawful in themselves...should be extirpated from the State by the governing authority.” (*Summa Theologiae* II-II q. 169, a. 2, ad obj. 4)

Fanfani, in his work already referred to several times, *Catholicism, Protestantism and Capitalism*, avers that “in a perfectly Catholic age purely technical progress would not have found such powerful incentives as in a capitalistic civilization,” because the economic stimulus would not operate in such an unfettered manner in seeking ever increasing profits. See p. 141.

Max Weber, likewise, in *The Protestant Ethic and the Spirit of Capitalism*, mentions the affinity of Protestantism for the new mathematical sciences of the early modern era. See note 145 on page 249.

¹⁸ In fact, my examples of harmful technology are quite tame and out of date. The things that actually await us are much more frightening than mere automobiles. See, for example, Jerry Mander, *In the Absence of the Sacred: the Failure of Technology and the Survival of the Indian Nations* (Sierra Club Books, 1991), and a review of the same by Fred Bittle in *Caelum et Terra*, vol. 3, no. 4, fall 1993, p. 35.

Chapter Six

DEMOCRACY

It is easy enough to argue that the mob makes mistakes; but as a fact it never has a chance even to make mistakes until its superiors have used their superiority to make much worse mistakes.

-G. K. Chesterton.¹

It would be a foolish enterprise to attempt to discuss the form of government that a Catholic state should have, because it is clear that this is pretty much an indifferent matter, or perhaps to speak more strictly, a matter in part indifferent and in part a result of historical and cultural traditions. Who could imagine a king of Switzerland, for example? And Leo XIII's teaching on this in the encyclical *Immortale Dei* and elsewhere is well-known, that "no one of the several forms of government is in itself condemned, inasmuch as none of them contains anything contrary to Catholic doctrine, and all of them are capable, if wisely and justly managed, to insure the welfare of the State" (no. 36).² This chapter, then, is not an evaluation of different forms of government, or even a critique of the strengths and weaknesses of democracy as we know it today in the West, that is, representative democracy operating with a full panoply of lobbyists, public opinion polls and pressure groups, amply chronicled and dissected, sometimes even fairly, by the news media. Instead what I am attempting in this chapter is to discuss what is permanently important and necessary in the idea of democracy, or, more correctly, in popular participation in ruling — what sort of popular participation ought to exist in every state and type of regime, whether republic or monarchy, representative democracy or otherwise.

Since this is the age of liberal democracy, in which even most of its enemies give it lip service, doubtless it seems that no other form of government will ever replace it in the esteem of the learned or of the people. But I do not think that this is necessarily so, and I would not be surprised to see democracy discredited, even in my lifetime.³ I do not say that this is good or bad, simply that I expect it eventually to take place. And the reason that I so expect is that our kind of democracy, like any kind of political regime, is dependent on a particular culture. A recent writer has stated this well:

Liberal democracy which pretends to universalism is historically specific. It is a child of industrial civilization, a product of a

socially atomized society where production and exchange are already commodified, a society which is essentially a market. It is the product of a society in which interests are so particularized that the very notion of common interest becomes problematic, hence the imperative of democracy.⁴

Now the extent to which such a “socially atomized society” could be a Catholic society, and hence, the extent to which modern representative democracy fits in well with a Catholic civilization, is not under discussion here.⁵ Rather, as I said, I want to point out some elements connected with popular rule which, it seems to me, are not only fully compatible with a Catholic regime, but essential for any healthy state.

Let me begin with this quotation.

The medieval king was not absolute. True, the faculty of legislation belonged to the Crown: *quod principi placuit vim legis habet* (the king’s pleasure has the force of law). But already in the Visigothic period the famous legal code, the *Fuero Juzgo*, had laid it down that the king was king only if he did right (*Rex eris si recte facias: si non facias, non eris*). In Spain as elsewhere in Europe the first and most fundamental principle of medieval political thought was that all political authority was the expression of justice. The second great principle was that there could be only one source of political authority: the community or the people itself. The King of Castile or Aragon had two superiors, God and the Law — law not made by the prince or legislator, but expressing the habit and custom of the community’s life.⁶

And my second is a familiar dictum, usually attributed to Abraham Lincoln. It is this:

You can fool all the people some of the time and some of the people all of the time, but you can’t fool all of the people all of the time.

What do these two quotations teach us about democracy — or popular government — that is permanently valuable? The first quote sets forth a notion of government in which the rulers are, above all, to respect the traditions held by the people, the traditions of the community. Moreover, if the king (in this case) did not act rightly, he had forfeited his right to rule. The king was answerable not to a complex political process, a process able to be manipulated by those with power, but to a few simple facts: Did he violate justice? Did he

betray the traditions of the people? If he did do these things, perhaps he could still cling to power, but everyone knew he was in reality no longer king.

The Lincoln quote recognizes the fact that the people cannot always be taken in by the schemes of their rulers — and this includes not just political and military schemes but new schemes of morality, new and revolutionary ways of living, in short, whatever goes counter to the traditions of a nation and people. Common sense may be uncommon in individuals, but taken in the mass, it will be present, at least often: “...you can’t fool all of the people all of the time.” And the more that a people has been able to keep their traditions, the more they have tenaciously clung to their traditional wisdom, then the more they will have this common sense that can be a corrective to their rulers. Thus it seems to me that both these quotes, in different ways, can teach us that in any type of regime there is a necessary function of popular government, and that that function is a conservative one — using that word without any ideological or philosophical meaning. Simply that in any society with traditions, which would include most societies, the customs and beliefs of the people are the true depository of those traditions. Thus real popular government is one which is in accord with the deepest traditions and beliefs of the people, and respects those traditions and beliefs, whether or not that government is a formal democracy in either the modern or the classical sense of a democracy. Government must be prevented from outraging these most basic beliefs and traditions. Whether that can best be prevented by a formal representative democracy or by some other system is a decision of political prudence that each state must make. But I think one can say as a general rule that there are many different ways a state can solve this problem, and moreover that there are many ways to provide a formal mechanism for a popular voice in governing.

Since about the 17th century there has been in the Western world a gulf between what was held by the elites⁷ of the culture and what was held by the common people.⁸ Of course not all members of the elites were alienated from their civilization’s roots,⁹ but certainly a great many, probably most, were. In such cases — and they continue apace today — their aim has been to persuade and hoodwink the people into accepting a philosophy which is commonly identified with the so-called Enlightenment of the 18th century.¹⁰ And despite the fact that many of the regimes in which this has been done were formally democracies, the elites have accomplished their goal not

by a full and frank discussion of the issues, but by obfuscation and deceit.¹¹ This has been made easier, moreover, because the traditions that are held by the people are not often held in the explicit manner that is susceptible of intellectual disputation. Thus they are peculiarly open to being confused and led astray by what can seem to be a complete and fair discussion, but in reality is selective and biased discourse. In this unfortunate cultural chasm between the elites and the people, the people are at a great disadvantage. Only rarely do populists manage to organize sufficiently to seize control of what are supposed to be — in a democracy — their own institutions.

It is, however, inevitable, and in normal situations, good, that elites rule. This becomes a difficulty only when the intellectual elite has an outlook or philosophy that is antagonistic to that of the people, who ordinarily will hold that set of beliefs which is traditional to the civilization. But, since what is traditional may also be erroneous, in whole or in part, it is necessary that there be fruitful interchange between the conserving factor in a culture — the common people — and that factor which ought to be seeking to purify and sift, in the interests of truth, the traditions of the culture, namely, the intellectual elite. But this purifying and sifting ought to be done from a sympathetic standpoint, not one of supercilious and smug mockery of the common people.

It would be out of place here to speak generally of the complex question of the function of this conservative force and this sifting force — complex, because in cultures whose traditions are false, there must be a means to allow the truth of the Gospel to enter, for example. But our concern here is only with Catholic cultures, and so I will discuss only the roles which, it seems to me, these two factors ought to play in such a culture, a culture in which the traditions, one presumes, would be basically sound.

What we should aim for is this: That since the people have a conserving function in a civilization, some mechanism should be devised to formalize this role, to make it more likely that if a crisis does erupt, the people can effectively protect their civilization's traditions. And although processes themselves can never guarantee good results, still they are necessary, because even with the best good will, sufficient evil is always with us so that we need some kind of formal means whereby we can claim our rights. Without going into detail, what possibilities can be sketched of formal means for the people to intervene in the political process in order, if the

need arises, to restrain the elites from undermining the traditions of the nation? Obviously in a formal democracy this need is not supposed to arise, for such forms of government are supposed to reflect the desires of the people. Be that as it may, though, it would seem to be the case that the best method for preserving a Catholic people's traditions is the existence of institutions committed to the explicit defense of those traditions. Now the kinds of institutions that would be needed here would be as varied as the various traditions that were being defended. For example, the first attack on the Christian traditions of our culture did not concern sex or the family. The first attack (aside from the Protestant revolt) was on economic morality, yet it was similar to the current assault on the family. Many intellectuals embraced new theories about the proper organization of economic life, ownership, the place of free competition, self-interest and suchlike.¹² And as the assault began — as these new ideas were eagerly snatched up by the rich and by rulers — it turned out to be chiefly the small man that was the victim. His workshop was put out of business by larger firms, and in the country, under the new conception of ownership, his rural cousin found himself put off land on which his fathers had lived for centuries, but for which he himself had no clear individual title of ownership.

Now, how could the traditions and the rights of the people have been defended in these circumstances? More effective perhaps than representation in any parliament would have been powerful organizations which stood for the small man. And in fact such organizations did exist, at least for the urban dweller, namely, the guilds. But from the 16th century on the guilds everywhere grew weaker. This shows that no kind of institution or procedure can be an absolute guarantee, as I said above, but nevertheless I think it does point to the sort of safeguard for the interests of the people which would be most effective, namely, the establishment of numerous organizations standing for the rights of the people, and powerful enough to fight even against the government, if need arose. I spoke of such groups above in chapter three, but here I wish to emphasize that they are the best guardians of the true popular interest. Although often the people do not have well-formed or well-founded opinions on many political decisions that must be made, those for example concerning the everyday conduct of foreign or economic policy, they do stand for their own deepest traditions and beliefs. Moreover, very often they have the sense not to be deluded

into supporting the grandiose and absurd projects that can fascinate their rulers. And although the history of this century shows how populaces can be brought onto the bandwagon to support all kinds of dubious wars, yet they are most likely to be right and to be tenacious of their rights when they are defending something of their own. So not only guilds or occupational groups, but leagues and family associations of all types should be established to jealously guard those rights.¹³ These associations and institutions can be the guardians of true democracy. They, it seems to me, are at least as important as having a right to vote for a representative who in turn will vote on hundreds of measures about which one is entirely unaware, and the facts of which probably neither you nor he understand. They are the protections for that common people whom one cannot always fool and for the welfare of whom the state, its rulers, and the learned themselves, primarily exist.

Moreover, it might be desirable for occupational groups, family leagues, cooperatives, and other bodies to have representation themselves, if not in a parliament conceived after the modern manner, at least in some kind of assembly with certain veto rights over the projects and plans of the government. For it might be that an arrangement whereby representatives of the people — not necessarily elected on a “one man, one vote” scheme — or of organizations of the people, would have the right to disapprove some legislation of the government, especially that which involved the chance of war, the expenditure of very large sums of money, the imposition of heavy or unusual taxes or a threat to the sound traditions and customs of the country. In any case, a true Catholic political sensibility will recognize the great importance of the many subordinate groups which arise in a healthy culture, and will look beyond the ideology of the 18th century when deciding upon what role to give those groups in the government and its policies.

As I said above, the exact mechanisms or kinds of institutions that ought to fulfill this role of protecting a Catholic society’s sound traditions and customs cannot be specified in the abstract, and even in a particular country or culture they might well change as new needs or threats arise. But, as I have so often said in this book, the thing must be done if a culture is to be kept healthy. Whether the threat comes from a king, a group of nobles, the rich, or a representative assembly of some kind, the common people must have some effective defense. Only if this conservative function of

the people is strong and is able to check attacks made on its traditions, only then can the culture hope for stability and have a chance to endure.¹⁴

Notes

¹ “The Common Man” in *The Common Man* (London : Sheed and Ward, 1950) p. 6. The entire essay is on pages 1 through 9.

² This teaching is also contained in *Diuturnum*, nos. 6-7, and *Immortale Dei*, no. 4.

³ This may be happening even faster than I expected. See George F. Kennan’s new book, *Around the Cragged Hill: A Personal and Political Philosophy*. A review by Michael Cox in *International Affairs* (vol. 69, no. 4, October 1993, p. 823) states that Kennan rejects faith “in the people,” advocates the *appointment* of a Council of State to have an important role in governing the nation, and wishes to “circumvent the democratic process.” That a man of Kennan’s stature and background could take such positions seems astounding to me. Is this the idiosyncratic musing of an old man or the beginnings of a shift in thinking?

⁴ Claude Ake, “The Unique Case of African Democracy” *International Affairs*, vol. 69, no. 2 (April 1993), pp. 242-243.

Another reason why we might not expect democracy to last forever can be found in the teaching of more than one ancient author that, as Plato put it, “tyranny is probably established out of no other regime than democracy, I suppose — the greatest and most savage slavery out of the extreme of freedom” (*Republic* 564a, Allan Bloom translation). Plato’s entire argument in the *Republic* (557a to 566d) about how democracy tends to decline into tyranny should not be discounted just because it is old. Josef Pieper’s discussion of this is also worth noting; see *The Four Cardinal Virtues*, pp. 92-96.

In *Europe and the Faith* (reprinted by TAN Books, Rockford, Ill., 1992), Hilaire Belloc comments on the 16th and 17th-century enthusiasm for absolute monarchy (pp. 161-163). Our own age has a similar feeling for democracy. We simply cannot imagine how any other form of government could ever be just or desirable.

⁵ In my opinion representative democracy *could be* compatible with a Catholic social order, but such a democracy would need to be suffused with a very different spirit from that of today’s pluralistic states, with their contentious, reductionist and, especially in the case of the United States, legalistic approaches to everything.

⁶ J. B. Trend, *The Civilization of Spain* (London : Oxford University, 1944, 1960 printing) p. 63. See also Bede Jarrett, *Social Theories of the Middle Ages*, pp. 29-30, 132-133, and St. Thomas Aquinas, *De Regimine Principum*, chapter 6.

⁷ There is more than one elite: there is, among others, the intellectual elite and the

economic elite. The intellectual elite is divided into a number of definite subgroups, one of which is what former Vice President Quayle of the United States, during the 1992 election campaign, called the cultural elite.

⁸ This gulf has been harmful both for the people and for the elites. See *The Catholic Milieu*, pp. 39-48, for a discussion of this.

⁹ Often one reads that intellectuals — considered as a corrupt class — do such and such or think such and such. The implication of these statements is that all intellectuals think or do this, and that they are all corrupt. This is never the case, however.

¹⁰ Chesterton's essay, "The Common Man" has many delightful comments on this historical process. It is a wonderful indictment of the modern Western elites who have engineered a "modern emancipation" that is really a "new persecution of the Common Man." p. 1. "Progress, in the sense of the progress that has progressed since the sixteenth century, has upon every matter persecuted the Common Man...." pp. 4-5. The entire essay is a good complement to this chapter.

¹¹ An entire cultural history of Europe and the Americas would be required in order to illustrate all the instances where this has been done. One current example must suffice, the campaign for homosexual rights in the United States. The issue has been framed as an instance of the denial of civil rights and of discrimination against a minority. The assumption (never made explicit) is that sexual inclination is an essentially trivial factor, such as skin color. Thus a discussion of the real issue is avoided, and people are cleverly duped into supporting what they are taught to perceive as an instance of the unjust denial of civil rights.

¹² "There was a sense in which 'liberal economics' were a proclamation of freedom, for the few who were rich enough to be free." Chesterton, "The Common Man," p. 4.

¹³ An interesting example of how true popular associations even today can sometimes defend the rights of the people against the prevailing intellectual consensus is the labor union. In the United States unions opposed the so-called equal rights amendment (for women) and opposed communism after both of these positions had ceased to be fashionable, i.e., had ceased to be supported by the intellectual elite.

¹⁴ However, much more than the conservative function of the common people is necessary in order to preserve the health of a Catholic culture. The intellectual elite also has an important role in keeping a culture sound. In the next chapter I sketch some of the means by which this may be done.

Chapter Seven

THE ULTIMATE PRESERVATIVES OF CATHOLIC LIFE

In this chapter I will take up the interesting question of what, in the long run, must be counted on to preserve a Catholic culture in all its vitality and vibrant orthodoxy. In the last chapter I spoke of the conserving role of the common people in maintaining the Catholic character of a culture. And although this conserving function is necessary it is not sufficient to preserve a Catholic society in what should be a vigorous and fresh orthodoxy. We all know that most of Europe, from the conversion of the Roman Empire till the 18th century, was more or less a Catholic culture and was supported by numerous kinds of Catholic states. Yet this Catholic culture tragically went into decline and has all but disappeared. And surely whatever new Catholic cultures might arise will again suffer decline and again perhaps disappear, for as the epistle to the Hebrews says, "...here we have no lasting city, but we seek the city which is to come" (13:14). But it is certainly also right for us to learn from what happened before and, as much as we can, provide effective safeguards for the future - if there is any future for a Catholic state and Catholic culture.

Now, in the first place, as is evident from the whole theme of this book, a Catholic state is a protector of Catholic culture and thus of Catholic life. At the same time a Catholic culture in its turn also preserves a Catholic state, for unless the Faith is a living reality for the rulers and thinkers of a Catholic state, it will very soon lose its Catholic character, as the old motto that laws are in vain without custom bears witness.¹

The entire burden of this book has been about how a Catholic state can preserve a Catholic culture by being its external framework. But since it is the same men who will live within a Catholic culture and who will administer the Catholic state, which is the culture's civic framework, if these men begin to lose the fervor of their faith, then both culture and state will decline together. A Catholic state is an important protection for the culture, but it cannot protect it against everything, especially against the slow, dry rot of decaying faith or zeal. But is there anything which can protect a Catholic culture *from within*, as it were, anything which we can foster which will make it more probable that a particular Christian civilization will stand against the decline in faith and fervor and charity that too often afflicts Catholics?

There are two things, I think, that, we must rely on if there is any hope of the preservation of a Catholic civilization. And both of these things include the formation of types of men, a select group, if you will. The two things are an intellectual formation and the interior life. Before discussing exactly what I propose here I will speak in general of how each of these can act to protect a Christian culture.

First, an intellectual formation.

An understanding and acceptance of the intellectual principles that underlie and flow from the Faith is absolutely essential in a Catholic culture. I do not say that this is necessary in the same way for everyone, but the more who grasp fully these principles the better. It is never sufficient that we hold the Faith merely as something traditional that has been passed on from our fathers nor that we make a blind Protestant-like “act of faith” in the revelation of Jesus Christ. Although we must, of course, take care that we do not reduce the Faith merely to a philosophy, something which is merely commended by our reason as the correct explanation of reality, still Catholics must be able to justify their religion on the intellectual plain (see I Peter 3:15.). Moreover, this is not just something we need to do for the sake of unbelievers, but for ourselves and our children also. In the long run a civilization that cannot rationally account for its most basic theological and philosophical tenets is doomed to lose them, for rational criticism will eventually undermine them. Thus a Protestant civilization can never last, but a Catholic civilization *should* be able to, for we can give this rational defense.

An equally important reason for grasping the intellectual principles of the Faith is that this is necessary if the Faith is to be kept pure, and especially if the judgments we make based on the Faith are to be sound. For example, a Catholic state and a Catholic culture will need numerous laws, rules and customs, on everything from what books are permitted free circulation to what sorts of economic arrangements are judged compatible with the common good. In such areas it is very easy to make false judgments, both too lax and too strict, and it is vitally important that these decisions be, as much as possible, clearly deduced from first principles. For if a Catholic culture makes stupid restrictions on man’s freedom this can go a long way to tear down and make ridiculous the Faith and a society based on the Faith. But if we understand what we are about, why we are Catholics and what the implications of the Faith really are, then we can judge our own institutions and customs with a sureness and calmness born of understanding and well-thought-out principles.

Second, the interior life.

Consider this passage from St. Pius X's favorite spiritual book:

Infection from the ills of former ages could well enough be countered, and souls preserved in health, by a merely ordinary piety. But the virulence of the pestilence in our own times, a hundred times more deadly, and so quickly caught from the fatal attractions of the world, must be fought with a much more powerful serum. And because we have had no laboratories in which to produce any effective antitoxins, Catholic Action has either done little more than produce a certain fervor of the feelings, great spasms of enthusiasm which sputter out as quickly as they burst into flame, or else, in cases where it is effective in itself, Catholic Action has reached little more than a small minority. Our seminaries and novitiates have not turned out the armies of priests, religious, and nuns, inflamed with the wine of the Eucharist, that we might have expected from them. And therefore the fire which these chosen souls were supposed to spread among the pious laypeople engaged in Catholic Action, has remained latent. No doubt some pious apostles have been given to the Church. But only very rarely has she received from us workers who possess by their Eucharistic lives that total, uncompromising holiness based on custody of the heart and on ardent, active, generous, and practical zeal, all of which goes by the name of the interior life.²

These are words of fire, but Dom Chautard has more to say,

So surprising were the reports we received, concerning Catholic Action among the soldiers in a city of Normandy that we hesitated to believe such success. For instance, how was it possible that the attendance of soldiers at the club should be much greater when there was a long evening of adoration in reparation for the blasphemy and debauchery of the barracks, than when a concert or show was presented? And yet we had to give in before the evidence. But our surprise vanished when we were shown to what an extent the chaplain realized the Real Presence of Jesus in the Eucharist, and what apostles he had thus been able to form, around him.³

The interior life, that is, a life lived closely with our Lord and in which we judge of things, not by the world's standards but by God's, is the *sine qua non* of Catholic stability, especially today. Unless we at least strive to attain such a life, and do all we can at least to

approach it, all our Catholic activity will never be able to counteract the world. The overwhelming and tremendous power of modern life cannot be conquered by a piety that is content with half measures and looks on the Christian life with less than total dedication and zeal. But an interior life is founded, of course, ultimately on the Cross, that symbol of contradiction to the world. Yet for us, who acknowledge the life-giving power of that sacred wood, has not the reality of the Cross grown dim? Yes, we can readily confess our Savior's cruel death on it, yet do we as readily embrace that Cross in our own lives? Do we embrace the crosses our Lord lovingly sends us, or do we turn scandalized that God is demanding *this of me!* If so, then our attitude toward the Cross is really no different from that of the world. Yet not only can the modern world be overcome by nothing less than an interior life led with the Crucified, but only that kind of life will, in the long run, preserve a Catholic culture and a Catholic state. Only such a life can preserve a fresh and living culture, and prevent a Catholic state from deteriorating into perhaps a dreary dictatorship, a dictatorship, moreover, whose influence on the culture is nil, or even negative, since it simply stifles men's spirits and fosters cultural nihilism and intellectual rebellion.

Now, what exactly do I mean when I say that an intellectual formation and the interior life are necessary for the preservation of a Christian culture? First of all, I am not speaking simply of creating some kind of elite within the state, for the more widespread such an intellectual and spiritual formation is in the culture, the better. If everyone has the grasp of the Faith of a theologian and a philosopher and the life of a saint, so much the better. But since we know that not everyone will achieve a high intellectual or spiritual level, it seems to me essential that some achieve this, and that, without considering themselves superior beings, they serve as a kind of leaven in the lump, or, to change the metaphor, as the salt that will keep a culture fresh and alive. Thus the formation of select apostles by means of the interior life *and* a Christian intellectual formation is, I think, a necessary means to aid in the preservation of a Catholic culture and a Catholic state. What I have in mind is something like this.

I imagine a kind of loosely-knit society, made up of those who have been given an ample Christian intellectual and cultural formation,⁴ and who, under the guidance of priests and others, are striving to live an interior life. The members could be recruited during university studies as well as elsewhere — it should certainly be open to those of the working class — and formally admitted to the

movement. The entire purpose of the movement would be to uphold the Catholic tone of the culture and of the state, first, on a personal and family level, secondly, in the wider society. This would take the form, not only of applying Christian principles to their work, but of watching for, and prudently correcting, nascent errors and problems. Their apostolate would include formal and informal teaching of others, in person and in writing, in order to permeate the popular mind with Christian principles, not only for one's personal life, but for society as a whole, for entertainment and recreation, for making political judgments, for understanding world events.

Of course there is a danger that some in this group would turn into intolerable bores and bluenoses, but as I said before, nothing involving men is immune from the possibility of corruption. So despite the fact that some of this group would turn out to be self-important talebearers, I still think some arrangement like this to be necessary to help keep an informal watch on conditions in the society.⁵

Such apostles, men and women, would certainly need to work in concert with the hierarchy, but it seems to me they should not become too dependent on it, since there are too many instances in Catholic history of the betrayal of a nation by its bishops. Moreover, I think it would be better for them to have no official connection with the government, for if the authorities were ever to take any actions against the Faith or sound morality, such an apostolic group would need to retain maximum freedom of action.

Let me suggest another though related means for the preservation of a Catholic society. Another spiritual classic, *The Spiritual Combat* by Lorenzo Scupoli (1529-1610), gives the following advice (chapter 13):

When our Creator and sensuality struggle for possession of our hearts, victory will follow the side of Heaven, if we use the following tactics.

1. The first impulses of the sensual appetite that oppose reason must be carefully checked, that the will should not give its consent to them.
2. After this is done, they may be released in order to give them a greater setback.

Fr. Scupoli explains what this second point means:

Bring to mind what first moved you to impatience. When you recognize the same emotion rising in your lower appetite,

mobilize the entire force of your will to suppress it.⁶

In other words, the author is recommending as a way of fighting our irrational desires, that we deliberately call to mind the thing or circumstance that provoked them in the first place, in order to create the opportunity of resisting anew and thus strengthening our will. (Note that he cautions that temptations against chastity are *not* to be handled in this manner.) We will gain a virtue only if we contend manfully against the opposite vice.

Consider also these words from John Milton's *Areopagitica* of 1644, his well-known essay against censorship.

He that can apprehend and consider vice with all her baits and seeming pleasures, and yet abstain, and yet distinguish, and yet prefer that which is truly better, he is the true warfaring Christian. I cannot praise a fugitive and cloistered virtue, unexercised and unbreathed, that never sallies out and sees her adversary, but slinks out of the race where that immortal garland is to be run for, not without dust and heat. Assuredly we bring not innocence into the world, we bring impurity much rather: that which purifies us is trial, and trial is by what is contrary.⁷

I am not pretending that the wise advice of the Catholic priest and the assertions of the puritan poet really belong together, simply that each of them is getting at something akin. Fr. Scupoli's advice on how to form and strengthen our virtues, and Milton's concern that a "cloistered virtue" will not produce real Christian character suggest an objection to the kind of culture and state I have sketched in this book. I can imagine someone phrasing it after this manner: "This Catholic state and Catholic culture of yours are nothing but a sort of minor seminary writ large. This restriction of non-Catholic religions and this censorship and all these laws — they produce children, not men. The inhabitants of such a society will be ignorant, not virtuous, good only because they don't know anything else. Maybe they'll get to Heaven, but if so they won't be great saints there. But more likely, as soon as the least bit of real evil enters such a culture, it will collapse like a house of cards." Now, what can be said to this charge?

I think that this objection misunderstands the nature of man and tends toward making the extraordinary to be the ordinary. Long experience has taught us that there are such things as near occasions of sin, and that most of us need to guard against them. Not everyone is a great saint or even full of zeal, yet everyone needs

to save his soul. Is it an exaggeration to say that it is easier to be good in a cloister than in a barracks? But the objection errs more fundamentally also about the nature of man. Often today there is an assumption, perhaps rarely made explicit, that unless one has seen or done evil, or “real life,” as it is usually called, one cannot really and intelligently choose good, and still worse, that one is not a real man at all, but only a child. I do not think that this need be the case. First of all, there is plenty of material in each of our souls and in our environment, even in a cloister, for a lifelong struggle between good and evil. Moreover, the atmosphere of an entire nation with multitudes of different kinds of people and levels of culture will always necessarily be varied enough that it will contain plenty of “real life,” even if that nation is protected by the kinds of laws and institutions I suggest in this book. And if not, have we any loss? The *natural* human state, that of our first parents, was one of goodness, and though it was necessary to permit that goodness to be tested, I see no reason to suppose that men who are ignorant of certain evils are thereby less men.

However, there *is* a sense in which the words of both Fr. Scupoli and Milton do apply. It is necessary to acquire virtue, and such acquisition does require trial and effort. But within the safeguards for Catholic life erected by a Catholic culture and state there is much that can be done to teach about virtue and vice and to make a love of the former and a horror of the latter real in the souls of men. I am not thinking here primarily of formal theological or philosophical teaching, even when adapted for the general populace, though this is certainly an important measure that must be undertaken. No, I am thinking in fact of the power of literature — drama, stories, novels, song, film — to form men in true principles, not by formal teaching, but in fiction’s own proper manner. Consider the following:

A student came to me and said she almost felt sick when she read the scene in which Scarlett [in *Gone With the Wind*], to save the farm, offers herself to Rhett Butler! “Isn’t that a horribly immoral scene?” she said. I immediately asked, “After reading that scene did you feel more, or less, like ever offering yourself, or succumbing, to a man?” And when she cried, “Oh, horrors! Less! I could not think of such a thing after reading that!” Then I said, “My dear girl, whatever you may think of that scene, it was for you a most moral influence. If you ever have forbidden desires toward a man, please read it again!”⁸

This is one important way that a Catholic culture, shielded from error and harmful publications, can nevertheless form souls in and

for moral combat, namely, by the use of literature, and particularly I would think, the drama. The main point of App's book, from which I quote, is that literature does not teach by forming correct ideas and true propositions in us, but rather by making us *feel* the goodness of virtue and the evil of vice. "A great literature must take the great temptations and sins of man and damn them for the ugliness that they are," and "...literature presents the ideals of philosophy and religion in an attractive parable or fable to bring our heart, our weak human nature, into harmony with our head, our spirit."⁹ In medieval Europe there was an effective use of this means, as popular drama presented again and again not only the truths of the Faith, but our ever-present struggle with the world, the flesh, and the Devil.¹⁰ It seems to me that Catholic cultures and Catholic states ought to set out deliberately to do the same. Plays, motion pictures, stories, novels and songs must be created which strive, not to teach didactically (something that is not the province of literature), but to present virtue in an appealing guise and make us desire it, and to do the opposite with vice.¹¹ Most of us perhaps remember some passage from a book which has stuck with us and which renders vice — already attractive enough — yet more attractive, because of its sympathetic presentation. Literature's true mission is to do that same thing with virtue. If this is done well, then the souls who inhabit a Catholic commonwealth will gain a kind of vicarious experience, so that their virtue will not be the cloistered counterfeit that Milton mocks. No, we do not need to deliberately court evil, for literature well used, along with our own very real daily struggles, can give us all the experience we need.

These two distinct recommendations are important devices for preserving a culture. Can they be abused? Certainly. Will they always be successful? Hardly. But they both seem to me to correspond to human needs and the needs of a culture. Everything human, because of original sin, will always tend to run down and become corrupted, and only vigilant measures have any hope of succeeding against them. So let these and other measures be tried, with as much vigor as we can muster, and perhaps we will be more successful in preserving and prolonging a healthy Catholic civilization than we otherwise would be.

Notes

¹ Derived from Horace, *Odes*, book 3, no. 24, line 35, Quid leges sine moribus vanae proficiunt?

² Jean-Baptiste Chautard, *The Soul of the Apostolate* (Trappist, Kentucky : Abbey of Gethsemani, c. 1946) pp. 180-81.

³ *Ibid.*, p. 148.

⁴ By a “Christian intellectual and cultural formation” I do not mean something like a summer course or a short series of lectures. I mean something as extensive as a complete university course, or its equivalent. I think, though, that there should be some formal arrangement whereby those who did not receive a university education could receive this formation later on.

“Education for the apostolate presupposes an integral human education suited to each one’s abilities and conditions.... Besides spiritual formation, solid grounding in doctrine is required: in theology, ethics and philosophy, at least, proportioned to the age, condition and abilities of each one.” Decree on the Apostolate of Lay People, *Apostolicam Actuositatem*, no. 29. *Vatican Council II : the Conciliar and Post Conciliar Documents*, p. 793.

⁵ An interesting book that gives an account of a similar sort of apostolate is Felix Morlion, O.P., *The Apostolate of Public Opinion* (Montreal : Fides, 1944).

⁶ Lawrence Scupoli, *The Spiritual Combat* (New York : Paulist, 1978) pp. 36-37.

⁷ In *Complete Poems and Major Prose* (Indianapolis : Bobbs-Merrill, c. 1957) p. 728.

⁸ App, *The True Concept of Literature*, pp. 47-48.

⁹ *Ibid.*, p. 17 and p. 7.

¹⁰ Bede Jarrett points out how the medieval artist was conceived of as expressing, in the manner proper to his art, the truths taught by the theologian. *Social Theories of the Middle Ages*, pp. 250-251, 256-257.

¹¹ Will a Catholic government directly sponsor such literature? Of course not. But if Catholic life is full and vigorous, then such literature will necessarily arise, and, moreover, can sometimes be given suitable encouragement and support by the authorities.

EPILOGUE

This book is about a Catholic political order and yet quite obviously there has been much talk about Catholic culture, for certainly these two areas are intimately related, and in some cases the distinction between them is one merely of thought, which in real life would be impossible to separate. For a Catholic culture is the flesh and muscles and organs which surround the skeleton of a Catholic state. It is true that the flesh and muscles would be nearly shapeless without the framework of the bones, but on the other hand, the bones themselves would be dry and without purpose were it not for the rest of the body. So the bones are important, but important for the sake of the flesh and the organs. The political order exists for the culture. The state, however, cannot do very much to promote culture, to cloth the skeleton of the laws with a living Catholic community. Only Catholics living as Catholics can create a Catholic culture, and they will do this merely by living a Catholic life, if they are able to live such a life in its fullness. The state exists to provide them the opportunity to do so, to perfect that life, to protect them from external enemies of this way of life and from certain of its internal enemies. But beyond that the state cannot go, and if Catholic culture does not arise from Catholics living a Catholic life then a Catholic state is useless.

So this is the one thing necessary, namely, that somehow a Catholic culture must arise. If Catholics are given the opportunity, then almost certainly this will happen, for always in the past it has happened. Men will always write and paint and sing, and Catholics will do so to the glory of God and the honor of the Virgin. That beautiful reawakening, that spring of the 11th and 12th centuries, those early buds on the twigs and branches of renewed Catholic Europe, that joy in their Lord and their Lady of so many singers and poets — that is what we must pray for and work for with whatever we ourselves may have. And then may we hope again for art and song and dance and life itself that will give that joy to the hearts of Jesus and Mary as surely as if young children danced and sang before their thrones. If we have that, then we have a civilization full of the spring of Christ and his Mother, leaping up in its buildings, tossing its songs and verses about, carving and painting and sculpting in a madness of holy abandon. Then we will have Catholic life again, and the earth again give special joy to the heart of its Creator.

Appendix I

SPEECH BY THE MINISTER OF CULTURE AND EDUCATION OF THE CATHOLIC REPUBLIC OF RURITANIA

Ladies and gentlemen, I am here to report to you on the progress of our national effort, an effort never before attempted let alone accomplished, the effort to restore a Catholic civilization to a nation in the twentieth century. I say that such an effort has never been attempted. My colleagues and I are well aware, as I know that you are, that in this century there have been actual restorations, to one degree or another, of Catholic governments at this or that time and place, some successful for a time, none ever producing lasting or important results. So how can I say that our effort is unique? It is only because of what we think is the main cause of the failure of the others, namely, the relative, sometimes complete, lack of attention to the question of culture. We are not trying to restore a Catholic government. In that we have already succeeded, and our effort has been ratified by a plebiscite of the people. But we are attempting something more important. We are actually trying to reestablish a Catholic culture. For no Catholic state can endure without a Catholic culture underlying it, just as in the long run no Catholic culture is secure without a Catholic state protecting it.

Now the distinction that is sometimes made between totalitarian and authoritarian regimes is that the former seek to control not merely political behavior, but the entire culture and all forms of cultural expression, while the latter's endeavors are usually limited to political activity. And it is sometimes implied that while the latter is not wholly incompatible with civilization, totalitarians are necessarily barbarians. Well, where do we come out on this? Are we totalitarians, because we seek to remake culture, and thus necessarily barbarians? I do not think so, and I certainly hope not. For the difference, the big difference between what we are doing and what a totalitarian regime might do, is that we realize that all we can do in the realm of culture is to create the conditions in which Catholics can create a Catholic culture, in which the ever-vibrant life of Jesus Christ can flow out from the sacraments into the entire life of society. No government could ever bring this about; all we can do is remove obstacles, provide protection and perhaps do a little bit of careful encouragement.

But it will not be amiss for me to sketch some of the means by which we will be removing obstacles and providing protection for

the Catholic culture that we hope will arise. In the first place, we must attend to such obvious duties as the protection and special position of the Church, the safeguarding of marriage and the unborn, the establishment of social justice and the curbing of the power of the rich. Though our government has been in power only three weeks, we have already done or begun to do all of these things. In fact we intend to thoroughly reform the legal codes of the nation to reflect Catholic truth.

Likewise everyone will recognize the primary importance of our educational system and of the schools. Everyone will understand that we must rid the schools of the textbooks of the former liberal regime. Moreover, we must begin the difficult task of interviewing all the teachers of the schools with a view to judging which are sympathetic to the goals of the national restoration, which can become sympathetic, and which are so opposed to our work that we can no longer offer them State employment in the instruction of the young. (I might add, parenthetically, that to the latter we will be offering scholarships at foreign universities with the binding agreement that those accepting them will never return to Ruritania.) We will, of course, begin soon to negotiate a concordat with the Vatican on the question of religious instruction in the schools and related matters. Necessarily the view of the government is that the Church's right to run schools must be completely respected, while at the same time the State's responsibility for the temporal well-being of the national community is likewise maintained. In all State schools religious instruction will be under the joint supervision of the respective bishop and of this Ministry, while in the non-government schools directly controlled by the Church, the government will have no voice, save the undoubted right to protest to the local clerical authorities and to Rome if modernist teaching is introduced under the guise of new or progressive Catholicism.

I might mention incidentally on this question of control of the schools, that we believe that it is the right and duty of the government to be concerned with the temporal common good of the nation. Now, if sufficient schools are provided by others, then the State will not need to directly establish schools. If, however, there is need, then we will not hesitate to set up schools, or to aid others to do so. It goes without saying that no one, however poor, will be unable to attend school because of lack of money. If private schools cannot provide free tuition for those students who need it, the State will furnish the necessary funds to the schools or to the parents. All of this applies through the university level.

In our universities, what is clearly necessary is to place convinced Catholics, who are nevertheless learned men and scholars, in charge of the university and give them as much freedom as is possible. There can be no forcing or constraint in the intellectual life. Either one is convinced that the Catholic faith is true, and therefore that all learning accords with it, or one is not. If not, force or fear will simply produce duplicity and a cancerous growth in the heart of our intellectual body, something which is deadly for the nation. So, as in the case of lower school teachers, we will simply allow those who disagree with us to depart, making the best of the situation. We realize that this produces the likelihood of a movement of Ruritanians in exile, but there is no alternative. We will do our best in arranging the scholarships we are offering to scatter our departing dissidents to many different countries, but for the rest, we must simply trust in God and our Lady.

And here I might profitably comment on the many discussions in the foreign press on the so-called inevitable conflicts between our new regime and the intellectuals and artists of Ruritania. Now, the real conflict that we are facing is between Catholicism and liberalism. Liberalism is the chief, and indeed the only real intellectual enemy in countries of Western culture today. Marxism is intellectually dead. Protestantism, despite its growth and vibrancy in some respects, is not an *intellectual* threat. It is true that in other parts of the world there are other doctrines which count many adherents, particularly Islam. But that is not a real force with us.

Now liberalism, as you should know, is simply that set of teachings which arose in connection with the Protestant revolt of the 16th century and has fused a certain philosophical skepticism, coming from Descartes and Kant, and ultimately from the nominalists, with a deep hatred of anything smacking of the Catholic faith and of our traditional Western tradition, which hatred found its mature expression in the intellectual and cultural movement of the 18th century, commonly but erroneously called the Enlightenment. Today it is dominant over most of the earth. Its eldest child is named capitalism or the free market. Its dogmas usually go unchallenged and its fallacies unexposed. But it is not the case that this supremacy of liberalism is inevitable. Liberalism is not the natural culmination of the centuries of history and of philosophical inquiry. It is possible for men to think, not just to mouth slogans, and when they do so, many will see that liberalism is simply false. Moreover, when the roots of liberalism are exposed,

they can easily be seen not to be so attractive as many had hitherto supposed. For example, liberalism as held by a thinker such as Locke, is incompatible with that sense of community which is rightly prized by many thinkers and writers; and the influence of Descartes is in large part responsible for that attitude toward nature which has so often been the cause of the destruction of the earth and of the health of our land and waters. Since we hold, naturally, that the Catholic faith is true, and Catholic culture is its natural and beautiful expression, we know that the intellect is not opposed to us. Nor do we think that intellectuals and artists are any more infected with original sin than others. Is there, then, any necessary connection of the intellect with liberalism? I do not think so. Is there any necessary connection between art and liberalism? Again, I do not think so. When the beautiful foundations of Catholic culture are perceived and the corresponding ugly ones of liberalism, I think that it will not be so difficult to choose. Of course, we cannot offer the total freedom to indulge the appetites that liberalism can. But is this false freedom more desired by intellectuals or artists than by others? And if it sometimes seems to be so, is it not because of confusion and misidentification between Christian civilization and bourgeois society? Again, we must explain, we must peel off the layers of errors which surround the notion of Catholicism, which errors are often held even by Catholics, so that the beauty, not just of Catholic doctrine, but of Catholic civilization and life can be seen.

Now, what of the very important and interesting area of popular culture? In the first place, although some argued that we could use it for our own purposes, the Council of State had little difficulty in deciding to entirely eliminate television from the nation. Since we are an island, somewhat remote from other lands, this is an easy decision to enforce. Indeed, were we adjacent to other countries, it would be folly to conduct the attempt at national restoration at all, for every effort we would make would be undercut by the ubiquitous evils, usually emanating ultimately from America, and relayed around the world by television and radio. So we will do the same for radios as we have done for television. In the case of the television, since the State broadcasting station no longer exists, every television set in the country is now useless, since satellite dishes had not been introduced into the country before our movement took power. In the case of radios, spare parts will soon become unobtainable. Moreover, we will soon cease importing any oil, and the only electricity which will be produced for the time being will be from the hydroelectric plant at Rafscone. The allotment of electricity per

household will be very small. Now our reasons for doing this are environmental, not cultural, but they will incidently have good cultural effects, for they will force men to return to the methods of their fathers in making music and other kinds of entertainment. Incidently, the VAT has been removed from musical instruments.

By isolating ourselves from what we consider the worst of the world liberal civilization, we can have considerable hopes for the good. The State will also, of course, undertake an active censorship of books and other publications. All books published here or imported from abroad will be required to pass through the censorship. Now, what are our plans here? Simply this: For the ordinary citizen of the country, publications which advocate or even treat of intellectual or moral errors in such a way as to pose a danger to the Catholic faith and its expression in our culture will be prohibited. However, the same can obviously not be done to the learned. In the university many important books which promote error must be read and discussed. Otherwise our students cannot obtain a liberal education. We must simply trust, however, that the convictions of those to whom we entrust the education of our young will be sufficient to overcome these errors, and indeed to use those books to bring about good. Similarly, those who devote themselves to the intellectual life, either professionally or as a serious private study, will have free or almost free access to any book they need and the liberty to discuss any matter or thinker in learned books or journals, so long as they do not *advocate* error. But, as I said, the situation is different for the ordinary citizen, who will be shielded from acquaintance with very much of modern intellectual error and evil.

Another large area where our government intends to overthrow much of contemporary liberal civilization is the economic, together with technology and its accompanying environmental effects. Although this subject is outside the responsibilities of my Ministry, nevertheless, I have been asked to include some brief remarks on it in this speech.

Together with the Church and all Catholics who understand the Church's position, we regard economic activity as having a purpose, a purpose inherent in it, regardless of the desires or opinions of any individual. Economic activity clearly exists to provide man with the material things he needs for what is really important in this world: the family and community life, the intellectual life, and above all, the spiritual life. Although obviously men have a right to make a

sufficient living by their work, economic activity does not exist to provide the opportunity for one to grow rich. Especially is this true if such rich men have the means to oppress others and disrupt the peace and happiness of the community as a whole. We intend to channel economic activity toward the common good and we are not afraid to curb men's appetites for riches with the laws of the State and the rules of those intermediate occupational groups which will, we hope, soon be reestablished.

The second truth that must be our guide in regulating economic activity is that all men have a right, simply because of their humanity, to have the material goods necessary for a life worthy of their human dignity. Now the method for obtaining this that most accords with human dignity is for each adult who is capable to work to provide himself and his family with sufficient goods to live a life that befits a human being. From this it follows that each head of a family or independent single person has a right to a job or to property that provides a sufficient livelihood. It is nonsense to talk of the marketplace alone setting a value on a man's labor. What is a man to do if the market does not offer him sufficient recompense for his labor for him and his family to live? Is he supposed to work at night also? Is his wife supposed to leave the care of their children to strangers to earn enough bread for their table? What kind of home life is possible for such families? Any nation that requires this to be done — and there are nations that actually do this — degrades home and family beneath the impersonal wheels of the economic machine, and proclaims that it accepts the maxim that life exists only for work, rather than work existing to provide for life's needs.

How are we to accomplish all this? Obviously there are many ways, but here again our Catholic faith and tradition help us. We know that the best thing we can do is to create arrangements such that all or most of our families and citizens can become owners of productive property, and work for themselves providing for their own families. We will positively encourage by every means possible small stores and workshops of every kind. And by small we mean the owner and two or three apprentices, not fifty or a hundred employees as a small business is defined in some countries. Moreover, these enterprises will be joined in guilds or occupational groups in order to self-regulate production, quality of goods, prices, market share and other important matters, with the State stepping in only to set things right and make sure that the interests of the general public are looked after.

When speaking of economic activity one naturally thinks also of technology. What will we do about this important matter? Here there are two distinct interests to consider. In the first place, the kind of technology used in a nation has important social results. Obviously the extensive use of machines in general tends to lessen the need to employ human beings, thus often in the past creating unemployment. It is true that in part this happened because of the capitalist economic order, for had property been well distributed, the industrial revolution would have been much less harmful. But nevertheless, machines have been a mixed blessing for mankind. Only consider how certain huge and expensive farming machines, which small farmers neither needed nor could afford, have nonetheless put them at a disadvantage as against large corporate-owned farms, which by the use of these machines were able to grow and harvest crops more cheaply. And this injustice is compounded by the fact that sometimes these machines were designed or invented at agricultural institutes funded by the taxes of everyone, thus forcing family farmers to help pay for the loss of their own farms! So in this respect, we will carefully watch technology to see that nothing is introduced which will unsettle or destroy the social order which we consider desirable. Man is first, machines second. The mere fact that a machine can do some task faster or better than what was formerly done does not in itself mean that that machine is good for man. The important question to ask is: Aside from its being able to perform a narrow task well, what effect does it have on the whole of life and on the social order? The automobile, for example, was able to take men faster from one place to another. Obviously no one denies this. But what effect did it have on society? Did and does it facilitate the loosening of social bonds, of neighborhoods and families? Did anyone ask why we wanted or whether we needed to get from one place to another faster than before? Such questions are not trivial, and in fact we have established a special permanent committee which will rule on new inventions and devices to decide, to the best of our ability, whether they will be good or bad for society. And we have likewise amended our patent laws so that they will apply only to inventions judged to be truly helpful to society and not destructive to the environment. Obviously in this area it will be difficult to know with certainty what effects new devices will have, but we believe that to do nothing would be irresponsible, since technology's effects on culture and life are profound and undeniable.

The second and equally important aspect of the question of technology concerns the environment. The fact is that in addition

to the socially destructive side of much twentieth-century technology, it has also been environmentally destructive. It is folly for men to imagine that the resources of the earth, vast though they are, are limitless or that the villain in the matter is man as such, rather than the wasteful way in which men live. It is both ignorant and arrogant to pollute streams and destroy all our forests. Man has a right to live on the earth, indeed God has designated him as steward and ruler of the creation, but we must live with nature, not in spite of or against it. We need neither discard civilization nor, on the other hand, forever invent devices for keeping nature at bay. Instead we should create a technology and a civilization that lives harmoniously with nature. If, for example, God has blessed our land with waterfalls, which allow us to make electricity, how is nature harmed as a result? But it is another thing to dam rivers or burn oil or coal or use nuclear fuel to create this electricity. The first has a minimal impact on the course of nature. The latter types, to one degree or another, distort and destroy. In addition to this we are investigating the production of electricity by solar energy. We are not enemies of technology, provided that it is technology that respects man and respects nature. Otherwise it is an evil.

Now, what kind of a country will all this create? Will all this necessarily create a nation of Catholics? In fact, can the government ever achieve such a situation by its actions? Obviously not. But when most or all of the evils of modern life are removed from a nation of Catholics, may we not reasonably hope that what has happened in the past can happen again? The Archbishop has assured us that dedicated priests, entirely orthodox in their doctrine and austere in their lives, will within a month begin the reevangelization of the nation. May we not expect that the preaching of the pure Gospel will accomplish what it never failed to accomplish in the past, namely, the conversion of men's hearts and of the nation, in fact, of the entire social order? No, we will not have a paradise here or a nation of saints. But we may, I think, reasonably hope for what Hilaire Belloc called a normal sane life, a Catholic life, public and corporate as well as private and personal. Moreover, if the nation is converted, including writers and musicians, artists and intellectuals, then we will begin to create the Catholic culture that is the end of all our efforts, of which the Catholic state is only the shell. The State can ban evil literature. Only convinced Catholics can create Catholic literature. We can only create conditions for the preaching of the Faith and for the flowering of genuine Catholicism.

But, if the past is any guide, the rest will follow. The State and its institutions will strive to provide the external and internal stability that this culture needs. And if we achieve this, if Church and State together cooperate as they should, then Ruritanians will undoubtedly effect such happiness as is possible in this world, with a good hope for attaining much more in the next.

Appendix II

DETAILED DISCUSSION OF RELIGIOUS LIBERTY

As I said in chapter two, I have reserved this Appendix for a detailed discussion of the question of religious liberty, including an examination of two important books on the subject, Fr. Brian Harrison's *Religious Liberty and Contraception*¹ and Mr. Michael Davies' *The Second Vatican Council and Religious Liberty*². The first of these books argues that although *Dignitatis Humanae* makes no change in fundamental Catholic doctrine on religious liberty, it does make some considerable changes in the application of this doctrine, based on a different assessment of the elements involved, and thus promulgates new norms of public ecclesiastical law. The second book argues that there seems to be no way to reconcile the earlier papal teaching with the Council's Declaration. I disagree with both these positions, and I will discuss and critique these two works to the extent necessary to present and argue my own thesis.

Papal teaching on the duty of the state toward the Church and the true Faith before Vatican II had two parts, as I said in chapter two. The first was on the duty of the state itself, i.e., on men organized on a political basis, through their rulers, to honor God and recognize the one true religion. The second part of this papal teaching concerned the right and duty of the authorities to protect the faith of the Catholic people whom they ruled, by restricting, or even completely banning, proselytizing and public religious activity by non-Catholics. The controversy occasioned by *Dignitatis Humanae* mainly concerns the second of these two points, the limitations which may be placed on non-Catholic religious activity. As regards the first point, although *Dignitatis Humanae* does not explicitly affirm the necessity of the government honoring Christ the King via some kind of special constitutional recognition, it allows for such an arrangement (no. 6)³, and if one gives proper weight to the important announcement at the beginning of the Declaration, that "traditional Catholic teaching on the moral duty of individuals and societies toward the true religion and the one Church of Christ" is left "intact," then it seems to me that, though one could desire a more forthright statement of Catholic truth, one cannot say that the Council has departed from true doctrine. As Fr. Harrison states, there is really no difficulty, for *Dignitatis Humanae* does not purport to be a complete and systematic treatment of Catholic doctrine on Church and state,⁴ so the mere fact that the Declaration permits such

recognition by the state, means that it in no way contradicts earlier teaching about the *duty* of the state to honor Christ the King.

The more difficult point, then, is the second, namely, whether *Dignitatis Humanae* alters earlier papal doctrinal teaching on the right or duty of the state to limit or prohibit public expressions of non-Catholic religions. In chapter two I argued that *Dignitatis Humanae* was in harmony with the earlier papal teaching on this point, and that the several limits put on religious liberty in that document could be read as containing the norms of the earlier papal teaching, *if* one gave sufficient weight to the statement, at the beginning of the Declaration on Religious Liberty, that “traditional Catholic teaching on the moral duty of individuals and societies toward the true religion and the one Church of Christ” was left “intact” by this document. Fr. Harrison also takes this affirmation very seriously, yet he thinks that the content of “traditional Catholic teaching” is less than what I do, and that part of what seemed to most Catholics before Vatican II to be immutable doctrine, was in fact changeable ecclesiastical policy. Therefore it seems to me that our first task is to ascertain exactly what the “traditional Catholic teaching” in fact does comprise. If we do that, then the rest of the Declaration must be read and understood in the light of that teaching. So we must first take another look at some of the papal texts that constitute that traditional teaching in order to see exactly what they affirm. Let us begin again with Pius IX’s *Syllabus of Errors*.⁵

no. 77. In the present day it is no longer expedient that the Catholic religion should be held as the only religion of the State, to the exclusion of all other forms of worship.

no. 78. Hence it has been wisely decided by law, in some Catholic countries, that persons coming to reside therein shall enjoy the public exercise of their own peculiar worship.

(The above two propositions are condemned, and a phrase such as “It is not the case that...” should be put in front of them to understand exactly what the Pope is affirming here.)

Whatever, therefore, is opposed to virtue and truth may not rightly be brought temptingly before the eye of man, much less sanctioned by the favor and protection of the law. Leo XIII, *Immortale Dei*, no. 32.

Men have a right freely and prudently to propagate throughout the State what things soever are true and honorable, so that as

many as possible may possess them; but lying opinions, than which no mental plague is greater, and vices which corrupt the heart and moral life, should be diligently repressed by public authority, lest they insidiously work the ruin of the State. Leo XIII, *Libertas*, no. 23.

...while not conceding any right to anything save what is true and honest, [the Church] does not forbid public authority to tolerate what is at variance with truth and justice, for the sake of avoiding some greater evil, or of obtaining or preserving some greater good....But if, in such circumstances, for the sake of the common good (and this is the only legitimate reason), human law may or even should tolerate evil, it may not and should not approve or desire evil for its own sake....Leo XIII, *Libertas*, no. 33.

What exactly do the sovereign pontiffs teach here? It seems to me that to one looking at these passages without preconceptions the popes are teaching at least this much: the authorities normally ought to proscribe the public activity and propagation of error, since these work against the common good of a society, though they may, and in some cases must, tolerate the error, if because of particular circumstances, the common good demands this. Care of the common good is thus the controlling factor, both in the amount and kinds of restrictions placed on non-Catholic religions and in the degree of freedom permitted to their activities.

My thesis, that *Dignitatis Humanae* can be understood in such a way as not to contradict this earlier teaching, may be set out thus:

Man has a right to religious freedom. This is affirmed by *Dignitatis Humanae*, and in the context of that Declaration this assertion might seem to be at variance with the earlier teaching. But this is not really the case. For, as *Dignitatis Humanae* itself asserts in no. 7, the exercise of this freedom is limited by the concerns of the common good, a teaching reaffirmed by the *Catechism of the Catholic Church* (nos. 1738 and 2109). Thus, since the common good differs from one social situation to another, as the *Catechism* also points out (no. 2109), the degree of religious liberty rightly permitted to non-Catholics differs from one social situation to another. In overwhelmingly and traditional Catholic societies, we may rightly see *public* non-Catholic religious activity, especially proselytizing, as contrary to the common good, though non-Catholics would still enjoy their right in the *private* exercise of their religion, for example, in their own homes. Thus non-Catholics would always enjoy a right

to religious liberty, but the “due limits” which a state must place on this right “must be determined for each social situation by political prudence, according to the requirements of the common good....”⁶

The foundation of the de facto practice of allowing non-Catholics private religious liberty was not clear in the earlier teaching. Did they have a *right* to such liberty or was it merely something tolerated for the sake of the common good and peace of the society as a whole, i.e., chiefly for the sake of the Catholic majority? But while this aspect of the teaching was undeveloped, the relevant pre-Vatican II papal documents never condemned the notion of a *right* of *private* religious liberty for non-Catholics. For example, in the *Syllabus of Errors*, Pius IX condemned the “public exercise” of non-Catholic religions in Catholic states.⁷ Moreover, in *Ci Riesce*, Pius XII says,

Could it be that *in certain circumstances* [God] would not give men any mandate, would not impose any duty, and would not even communicate the right to impede or to repress what is erroneous and false? A look at things as they are gives an affirmative answer.⁸

Note that the Pope says, God “would not even communicate the right” to restrict non-Catholic religious activity in some circumstances. Nor is he speaking here only of private religious activity, as a reading of the entire passage makes clear. Thus I do not think it is contradictory to say that there could be a *right* to religious liberty for non-Catholics, the exercise of which right, like all others, is subject to the exigencies of the common good. Thus non-Catholics would always have a right to *private* religious activity, and where they are a majority or a large minority or otherwise where the common good indicates, they also have a right to *public* religious freedom. But, on the other hand, in Catholic nations, the common good would usually indicate limitation, at least to some extent, of their public religious acts. This position, I think, is perfectly consistent both with the earlier teaching and with *Dignitatis Humanae*. It is true that *Dignitatis Humanae* emphasizes the rights of all men and groups, but that Declaration contains sufficient in the way of limitations to make it compatible with that “traditional Catholic teaching” it undertook to develop, while at the same time, like all true doctrinal development, leaving what came before “intact.” Thus *Dignitatis Humanae*’s contribution to the development of doctrine may be seen to lie in its giving the religious liberty of non-Catholics a firmer philosophical foundation, i.e., pointing out that their liberty is likewise founded on *right*. But note that their religious

liberty is not the same as the exercise of that liberty, which is limited by the requirements of the common good, as (to repeat myself) *Dignitatis Humanae* itself clearly states in no. 7.⁹

What of statements such as the following, that “...that which does not correspond to truth or to the norm of morality objectively has no right to exist, to be spread, or to be activated,” from Pius XII’s *Ci Riesce*? One must understand this statement and any others of like tenor as applying to a *moral* right to exist, which of course, error can never have.¹⁰ But as far as a human political and civil right, erring persons do have a right to religious liberty, but within the bounds of the requirements of the common good.

Next it is necessary to examine how Fr. Harrison handles this matter, for he too gives great weight to the statement at the beginning of *Dignitatis Humanae* about leaving “intact” the earlier teaching. Yet Fr. Harrison believes that in *Dignitatis Humanae* the Church has enunciated a new norm of public ecclesiastical law which no longer allows a Catholic state, except perhaps in very special circumstances, to prohibit all public religious activity, including proselytizing, by non-Catholics.

Fr. Harrison, in chapter four of *Religious Liberty and Contraception*, discusses some of the earlier 19th century papal pronouncements on religious liberty, e.g. the encyclical *Mirari Vos* of Gregory XVI and the encyclical *Quanta Cura* of Pius IX.¹¹ He is correct, I think, in his argument that Gregory XVI is condemning a liberty to profess *any* sort of religious error at all, a freedom which no one supposes *Dignitatis Humanae* to uphold, since on any interpretation it puts some restrictions on religious liberty. My major disagreement with Fr. Harrison begins in his next chapter.

In chapter five, then, Fr. Harrison first takes up proposition 77 of Pius IX’s *Syllabus of Errors*, which I quoted above, as well as a passage from Leo XIII’s *Immortale Dei*, similar in tone to those of Leo that I set out above. Fr. Harrison begins his discussion in this way.

As we argued earlier, the centuries-long historical antecedents of the nineteenth-century encyclicals strongly suggest the possibility that some of the papal admonitions which they contain may be more in the nature of quasi-administrative directives or policies for the governance of Christendom..., rather than timeless and universally valid doctrinal principles. The question is, which ones, if any, really do fall into that category?

If we are to seek a criterion for deciding this question, a reasonable one would appear to be that statements which indicate the *means* which are to be taken in order to achieve a certain *end* seem to bear this character of policy, rather than doctrine. Or at least, it would surely be fair to say this: the more broadly and generally these means are defined in a given papal statement, the more right we have to regard that statement as doctrinal in nature; and the more specifically and precisely these means are spelt out, the more certainly we may classify them as policies — mutable applications of the general principle which can be reformed according to circumstances.¹²

Thus, Fr. Harrison asserts, when Leo XIII exhorted rulers to repress errors, “Leo XIII himself recognized that he was talking not about something which is obligatory *in se* or as an end in itself..., but about a means toward a good end.” Although the prohibition of non-Catholic religious activity is generally urged as a *means* of protecting the commonwealth from a multitude of evils, the norm that it is founded upon is something unchanging, namely, human nature and the nature of civil society. Man is the same today as he was in the nineteenth century, and man organized into civil society operates under the same broad laws of behavior. If the constant magisterium of the past — up to 1953 even! — considered certain safeguards for a Catholic populace as obvious, given the fallen nature of human beings, then I fail to see what basis there could be for regarding this doctrine as mutable and temporally relative. In many other cases things that are simply safeguards of what is good in itself are also constant and unchanging, for example, modesty as a protection for chastity.¹³ All of this, of course, is based on the fact of original sin and its consequences.

Moreover, no one before the Second Vatican Council considered that this teaching could be divided into two parts, one part unchanging doctrine, the other merely a judgment about means which could be changed. For example, when Pius XII in *Ci Riesce* observes that the “duty of repressing moral and religious error cannot...be an ultimate norm of action,” he seems to be taking it for granted that, while it is not the ultimate norm, it is a constant one. Many other writers, such as Msgr. John A. Ryan in the work already referred to,¹⁴ though he urges a lenient policy where that is possible without harm to a Catholic nation, nevertheless takes it for granted that the state has the power to prohibit public manifestations of a non-Catholic religion.

Should such persons [i.e., non-Catholics] be permitted to practice their own form of worship? If these are carried on within the family, or in such an inconspicuous manner as to be an occasion neither of scandal nor of perversion to the faithful, they may properly be tolerated by the State.¹⁵

However, let us proceed to consider further Fr. Harrison's discussion of what he sees as the twofold nature of the earlier teaching, i.e., part doctrinal, part policy.

In regard to the *Syllabus* no. 78 (quoted above), which condemned freedom of worship granted to non-Catholics moving to Catholic countries, Fr. Harrison states,

Pius IX's disapproval of the liberties granted to non-Catholic immigrants in Catholic countries is also clearly a policy matter, involving not only questions of religious freedom as such, but matters of changeable civil law, such as immigration policies and the rights of non-citizens within a given State.¹⁶

It seems to me that Fr. Harrison is plainly wrong here. Though obviously such things as immigration law come into play here, the *principle* at issue in this condemned proposition is religious liberty for non-Catholics. While certainly no Catholic state is under any obligation to allow non-Catholics to settle in it, in this case the non-Catholics had apparently already entered, and the question was whether or not they would be allowed freedom of worship. *That* is what Pius IX was addressing, not the issue of whether or not they ought to be allowed to immigrate or any other transitory matter. The point here is religious freedom; the immigrants are simply the occasion for the matter.

Fr. Harrison next deals with the *Syllabus* no. 77 (also quoted above).¹⁷ His argument here is quite involved, and can be summarized as follows: Every proposition in the *Syllabus of Errors* refers to some earlier encyclical or other document of the Church. In this case, no. 77 refers to an allocution of Pius IX dealing with Spain, in which the Pope disapproves of the Spanish government's cancellation of article I of the 1851 Concordat. This article, Fr. Harrison goes on to say, is practically the same as article I of the 1953 Concordat between Spain and the Holy See, which reads,

The Catholic...religion continues to be the only religion of the Spanish Nation and will enjoy the rights and prerogatives which pertain to it in conformity with Divine Law and Canon Law.¹⁸

Fr. Harrison then points out that "the treatment of other religions

is not specifically dealt with at all” in article I of the Concordat itself, but in a Final Protocol which was annexed to the Concordat. In regard to article I itself, Fr. Harrison argues that since the text mentions “conformity with Divine Law and Canon Law (that is, mutable Church applications of Divine Law),” the implication is that to some extent we are dealing here simply with ecclesiastical positive law. This seems to me unwarranted. One might, for example, say that murder is prohibited by divine and human law without implying that some murders are prohibited by divine law and others merely by human law. Fr. Harrison also argues that since the language specifically prohibiting non-Catholic religious activity is relegated to a Protocol, and since a “protocol is by definition a specific practical determination of a more general legal or constitutional principle,” it is an example of changeable ecclesiastical law.¹⁹ Again, I do not consider this persuasive. One may well place more specific stipulations in some kind of annex without implying that they are less binding, simply less general.

Fr. Jiménez-Urresti relates that it was Pius XII himself who inserted the text of article I into the Concordat of 1953 “just a few days before it was due to be signed..., thereby causing the numbering of the whole document to be changed at the last minute.”²⁰ And when, in response to great international pressure, the Spanish hierarchy and government considered changing their laws in order to permit non-Catholic public religious activity, Rome replied that “its maintenance constituted a grave duty of conscience,” and Pius XII himself said to the Primate of Spain, in response to the latter’s pointing out that Italy permitted greater freedom to non-Catholics, “But we are unable to ask of Italy what Spain can and must give.”²¹

In *Religious Liberty and Contraception* Fr. Harrison for the most part deals with Pius IX’s pronouncements. However, in a book review of Michael Davies’ work, *The Second Vatican Council and Religious Liberty*, he does touch on Leo XIII’s teaching.²² In regard to the passage from *Libertas* quoted above, for example, Fr. Harrison has this to say:

The statement that “lying opinions should be diligently repressed by public authority” is a policy statement about a means toward a certain end (the good of the state and of souls), and does not have anything like the precision and clarity that would be required of an immutable doctrinal truth: taken just as it stands, it seems to “absolutize” the state’s duty to repress error wherever possible, as if toleration were something bad in itself.

Well, as a matter of fact, Leo does say something of that sort about toleration, namely, “the more a State is driven to tolerate evil, the further is it from perfection...” (*Libertas*, no. 34). But Fr. Harrison goes on and says that such a position, namely that toleration is “something bad in itself,” would be “contrary to the teaching of Pius XII in *Ci Riesce* and of Leo XIII himself in other passages where he speaks of toleration.” I do not think so. Both Leo XIII and Pius XII spoke of situations where “human law may or even should tolerate evil” (*Libertas*, no. 33) or where God “would not even communicate the right to impede or to repress what is erroneous” (*Ci Riesce*), but Leo himself explicitly says that in such situations the state is farther from perfection, and Pius basically repeats the teaching of Leo, namely, that “in order to promote *a greater good*” error may or should be permitted. I fail to see how either of these popes contradicts a literal understanding of the passage from *Libertas* about repressing false opinions. Indeed, Pius XII speaks frankly of the “duty of repressing moral and religious error,” pointing out, however, that it is subordinate to higher norms, for example and chiefly, the common good. However, curiously, Fr. Harrison does admit that “from a strictly logical viewpoint” *Dignitatis Humanae* leaves open the possibility that it is within a Catholic state’s rights to prohibit “the *public* manifestation of non- Catholic cults.”²³ Which is exactly what I am arguing.²⁴

After this examination of Fr. Harrison’s argument that some of the papal teaching prior to *Dignitatis Humanae* was merely disciplinary, I think one can say that he has not made his case. In the first place the burden of proof surely rests with those who see in the older teaching something never seen in it by those who formulated and upheld it, namely, that some parts of it were not doctrinal statements. If Fr. Harrison were not trying to make that teaching fit what he thinks is demanded by *Dignitatis Humanae*, I venture to say that he would never have come up with his bifurcation of the pre-conciliar papal statements. Indeed, I think it is fair to say that no one, simply reading the earlier papal teaching, would ever interpret it the way Fr. Harrison does. Secondly, his arguments seem to me unconvincing both in particular and taken as a whole. Moreover, if, as I have argued, the teaching of *Dignitatis Humanae* can be read, without violence to the text, as harmonizing with the teaching from Pius IX to Pius XII (which Fr. Harrison himself concedes), then Fr. Harrison’s effort is unnecessary. Those who appreciate the logic of the traditional teaching and understand how

it can help safeguard a Catholic culture, have no reason either to fear or to despair.

Next it is necessary to consider the thesis of those who deny that there is or can be any doctrinal continuity between the earlier teaching and *Dignitatis Humanae*, or who at least are unable to see how there could be any. In the case of Michael Davies, he rightly values the earlier teaching and laments what he understands to be the new teaching of Vatican II. If he is correct, then my attempt to show that that earlier teaching is not contradicted by the Declaration on Religious Liberty is in error. What, then, can one make of his arguments as expressed in *The Second Vatican Council and Religious Liberty*?

Davies' main mistake, I think, is that he takes too seriously the repeated claims of John Courtney Murray and others that they succeeded in changing Catholic teaching.²⁵ In his examinations of the text of *Dignitatis Humanae* he ventures far and wide to see what Murray, Paul VI, Archbishop Lefebvre, Paul Blanshard, Hans Kung, Fr. Harrison, and others, have had to say about whether there is a contradiction with the earlier teaching.²⁶ But the only thing at issue is what *Dignitatis Humanae* itself says, and whether it is possible to read that declaration in the light of its own article 1, that "traditional Catholic teaching" was left "intact," without doing violence to ordinary principles of interpretation of texts.

In other words, I think that Michael Davies relies too much on the statements of others that *Dignitatis Humanae* cannot be reconciled with previous and authoritative Catholic teaching. And, as I said above in note 25, the modernists and others who wished to promote a novel doctrine are not exactly trustworthy authorities as to the real meaning of *Dignitatis Humanae*. Yet it is exactly on their testimony that Davies depends. He seems almost glad to prove that the Declaration is incompatible with the earlier doctrinal statements. After acknowledging the importance of the statement in article 1 about leaving "intact" earlier teaching, Davies then quotes the modernist Henri Fesquet's interpretation.

...this does not change the fact that Fesquet made a valid point in claiming that a strict interpretation of this reassuring passage "would be artificial since the spirit of the schema as a whole is far different." It is indeed.²⁷

I do not understand why Davies is so willing to believe Fesquet and Murray and all the other innovators. If the Holy Spirit "tricked" these doctrinal rebels into making one more concession to orthodox

Catholics than they planned, a fatal concession from their point of view, one that gave away their whole case, then they would surely be the last to realize or admit it.²⁸ All I insist upon in this discussion is that the Declaration's own statement be taken at face value. Davies seems completely dazzled by the formidable publicity machine of the modernists, who have managed to convince almost everyone that *Dignitatis Humanae* changed what was hitherto regarded as immutable Catholic teaching. When he does on occasion admit, or come close to admitting, that the additions to article 1 of the Declaration can be understood as affirming previous papal teaching and that they control how we should understand the rest of *Dignitatis Humanae*, he almost immediately jumps to see how the modernist Henri Fesquet views that passage.²⁹ If Michael Davies would look beyond the smoke screen of tendentious comments by modernists, and see that the Declaration *can* be understood in harmony with previous teaching, then I think he might come to a different conclusion.

When Davies does examine the text of the Declaration more closely, he still relies on the comments of the framers of *Dignitatis Humanae* and their allies. Here, for example, is part of his discussion of "the extent to which *Dignitatis humanae* can be considered to have restated unequivocally" the major points in previous papal teaching on the subject.³⁰

The term "Catholic State" is not so much as mentioned throughout the entire Declaration. Father Murray had denied any doctrinal basis for the concept of a state-church, or for the concept of Catholicism as the religion of the State. He considered these concepts to be no more than "an adaptation to a particular historical context." *Dignitatis humanae* certainly appears to endorse his position. The terms "Catholic State", "Union of Church and State", or "Religion of the State" do not appear anywhere in the Declaration. Father Harrison concedes that the Council did not affirm the traditional teaching in any obvious way. He also refers to the omission of any obvious reiteration of the obligation of public authorities to recognize Catholicism as uniquely true.

In a footnote to his translation of *Dignitatis humanae*, Father Murray is able to state triumphantly: "The Church does not make, as a matter of right or of divine law, the claim that she should be established as 'the religion of the State'."³¹

One can see here that Davies spends little time looking at the

actual text, but continues his practice of wandering off to see what others have said.

Next Davies proceeds to look at the passage in article 6 of *Dignitatis Humanae* which permits “special civil recognition” to be given to “one religious community” in view of “the circumstances of a particular people,” but he rejects the interpretation that would see here an allowance for a traditional Catholic state, because *Dignitatis Humanae* demands “the right of all citizens and religious communities to religious freedom” in such circumstances.³² Davies’ problem here is both his taking the words of Murray and his friends as the correct interpretation of *Dignitatis Humanae* and his failure to look past the prima facie meaning of the text to consider how the affirmation in article 1 should affect our understanding of this and all other sections of the Declaration. Nevertheless, Davies does admit that “the traditional teaching on the union of Church and State has not been specifically repudiated in *Dignitatis humanae*...”³³

Further in this same chapter Davies discusses the meaning of the word “fundamental” in article 13 of *Dignitatis Humanae*.³⁴ Although he admits that “fundamental” can be interpreted in a manner consistent with traditional teaching, he gives greater weight to Archbishop Lefebvre’s thunderous fulminations, and concludes that “it is reasonable to conclude” that the word “fundamental” should be interpreted in a sense incompatible with traditional papal teaching.³⁵

In chapter XXII, pp. 210-231, Davies examines whether there are actual contradictions between *Dignitatis Humanae* and the established doctrine, as well as simply a failure to reaffirm that doctrine. Again the crux of the matter is his reliance on modernist commentators, and his unwillingness to give full weight to article 1’s reaffirmation of tradition. Davies states,

It is all very well for Father Harrison to argue that the entire Declaration must be interpreted in the light of Article I, but, surely, Article I must also be interpreted in the light of the entire Declaration. How can the “traditional Catholic doctrine on the moral duty of men and societies toward the true religion and toward the one Church of Christ” be said to remain untouched in view of the teaching of Article 3 which has just been cited?³⁶

But surely this is the wrong way to argue. Article 1’s affirmation of traditional teaching, however difficult it may be to believe at first glance, is meant to apply to the entire Declaration. Any statements

in articles 2 or 3 about religious freedom must be understood in its light. These latter are not general statements about the entire Declaration, as article 1 is. It is not the case, as Davies asserts,³⁷ that “Article 1 must also be interpreted in the light of the entire Declaration,” — not if one takes seriously what article 1 says.

Michael Davies has been associated to some degree for a number of years with the late Archbishop Marcel Lefebvre, who was known for his public dissent and defiance of ecclesiastical authority, a dissent that was caused mainly by unwillingness to accept what appeared to be doctrinal novelties in the teaching of *Dignitatis Humanae*. Perhaps after this long association with the unfortunate Archbishop’s position and cause, he cannot admit that *Dignitatis Humanae* might possibly not be the monster that it is commonly held to be. That may be in part why he is so willing to quote modernist after modernist as to what that Declaration really means, and why he so gullibly swallows everything that John Courtney Murray ever said about its meaning. After being publicly identified with a position, it might be very difficult for one to see that perhaps the affair of the Archbishop was in large part due to a misunderstanding.

I do not know whether my exposition of what I consider the congruity between traditional Catholic teaching on religious liberty and *Dignitatis Humanae* will commend itself to most readers or not, but, if not, I am certain it will be for rhetorical rather than logical reasons. Prohibition of non-Catholic public worship and proselytizing “is not explicitly ruled out by” the letter of *Dignitatis Humanae*, says Fr. Harrison;³⁸ Michael Davies at one point seems ready to go almost as far.³⁹ What then is the problem? Simply that, considered rhetorically, despite the unequivocal pledge to maintain traditional Catholic doctrine, the Declaration does not *seem* to do so. And, as Michael Davies never tires of pointing out, its principal framers definitely intended to create new doctrine and thought they had done so. Moreover, they managed to convince almost everyone else that they had done so too. But God the Holy Spirit rules the Church of Christ, and whatever John Courtney Murray and his associates wished, in interpreting the document, “we must confine ourselves to what the writer succeeded *in setting down on paper explicitly*.”⁴⁰ If the majority at the Council conceded too much — and more than they themselves realized — to those who wished to maintain Catholic teaching, then the tradition was upheld. And while *Dignitatis Humanae* and its composition were not high points in the history of the true Church, still the gates of the underworld did not

prevail; Peter's bark was shaken up quite a bit, but the one plank thought to be leaking, upon examination, was found to be still intact, and the bark sails on. Today indeed that voyage is slow, the course sometimes not clearly marked, the crew and passengers unruly, the seas outside very heavy, but our Lord did not promise us freedom from such. The gates of Hell will not conquer; they may rage, they may slay, they may seize and occupy high points; they will never prevail.

Notes

¹ Melbourne : John XXIII Fellowship Co-operative, 1988. I have also made use of the following by Fr. Harrison, “Vatican II and Religious Liberty: Contradiction or Continuity?,” *Social Justice Review*, vol. 80, no. 7-8, July-August 1989, pp. 104-112; “The Church, Archbishop Lefebvre, and Religious Tolerance,” *Fidelity*, October 1989, pp. 38-44; and “Did the Church Change Her Teaching on Religious Liberty?,” *Fidelity*, May 1993, pp. 39-47.

Whenever I refer simply to Harrison followed by a page number, I am making reference to *Religious Liberty and Contraception*.

² Long Prairie, Minn. : Neumann Press, 1992. I will generally cite this book simply as Davies, followed by a page number.

³ *Vatican Council II, the Conciliar and Post Conciliar Documents*, p. 804.

⁴ Harrison, p. 68, note 15; also, “Vatican II and Religious Liberty, Contradiction or Continuity?” p. 107.

⁵ *Dogmatic Canons and Decrees*, p. 208.

⁶ *Catechism of the Catholic Church*, no. 2109.

⁷ Michael Davies is at pains to remind us that non-Catholics may not be “prevented from practising their false religion in private.” Davies, p. 166. See also pp. 46 and 216-17, where Davies quotes St. Thomas’ teaching that the children of unbelievers are not to be taken from them and baptized against their parents’ wishes, and that a man has the *right* not to be prevented from teaching error to his own family in his own house.

Davies himself, or others whom he quotes, also state over and over that it is in a *Catholic* state that non-Catholics have no right to public religious freedom. It is never asserted that in neutral or secular states non-Catholics do not have a *right* to religious liberty. See Davies, pp. 33, 44-45, 47, 49, 51, 53, 63, 65, 147-149, 178, 180-181, 225, 229-230.

⁸ In Davies, p. 311. Emphasis in source.

⁹ *Vatican II, the Conciliar and Post Conciliar Documents*, pp. 804-805.

Davies quotes Cardinal de Arriba y Castro of Tarragona, Spain, who spoke against the draft religious liberty declaration during debate at Vatican II, as saying, “It cannot

be disputed that non-Catholics have a *right* to practise their faith, provided they do so in private” (p. 148), (emphasis mine). It seems perfectly clear to say that, whenever the common good allows non-Catholics to practice their religion, then they have a *right* to do so, or to speak more exactly, then they may exercise their right to religious liberty, which right, like all other, is subject to the common good. See also note 7 and the references noted there, and John Courtney Murray’s comment quoted in note 10 of chapter two.

¹⁰ See Davies, pp. 18-19, also p. 46. See also the *Catechism of the Catholic Church*, no. 2108.

¹¹ Page 34ff.

¹² Pp. 53-54. Emphases in original.

¹³ I realize, of course, that modesty is subject to change, but the basis of this changeability is such things as the traditions of a region, the level of culture, the degree of virtue in a people, etc. What is modest can differ in different places and ages; what cannot differ is the standards we use for coming up with what is modest. Given the same exact set of facts about conditions of culture and virtue, traditions, etc., the standards of modesty will be essentially the same, because human nature is identical in every place and age. Fr. Harrison, however, asserts that *Dignitatis Humanae* created an entirely new basis for deciding how much protection from false teaching a Catholic people need. It is hard to see how such a new basis could be created, since the nature of man and of society cannot change.

¹⁴ *Catholic Principles of Politics*, pp. 311-321.

Msgr. Joseph Fenton, a stalwart opponent of Fr. John Courtney Murray, addressed the issue of the permanence of earlier papal teaching in a review of Fr. Murray’s book, *We Hold These Truths*, that appeared in *The American Ecclesiastical Review* in 1961 (vol. 145, pp. 266-276). Msgr. Fenton states at the beginning of his article, “The problem is this: are the teachings set forth on the subject of Church and state in the writings of Pius IX and Leo XIII assertions of Christian doctrine or merely statements of ecclesiastical policy.” Naturally he concludes that they are a part of Catholic doctrine. Michael Davies quotes other writers who stated or assumed that the traditional teaching was certainly permanently valid doctrine. See pp. 30- 36, 37-42, 43-45, 47-50.

See also Davies, pp. 221-231, for his discussion of Fr. Harrison’s attempt to divide the earlier teaching into permanent doctrine and transitory policy.

¹⁵ *Catholic Principles of Politics*, p. 317.

¹⁶ Harrison, p. 55.

¹⁷ *Ibid.*, pp. 55-60.

¹⁸ Quoted in Harrison, p. 56. The *actual* text of article I of the 1851 Concordat is given in Teodoro Jiménez-Urresti, “Religious Freedom in a Catholic Country: The Case of Spain,” *Concilium*, vol. 18 (New York : Paulist, 1966) p. 102. It is not exactly the same as that which Fr. Harrison quotes. The original concordat article Pius IX was upholding began, “The Catholic religion..., to the exclusion of all others, remains the only religion of the Spanish nation....” Fr. Harrison omits the phrase, “to the exclusion of all others.” And it is, after all, the 1851 article, not that of 1953, which is in question here.

¹⁹ Preceding quotes from Harrison, p. 56.

²⁰ “Religious Freedom in a Catholic Country,” p. 102.

²¹ *Ibid.*, p. 105.

²² “Did the Church Change Her Teaching on Religious Liberty?,” *Fidelity*, May 1993; see pp. 42-43. All quotes from this article are from p. 42, unless otherwise noted.

²³ *Ibid.*, p. 44.

²⁴ As a matter of fact, I detect a certain shift in emphasis in Fr. Harrison’s writing, *Religious Liberty and Contraception* (1988) being the earliest of those that I have examined. In the latest one, the review of Michael Davies’ book (1993), he concedes that perhaps prohibition of public religious activity by non-Catholics might not be “explicitly ruled out” by the letter of *Dignitatis Humanae*, but he opines it is “incompatible with the spirit” of the Declaration (p. 44). I do not deny that the authors of *Dignitatis Humanae* were hostile to the apparatus of the Catholic state, but nevertheless I think the Holy Spirit managed to save the text, so that (remembering the affirmation at the beginning about leaving Catholic teaching “intact”), it can be read in harmony with the older teaching, without violence to ordinary principles of literary interpretation. Moreover, orthodox Catholics should have learned in the last thirty years to be suspicious of the use of the “spirit of Vatican II” when the text of the actual documents does not support or demand what this spirit is said to be calling for.

²⁵ Davies' book is replete with quotations and references to statements of John Courtney Murray and others that they had accomplished their goal of changing Catholic teaching. A few of these references are on pages 1-2, 12, 101-103, 152-153, 157, 161, 169, 194-195, 198-209.

²⁶ See his chapters XIX, XX, XXI and XXII (pp. 176-231). In chapter XXI, "Apparent Contradictions — Affirmative Testimonies," he quotes Catholics "of every shade in the post-conciliar theological spectrum" (p. 199) in support of this alleged contradiction. Davies comments on Bishop de Smedt's inability to explain how the earlier doctrine was not overthrown by *Dignitatis Humanae*, "Well, if the *relator* for the Secretariat for Christian Unity could not reconcile the two doctrines, is it likely that anyone will be able to do so?" (p. 200). But Davies provides ample reason for us to see why Bishop de Smedt, as well as Fr. Murray and a host of modernists or proto-modernists, had vested reasons for wanting to think that the Declaration had in fact changed Catholic doctrine, that article 1's assertion that "traditional Catholic teaching" had not changed, was just a meaningless sop thrown to orthodox Catholics. (See pp. 169-174 and 176). These men wanted to change doctrine; they thought that they had; naturally they wanted to convince the reading public and the Catholic world that their ideas were now Catholic doctrine. But we have the right and the duty to look beyond their statements at the document itself, and ask the sensible question, *Can* the Declaration be understood in harmony with the earlier and authoritative papal teaching? If so, then one need go no further.

²⁷ Davies, p. 173. Fr. Harrison also believes that Murray and his friends at times read into *Dignitatis Humanae* what they would have liked it to mean; see Harrison, pp. 12, 64-65, 68.

²⁸ Davies (pp. 157-158 and 169-174) and Harrison (pp. 71-78) discuss how *Dignitatis Humanae* was (as I see it) made compatible with Catholic teaching shortly before the final vote by the addition of those crucial phrases to article 1 which I have made reference to over and over. Yet Davies is so fixed on the notion that Murray's triumph was complete that (against all reason) he states "with each redaction his [Murray's] own theory is expressed more clearly until it emerges virtually *in toto* in the Declaration itself" pp. 317-18. Yet on any showing the final text took more seriously the views of upholders of traditional teaching and made considerable concessions to them. See also Davies, pp. 194-195, where he relates how one of Murray's ideas was taken out of the text in the final version.

²⁹ Pp. 173-174.

³⁰ Chapter XIX, pp. 176-190 examines this question.

³¹ Page 177.

³² Davies, pp. 177-178.

³³ Page 189.

³⁴ In the sentence, “The freedom of the Church is the fundamental principle governing relations between the Church and public authorities and the whole civil order.” *Vatican Council II, the Conciliar and Post Conciliar Documents*, p. 810.

³⁵ See pp. 181-184.

³⁶ Pp. 214-215.

³⁷ Page 176.

³⁸ “Did the Church Change Her Teaching on Religious Liberty?,” p. 44.

³⁹ Pp. 173-74. See also pp. 157-58. But see p. 186.

⁴⁰ William G. Most, “Religious Liberty: What the Texts Demand,” *Faith & Reason*, vol. 9, no. 3, fall 1983, p. 198. Emphasis author’s.

