

**I**

**Politics and Community  
in the Modern World**

# 1

## Reasons for a Civil Society

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In *Man and the State* (1951), Jacques Maritain argued that the political “madness” of twentieth-century Europe can be traced to the fact that modern democracies had never truly renounced the ideology of “substantialism”<sup>1</sup> — the myth “that the state is the people personified.”<sup>2</sup> The so-called “absolutist” regimes of the sixteenth and seventeenth centuries claimed absolute sovereignty on the basis of a theological myth, the divine right of kings; the new regimes claimed the same powers, but now as a donation of the people themselves. For Maritain these different myths generated the same result: the state is *not* the relatively higher power within a network of authorities constituting the body politic; rather it is a separate and transcendent power entitled to act upon the body politic. At the end of World War II, Maritain felt that it was time to admit that one despotism had been exchanged for the other. Insofar as ideologies compete to produce a separate and transcendent state, history teaches that non-democratic ideologies can produce such a state more effectively. In a famous sentence at the conclusion of chapter three of *Man and the State*, Maritain asserted: “The two concepts of Sovereignty and Absolutism have been forged together on the same anvil. They must be scrapped together.”<sup>3</sup>

Maritain’s alternative is an instrumentalist conception of the state. By this, he certainly did not mean that the political common good is a merely instrumental good; rather, he meant that the apparatus of public law is an instrument serving the rights and liberties of various societies, which, together, form a whole that

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<sup>1</sup> Jacques Maritain, *Man and the State* (Chicago: The University of Chicago Press, 1951), p. 14; p. 16, n. 11.

<sup>2</sup> *Ibid.*, p. 52. Maritain deploys the older papal criticism that the modern state rests upon a “fiction.” “Since there is no such thing as the general popular will,” Von Ketteler argued, “one has to rely on a fiction.” “The Labor Problem and Christianity” (1864), in *The Social Teachings of Wilhelm Emmanuel Von Ketteler*, trans. Rupert J. Ederer (Lanham, Maryland: University Press of America, 1981), p. 363. Von Ketteler’s critique of the modern state as a “fiction” was adopted by Leo XIII twenty years later. “It is plain, moreover, that the pact which they allege is openly a falsehood and a fiction.” *Diuturnum*, §§ 11-12; Leo XIII, “On Civil Government,” in *The Church Speaks to the Modern World: The Social Teachings of Leo XIII*, ed. Étienne Gilson (Garden City, New York: Image, 1954), pp. 40-56. Pope Pius XII, too, continues the Leonine critique of the modern state as “fiction.” In his 1942 Christmas address, he refers to “superimposed and fictitious” order.

<sup>3</sup> *Man and the State*, p. 53.

cannot be equated with the state. In Maritain's view, the post-war repair of the nations — achieving a “pluralistically organized body politic”<sup>4</sup> — requires us to say both yes and no to the modern political experiment. No, to the concept of absolute sovereignty; yes, to the eighteenth-century Enlightenment's notion of inalienable rights — viz. rights which cannot be transferred to the state.<sup>5</sup>

I will emphasize in this paper that Maritain's critique of substantialism represents an important moment in the history of Catholic political theory. He was by no means the only Catholic thinker to move in this direction.<sup>6</sup> In the late 1940s, the idea of the “juridical state,” distinct from the body politic, was advanced by John Courtney Murray. Pope Pius XII, too, moved the Church in this same direction. In his Christmas addresses of 1944, he asserted that democracy “appears to be a postulate of nature imposed by reason itself,”<sup>7</sup> chiefly because it can serve as a check upon despotism. The Pope did not use the word “instrumental,” but in context it is clear that he and Maritain were advocating the same position. Democracy can be recommended insofar as it checks the despotism of the state, *and* (here is the crucial qualification) insofar as social unity does not model itself on this instrument. Social unity, Pius warned, always must be regarded as an intrinsic perfection of human beings. The state is an instrument of different modes of solidarity; it is neither the substance nor the exemplar of society. Hence, by convergent lines of argument, Catholic thinkers decisively shifted away from solidarist (or exemplarist) conceptions of the state in favor of solidarist conceptions of the body politic. This change of perspective would prevail at Vatican II. In *Gaudium et Spes*, for example, we read: “As for public authority, it is not its function to determine the character of the civilization, but rather to establish the conditions and to use the means which are capable of fostering the life of culture<sup>8</sup> .... The political community exists, consequently, for the sake of the common good, in which it finds its full justification and significance, and the source of its inherent legitimacy. Indeed, the common good embraces the sum of those conditions of the social life whereby men, families and associations more adequately and readily may attain their own perfection.”<sup>9</sup>

To really appreciate the importance and novelty of this move away from solidarist conceptions of the state to solidarist conceptions of civil society it would be necessary to understand how long it took for the modern (post-1789) Church to come to this insight. From 1789 to 1939, Roman authorities understood perfectly well the despotic

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<sup>4</sup> Ibid., p. 23.

<sup>5</sup> Ibid., p. 95.

<sup>6</sup> This is what John Courtney Murray quite accurately called the “juridical state.” For this discussion, see Murray's essays: “The Problem of Religious Freedom,” *Theological Studies* 25 (December 1964), pp. 503-75; “The Issue of Church and State at Vatican Council II,” *Theological Studies* 27 (December 1966), pp. 580-606.

<sup>7</sup> “1944 Christmas Message of His Holiness Pope Pius XII: Addressed to the People of the Entire World on the Subject of Democracy and a Lasting Peace.” §19. He says that the world would not have been “dragged into the vortex of a disastrous war” had there been “efficient guarantees in the people themselves.” §12.

<sup>8</sup> *Pastoral Constitution on the Church in the Modern World (Gaudium et Spes)* (Boston: Daughters of St Paul, 1965), §59.

<sup>9</sup> Ibid., §74.

and even totalitarian impulses of the new regimes. They also understood that the doctrine of royal absolutism had produced its mirror image in the revolutionary regimes. Papal encyclicals usually defended the rights of society against the states born in the revolutions. Even so, theologians like Bishop Von Ketteler, and popes from Pius IX to Pius XI, were unwilling to completely abandon what then was called a corporatist conception of the state. For one thing, their imaginations were still informed by the sacral model of kingship, and it would take the Great War to make that model practically obsolete.<sup>10</sup> The more important reason, however, was the one mentioned by Pius XII in his 1944 Christmas address: they feared that once the state is depicted in instrumentalist terms, the other organs of society would inevitably follow suit. In other words, they feared that the liberal state, even in its most favorable depiction as an instrument rather than the substance of the common good, would produce atomism and instrumentalism in every other sector of society. The disaster of World War II made it necessary to reconsider. Maritain's work deeply influenced this reconsideration of the nature of the state. Today, one can discern the stamp of his mind on the encyclicals of John Paul II, who, if anything, expounds the instrumentalist conception of the state more aggressively than did Maritain himself.

If the theory of the instrumental state represents a decisive adaptation of Catholic thought to the best of liberal tradition, what sense are we to make of the rest of the liberal tradition which does tend to view civil society in terms similar to the state? As Von Ketteler asserted in the mid-nineteenth century: "The associations that modern liberalism sponsors . . . are mechanical assemblages of people who are thrown together merely for some superficial, utilitarian end."<sup>11</sup>

A perusal of current literature on civil society would indicate well enough that this problem has not been entirely put to rest. Take, for example, Ernest Gellner's *Conditions of Liberty: Civil Society and its Rivals*. Ernest Gellner sets out to explain (for a central and eastern European audience) what makes polities of the west so much more successful than their rivals in the east. He insists that the correct answer is not democracy or capitalism — nor even a constitutional scheme of legally protected individual liberties — but rather the "miracle of Civil Society."<sup>12</sup> "Civil society," as Gellner defines it, "is that set of diverse non-governmental institutions which is strong enough to counterbalance the state and, while not preventing the state from fulfilling its role of keeper of the peace and arbitrator between major interests, can nevertheless prevent it from dominating and atomizing the rest of society."<sup>13</sup>

We notice that Gellner's definition focuses our attention on the instrumental function and value of civil society. It checks the powers of the state and of the extended family. This view is traceable to Montesquieu who held that liberty is found only in

<sup>10</sup> Pius XI inaugurated the Feast of Christ the King in the encyclical *Quas Primas*, issued on Dec. 11, 1925; Pius recognized the futility of speaking of the sacral kingship of temporal authority; indeed, the gist of this encyclical is that church rather than the state exemplifies that Kingship; Pius XI, "On the Kingship of Christ," in *The Church and the Reconstruction of the Modern World: The Social Encyclicals of Pius XI*, ed. Terence P. McLaughlin (Garden City, New York: Image, 1957), pp. 53-72.

<sup>11</sup> "The Labor Problem and Christianity," in *The Social Teachings of Wilhelm Emmanuel Von Ketteler*, pp. 408-9. The next sentence reads: "Whatever future it may have, therefore, the cooperative idea belongs to Christendom."

<sup>12</sup> Ernest Gellner, *Conditions of Liberty: Civil Society and its Rivals* (New York: The Penguin Press, 1994), p. 32.

moderate governments, “where power must check power by the arrangement of things.”<sup>14</sup> Intermediate powers (*pourvoirs intermediaires*), especially in aristocratic societies, contribute to the scheme of power checking power. Tocqueville, who more than anyone else set the terms of discussion about civil society, perhaps was more appreciative than Montesquieu of the intrinsic value of free, non-governmental institutions.<sup>15</sup> Yet his famous discussion of intermediate associations in *Democracy in America* is framed almost entirely in the terms of how they remedy the destructive consequences of modern democracy, especially its bent toward centralization and uniformity. Tocqueville never fully transcends the instrumentalist conception of civil society.

The problem with the instrumentalist depiction of civil society is that it leaves few options for defending civil society other than showing that useful goods, including liberty, are more efficiently produced and distributed by non-governmental agents. As Gellner says, civil society is the “social residue left when the state is subtracted.”<sup>16</sup> So, if there are socially useful goods better achieved in the private sector, it becomes necessary either to give power-checking-power reasons, or to give cost-benefit reasons why we ought to subtract from the state’s power. We are all familiar with such policy arguments: e.g., that education is better attained if parents have more options for where to send their children to school, or that security for the elderly is best effected through private investment than by state mandated social security. The author of a recent book entitled *More Guns, Less Crime* goes so far as to argue that citizens ought to be able to carry concealed weapons because private citizens, acting in self-defense, kill three times as many criminals each year as are killed by the police.<sup>17</sup> In an ingenious new book, *Membership and Morals*, Nancy Rosenblum advances the escape valve model of civil society, once again in reference to the state.<sup>18</sup> A pluralism of private associations, including those that are incongruent with ideals of liberal democracy, are useful, she explains, because they let off the steam of illiberal impulses.

The main problem with the policy-oriented view of civil society is what it leaves out of the picture. The power-checking-power and economic reasons typically leave out of the picture the intrinsic perfections which make solidarity worth undertaking for its own sake.

Let us briefly consider a thirteenth-century treatise which may be the first, or at least one of the first, systematic defenses of civil society. Medieval thinkers, of course, had no single linguistic equivalent for our terms “civil society.” Theologians like Thomas used variations on the word *societas*: *societas oeconomica*, *societas politica*, *societas privata*,

<sup>14</sup> Montesquieu, *The Spirit of the Laws*, trans. Anne M. Cohler, Basia Carolyn Miller, and Harold Samuel Stone (Cambridge: Cambridge University Press, 1989), 11.4.

<sup>15</sup> “The morals and intelligence of a democratic people would be in as much danger as its commerce and industry if ever a government wholly usurped the place of private associations. Feelings and ideas are renewed, the heart enlarged, and the understanding developed only by the reciprocal action of men one upon another.” Alexis de Tocqueville, *Democracy in America*, trans. George Lawrence (Garden City, New York: Doubleday & Co., 1969), II.2.5

<sup>16</sup> *Conditions of Liberty*, p. 212.

<sup>17</sup> John R. Lott, *More Guns, Less Crime* (Chicago: The University of Chicago Press, 1998).

<sup>18</sup> Nancy L. Rosenblum, *Membership and Morals: The Personal Uses of Pluralism in America* (Princeton: Princeton University Press, 1998).

*societas publica, societas saecularis*, and so forth. But they did understand the value of free associations not reducible to the family or the state. The case in point is *Contra impugnantes*, Thomas's apologetic for the Dominican vocation.<sup>19</sup> First, allow me to say a few words about *Contra impugnantes*, and then I will show why it is relevant to modern Catholic social and political theory.

In the year 1256, Thomas and Bonaventure were summoned to the court of Pope Alexander IV to defend the newly formed mendicant orders. William of Saint-Amour, a doctor of the Sorbonne, charged that the "double spirit" of action and contemplation embodied by mendicants is a novel way of life that perverts the principles of both civil and ecclesiastical society. In *De periculis novissimorum temporum* ("The Perils of these most novel [or, Last] times," 1256), William of Saint-Amour launched a number of criticisms of the mendicants. The mendicants, he asserted:

- Violate the principle of a society of contemplatives by seeking to act on others rather than being purely receptive of divine grace;
- Violate civil and ecclesiastical jurisdictional authority by moving from place to place, unlike secular and monastic clergy;
- Violate the virtue of humility by acquiring and communicating learning in universities;
- Violate monastic order by refusing to engage in manual labor;
- Violate principles of justice by dispensing wisdom for alms;
- Violate principles of familial order by recruiting young men and women.

Thomas's response comes down to us in the *Opusculum* entitled *Contra impugnantes*, written in 1256, and probably summarized orally for the Pope in that same year. Here, I will outline the main thrust of his response. Thomas contends the "active life" consists of more than political rule and mercantile pursuits.<sup>20</sup> Granted that religious are neither magistrates or businessmen, they are "active" in other ways, including the communication of knowledge and wisdom by teaching and preaching. The active life, generically understood, is the communication of gifts. In this, all agents imitate God. Strictly speaking, there is no such thing as a society that is in every respect receptive. Although *societas* is an analogous term, every society, he argues, is constituted by "communications"<sup>21</sup> whereby goods are given and received. In Thomas's works, every analogous use of the word *societas* is mirrored by uses of the word *communicatio*: *communicatio oeconomica, communicatio spiritualis, communicatio civilis*, and so forth. The word *communicatio* simply means making something common, one rational agent participating in the life of another. Society, for Thomas, is not a thing, but an activity.

<sup>19</sup> Thomas Aquinas, *Contra impugnantes Dei cultum et religionem* (Rome: Marietti, 1954) *Opuscula Theol.*, vol. 2, pp. 5-110; *An Apology for the Religious Orders*, trans. J. Proctor (Westminster, Maryland: Newman, 1950). See discussion by James A. Weisheipl, *Friar Thomas D'Aquino: His Life, Thought, and Works* (Garden City, New York: Doubleday, 1974), pp. 88-91, 383-84.

<sup>20</sup> *Contra impugnantes*, II.7

<sup>21</sup> *Ibid.*, I.3

The multiplicity of vocations and skills whereby men engage in different common projects for the benefit of all society, Thomas argues, is grounded “primarily in Divine Providence, and, secondarily, in natural causes whereby certain men are disposed to the performance of certain functions in preference to others.”<sup>22</sup> Thus, he argues for a “right” of men to associate for good works across classes and states of life: “any person who is competent to perform some special function, has a right to be admitted to the society of those who are selected for the exercise of that function.” That Dominicans would sit and teach in schools alongside the laity and the youth was a point of scandal in the controversy. It seemed that the fixed order of social classes was being jumbled. But Thomas contended: “an association of study is a society, established with the object of teaching and of learning; and as not only laymen, but also religious, have a right to teach and to learn, there can be no doubt that, both these classes may lawfully unite in one society.”<sup>23</sup>

Therefore, to prevent free men and women from associating for the purpose of communicating gifts is contrary to the natural law. It is tantamount to denying to rational agents the perfection proper to their nature, and denying to the commonweal goods it would not enjoy were it not for free associations. To the argument that the active-contemplative would no longer possess the fruit of his contemplation, Thomas points out that the giving of knowledge does not deplete the gift possessed by the giver. The contemplative is not less graced when he preaches what he receives from God; nor is the teacher less learned when he communicates knowledge to the student; nor is anyone less “free” by virtue of imparting a gift to another. Thomas here quotes Augustine’s *De doctrina christiana*: “Everything that is not lessened by being imparted, is not, if it be possessed without being communicated, possessed as it ought to be possessed.”<sup>24</sup>

But, what about authority? Isn’t it depleted if multiplied? This, in fact, was one of the major fears of local church authorities about Dominicans taking the fruit of contemplation into universities and pulpits. Thomas answers that this charge makes sense if authority is thought to consist only in the power to make laws. The free society of mendicants does nothing of the sort, for Dominicans do not usurp the authority of magistrates or bishops, but rather enjoy authority that naturally supervenes upon doing a job well. Interestingly, Thomas mounts an argument against the creation of monopolies in academic professoriate.<sup>25</sup> Indeed, he even makes cost-benefit argument in behalf of mendicant teachers and preachers. Mendicants work for the social good, taking only freely given alms: they make no effort to legally compel compensation for their efforts; rather, they only argue at law for the right to receive those donations freely given to them.<sup>26</sup>

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<sup>22</sup> Ibid., I.5

<sup>23</sup> Ibid., I.3

<sup>24</sup> Ibid., I.4

<sup>25</sup> Ibid.

<sup>26</sup> Ibid., I.7

Though this is a rather compact summary of Thomas's argument, nonetheless we can draw into view a picture of the kind of society he has in mind. It is a society constituted by a voluntary reciprocal action for the common good; a society that multiplies associational authorities without usurping the authority properly belonging to law-making authorities (ecclesiastical and civil). But it is also a society distinguished from the more sedentary pattern of rights, obligations, and classes which characterize the family and extended kinship. Thomas's argument for voluntary societies must be sharply distinguished from the pre-modern understanding of the "ancient constitution." Based upon charters, customs, and local privileges, the ancient constitution preserved plural authorities, and it had considerable resources for resisting centralization — but it was essentially conservative. As in the *Magna Carta*, the prince was forbidden to make incursions into those spheres of aristocratic liberty and authority where he had never been before. In effect, the prince was forbidden to introduce novel forms and applications of authority. Thomas's argument for liberty is of an entirely different sort, for he argues for the invention of new forms of associational liberty despite the claims of vested privilege and class. And as I have already mentioned, he claims "rights" not only for the corporate mission of the mendicants, but also for individuals.

With remarkable clarity and prescience, Thomas saw what was at stake in the charges that mendicants travel too much, refuse manual labor, and recruit the young. Let us examine briefly comment on each of these three charges before I move back to the main point of this paper.

Mendicants are unlike secular clergy, who are bound to their diocese, and unlike monks who are bound by a vow of stability to their monastery. Thomas understood that *societas* cannot be absolutely constrained to such places and boundaries. The body politic of Christendom was international, and the good of that body politic transcended the relatively static conditions of feudal order. The diocesan clergy and monks reduplicated feudal order in their respective organizations. The mendicants broke free of that feudal order not only by their mobility — their portable authority, as it were — but also by refusing to be bound to the monastic practice of manual labor. The effort of critics to keep religious in a single place, under the drudgery of manual labor, was nothing less than an effort to block the introduction of new social forms in society. Here, of course, the new "form" was evangelical. It concerned purely voluntary societies brought into being neither by commerce, by positive law, nor by matrimonial procreation, but by free response to grace. Such societies of gift-givers do not cancel out, but by the same token, are not reducible to either legal or paternal authority. As Thomas understood in his own case, the bid to prevent Dominicans from recruiting the young was motivated by the desire to shield authority from novelty, from freedom, ultimately from grace.



It might seem to be a long stretch from medieval societies of mendicants, living in voluntary poverty, to modern issues of civil society. But this is not true. In *Rerum Novarum* (1891), Pope Leo XIII's argument for the rights of association by laborers relies directly on *Contra impugnantes*.<sup>27</sup> Some scholars have suggested that Pope Leo borrowed the language of "rights" from John Locke.<sup>28</sup> Perhaps there is some truth to this interpretation with respect to Leo's understanding of property rights. The main argument in *Rerum novarum*, however, is not from the right of property but the right of association. As for the rights of private association, Leo's use of rights language is drawn directly from Thomas's *Contra impugnantes*.

In *Centesimus Annus*, written both to celebrate the centennial of *Rerum novarum* and the recent collapse of Communism in Eastern Europe, Pope John Paul II continues this line of argument. Pope John Paul II refers to "intermediate communities [which] exercise primary functions and give life to specific networks of solidarity."<sup>29</sup>

When man does not recognize in himself and in others the value and grandeur of the human person, he effectively deprives himself of the possibility of benefiting from his humanity and of entering into that relationship of solidarity and communion with others for which God created him. Indeed, it is through the free gift of self that one truly finds oneself. This gift is made possible by the human person's essential "capacity for transcendence".... As a person, one can give oneself to another person or to other persons, and ultimately to God, who is the author of our being and who alone can fully accept our gift. A person is alienated if he refuses to transcend himself and to live the experience of self-giving and of the formation of an authentic human community oriented towards his final destiny, which is God. A society is alienated if its forms of social organization, production and consumption make it more difficult to offer this gift of self and to establish this solidarity between people.<sup>30</sup>

Perhaps it would not be entirely misleading to say that there has been a laicization of the idea of society as *communicatio* — a laicization already begun in *Rerum novarum* when Leo XIII took the defense of mendicant liberty as a model for a defense of the rights of workers to organize. This laicization is especially necessary in societies where so many things are mediated by free choice, and where the primary model of free choice is drawn from economic markets. In this kind of society, it is necessary to provide something more than merely instrumental reasons for free, social order. Indeed, it becomes necessary to give reasons for what is *perfected*, rather than merely *maximized*, by free choice. The modern mind has little trouble understanding what is maximized by a zone of free society, that is, by a zone of freedom that is not reducible to the law of the state. Gellner, for example, will

<sup>27</sup> See Leo XIII, "On the Rights and Duties of Capital and Labor," in *The Church Speaks to the Modern World: The Social Teachings of Leo XIII*, ed. Étienne Gilson (Garden City, New York: Image, 1954), pp. 200-44.

<sup>28</sup> Ernest L. Fortin. "Sacred and Inviolable: *Rerum Novarum* and Natural Rights." *Theological Studies* 53 (1992), pp. 202-33.

<sup>29</sup> John Paul II, *On the Hundredth Anniversary of Rerum Novarum (Centesimus Annus)* (Washington, D.C.: United States Catholic Conference, 1991), § 49.

<sup>30</sup> *Ibid.*, §41.

propose that this zone of liberty constitutes a check upon the power of the state, which, in turn, gives rise to economic associations, which, in turn, maximize productivity, which, to close the circle, immunize society against the overweening administrative ambitions of state power. But what is perfected in this process? Or to put the question slightly differently, what would be missing from the world if the state were to be the primary agent in charge of bringing about social goods? Except to say that life would be suffocating, and our private choices reduced in scope, Gellner does not tell us.

Taking Isaiah Berlin's celebrated distinction between positive and negative liberty in "Two Concepts of Liberty", we can frame the question in this way.<sup>31</sup> Liberalism has triumphed in Catholic political theory insofar as the state is no longer considered the end, substance, or exemplar of positive liberty (*freedom for*). There is an entirely appropriate way to express liberty in negative terms (*freedom from*) vis-à-vis the state. But how do we understand the liberty of society itself?

I read the work of the present papal magisterium as an effort to answer that question. The question is not whether it is useful to enjoy "private" liberties insofar as they are distinguished from the power of the state. Since the collapse of the Communist experiment, the argument from utility has been won. The question today is what to do with liberty and how to understand it on something more than the grounds offered by economists.

Solidarity is an inherently complex notion.<sup>32</sup> To provide only a short list, in contemporary papal encyclicals solidarity can mean: (i) common material *things*, which are subject to distributive justice; (ii) sociological or economic *states of affairs*, such as technological and economic interdependence; (ii) *personal attitudes*, dispositions, or virtues with regard to what is, or should be, common; (iv) *activities*, in the sense of teamwork and collaboration toward common ends; (v) loving *communion* between persons, where the communion is the very goal of action.

If we examine recent encyclicals, we discover three main foci for the terms "solidarity" or "common good." Undoubtedly, there are others. But these three can be gathered easily from the texts.

First, the common good can consist of goods realized in individuals, which are called "common" by virtue of a common species. For example, human beings share a common humanity, even though there is no "humanity" existing independently of individuals, nor a "humanity" distributed to persons. This ontological perfection is only "in" individuals; so, from individuals we gather the predicate that is common.

<sup>31</sup> Isaiah Berlin, "John Stuart Mill and the Ends of Life," in *Four Essays on Liberty* (Oxford: Oxford University Press, 1969), pp. 173-206.

<sup>32</sup> "In this way what we nowadays call the principle of solidarity, the validity of which both in the internal order of each nation and in the international order I have discussed in the encyclical *Sollicitudo Rei Socialis*, is clearly seen to be one of the fundamental principles of the Christian view of social and political organization. This principle is frequently stated by Pope Leo XIII, who uses the term 'friendship,' a concept already found in Greek philosophy. Pope Pius XI refers to it with the equally meaningful term 'social charity.' Pope Paul VI, expanding the concept to cover the many modern aspects of the social question, speaks of a 'civilization of love.'" *Centesimus Annus*, §10

By virtue of our common humanity, three notions arise: (i) common status, in the sense that no person is more or less human than another; (ii) common ontological perfections, such as health, knowledge, and religious devotion; (iii) common utilities, such as money, food, and technology. Each of these can be the ground of moral and legal rights; each can express a reason for solidarity. In *Sollicitudo Rei Socialis*, the “virtue” of solidarity is described (initially) as the willingness to make a moral response to common goods as we have just described them: “It is above all a question of interdependence, sensed as a system determining relationships in the contemporary world in its economic, cultural, political and religious elements, and accepted as a moral category. When interdependence becomes recognized in this way, the correlative response as a moral and social attitude, as a ‘virtue,’ is solidarity.”<sup>33</sup>

Thus, when John Paul II speaks of “solidarity towards society’s weakest members,”<sup>34</sup> he emphasizes our common humanity, which prohibits us from cutting corners in the distribution of legal rights and economic resources. When, in *Pacem in Terris* John XXIII speaks of “the requirements of universal common goods,”<sup>35</sup> and when *Gaudium et Spes* refers to one person depending on another “in needful solidarity,”<sup>36</sup> the common utilities are being emphasized.

I place these three diverse notions of “common” into one set, because they are either properties realized in individuals (e.g., human, life, knowledge, health), or useful goods (food, computers, health care plans) which are made common by virtue of a just order of distribution.<sup>37</sup> If we restrict ourselves to this first set of meanings, we shall understand that we are all human, and that there are cords of interdependence in realizing our perfections. We conduct most of our debates about civil society at this level, for here we engage the persistent issues in public policy, including the characteristically instrumental problems about how best to distribute and nurture fundamental human goods and utilities. Here, too, in the Anglo-American world, we typically consider the question of where the agency of the state ought to begin and end.

The second set of meanings for solidarity and common good can be described generally as *common activities*. The notions of “collaboration,” “cooperation,” the

<sup>33</sup> John Paul II, *On Social Concerns (Sollicitudo Rei Socialis)* (Washington, D. C.: United States Catholic Conference, 1987), §38.

<sup>34</sup> John Paul II, *The Gospel of Life (Evangelium Vitae)* (New York: Times Book/Random House, 1995), §8.

<sup>35</sup> John XXIII, *Peace on Earth (Pacem in Terris)* (Boston: Daughters of St. Paul, 1963), §7.

<sup>36</sup> *Gaudium et Spes*, §4.

<sup>37</sup> Thomas Aquinas argued that the ontological perfection of being human is common according to what reason understands (*secundum rationem*), or common by predication (*commune in praedicando*). The same can be said for health, temperance, and knowledge, which are in individuals, but “take on a universal character in the intellect.” Useful goods are not necessarily public; indeed such things as food and money are usually the things privately exchanged in commutative justice. They can be made common, however, to ensure their distribution to the welfare of the community. If “common” is exhausted by the aforesaid notions, we face the problem of a conflict between the good of the individual and the public good. This is why St. Thomas argues that the common good immediately relevant to social order is not the good common by community of genus or species, but rather the good “common by the community of final cause” (*non quidem communitate generis vel speciei, sed communitate causae finalis*), ST, I-II, 90.2.

“spirit of creative initiative,” and the “expanding chain of solidarity” express, in different ways, and at different levels, common goods as common activities. Depending on the particular encyclical, the idea of solidarity as common activities is applied to domestic political order, international relations, the initiatives of intermediate societies, and economic life. In *Centesimus Annus*, John Paul II emphasizes that the market represents not only the good of things to be distributed, but also the good of reciprocal actions:

By means of his work a person commits himself, not only for his own sake but also for others and with others. Each person collaborates in the work of others and for their good. One works in order to provide for the needs of one’s family, one’s community, one’s nation, and ultimately all humanity. Moreover, a person collaborates in the work of his fellow employees, as well as in the work of suppliers and in the customers’ use of goods, in a progressively expanding chain of solidarity.<sup>38</sup>

Here, our main focus is not given to the external good to be commonly distributed, but rather goods inherent to activity. It raises the issue of subsidiarity. If the common good is constituted by the common activity, then whenever “higher” powers intervene in such a way that the common activity is supplanted, or whenever the result of common activity is achieved behind the back, as it were, of the collaborative activity itself, the distinctive good of society is lost. Take, for example, the common activities which go into the work of an orchestra. Every part needs to be harmonized with the others in order to produce the desired result. If the good being aimed at were simply the external result, however, then there is no reason, other than aesthetic preference, why a computer-generated concerto wouldn’t suffice. But we all know that common activity constitutes part of the good being aimed at.

The point is that where collaboration is not an inherent, but a merely useful good, the grounds for subsidiarity are greatly weakened. Except on contingent grounds of efficiency, there is no good reason why the state should do everything, or by the same token, do nothing. Therefore, it seems that a truly useful concept of subsidiarity depends upon a concept of solidarity that preserves the intrinsic value of collaborative activity. Without that value, discussion about subsidiarity easily becomes, as in our American policy debates over “federalism,” an issue of magnitudes concerning money and power.

Suppose, for example, that a policy expert could show that “welfare” is most efficiently accomplished delivered by sub-contracting the work to a private firm. In this case, care of the indigent is neither by the state nor by civil society. Would we be missing anything by commissioning others to do this work? The same question can be asked with respect to a wide array of collaborative activities. For example, why shouldn’t parent’s sub-contract acts of parenting to someone else? If solidarity were restricted to the first set of notions (common nature, perfections,

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<sup>38</sup> *Centesimus Annus*, §43.

and utilities) we could satisfy (hypothetically) the requirements of the common good by adopting whatever policies most efficiently distribute the useful goods. The fact that we do not engage common activities is neither here nor there, except perhaps as a matter of individual preference. It is only when we identify goods of common activities that we can discover a principled limit to the power of the state as well as to the sub-contracting (or “out-sourcing”) mentality characteristic of markets.

At this juncture it is appropriate to introduce John Paul II’s understanding of the “subjectivity” of society. In *Centesimus*, he refers to the subjectivity of society in terms of “structures of participation and shared responsibility”<sup>39</sup> He writes, “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. This is what I have called the ‘subjectivity’ of society which, together with the subjectivity of the individual, was canceled out by ‘Real Socialism’.”<sup>40</sup> Notice that the argument against socialism is not chiefly an argument about its inefficiency: viz., that the common good, as a just distribution of resources, was not met. Rather, what was “canceled out” was the common good(s) constituted by free, collaborative agents.

The expressions “subjectivity of society” and “expanding chain of solidarity” often sit adjacent to yet another idea of common good. Earlier, I quoted John Paul II’s rather flat definition of the virtue of solidarity as a certain moral attitude taken toward interdependence. Now, consider the following definition, which crops up two sections later in *Sollicitudo*:

Solidarity is undoubtedly a Christian virtue. In what has been said so far it has been possible to identify many points of contact between solidarity and charity, which is the distinguishing mark of Christ’s disciples ... Beyond human and natural bonds, already so close and strong, there is discerned in the light of faith a new model of the unity of the human race, which must ultimately inspire our solidarity. This supreme model of unity, which is a reflection of the intimate life of God, one God in three Persons, is what we Christians mean by the word “communion.”<sup>41</sup>

We immediately see that a distinct notion has been added to the idea of a common good. Although this third range of meanings is almost always discussed in theological terms, the idea of a *common good as communion*, where the communion is the very good being aimed at. To be sure, marriage is at least a matter of collaborative activities. But a marriage can be understood as something more than a common good constituted by collaborative activity. It is also a communion, a flesh of one flesh unity. Married people can use their relationship as

<sup>39</sup> Ibid., §46.

<sup>40</sup> Ibid., §13. See also *Sollicitudo Rei Socialis*, §15.

<sup>41</sup> *Sollicitudo Rei Socialis*, §40.

a useful means for the distribution of goods (for themselves, for children, and for wider society); married people also constitute an essential cell, indeed a model, for the goods of mutual deliberation; but if they do not achieve the unity of one flesh they simply do not do what married people do *qua* married. For the Catholic Church, marriage is a sign and instrument of the union of God and man.<sup>42</sup>

The encyclicals and conciliar documents speak of “spiritual unity,” or “interior unity,” or “communion” typically in reference to marriage, eucharistic fellowship, and baptism through which the individual is grafted into the body of Christ. The “civilization of love” includes all of these diverse notions of common good, and not just the theological one. But the theological concept of communion is the main model for what the papacy means by the proposition that man is inherently social.

Maritain’s generation had to win the argument about the nature of the state. It represented a long over-due reckoning with the Anglo-American experiment. Now that Catholic thought has been liberated from any temptation to sacralize or substantialize the state, attention can be given to the pressing issue of society itself.

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<sup>42</sup> *Ibid.*, §31.