Catholic Social & Political Philosophy

Course Guide for PHIL 307S

John G. Brungardt

Fourth Edition
Spring 2024

The School of Catholic Studies, Newman University

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Colophon
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Hence it is evident that the city is a creation of nature, and that man is by nature a political animal.

– Aristotle, *Politics*, I.1, 1253a2–3

Contents

Dedicated to the memory of

Charles De Koninck

Requiescat in pace

Newman University

Phil 3073/S – Catholic Social & Political Philosophy

Spring 2024 (16 Weeks)

Time: MWF 1:00–1:50pm **Place:** Eck 126

Instructor:	**John G. Brungardt, Ph.D.**
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Office Hours:	MW 2–3pm, TR 9:30–11am

Caritas Christi Urget Nos
Newman University is a Catholic university named for
St. John Henry Newman and founded by the Adorers of the Blood of Christ
for the purpose of empowering graduates to transform society.

Course Description: The social teaching of the Catholic Church—its teaching on political, economic, and legal justice, human dignity and rights, and the requirements of the common good—is a key part of its moral teaching. Topics covered will include Catholic teaching on democracy and religious freedom and other human rights, and the Church's critique of socialism and collectivism, laissez-faire capitalism and social Darwinism; scientific materialism and secularism; and expressive individualism, with its defenses of private property, the regulated market economy and "subsidiarity."

Prerequisites: None. **Instructional Methods:** Face-to-face modality. Lecture by way of Socratic discussion; written assignments; (possible) quizzes & (definite) final exam.

Course Goals: This course is a substantive overview of political philosophy, as understood within the Catholic intellectual tradition. **By the end of this course, the diligent and attentive student should:**

(1) be able to articulate (a) what political philosophy is, (b) what its methodology and goals are, and (c) why it is the chief part of moral philosophy;
(2) be able to explain and defend at an appropriate level (a) the classical articulation of the nature of types of societies and their defining causes (family, economic, political, etc.), and (b) the nature and characteristics of the common good (including its bearing on the essence of law and natural law ethics), and (c) discuss clearly and cogently the various contributions of Aristotle and St. Thomas Aquinas to this area of philosophy;
(3) be able to competently discuss (a) the various attributes of political society, and (b) the origin of political authority, its justification, and its governmental forms, and (c) the relationship of political society to other societies (family, economic, and international, which last includes the topic of just war);
(4) and, lastly, be able to articulate and explain (a) the problem, history, and principles for the proper relationship between the Church and the State, and (b) how this turns upon the moral, social, and religious nature of the human person and the person's twofold ultimate end.

Course Materials:

- Aristotle. *Politics*. Translated by Carnes Lord. 2nd ed. Chicago: The University of Chicago Press, 2013.
- Aquinas, Thomas. *On Law, Morality, and Politics*. Edited by William P. Baumgarth. Translated by Richard J. Regan. 2nd ed. Indianapolis, IN: Hackett Publishing, 2003. ***This book is optional.***
- Clarke, Leo L. *Man and the Economy: Understanding Capitalist Economics and Catholic Social Teaching*. Providence, RI: Cluny Media, 2018.
- Miller, Jr., Walter M. *A Canticle for Leibowitz*. Reprint. New York: EOS, 2006.
- Rommen, Heinrich A. *The State in Catholic Thought: A Treatise on Political Philosophy*. Providence, RI: Cluny Media, 2016.
- Storck, Thomas. *An Economics of Justice and Charity: Catholic Social Teaching, Its Development and Contemporary Relevance*. Kettering, OH: Angelico Press, 2017.
- Readings from this *Course Guide* and *Course Reader*. The *Course Reader* has two volumes. Vol. 1 contains selections from the *Summa Theologiae*. Vol. 2 contains other assorted readings. In what follows, all references to the *Course Reader* refer to Vol. 2.

The course requirements include attendance and participation, written assignments, and both a midterm (oral) and a final examination (written).

Course Requirements	Value
Attendance and participation	20%
Written assignments	
— First paper	20%
— Second paper	10%
— Third paper	10%
Midterm exam (oral)	10%
Final exam (written)	30%

Participation includes the daily in-class review. The midterm exams will be scheduled individually during the week of March 4–8. The time of the final examination has been scheduled by the University and cannot be changed.

Final Exam: Monday, May 6, 1:00pm–3:00pm

Paper	Assigned	Outline Due	Final Due Date
1st paper	Fri, Feb 2	Fri, Feb 16	Fri, Mar 1
2nd paper	Mon, Mar 25	Fri, Apr 5	Wed, Apr 10
3rd paper	Fri, Apr 12	Fri, Apr 26	Wed, May 1

All written assignments and the final exam must be completed; if one or more of these are not completed, then the class attendance, participation, and close reading grade will be a zero.

Class participation is important in this course. There will be ample opportunity to answer questions, ask questions, and develop understanding. All students are expected to and will be encouraged and guided in active participation. Any further details or updates will be posted to Canvas.

Grading Scale: For a detailed qualitative description of the grading scale at Newman University, please refer to the University catalog. The scale is as follows:

Letter	Numerical	GPA	Qualitative
A =	90–100	4.0	Extraordinary
B =	80–89	3.0	Good
C =	70–79	2.0	Average
D =	60–69	1.0	Marginal
F =	59 or less	0.0	Failure

Policies

Instruction: The instructor is committed to your educational successes when taking this course. Please email, call, or attend office hours (or set up an appointment), for all questions and concerns related to this course.

Attendance is required, whether in person or via Zoom, as allowed by University policy. The instructor wishes to emphasize that missing class is strongly correlated with students not doing well in the course overall. Student athletes must email the instructor a playing schedule at the start of the semester.

Attendance in person: Roll will be taken at the beginning of every class period. A late arrival occurs when a student arrives after roll has been completed, and an early leave occurs when a student leaves class before class has been dismissed by an instructor. Students who arrive late must see the instructor after class so as to be marked present. A student who leaves early without permission obtained prior to beginning of class will be marked absent.

Attendance via Zoom: Only if applicable; instructor permission or University policies must apply. Cameras must be on for the duration of class, and students must have working microphones. If students wish to keep their cameras off during class, this is acceptable if they also email they instructor a 1–2 page summary of their notes for that class within 24 hours of that class period.

Assignments will be announced primarily via Canvas. The student is entirely responsible for completing assignments and turning them in to the instructor on time. All reminders are a courtesy.

Examinations can only be made up due to grave reasons (e.g., due to illness with a doctor's note—interference with holiday travel plans is not a reason). The date and time of the final examination, which is scheduled by the University, can be changed only under certain stringent conditions.

Essays and any written assignments will be due on Canvas (electronically) and in a printed copy, by their due date in order to avoid a late penalty. See Canvas the assignment page for other details. Every day beyond the due date, excepting Sundays, results in a grade reduction of one letter-grade per day (e.g., A to B). Late work overdue by more than five days a completion grade only.

Reading a difficulty philosophical or scientific text requires attention to order, discrimination of detail, and much thought, because the authors we are reading make deep claims about the nature of the universe and reality itself. The average assignment in this course, if read with due diligence, will take one to five hours.

Class Conduct: Students are expected to be disciplined, decorous, and diligent. Class decorum includes the use of the polite form of address ("Mr." or "Miss" with surname), and follow other customs of etiquette. The Catholic tradition witnesses to the dignity of each human person. This entails respect for the human person who expresses his or her identity within a diverse range of perspectives (race, gender, culture, age, religion, socioeconomic level, experience, etc.). Exposure to diverse points of view is encouraged as they may contribute to the overall wealth of this community of learners.

No food is permitted In-class; drinks in containers are allowed. Students are not permitted to use electronic devices during class, for the sake of promoting attention and avoiding interruptions; the only exception is for those requiring such devices as an accommodation. Use of electronics will result in a total loss of participation points for that day.

Academic Integrity: As a student, especially in a philosophy course where the aim is truth, academic integrity is an issue of the highest importance. Academic dishonesty in any form (e.g. plagiarism, cheating, lying, improperly collaborating on work) will not be tolerated. The work you turn in must be your own, and any use of the ideas of others must be properly cited.

In this course, the default penalty for academic dishonesty is a final grade of "F" on that assignment, and all such incidents are reported to the Administration. However, penalties will be assessed according to circumstances; the maximum penalty for academic dishonesty is failure of the course (see details below).

Please also note that the University may dismiss a student for ethical infractions. Please see the 2020–2021 Catalog for further details, set forth in the University's "Ethics Code." If you have any questions about what constitutes academic dishonesty, please do not hesitate to ask me.

Details – Penalties for Plagiarism: The automatic penalty for plagiarism is a complete loss of points for that assignment and its being reported to the Administration as an ethical infraction. If the assignment is a relatively minor one (typically: worth 3% or less of the total grade for the course) *and* it is the student's first infraction in the course, then the automatic penalty will be applied and will serve as a warning. However, if the assignment is not a minor one *or* it is not the student's first infraction in the course, then the default penalty will be failure of the course.

Details – Use of Artificial Intelligence: The use of any artificial intelligence (AI) tools to generate the final product of any assignment in this class is prohibited.

Accommodations: If any member of this class feels that he or she has a disability of any nature whatever, the instructor and the Office of Disabled Student Services will work with you to provide reasonable accommodations to ensure that you have a fair opportunity to perform in this class. Please advise the instructor of such a disability and the desired accommodations at some point before, during, or immediately after the first scheduled class period.

Opportunities for Academic Assistance: The Newman University community is committed to your academic success. **At any time that you feel a need, you may access the following support services directly from the Runway Learning Center, 301 SHH, Ext. 2318:**

- Tutoring with subject tutors across multiple disciplines
- Online tutoring through TutorMe
- Confidential Project Care referrals
- Disability Support Services

- International Student Services
- Career Services and support
- Make-up Exams (online at newmanu.mywconline.com)
- Opportunities for Counseling Services: Six free in-person counseling sessions per year (302 SHH, Ext. 2318); Or unlimited 24/7 Telehelp Sessions through the Student Life Office (123 DLCC, Ext. 2200). Go to: https://www.thevirtualcaregroup.com/newman

All support services are offered to Newman University students at no charge.

Libraries: Dugan Library provides a print book collection as well as access to millions of full-text articles for immediate download. Print books may be checked out for 30 days. The research databases can be accessed at any time from both on and off campus. You will need your campus login to access the online resources. LibGuides provided on the library website contain specific information on accessing and using resources: newmanu.libguides.com.

In addition to the print books and full-text online articles, all students have access to interlibrary loan at no charge. Books not owned by Dugan Library may be borrowed from a network of thousands of libraries across the country. Copies of articles that are indexed but not available full-text in the databases can also be requested at no charge to students.

Our librarians are able and willing to assist you through the research process. They are available to answer questions about the library, its resources and how to use them effectively. Individual appointments for research are available. Email, phone or stop-by the library for assistance.

Wesley Cornett, cornettw@newmanu.edu or 316-942-4291 ext. 2107

Disclaimer: The above policies are not meant to be exhaustive by foreseeing every exigency that can arise during the conduct of the course. The instructor reserves the right to use his prudential judgment to best meet the needs of students for the successful completion of the course. The following course outlines may be modified according to the instructor's prudential judgment so as to best meet the concrete needs of the students in the course. In either circumstance, students will be informed should such changes be necessary.

Notes on the Reading of Philosophical Texts

(*with thanks to Dr. V. B. Lewis*)

(1) **You haven't read a book once until you've read it twice.** First read a book or assignment quickly through to get a sense of the overall argument and architecture. Reread it slowly for details and consistency.
(2) **Be naïve.** When you begin to study a great book, try to understand it as its author did. Put aside—at least initially—questions of historical context and biography and try to understand the argument as if it were addressed to you by a wise and honest friend. Treat the author as your teacher. Begin with the assumption that you have something important to learn. Criticism and evaluation are pointless if one does not first establish the most complete and plausible meaning of the author's argument.
(3) **Treat nothing as an accident.** Read a great book as if every word were essential. Often the most important statements elude us because we read past them due to carelessness or complacency. This is especially important in cases where one detects what appears to be an obvious contradiction or lapse in logic. Often, such apparent or intentional blunders are intended to point the careful reader to more sustained thought about the matter under consideration.
(4) **Read actively (mentally).** Great books mean to educate us about the world, so keep the world in mind when reading. Treat the question being discussed as a live question, one that it is important for you to resolve or at least to clarify.
(5) **Read even more actively (physically).** Read with pencil and paper ready. Mark up you texts, make lists, take notes, and construct summaries and outlines. It is often useful to make one's own index while reading so that specific passages can be easily recalled and compared. Scribbling down definitions of key terms that are peculiar to the author or text is also useful.
(6) **Read in a thinking-friendly environment.** Read in a quiet place, where you will not be distracted or disturbed. Take a short break every 45 minutes or so in order to recharge and allow for renewed concentration.
(7) **Keep a Reading Notebook.**

"[The Greek writers] took it for granted that the reader would actively think; and the writer's sentences were to serve as so many blazes to enable him to follow the track of that writer's thought." (C. S. Peirce, *The New Elements of Mathematics*, vol. 4, p. 236)

"The worst readers are those who proceed like plundering soldiers: they pick up a few things they can use, soil and confuse the rest, and blaspheme the whole thing." (Friedrich Nietzsche)

Course Reading Schedule

In the table below, *CG* refers to this *Course Guide*. Various introductions, preludes, interludes, coda, etc., in the *Course Guide* should be read along with the relevant sections. This is clear from context.

Week	**Monday**	**Wednesday**	**Friday**
1	Jan 15: **MLK**	Jan 17: Introduction	Jan 19: *CG*, ch. 1
2	Jan 22: *CG*, 2.1–2.2	Jan 24: *CG*, 2.3	Jan 26: *CG*, 2.4–2.5
3	Jan 29: *CG*, 3.1–3.2	Jan 31: *CG*, 3.2–3.3	Feb 2: *CG*, 3.3
4	Feb 5: *CG*, 3.4	Feb 7: *CG*, 3.5	Feb 9: *CG*, 3.6–3.7
5	Feb 12: *CG*, 4.1–4.2	Feb 14: *CG*, 4.3–4.4	Feb 16: *CG*, 4.5–4.6
6	Feb 19: *CG*, 4.6	Feb 21: *CG*, 4.7	Feb 23: *CG*, 4.8–4.9
7	Feb 26: *CG*, 4.10	Feb 28: *CG*, 4.11–4.12	Mar 1: *CG*, 5.1–5.2
8	Mar 4: *CG*, 5.3	Mar 6: *CG*, 5.4	Mar 8: *CG*, 5.5–5.6
	Spring Break March 11–15		
9	Mar 18: *CG*, 6.1–6.2	Mar 20: *CG*, 6.3	Mar 22: *CG*, 6.4–6.5
10	Mar 25: *CG*, 7.1–7.2	Mar 27: *CG*, 7.3	Mar 29: **Easter Break**
11	Apr 1: **Easter Break**	Apr 3: *CG*, 7.4	Apr 5: *CG*, 7.5
12	Apr 8: *CG*, 7.6	Apr 10: *CG*, 7.7, 7.9	Apr 12: *CG*, 8.1–8.2
13	Apr 15: *CG*, 8.3	Apr 17: *CG*, 8.4–8.5	Apr 19: *CG*, 9.1–9.2
14	Apr 22: *CG*, 9.3	Apr 24: *CG*, 9.4–9.5	Apr 26: (cont'd)
15	Apr 29: *CG*, 10.1–10.2	May 1: *CG*, 10.3–10.4	May 3: **Scholar's Day**

For reference, other dates are below:

Days with No Classes: MLK Day, January 15; Spring Break, March 11–15; Easter Break, March 29–April 1; Scholar's Day, May 3

Final Exam: Monday, May 6, 1:00pm–3:00pm

Paper	**Assigned**	**Outline Due**	**Final Due Date**
1st paper	Fri, Feb 2	Fri, Feb 16	Fri, Mar 1
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Prayers for Students

St. Thomas's Prayer Before Study

Creator ineffabilis, qui de thesauris sapientiae tuae tres Angelorum hierarchias designasti et eas super caelum empyreum miro ordine collocasti atque universi partes elegantissime distribuisti: Tu, inquam, qui verus fons luminis et sapientiae diceris ac supereminens principium, infundere digneris super intellectus mei tenebras tuae radium claritatis, duplices, in quibus natus sum, a me removens tenebras, peccatum scilicet et ignorantiam. Tu, qui linguas infantium facis disertas, linguam meam erudias atque in labiis meis gratiam tuae benedictionis infundas. Da mihi intelligendi acumen, retinendi capacitatem, addiscendi modum et facilitatem, interpretandi subtilitatem, loquendi gratiam copiosam. Ingressum instruas, progressum dirigas, egressum compleas. Tu, qui es verus Deus et homo, qui vivis et regnas in saecula saeculorum. Amen.	***O Creator Ineffable***, who in the riches of Your wisdom did appoint three hierarchies of Angels and in wondrous order over the empyrean heaven did set them, and who did apportion the parts of the universe most gracefully: may You, who are the true fountain of light and supereminent source of wisdom, deign to pour into the obscurity of my intellect the rays of Your infinite brightness, removing from me the twofold darkness in which I was born, namely, sin and ignorance. May You, who give eloquence to the tongues of the speechless, instruct my tongue and onto my lips pour the grace of Your benediction. O give me keenness in understanding, capacity in remembering, breadth and ease in learning, subtlety of interpreting, and a gracious command of words. May you dispose the beginning, order the progress, and perfect the end: You, who are true God and true Man, who lives and reigns unto ages of ages. Amen.

Veni, Sancte Spiritus

Veni, Sancte Spiritus, reple tuorum corda fidelium, et tui amoris in eis ignem accende.	***Come, Holy Spirit***, fill the hearts of Thy faithful and inkindle in them the fire of Thy love.
V. Emitte Spiritum tuum et creabuntur; ***R.*** Et renovabis faciem terrae.	***V.*** Send forth Thy Spirit and they shall be created ***R.*** And Thou shalt renew the face of the earth.
Oremus: ***Deus***, qui corda fidelium Sancti Spiritus illustratione docuisti: da nobis in eodem Spiritu recta sapere, et de eius semper consolatione gaudere. Per Christum Dominum nostrum. Amen.	Let us pray: ***O God***, Who didst instruct the hearts of the faithful by the light of Thy Holy Spirit, grant us that, by the same Spirit, we may be truly wise, and ever rejoice in His consolation. Through Christ our Lord. Amen.

St. John Henry Cardinal Newman – The Mission of My Life

God has created me to do Him some definite service. He has committed some work to me which He has not committed to another. I have my mission. I may never know it in this life, but I shall be told it in the next. I am a link in a chain, a bond of connection between persons. He has not created me for naught. I shall do good; I shall do His work. I shall be an angel of peace, a preacher of truth in my own place, while not intending it if I do but keep His commandments.

Therefore, I will trust Him, whatever I am, I can never be thrown away. If I am in sickness, my sickness may serve Him, in perplexity, my perplexity may serve Him. If I am in sorrow, my sorrow may serve Him. He does nothing in vain. He knows what He is about. He may take away my friends. He may throw me among strangers. He may make me feel desolate, make my spirits sink, hide my future from me. Still, He knows what He is about.

Protrepticus: Why Political Philosophy?

> Hence it is evident that the city is a creation of nature, and that man is by nature a political animal.
>
> – Aristotle, *Politics*, I.1, 1253a2–3

Prolegomena

The sequence of studies here at Newman for the Philosophy for Theological Studies major has been designed with a long tradition of philosophical and theological education in mind. The purpose of this protrepticus[†] is to inform you, the students, about some of this background and how it orders the sequence of courses overall, as well as to exhort you to the study of this particular course.

Now, there are certain preparations which are required for the study of philosophy, which is the love or pursuit of wisdom. The formal requirement, long recognized since the time of Aristotle, is the study of logic, which is the art or science of right reasoning. A habitual knowledge of logic enables you to reason and think well, easily and without error.

The more informal requirement is the study of the history of philosophy, which introduces you to various traditions of philosophical inquiry. The history courses do not counsel despair at finding the truth. Rather, they seek to avoid the impression that studying the details of disagreements among philosophers is what philosophy is. These courses use philosophy's own history to motivate you towards a more disciplined, attentive wonder about resolving philosophical questions, for philosophy is not easy.

What about studying philosophy itself? The most fundamental division of the study of philosophy follows from the nature of philosophy as the love or pursuit of wisdom. Since wisdom is knowledge held in light of first or fundamental principles, and knowledge must be of the truth, the sorts of wisdom arise from the distinction of the truths knowable through first principles.

[†] The word means "a piece of writing or speech intended to persuade or instruct, via late Latin from Greek *protreptikos* 'instructive', from *pro-* 'before' + *trepein* 'to turn'." (New Oxf. Am. Dictionary) Famously, Aristotle's own "protrepticus" exhorting his students to the study of philosophy was lost, and now exists only in fragmentary quotations in other ancient authors.

However, there is not a single sort of first principle—at least not in the sort of human wisdom which the philosopher seeks. On the one hand, some truths we seek to know for their own sake. For instance, the mathematician delights in knowing that lines cannot be represented by rational numbers, or the physicist marvels at the idea that mass and energy are convertible. On the other hand, some truths we seek to know for the sake of doing something or acting well. For example, by knowing what friendship truly is, through careful reflection upon our own experience and those of others, we can begin to see its goodness and then seek ways to bring it about in our lives.

If we seek truth for its own sake, this is a sort of contemplative knowledge, or "speculative" knowledge, in the older sense of that word. If we seek truth for the sake of doing or acting, this is a sort of practical knowledge. Consequently, philosophy is divided into speculative and practical parts. Speculative philosophy studies an order of things and their causes that exists already, before our knowledge or activity intervene in that order. Practical philosophy, by contrast, studies an order of things and their causes that depend upon our knowledge and are only brought about through our activity. Consider this way of putting it: In practice, things are at first known but not already done or made by us (as of yet); while in theory, things are at first made or done, but not by us, and they are also unknown to us (as of yet).

Based upon this, which part of philosophy is more fundamental, or more important?

Thus, the Philosophy for Theological Studies major have the following division and order.*

- Preparatory Sequence
    - PHIL 1023 Logic
    - PHIL 214S/2143 Ancient Philosophy
    - PHIL 215S/2153 Medieval Philosophy
    - PHIL 216S/2163 Modern Philosophy
- Practical Philosophy Sequence
    - PHIL 302S/3023 Philosophy of the Human Person
    - PHIL 303S/3033 Ethics
    - PHIL 307S/3073 Catholic Social & Political Philosophy
- Speculative Philosophy Sequence
    - PHIL 302S/3023 Philosophy of the Human Person
    - PHIL 323S/3243 Thomistic Metaphysics
    - PHIL 324S/3413 Thomistic Epistemology
    - PHIL 333S/4883 Natural Theology

We can now consider how this course in particular fits within the major as a whole.

* Why is PHIL 302S included in both divisions?

Goals of This Course

Political philosophy considers man's highest natural end insofar as this end is attained in common with others.

Arranging the goals of the course

By the end of this course, the diligent and attentive student should:

(1) be able to articulate (a) what political philosophy is, (b) what its methodology and goals are, and (c) why it is the chief part of moral philosophy;
(2) be able to explain and defend at an appropriate level (a) the classical articulation of the nature of types of societies and their defining causes (family, economic, political, etc.), and (b) the nature and characteristics of the common good (including its bearing on the essence of law and natural law ethics), and (c) discuss clearly and cogently the various contributions of Aristotle and St. Thomas Aquinas to this area of philosophy;
(3) be able to competently discuss (a) the various attributes of political society, and (b) the origin of political authority, its justification, and its governmental forms, and (c) the relationship of political society to other societies (family, economic, and international, which last includes the topic of just war);
(4) and, lastly, be able to articulate and explain (a) the problem, history, and principles for the proper relationship between the Church and the State, and (b) how this turns upon the moral, social, and religious nature of the human person and the person's twofold ultimate end.

– What truth we hope to gain in this course

This sort of knowledge is a familiarity with the deepest reasons about human social life and its ultimate goods, flowing from a long tradition of thought. We hope to see our own historical circumstances from the perspective of centuries, even in terms of timeless principles. However, knowing the "point of application" and the politically prudent paths to take in light of such principles takes the virtue of a statesman, what Plato calls the true politician, and for that set of virtues the subjects of our course are only the theoretically preparations.

For instance, we will discuss what the political society is as opposed to the family and other pre-political associations; the nature of citizenship and the shifts and changes that occur in political life;

the nature of the common good, the varieties of common good, and their relationship of non-competitive primacy to the individual good of the human person. Ultimately, we aim to discuss the highest human goods and the forms of social life (both natural and supernatural) ordered to the achievements of those goods, all from the philosophical vantage point.

We are not aiming at becoming "armchair politicians," but we hope to be able to see even current circumstances in the hectic world of politics and its media representations in a calmer, more long-sighted way. The course will provide a rich background in the history of political philosophy and its various conclusions, and hopefully move us beyond the parochial American social-media-driven political scene.

– Difficulties and problems

At the same time, the course will have its difficulties.

(1) Socrates challenged the political wisdom of Athens; see especially Plato's *Apology*. What was the result? Note in particular *Apology*, 29d–30b, regarding Socrates's quest for the best state of soul and its political implications.
(2) Socrates, in the *Euthyphro*, 7d, points out that people argue and disagree the most heatedly about differences in regard to "the just and the unjust, the beautiful and the ugly, the good and the bad" as well as the holy and unholy. Such a perennial human tendency is made all the more aggravated in our pluralistic culture, and its various "shrill" debates about moral and political issues. However, our experience of such a context is that from which we must draw our own philosophical reflections about human political and social nature.
(3) Aristotle warns in *Nicomachean Ethics*, I.3, that the young are not well suited to learn ethics and politics because they lack experience of the relevant ethical and moral phenomena and causes, and they are still excessively motivated by their emotions and not by enough *logos* or reason (ever heard of an emotional, young political activist on social media?). By "young" here he probably means what Plato meant. In the *Republic*, Plato has people learning these subjects in their thirties and forties (see *Republic*, VII, 539a–540a), but not yet ruling or practicing the "art" of politics. So, this is another way in which our consideration of the philosophy of politics will be only "in speech," even though this does not mean what we are talking about does not have any bearing on the goods human beings ought to pursue, much less does it mean that "reason alone" will permit us to access the truth (experience, tradition, custom, and history will be necessary).

So much, then, for the difficulties regarding dangers about the subject itself and its students.

Order & Content of the Course

The philosophical movements of the course track the three parts of the *Course Guide*, as follows.

- **Part I: The Fundamentals of Political Philosophy**
  - First, we read and discuss the science fiction novel *A Canticle for Leibowitz*, by Walter M. Miller, Jr. It provides a dramatic, civilization-scale context for our course.
  - Next, we study the bulk of Aristotle's *Politics*. It is one of the foundational texts of political philosophy, and we cannot do without it.
  - Note that the goal of the first paper (see the Interlude, pp. 33ff), is to try to connect what Aristotle says about the ancient *polis* with the modern state.
- **Part II: Law, Justice, and Economics**
  - We then consider key principles internal to the political order. First, we read from St. Thomas Aquinas's famous "Treatise on Law."
  - Next, we read St. Thomas on the nature of justice and the right to private property. This sets the stage for economics.
  - Lastly, we read various papal encyclicals and commentary on the moral principles of economics.
- **Part III: Church and State**
  - The course now turns to consider principles of the political order that are, as it were, extrinsic—between the state and other entities.
  - First, we discuss the nature of just warfare, using sources from St. Thomas others.
  - Second, we discuss the history and norms of the relationship between Church and states.
- **Conclusion:** We conclude the course with a study of prudence, kingship, and peace.

Reading for this course

Reading well in this course (see the Syllabus, p. xiv) is as essential overall and as complementary to the lectures and in-class discussions as a laboratory is to a science course, or studio to an art course, or a clinic practicum to a medical course. That is, just as these components are integral to the intellectual and technical objectives of the course, so too is reading well in a philosophy course.

There are various reasons why this is true of reading well in a philosophy course. The principal ones are the following:

(1) **Texts as teachers:** The primary texts chosen for the course have been written by master philosophers who serve as paradigms of the philosophical act, and all secondary texts have been chosen first and foremost for their pedagogical clarity.
(2) **Texts as sources:** The texts in this course, especially the primary ones, are some of the greatest examples of their kind written on this subject.
(3) **Texts as guides:** The texts for this course have been chosen because of their ability to form and order the mind. Sometimes, this takes place by raising difficulties, or by resolving them. Other texts or readings serve other purposes.
(4) **Texts as models:** The arguments and conclusions contained in the course texts are the exemplary means by which we can hope to arrive at knowing something of the subject of this course for ourselves.

As a consequence, students should take the reading for this course as seriously as science majors take labs, art majors take studio, or pre-med or nursing majors take clinic. Let's look at some of the course books and readings in a bit more detail.

The books for this course

The sources for this course are many and varied. They are listed in the order in which they will be read:

– **Miller, *A Canticle for Leibowitz*:** This stunning, apocalyptic novel will set the stage for the contemporary and ultimate context of our study in this course.
– **Aristotle, *Politics*:** We cannot do without this fundamental text in political philosophy. As we will note later, while much of the book will "go over our head," we will still learn a lot from it.
– **St. Thomas, *On Law, Morality, and Politics*:** This helpful compilation of texts will guide us through the Angelic Doctor's teachings on political philosophy.
– **Clarke, *Man and the Economy*:** This book introduces us to the deeper background behind commonplace assumptions and contentions about modern economics.
– **Storck, *An Economics of Justice and Charity*:** This book will serve as the main commentary on the papal economic encyclicals. It is brief but insightful and very clear.
– **Rommen, *The State in Catholic Thought*:** This massive tome will serve as secondary material for the first paper, and a main focus of study in the third part of the course. Students are encouraged to refer to it throughout the course, and there are

many sections with questions for optional reading from this book.

In addition, there are various texts in this *Course Guide*, its appendices, and on Canvas. The two papers also allow you to research for yourown reading materials.

Conclusion: What Does It Mean to Be A "Political Animal"?

Despite the difficulties we will encounter, we should embark with some confidence on this course of study, given the hopes we have in regard for the truth to be gained. Furthermore, as our guides we will have the work not only of Plato, Aristotle, St. Augustine, and St. Thomas, but many of their wise and learned interpreters. For political science in the full sense, political philosophy, is the pursuit of the truth about the highest human good. It is for that reason most useful, noble, important, and architectonic among all the parts of practical philosophy, which aim not just at truth but at a truth that we ought put into action.

Introduction 1

> This then—the knowledge of the natures and the habits of souls—is one of the things that is of the greatest use for the art whose business it is to care for souls. And we assert (I think) that that art is politics.
>
> Plato, *The Laws*, I, 650b

1.1 Introduction

Goals for this chapter

(1) To introduce the course, its major themes and goals, and pedagogical methods
(2) To answer these questions: What is political philosophy? What is "Catholic" political philosophy?
(3) To begin discussing the fundamental or first principles of political philosophy

Readings for this chapter

– Reading selections in *CG*

When completing the reading and study materials in this chapter, you should have the following general questions in mind, which are also of use when reviewing the course:

The Chapter Questions are listed all together on pp. 211ff.

– What are the fundamental questions of human life as social, political creatures?

You should also try to formulate answers to them yourself, based upon your own experience and prior knowledge. (Each week, there will be general questions to keep in mind.) While some of these questions will be raised on the very first day, keep them in mind throughout the week. For the weekly readings, there will be "Pre-Reading," "Reading," and "Post-Reading" questions. It is important to take a moment to reflect on these "Pre-Reading" questions and answer them yourself, even if the answers are approximations or only raise more questions in your mind. Take note of these answers, the imperfections you see in them, and what it might take to improve them. The "Reading" questions are focused on the reading itself, and range from very straightforward to requiring only some thought to piece together. The "Post-Reading" questions are the ones we will tackle in class discussion.

1.2 The Socratic Question for Catholic Politics

Consider the following excerpt from Plato's famous *Apology* of Socrates.

Plato, *Apology*, 29c–30c; Jowett translation, MIT Classics online source, slightly modified for clarity.

Therefore if you let me go now, and reject the counsels of Anytus, who said that if I were not put to death I ought not to have been prosecuted, and that if I escape now, your sons will all be utterly ruined by listening to my words—if you say to me, "Socrates, this time we will not mind Anytus, and will let you off, but upon one condition, that are to inquire and speculate in this way any more, and that if you are caught doing this again you shall die"—if this was the condition on which you let me go, I should reply: "Men of Athens, I honor and love you; but I shall obey God rather than you, and while I have life and strength I shall never cease from the practice and teaching of philosophy, exhorting anyone whom I meet after my manner, and convincing him, saying: 'O my friend, why do you who are a citizen of the great and mighty and wise city of Athens, care so much about laying up the greatest amount of money and honor and reputation, and so little about wisdom and truth and the greatest improvement of the soul, which you never regard or heed at all? Are you not ashamed of this?' And if the person with whom I am arguing says: 'Yes, but I do care'; I do not depart or let him go at once; I interrogate and examine and cross-examine him, and if I think that he has no virtue, but only says that he has, I reproach him with undervaluing the greater, and overvaluing the less. And this I should say to everyone whom I meet, young and old, citizen and alien, but especially to the citizens, inasmuch as they are my brethren. For this is the command of God, as I would have you know; and I believe that to this day no greater good has ever happened in the state than my service to the God. For I do nothing but go about persuading you all, old and young alike, not to take thought for your persons and your properties, but first and chiefly to care about the greatest improvement of the soul. I tell you that virtue is not given by money, but that from virtue come money and every other good of man, public as well as private." This is my teaching, and if this is the doctrine which corrupts the youth, my influence is ruinous indeed. But if anyone says that this is not my teaching, he is speaking an untruth. Wherefore, O men of Athens, I say to you, do as Anytus bids or not as Anytus bids, and either acquit me or not; but whatever you do, know that I shall never alter my ways, not even if I have to die many times.

Next, consider the following excerpt from the "Letter to Diognetus," from an unknown author.

———— ❖ ————

From a letter to Diognetus (nn. 5–6; Funk, pp. 397–401); from the Vatican website.

Christians are indistinguishable from other men either by nationality, language or customs. They do not inhabit separate cities of their own, or speak a strange dialect, or follow some outlandish way of life. Their teaching is not based upon reveries inspired by the curiosity of men. Unlike some other people, they champion no purely human doctrine. With regard to dress, food and manner of life in general, they follow the customs of whatever city they happen to be living in, whether it is Greek or foreign.

And yet there is something extraordinary about their lives. They live in their own countries as though they were only passing through. They play their full role as citizens, but labor under all the disabilities of aliens. Any country can be their homeland, but for them their homeland, wherever it may be, is a foreign country. Like others, they marry and have children, but they do not expose them. They share their meals, but not their wives.

They live in the flesh, but they are not governed by the desires of the flesh. They pass their days upon earth, but they are citizens of heaven. Obedient to the laws, they yet live on a level that transcends the law. Christians love all men, but all men persecute them. Condemned because they are not understood, they are put to death, but raised to life again. They live in poverty, but enrich many; they are totally destitute, but possess an abundance of everything. They suffer dishonor, but that is their glory. They are defamed, but vindicated. A blessing is their answer to abuse, deference their response to insult. For the good they do they receive the punishment of malefactors, but even then they rejoice as though receiving the gift of life. They are attacked by the Jews as aliens, they are persecuted by the Greeks, yet no one can explain the reason for this hatred.

To speak in general terms, we may say that the Christian is to the world what the soul is to the body. As the soul is present in every part of the body, while remaining distinct from it, so Christians are found in all the cities of the world, but cannot be identified with the world. As the visible body contains the invisible soul, so Christians are seen living in the world, but their religious life remains unseen. The body hates the soul and wars against it, not because of any injury the soul has done it, but because of the restriction the soul places on its pleasures. Similarly, the world hates the Christians, not because they have done it any wrong, but because they are opposed to its enjoyments.

Christians love those who hate them just as the soul loves the body and all its members despite the body's hatred. It is by the soul, enclosed within the body, that the body is held together, and similarly, it is by the Christians, detained in the world as in a prison, that the world is held together. The soul, though immortal, has a mortal dwelling place; and Christians also live for a time amidst perishable things, while awaiting the freedom from change and decay that will be theirs in heaven. As the soul benefits from the deprivation of food and drink, so Christians flourish under persecution. Such is the Christian's lofty and divinely appointed function, from which he is not permitted to excuse himself.

Post-reading questions

Students should consider the relationship between one's personal life, one's social or public life, and the religious or the divine contained in both of these excerpts. What strikes you most? Are the two excerpts opposed or in harmony?

In order to fully consider the notion of "Catholic" political philosophy, students are encouraged to read the following sections. We will highlight its main points in class.

1.3 On Political Philosophy

> The imperfect beatitude that can be had in this life can be acquired by man through his natural powers . . . , but the perfect beatitude of man consists in the vision of the divine essence. . . . Whence, neither man, nor any other creature, can attain to final beatitude through their natural powers.
>
> – St. Thomas Aquinas, *Summa Theologiae*, Ia-IIae, q. 5, a. 5, c.

What is political philosophy? Why study it? Note that, while this course carries the title "Catholic Social and Political Philosophy," we will discuss in what way the adjective "Catholic" applies later on. For now, let's simply concern ourselves with the idea of contemplating man's social and political nature in a philosophical way.

Where does one find political philosophy as a part in the whole of philosophy?

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– St. Thomas Aquinas's division of human knowledge

Now order is related to reason in a fourfold way. There is one order that reason does not establish but only beholds, such is the order of things in nature. There is a second order that reason establishes in its own act of consideration, for example, when it arranges its concepts among themselves, and the signs of concept as well, because words express the meanings of the concepts. There is a third order that reason in deliberating establishes in the operations of the will. There is a fourth order that reason in planning establishes in the external things which it causes, such as a chest and a house.

St. Thomas, *Sent. Ethic.*, I, lect. 1, nn. 1–2 (Litzinger translation).

Because the operation of reason is perfected by habit, according to the different modes of order that reason considers in particular, a differentiation of sciences arises. The function of natural philosophy is to consider the order of things that human reason considers but does not establish—understand that with natural philosophy here we also include metaphysics. The order that reason makes in its own act of consideration pertains to rational philosophy (logic), which properly considers the order of the parts of verbal expression with one another and the order of principles to one another and to their conclusions. The order of voluntary actions pertains to the consideration of moral philosophy. The order that reason in

planning establishes in external things arranged by human reason pertains to the mechanical arts.

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This is a fairly abstract and general division, but perhaps we could accept how, with appropriate subdivisions and a few combinations, we could arrive at the various kinds of human knowledge. What is important for our course, however, is where politics falls in the division: it is the consideration of the order of all voluntary human action. How, then, does politics fit in? Again, we can consider St. Thomas's reasoning here.

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– The place of politics within all of human knowledge

St. Thomas, *Sent. Ethic.*, I, lect. 1, nn. 4–6 (translation emended).

It must be understood that, because man is by nature a social animal, needing many things to live which he cannot get for himself if alone, he naturally is a part of a group that furnishes him help to live well. He needs this help for two reasons. First, to have what is necessary for life, without which he cannot live the present life; and for this, man is helped by the domestic group of which he is a part. For every man is indebted to his parents for his generation and his nourishment and instruction. Likewise individuals, who are members of the family, help one another to procure the necessities of life. In another way, man receives help from the group of which he is a part, to have a perfect sufficiency for life; namely, that man may not only live but live well, having everything sufficient for living; and in this way man is helped by the civil multitude, of which he is a member, not only in regard to bodily needs—as certainly in the state there are many crafts which a single household cannot provide—but also in regard to right conduct, inasmuch as public authority restrains with fear of punishment delinquent young men whom paternal admonition is not able to correct.

It must be known moreover that the whole which the political group or the family constitutes has only a unity of order, for it is not something absolutely one. A part of this whole, therefore, can have an operation that is not the operation of the whole, as a soldier in an army has an activity that does not belong to the whole army. However, this whole does have an operation that is not proper to its parts but to the whole—for example, an assault of the entire army. Likewise the movement of a boat is a combined operation of the crew rowing the boat. There is also a kind of whole that has not only a unity of order but of composition, or of conjunction,

or even of continuity, and according to this unity a thing is one absolutely; and therefore there is no operation of the part that does not belong to the whole. For in things all of one piece the motion of the whole and of the part is the same. Similarly in composites and in conjoined things, the operation of a part is principally that of the whole. For this reason it is necessary that such a consideration of both the whole and its parts should belong to the same science. It does not, however, pertain to the same science to consider the whole, which has solely the unity of order, and the parts of this whole.

Thus it is that moral philosophy is divided into three parts. The first of these, which is called individual (monastic) ethics, considers an individual's operations as ordered to an end. The second, called domestic ethics, considers the operations of the domestic group. The third, called political science, considers the operations of the civil multitude.

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We should note that this line of reasoning shows both how political philosophy considers something that has its basis in nature and how its perfection lies in human thought and choice. The relationship between these principles and causes (human nature and human thought and choice) will be an important feature of our course. Here is how St. Thomas considers the relationship between human nature and political philosophy in his *proœmium* to his commentary on Aristotle's *Politics*.

— ⁜ —

– The nature of politics: its necessity, kind, dignity, and order

Now since human reason has to order not only the things that are used by man but also men themselves, who are ruled by reason, it proceeds in either case from the simple to the complex: in the case of the things used by man when, for example, it builds a ship out of wood and a house out of wood and stones; in the case of men themselves when, for example, it orders many men so as to form a certain society. And since among these societies there are various degrees and orders, the highest is that of the city, which is ordered to the satisfaction of all the needs of human life. Hence of all the human societies this one is the most perfect. And because the things used by man are ordered to man as to their end, which is superior to the means, that whole which is the city is therefore necessarily superior to all the other wholes that may be known and constituted by human reason.

St. Thomas, *Sent. Polit.*, I, proem., nn. 4–8 (Fortin & O'Neill translation).

From what we have said then concerning political doctrine, with which Aristotle deals in this book, four things may be gathered. First, the necessity of this science. For in order to arrive at the perfection of human wisdom, which is called philosophy, it is necessary to teach something about all that can be known by reason. Since then that whole which is the city is subject to a certain judgment of reason, it is necessary, so that philosophy may be complete, to institute a discipline that deals with the city; and this discipline is called politics or civil science.

Secondly, we can infer the genus of this science. For since the practical sciences are distinguished from the speculative sciences in that the speculative sciences are ordered exclusively to the knowledge of the truth, whereas the practical sciences are ordered to some work, this science must be comprised under practical philosophy, inasmuch as the city is a certain whole that human reason not only knows but also produces. Furthermore, since reason produces certain things by way of making, in which case the operation goes out into external matter—this pertains properly to the arts that are called mechanical, such as that of the smith and the shipwright and the like—and other things by way of action, in which case the operation remains within the agent, as when one deliberates, chooses, wills, and performs other similar acts pertaining to moral science, it is obvious that political science, which is concerned with the ordering of men, is not comprised under the sciences that pertain to making or mechanical arts, but under the sciences that pertain to action, which are the moral sciences.

Thirdly, we can infer the dignity and the order of political science with reference to all the other practical sciences. The city is indeed the most important of the things that can be constituted by human reason, for all the other human societies are ordered to it. Furthermore, all the wholes constituted by the mechanical arts out of the things that are used by men are ordered to man as to their end. If the most important science, then, is the one that deals with what is most noble and perfect, of all the practical sciences political science must necessarily be the most important and must play the role of architectonic science with reference to all the others, inasmuch as it is concerned with the highest and perfect good in human affairs. And that is why the Philosopher says at the end of Book X of the *Ethics* that the philosophy that deals with human affairs finds its perfection in politics.

Fourthly, from what has already been said we can deduce the mode and the order of this science. For just as the speculative sciences, which treat of some whole, arrive at a knowledge of the whole by manifesting its properties and its principles from an examination of its parts and its principles, so too this science examines the parts

and the principles of the city and gives us a knowledge of it by manifesting its parts and its properties and its operations. And because it is a practical science, it manifests in addition how each thing may be realized, as is necessary in every practical science.

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This is the full range and scope of what Aristotle and St. Thomas called "political science." Our course is an introduction to it, as well as to its modern modes of existence. We will find that the same truths of human political nature argued for by Aristotle and St. Thomas are still true today, merely living in a new time. What are these truths? What challenges do we face as we attempt to learn them?

On "Catholic" political philosophy

Since we may be using the phrase "Catholic political philosophy" during this course, and it is also a key idea in the thought of one of our authors, Heinrich Rommen, it is worthwhile to take a moment and understand what it means.

Students could also read from *The State in Catholic Thought* (hereafter, *SCT*), "Introduction," pp. i–xxxvi.

There can be the following misunderstandings: Isn't saying *Catholic* philosophy or *Catholic* political philosophy a contradiction in terms? That is, doesn't this name mix nature and grace, faith and reason, and thus imply that we will be using faith and belief to settle questions that ought to appeal to evidence and philosophical argument? Even if it does not, how will we avoid the problem that by reading Catholic thinkers and various popes, we will eventually have to surrender *thinking* about things and just *capitulate* and believe the answers proposed?

Before getting to Rommen's answer, consider the answer given by Thomas Molnar: "Catholic reflection upon political matters is not only an integral part of Western political philosophy, it is the main avenue out of the impasse in which this science has found itself since the Renaissance." Such a claim, if true, provides a complete warrant for a course on "Catholic" political philosophy. Even if it is false, figuring out why it is so, or why it needs to be qualified, would itself be illuminating to the same degree as seeing that Molnar is right.

Molnar, *The Church and the State* (hereafter, *C&S*), 99.

The idea of "Catholic political philosophy" can sound like either a contradiction in terms or a useless adjective. That is, first, isn't adding "Catholic" to "philosophy" saying we will forcibly combine "just believing by faith" with "reasoning philosophically"? Or, second, why isn't it like saying someone is a "Catholic plumber" or

a "Catholic tennis player"? How does being qualified as "Catholic" change the nature of plumbing or tennis playing?

While there are incorrect uses of the phrase "Catholic philosophy" or "Catholic political philosophy" that commit the first error (illegitimately mixing faith and reason), this is not what Rommen means by it. He argues that "Catholic political philosophy, as its name shows, cannot disregard its origin. It lives encompassed by the theological and philosophical structure of Catholic doctrine." Rommen is staking out a middle position. The adjective "Catholic" denotes something neither irrelevant nor essential to political philosophy as such, but the concrete historical context in which it exists.

Rommen, *SCT*, p. xix.

> Catholic political philosophy . . . bases its principles not on theology, but on philosophy, and works out its conclusions through the medium of natural reason. Still we rightly speak of a Christian, of even a Catholic political philosophy, since by this is meant that body of principles that has always found its home in the Catholic Church. . . . The attribute Catholic means that theology is recognized as influencing, even directing, the division of tasks between philosophy and theology. Philosophizing is done not altogether autonomously, but with continuous respect for theology. It means further that philosophy is aware of its limitations and avoids crossing the boundaries of theology and usurping what is preserved for faith and revelation. It accepts faith and revelation and knows that, whatever progress it may make, it cannot substitute for them. And finally in principle it accepts teaching and assistance from theology, does not seclude itself from it, and acknowledges that there is no twofold truth, so that what is philosophically true may be theologically false, and vice versa. This *philosophia perennis* is older than the Church though the Church became and continues to be the homeland of this philosophy.

Ibid., p. xx–xxi.

This is a good phrase to remember in order to understand the contextual demand of our course: this philosophizing found its home in the Catholic Church, the civilization essentially shaped by Christianity. It does not mean that we will be forced to accept certain conclusions of "political philosophy" on faith, nor does it mean that we will consider the ultimate end or good of man without regard for the good of his soul and the historical realities of Christianity.

This approach will also have its benefits:

(1) Studying political philosophy in its "homeland" and not in a secular "exile" will put us in more continuous contact with the greater tradition of political philosophers, rather than reading the history of political philosophy through an exclusively modern lens.
(2) It will allow us to examine what "the state" means at various points in history. This is especially important, as "state" does not mean one thing in Rommen's text, nor does it mean one thing in the history of political philosophy.
(3) It will enable us to see the principles of human social life from a more profound angle.
(4) Taking Christianity into account is also more socially and culturally relevant for our own lives, as opposed to focusing merely upon a study of Aristotle's *Politics*—who of course knew nothing of the problems between "Church and state"—or merely reading selections from the works of early modern political philosophers and ignoring what they do say about the relationship between temporal powers and spiritual power. That is, this approach allows us to be more deeply philosophical.

– *On studying Church documents*

Now, our considerations will also be "Catholic" insofar as we will be reading many Church documents during the course, principally papal encyclicals. These are official teaching documents of the Catholic Church and thus have due authority for Catholic Christians. However, they frequently propose philosophical arguments, and thus are relevant to our class.

The documents for our course are all collected in the *Course Reader*. The book by Thomas Storck, *An Economics of Justice and Charity*, will also aid us here. Here is a brief "guide" to certain documents in Catholic social teaching (CST), just for your reference.

– Pius IX (1846–1878), *Quanta Cura & Syllabus Errorum* (1864), is a mid-19th-century encyclical addressing its teaching to the excesses of the democratic revolutions and other ideologies of the era. See below, p. 13.
– Leo XIII (1878–1903), *Diuturnum Illud* (1881), is about the origin and nature of temporal political authority and power. Below, p. 107.
– Leo XIII, *Immortale Dei* (1885), considers the characteristics of the constitutions for nations or states that are Christian. Below, p. 188.
– Leo XIII, *Libertas Praestantissimum* (1888), discusses the nature of human liberty, in both its true sense as well as various false conceptions. Below, p. 101.

- Leo XIII, *Sapientiae Christianae* (1890), treats of being both a Christian and a citizen, and the duties and dangers involved. Below, p. 189.
- Leo XIII, *Rerum Novarum* (1891), is one of the most famous economic encyclicals ever written, in which the pope addresses moral and theological concerns about various economic theories and their applied effects upon human life. Below, p. 140.
- Leo XIII, *Au Milieu des Sollicitudes* (1892), is a letter to the people of France during a particularly troubled time. Below, p. 192.
- Leo XIII, *Longinqua Oceani* (1895), is a letter of good will and exhortatory instruction to the bishops of the United States. Below, p. 192.
- Leo XIII, *Testem Benevolentiae* (1899), is an encyclical which teaches against the excesses of "Americanism." Below, p. 14.
- Pius XI (1922–1939), *Quas Primas* (1925), commemorates the institution of the feast of Christ the King. Below, p. 209.
- Pius XI, *Casti Connubii* (1930), concerns the nature and dignity of Christian marriage. Below, p. 57.
- Pius XI, *Quadragesimo Anno* (1931), is an encyclical written on the fortieth anniversary of *Rerum Novarum*, reemphasizing and elaborating upon its teaching. Below, p. 148.
- Pius XII (1939–1958), *Ci Riesce* (1953), is an address by Pope Pius XII that anticipates the teaching on religious liberty found in the next document. Below, p. 198.
- Second Vatican Council, *Dignitatis Humanae* (1965), is the central teaching of the Council on the true nature of religious liberty. Below, p. 198.
- John Paul II (1978–2005), *Familiaris Consortio* (1981), is an apostolic exhortation on the nature of the Christian family in the modern world. Below, p. 57, for a brief discussion.
- John Paul II, *Centesimus Annus* (1991), is an encyclical written on the one-hundredth anniversary of *Rerum Novarum*, reemphasizing and elaborating upon its teaching. Below, p. **??**.
- John Paul II, *Veritatis Splendor* (1993), is an encyclical treating of the nature of morality both theologically and philosophically that is of central importance. Below, p. 57, for a brief discussion.
- John Paul II, *Gratissimam Sane* (1994), is a letter to families on the nature and dignity of domestic life. Below, p. 57, for a brief discussion.
- John Paul II, *Evangelium Vitae* (1995), considers the sanctity of human life, from the moment of conception until natural death. Below, p. 57, for a brief discussion.
- CDF, *On the Participation of Catholics in Political Life* (2002), considers the duties of Christian citizens, especially in modern liberal democracies. Below, p. 180.
- Benedict XVI (2005–2013), *Deus Caritas Est* (2005), treats of the love of God in relationship to the Christian life. While it is

not read in the course, students are encouraged to read it at afterwards.

To illustrate some of the challenges of reading these documents, we consider two of them, briefly.

– The Church and modernity?

The encyclical letter *Quanta Cura* of Pope Pius IX (1864), also known as the "Syllabus of Errors," lists eighty propositions of "modern" thought and condemns them. Now, while much of the historical context is lost to us (i.e., we in the United States of the 21st century), but it involved the cultural, societal, and philosophical reaction to the French Revolution (1789–99). Various Catholics were proposing that the Church could accept in some way the new, modern ideas of "liberty," including what many in our day would call religious freedom. While the ideas of certain of these Catholics were condemned by Pope Gregory XVI in 1832 in the encyclical *Mirari Vos*, the ideas and proponents resurfaced thirty years later. Pope Pius IX's condemnation of such views was, to put it mildly, controversial.

Here is what our patron saint had to say about *Quanta Cura*:

> And now I shall turn aside for a moment to show how it is that the Popes of our century have been misunderstood by the English people, as if they really were speaking against conscience in the true sense of the word, when in fact they were speaking against it in the various false senses, philosophical or popular, which in this day are put upon the word. The present Pope [Pius IX], in his Encyclical of 1864, *Quanta cura*, speaks (as will come before us in the next section) against "liberty of conscience," and he refers to his predecessor, Gregory XVI, who, in his *Mirari vos*, calls it a "*deliramentum*." It is a rule in formal ecclesiastical proceedings, as I shall have occasion to notice lower down, when books or authors are condemned, to use the very words of the book or author, and to condemn the words in that particular sense which they have in their context and their drift, not in the literal, not in the religious sense, such as the Pope might recognize, were they in another book or author. . . . Both Popes certainly scoff at the so-called "liberty of conscience," but there is no scoffing of any Pope, in formal documents addressed to the faithful at large, at that most serious doctrine, the right and the duty of following that Divine Authority, the voice of conscience, on which in truth the Church herself is built.

John Henry Cardinal Newman, *Letter the Duke of Norfolk*, ch. 5, "Conscience," pp. 250–52 (from the online Newman Reader).

Now, this salient advice about how to read some of the teaching documents of the Church (its magisterial documents) is reiterated by Rommen (we return to this below). For now, note how the historical context of the encyclical is important. Its condemnations or pronouncements cannot be read entirely outside of that context. Who was being addressed? What was the problem or dispute or need or goal of the pope when writing? At the same time, however, historical context is not *determinative* of what the document is saying, or what the pope is teaching.

– Americanism? What's that?

Another example is Pope Leo XIII's encyclical letter *Testem Benevolentiae* (1899), addressing certain then-pressing debates about Catholicism in America and giving a name to it: Americanism. What is "Americanism"? Do we (in the United States of the 21st century) still need to be concerned about it? Here is how *The* "old" *Catholic Encyclopedia* describes the encyclical:

"Testem Benevolentiae", in *The Catholic Encyclopedia*.

> [The letter] opens by explaining its title, remarking that just as His Holiness had given frequent proof of his affection for the people as well as for the Church in the United States by praising their spirit and their progress, so now the same affection prompts him to point out certain things which should be avoided or corrected, in order to set at rest controversies that were injurious to peace. Referring to the preface of the French translation of the "Life of Isaac Hecker", as the occasion of these controversies, he proposes to examine certain opinions therein advanced on the manner of leading a Christian life. The basis of these opinions is that, to make converts, the Church should adapt herself to our advanced civilization and relax her ancient rigour as regards not only the rule of life but also the deposit of faith, and should pass over or minimize certain points of doctrine, or even give them a meaning which the Church has never held. . . . The Letter concludes with a brief exhortation for unity, as against a spirit that would tend towards developing a national Church. The term Americanism is approved as applying to the characteristic qualities which reflect honour on the American people, or to the conditions of their commonwealths, and to the laws and customs prevailing in them; but as applied to the opinions above enumerated it would be repudiated and condemned by the Bishops of America. . . . This Letter put an end to a bitter controversy which had been agitated for nearly ten years, particularly in the Catholic press.

So, as this makes a bit clearer, there was a then-relevant historical need for the letter. At the same time, the term "Americanism" could be used to refer *either to possible errors or possible truths* about understanding the relationship between one's citizenship and one's Catholic faith that are still possible, albeit the situation and the manifestation of such errors or virtues would be different today. Again, we see the tension—or, rather, the harmony—that must be and be found between timeless principles and historical circumstances.

This is also how Rommen recommends that we approach statements in Church teaching documents that condemn a certain error with both historical roots and theological ramifications:

> The true sense of the Syllabus may be found only by relating the propositions to the context of the various documents (mostly encyclicals and allocutions) from which the condemnations are taken. If this advice were followed by all who pretend to know the Syllabus, much hard feeling and misunderstanding would be avoided. The context is decisive, showing the light in which the propositions are condemned. And it is the task of theology to elaborate the sense of the positive proposition that follows from the form of the condemned proposition. . . . We should devote as much time to the study of ecclesiastical documents and their true meaning as we are accustomed to give to studying legal texts or philosophical propositions.

Rommen, *SCT*, pp. 545, 546, n. 2. Rommen also refers to the explanation of Denzinger, *Enchiridion Symbolorum*, in his note about the "Syllabus," p. 1864: "To evaluate the sense and weight of the condemnations, the respective context and character of the documents in question must be considered. Certain propositions of a legal or ecclesiastical-political nature are, to a large extent, bound to the circumstances of the times."

For our purposes in the course, then, our readings of Church documents will abut weighty historical and theological themes, and this in itself provides us with the opportunity to learn. However, reading them will also provide us with matter for true philosophical reasoning, as the popes too recognize that perennial political philosophy's "home" is the Church.

On ultimate ends

Now, as hinted at above, this course will not just study Church documents, but it will also address what we will call the "question" or "problem" of the relationship between Church and state. Why study this in a philosophy class? Isn't this a theological or historical topic? It is, but it is also philosophical.

> And so this is the great theme of political history: this Church, in the identity of her essence and her mission, with or beside or against the ever-changing political forms of all the nations of the world. To repeat: what

Rommen, *SCT*, 472.

> matters is not at all an abstract academic problem, that of religion as a natural abstract feature in man's character and its relation to the political sphere, to state, and to society *in abstracto*. What matters is not the logical delimitation of a formal abstract sphere of religion from a likewise formal and abstract sphere of the state. The problem is the endlessly new task for new forms of political life, to encounter the concrete fact of the universal, independent Church, older than any of the states, mightier than any coalition of them, in her end and organization transcendent to them: The Roman Catholic Church, from the beginning not directed to the *polis* but to the *cosmopolis*; she is not a community of worship of a nation or a tribe but of the people of God above nations and tribes though in the midst of them.

What is Rommen saying? Well, that the *facts* about and the *claims* that the Church makes concerning its nature are realities that must be reflected upon and grappled with, even by the political philosopher *qua* philosopher, precisely because political philosophy is not reasoning *in abstracto* but based upon real experience. The Church is itself a causal factor in the origin, development, and fate of the political forms and ways of human life that political philosophy studies. Some necessary distinctions about the manner in which the philosopher can understand these causal factors in human nature and human history will be made as we proceed in this course.

For now, we should recognize that we will consider the question of "Church and State" in a political philosophy class because political philosophy is most of all concerned with the ultimate human good. One cannot be indifferent—whether theoretically or practically—to the highest good possible for human beings. For instance, this was Socrates's fundamental claim in *The Apology* about the examined life. The ultimate human good might not be a good to be had in this life, and so it becomes a question of how we live our lives *now* whether or not such a good exists.

> We have been made to live within the ambit of a proposal that is, by nature, the grandest proposal imaginable. There are some proposals which, by their very nature, demand a response. Saying "yes" or "no" to them is unavoidable; sharing in them or raging against them is inevitable. And there is no proposal more serious than this one, none more colossal or more invasive than this: a man who says, "I am God."

Luigi Giussani, *The Risk of Education*, p. 73.

You will find that, like Socrates, Rommen does not shy away from the question of the afterlife's connection to politics. Trying to see political realities at this level will also allow us to consider principles and causes in politics other than human free will or its "markets" of interaction. For instance, certain 19th-century modern philosophers began to consider history itself as a sort of rational or irrational "force" that drove human lives and human fates. In this, perhaps they were ignoring God's providence as a cause.

1.4 Conclusion

The aim of our discussions in this chapter have been to better understand the nature and importance of political philosophy in general and its Catholic reception in particular. The key idea here is that the good at which political philosophy aims its inquiries is primarily the ultimate human good. What is that good?

Is this not the question of Socrates's challenge to the citizens of Athens? Is it not compatible with the witness of Christians in the letter to Diognetus?

Call this *the Socratic challenge for Catholic political philosophy*.

Part I

Fundamentals of Political Philosophy

The Drama of Human Civilization

2

> For the waking there is one cosmos, and it is common; but when men sleep, each one turns aside into a private cosmos. We should not act and speak like those asleep. Therefore, we ought to follow what is common. Although reason is common to all, the many live as if having a private wisdom.
>
> – Heraclitus, DK 89, 73, 2

2.1 Introduction

Goals for this chapter

(1) To read and discuss Miller's classic *A Canticle for Leibowitz*
(2) To contemplate the nature of human society (civilization?) and its relationship to God's providence

Readings for this chapter

– Walter M. Miller, Jr., *A Canticle for Leibowitz*

When completing the reading and study materials in this chapter, you should have the following general questions in mind, which are also of use when reviewing the course:

The Chapter Questions are listed all together on pp. 211ff.

– What is the greatest scope that can be given to human life?
– Are there commonalities to human life and society across cultures and times?
– What is the good?

scope, from *skopos* = target

Walter M. Miller, Jr., was a World War II veteran haunted by his own participation in the attack on the Abbey of Monte Casino. He A convert to Catholicism, he wrote *A Canticle for Leibowitz* during a time beset by marital and familial difficulties as well as struggles with his faith.

See John Garvey, "A Canticle for Leibowitz: A Eulogy for Walt Miller," *Commonweal*, April 5, 1996, 7–8.

The novel *Canticle* was a runaway success, and it was the only novel of his published during his life.

His marriage lasted for fifty years despite the crisis surrounding the book's composition. His Catholic faith did not.

> What we have, then, in Walter Miller's *A Canticle for Leibowitz* is a stunning apocalyptic novel. Miller has chosen a profoundly countercultural art form to reflect the profoundly countercultural character of the Gospel. He has given vivid fictional life to the surprising truth that the church [*sic*] has reasons for creating and preserving and unifying human knowledge as the world does not. In a very real sense, it is the one truly humanistic institution. Yet as Miller also makes clear, there is an awful cost that Christians must pay, and a considerable scandal that the church [*sic*] must be willing cause, if the world's amnesia is not to become fatally complete.

Ralph C. Wood, "Lest the World's Amnesia Be Complete: A Reading of Walter Miller's 'A Canticle for Leibowitz.'" *Religion & Literature* 33, no. 1 (2001): 40.

Tragically, Miller committed suicide on January 9, 1996, several months after the death of his wife.

2.2 Fiat Homo

These questions accompany the reading of the first part of Miller's *Canticle for Leibowitz*.

Reading questions

As you read, consider the following questions:

- Who is Brother Francis Gerard?
- What do we learn about the world of Brother Francis and his own life and times? about the Albertian Order of Saint Leibowitz?
- What is significant about the gift that Brother Francis gives the Pope?

Space is given below for notes.

Philosophical Break #1

Originally published at *The Josias*, February 3, 2015; all excerpts used with permission.

Consider the following contentions, from an essay by Pater Edmund Waldstein, O.Cist.

———— ⌖ ————

1. The good is what all want.

The word 'good' seems to have at least two different meanings. If one were to ask a little boy, let us call him Tom, 'What is good?,' he might answer: 'ice cream is good, pizza is good, TV is good, football is good, vacation is good.' On the other hand, another little boy, let us call him Clarence, who is perhaps a bit of a goody-goody, might answer, 'obeying your parents,' or 'not breaking the rules,' or even 'doing what God wants.' There might seem to be a great distance between these senses of the good, but they are actually very closely related.

I begin with Tom, who seems to present a simpler meaning. What do ice cream, pizza, TV, video games, vacation, sports, etc. have in common? They are all things that Tom wants. And this is the first definition of the good that Aristotle gives: the good is what all want, or desire.

2. The good is wanted because it is good.

One might think that because the good is defined from wanting or desire, that it is desire that makes something good. This has great initial plausibility: it seems that if someone wants something, then it is good for them. If so-and-so wants to live in L.A., then it seems that it is good *for him* to live there. This is also suggested by the enigmatic character of desire as described by Freudian psychoanalysis; desire seems an illogical force that fastens on an object without prior cause. As an American agent puts it in David Foster Wallace's novel *Infinite Jest*, «What if you just love? without deciding? You just do.» (p. 108) If this were true, the definition of the good would be a definition of an effect from its cause. And if this were true, Clarence, the goody-goody, would be sadly mistaken—no one else, and no set of rules or laws, could tell him what is good for him. He should learn to listen to his desires and free himself from paternalistic oppression.

But there are also reasons to doubt the idea that it is wanting something that makes it good. For haven't we all had the experience of wanting something which we ourselves then admitted was not

good? I wanted that last drink at the party, but afterwards I admit that it was not good for me. I wanted to drive 100 mph down the winding road, but later, on my hospital bed, I admit that it was not good. If wanting something *made it* good, then my wanting the last drink would have made it good for me.

Duane Berquist, in his lectures on Ethics, takes a great many examples of basic desires and their objects, and argues that in each case the object is not good because it is desired, but desired because it is good. Hunger is the desire for food, but food is not good because there is hunger. Rather, there is hunger because food is good and necessary for the preservation of one's substance. And it is the same with drink. Water is not good because animals are thirsty, rather animals become thirsty because water is good for them. Nature gives them thirst in order to ensure that they attain this good. It does not seem to be merely desire that makes sexual union good, but rather it seems to be desired because it is itself good and necessary for the preservation of a whole kind of being. And even in our experience of pleasure, it seems that it is the goodness of pleasure that causes our desire—we speak of being 'attracted' by it. This list can be continued indefinitely: knowledge, friendship, art, etc. Even money is not good because people want it; they want it because it is so useful for buying things.

But then again, there are also difficulties with the idea that the good is desired because it is good. What is good, after all, is often not wanted. If good is the *cause* of desire, how can it be that people do not want what is good? If it is good for Tom to go to school, why does Tom not want to go to school? If it is good for him to eat his vegetables, why does he not want to eat them? How can the cause be good without the effect following? Or, again, if good is the cause of desire, then it would seem that the contrary of good, bad, is the cause of aversion. But many people desire what is bad for them, as we saw in the examples of the last drink and the 100 mph drive.

But these objections can be answered. Before desiring a good, I have to know it in some way. If Tom had never tasted candy, he would never have desired it. If Romeo had never seen Juliette, he never would have desired her. If Socrates had not understood to some extent what wisdom was, he would not have desired it. The good is desirable as known, and therefore as long as it is unknown it is powerless to cause desire. And the bad is not desired because it is bad, but rather because it appears, or seems to be in some way, good. I didn't take that last drink because of the bad things it would do to me, but because of the good pleasure I thought it would give me. Sometimes what is bad looks like what is good, and the former is mistaken for the latter. Thus, someone who eats

poisonous mushrooms 'by mistake' eats them because he thinks they are the good mushrooms they resemble.

2.3 Fiat Lux

These questions accompany the reading of the second part of Miller's *Canticle for Leibowitz*.

Reading questions

As you read, consider the following questions:

- Who is Thon Taddeo? Brother Kornhoer? Abbot Dom Paulo?
- What is significant of the arc lamp? about the Memorabilia?
- What do we learn about the world in this age of civlization?

Space is given below for notes.

Philosophical Break #2

Originally published at *The Josias*, February 3, 2015; all excerpts used with permission.

Consider the following contentions, from an essay by Pater Edmund Waldstein, O.Cist.

———— ❖ ————

3. The good is the final cause.

To define the good as 'what all want' is therefore a definition not of an effect by its cause, but just the opposite: a definition of a cause by its effect. The good is a cause. It is the final cause, the end or purpose. Aristotle famously distinguishes four different causes: the material of which something is made, the form that that material has, the agent that gives the material its form, and the end for the sake of which the agent gives the material its form. A statue of Napoleon, for example, is made of bronze, in the form of a Corsican-French tyrant, by a sculptor, for the sake of honoring the tyrant. The final cause is realized last in time, but it must be present in intention first. It is the cause of the other causes because the form is given to the material by the agent, but the agent cannot act unless he has some purpose for acting. The final cause, the good, is thus the cause of causes.

4. The better is not better because it is more wanted.

If something is not good because it is wanted, then nor is it better because it is wanted more. If Socrates thinks the best goods are the goods of the soul, and the Athenians think the best goods are the goods of the body and of external possessions, the dispute cannot be resolved by saying, 'For Socrates virtue and wisdom are better because they are what he wants; for the Athenians pleasure and wealth are better because those are the things they want.' In reality, virtue and wisdom are better and the Athenians only prefer pleasure and wealth out of ignorance; they do not know wisdom and virtue well enough to see how good they are.

2.4 Fiat Voluntas Tua

These questions accompany the reading of the third part of Miller's *Canticle for Leibowitz*.

Reading questions

As you read, consider the following questions:

- Who is Abbot Zerchi? Who is Mrs. Grales?
- What is the meaning of *Quo peregrinatur*?
- What is most striking about the ending of the book?

Space is given below for notes.

Philosophical Break #3

Originally published at *The Josias*, February 3, 2015; all excerpts used with permission.

Consider the following contentions, from an essay by Pater Edmund Waldstein, O.Cist.

———— ❋ ————

5. The whole is better than the part.

A whole chair is better than part of a chair. A whole car is better than part of a car. A whole garden is better than one flower.

6. The end is better than that which is for the sake of the end.

Health and medicine are both good, but medicine is for the sake of health, and health is better than medicine. Studying is good and knowing is good, but studying is for the sake of knowing (unless one is merely studying to 'kill time') and knowing is better than studying.

7. A good is not better because it is more necessary.

What is better: to breathe or play football? Clearly breathing is more necessary, but it is for the sake of being able to do other things. Tom breathes so that he can play football and not vice versa. Many economists claim that in any free exchange each party must think that they are getting something better out of the deal. But people are not such fools. A widow who sells her wedding ring in order to buy food is fully aware that her ring is better than the food, but she also realizes that food is more necessary. Far from being pleased at the 'free' exchange giving her something better, she is sad that cruel necessity forces her to exchange the better for the worse.

2.5 Conclusion

Why is the novel titled *A Canticle for Leibowitz*?

The Catholic novelist and psychologist, Walker Percy, wrote a brief essay on the book. Some excerpts:

> Walter M. Miller, Jr.'s *A Canticle for Leibowitz* is like a cipher, a coded message, a book in a strange language. From experience I have learned that passing the book along to a friend is like handing *The New York Times* to a fellow passenger on the Orient Express: either he will get it altogether or he altogether won't. Like a cipher, the book has a secret. But, unlike a cipher, the secret can't be told. Telling it ruins it. . . . When he finishes *Canticle*, the reader can ask himself one question and the answer will tell whether he got the book or missed it. Who is Rachel? What is she?

Walker Percy, "Rediscovering *A Canticle for Leibowitz*," in *Signposts in a Strange Land: Essays*, (New York: Picador, 2000), 227, 233.

Can you answer Percy's question?

Interlude: Papers for the Course

This interlude discusses the two paper assignments. Note that both assignments will also be delivered electronically. For the general formatting requirements, rubric, and other information about writing, please see Canvas. Here, we discuss the prompt and the paper topic itself.

Because both papers require reading Heinrich Rommen, some notes about him and some pointers about his book are included at the end of this Interlude.

1st Paper: The Question of the Modern State

> In the first place, there is a difficulty in apprehending that the true art of politics is concerned, not with private but with public good (for public good binds together states, but private only distracts them); and that both the public and private good as well of individuals as of states is greater when the state and not the individual is first considered.
>
> – Plato, *The Laws*, IX, 875a–b

Aristotle writes extensively about the political life of a city. However, it will become clear in the course of our study of the *Politics* that his idea of a city is not our idea of a state or nation. What is the difference between them? Of course, to answer that question, one must know what the "state" is in the first place. The first paper, therefore, is a 6–10 page paper on the following topic question:

What is the difference between Aristotle's *polis* and the modern state?

Students are encouraged, in the concluding section of their papers, to offer guesses as to the main difference(s) between Aristotle's *polis* and the modern state. However, the paper itself must focus on the modern state, drawing upon Rommen as the central resource.

The *required* source is Heinrich Rommen's *The State in Catholic Thought*, Chapters 1, 2, 4, and 9–10. Chapters 11–12 are supplemental, and all other chapters (for this paper) are optional.

Other sources allowed for this paper may include any materials read for this course, especially Aristotle's *Politics*. Other secondary

sources are *not* allowed. Students are also highly encouraged to read "The State," an article from *The New Catholic Encyclopedia* by Rommen (included in the *Course Reader*, vol. 2).

Given the nature of the assignment, some comments are necessary about the exact goal of the paper. This paper assignment will require that you read some of Rommen's *The State in Catholic Thought* on your own. Rommen has various chapters on the history of politics and the modern nation-state as such. These will be indicated alongside the reading questions in Chapter 3.

To aid in studying Rommen's book, see the "Guide" to the book on pp. 37ff.

2nd Paper: The Question of the Modern Economy

The second paper will be more reflective, concerning the nature and relationships involved in the modern economy. We read various sources for this, both from popes and lay authors, and Aristotle himself talks about this subject in his *Politics*, to some degree. The main question that the paper must answer is as follows:

What is modern capitalist economics, and can it be "morally neutral"?

Any of the sources used in this course are allowed for this paper. Secondary sources from students's own research are neither required nor prohibited.

However, there is a ***required*** source, an audio lecture by Dr. Ronald P. McArthur (1924–2013). Dr. McArthur was the founding president of Thomas Aquinas College. His lecture, "The Morality of Economics," is available on Canvas. The book which Dr. McArthur cites, John Ruskin's *Unto This Last*, is in the public domain and students may find an online copy and cite it if they so wish.

3rd Paper: The Question of Church and State

Rommen devotes a considerable part of his book discussing the relationship between the Roman Catholic Church and the modern state. The question of a relationship between the political common good and the possibility of goods that are *higher than* or—to put it less metaphorically—*better* and *more to be desired than* the good of the state must be answered, and much of consequence depends upon the answer. That is, human beings cannot be *indifferent to* their highest possible good, either theoretically or practically speaking.

What is more, the claim of the Catholic Church to be the *only* true worldly representative of the highest human good means that the abstract musings of political philosophy and the concrete actions of politics will always have to take such a claim into account. In view of both the perennial philosophical question—even Socrates was asking about the highest possible human good—but also the pressing contemporary issues of religion and the state, the second quarter paper is devoted to their exploration.

Write a 8–15 page paper that addresses the relationship between the Church and the state. The question is as follows:

How ought the political life of a state be related to the Catholic Church?

The sources for this paper are any materials read for this course. Rommen's book is required, and the readings from the course that will be helpful should be fairly obvious.

Unlike the first paper, secondary sources *are* allowed.

A Guide to Rommen, *The State in Catholic Thought*

The following sections deal with the chapters from Rommen's book that are required for the paper.

In order to fully prepare to answer the problems and objections just raised against Catholic political philosophy, we should take a step back and consider author of *SCT*.

A note on Rommen's life and work

> Born in Cologne on February 21, 1897, Rommen studied political economy at the University of Muenster (Dr. Rer. Pol., 1924) and civil and canon law at the University of Bonn (Dr. jur. utr., 1929). For the next five years he headed the social department in the Central Office of the *Volksverein* at München-Gladbach. This was an organization founded in 1890 to promote Catholic participation in the social, political, and cultural life of Germany. During Rommen's period with the *Volksverein*, a well-educated staff of experts provided practical advice to clergy and lay people, offered lectures on social questions, published two journals, and ran a lively summer school of social studies. Adolf Hitler terminated the work of the *Volksverein* in 1933. Between 1933 and 1938 Rommen worked in the legal department of a Berlin business firm but found the political climate in Nazi Germany less and less compatible with his own ideals.
>
> Emigrating to the United States in 1938, Heinrich Rommen inaugurated a new and fruitful academic career. He taught at St. Joseph's College (Hartford, Connecticut) for eight years; while there he became a naturalized citizen (1944). From 1946 to 1953 he served as professor of political science at St. Thomas College (St. Paul, Minnesota), and there he was associated with kindred spirits such as Theodore Brauer and Franz Mueller, who shared his interest in Catholic social studies. In 1953 he joined the department of government at Georgetown University, where he remained as a distinguished professor.

Bourke, "*In memoriam*, Heinrich Albert Rommen," p. vii.

The organization's full name was the People's Union for Catholic Germany (*Volksverein für das katholische Deutschland*); see *The Catholic Encyclopedia* article "Volksverein".

Heinrich A. Rommen (1897–1967)

Rommen's other books include *The Natural Law*, which has also been reprinted. Professor Russell Hittinger notes that the original

Hittinger, "Introduction," in Rommen, *The Natural Law*, p. xi.

German editions of *The Natural Law* and *The State in Catholic Thought* not only "secured his academic reputation in the United States" but also "were written in Germany in the midst of his legal and political work, for which he was imprisoned by the Nazis." Along with many other European intellectual émigrés, Rommen was widely influential and formative in Catholic academia.

Our main course text, the weighty tome *The State in Catholic Thought*, was originally published in 1945, at the close of the Second World War. The Cluny reprinting features a depiction of the Tower of Babel on its cover. We shall have to see, after reading the book, whether we think its author would have found such cover art fitting.

A note on Rommen's text

While the original was written in German, the English edition is not a translation by someone else but Rommen's own product in English. It is seldom dated, frequently prophetic, and always erudite and insightful. Despite preparing the book during the Second World War, Rommen is decidedly optimistic about the prospects of the renewal of Christian civilization after the war. However, he writes in ignorance of the end of the war, its aftermath, the Cold War, the founding of the United Nations, and various other cultural and societal developments in the 1940s and beyond.

The book, however, will serve as our "lecture," and our classes will aim to discuss it thoroughly. A note about Rommen's writing style. He frequently circles back to a previously explained point to expand on it or explain it more thoroughly. Thus, despite its length, it is shorter than it looks. So, if you don't fully understand a concept or argument or historical reference, Rommen might be coming back to it later.

Because of this feature of Rommen's style, one of the learning opportunities that we will have is the need to frequently look up historical allusions, events, or persons. I suggest you take this in stride and employ the following resources as you read:

- *Wikipedia.* This is actually a decent source for many of the references Rommen makes, at least as a first start.
- *The ("old") Catholic Encyclopedia.* This is available at the New Advent website (and Wikipedia editors frequently avail themselves of it). It is a useful reference for our course and reading Rommen because it is closer to the intellectual milieu in which Rommen wrote (in time, content, and approach).
- *The Stanford Encyclopedia of Philosophy or the Internet Encyclopedia of Philosophy.* These online resources feature articles

written by experts in the field, not just crowdsourcing. Many of the thinkers whom Rommen cites, whether among his contemporaries or historical sources, are well introduced, analyzed, and explained in detail at these sites.

– While it is not available online, Dugan Library has a copy of the *New Catholic Encyclopedia* (for which Rommen wrote an article: "The State"). (See the *Course Reader* for this article.)

A note about Rommen's manner of reasoning

His style follows the philosophical method he defends: "spherical" or "in tension," often proposing extremes to highlight or clarify a middle-ground position. We will frequently note this, especially under the notion of a "*complexio oppositorum*" or "blend" or "harmony of opposites."* What this entails is that Rommen will frequently argue *for* a position by contrasting it with its extremes, all the while showing how this "middle ground" takes what is true from other views. Rommen's historical knowledge and sense are exemplary, and, along with his constant focus upon the principles of Catholic social and political philosophy, alone make the book well worth our time.

Indeed, Rommen's approach, style, and reasoning combine attention to both the abstract and timeless truths that political philosophy contemplates as well as to the concrete historical circumstances and context of where political life and statesmanship actually exist. Attention to both, and what lies in between is what makes political philosophy complex. It's a hard subject—not unknowable, but difficult to know.

The Reality of a Society

This section corresponds to *SCT*, Ch. 1 (Social Being, pp. 1–25). This chapter serves as an introduction to the actual content of the first part of the book, its "deep metaphysical background." It discusses the existence and nature of the subject of political philosophy and its fundamental principles, including the various types of societies.

Before you read, consider the following: *How would you describe a "state" in the political sense? Are states the only type of human society or community? Could Aristotle's four causes (formal cause, material cause, agent cause, and final cause) be applied to the state?*.

* For instance, here are a few places: see pp. 46, 50–52, 52ff, 247–48, 338–39, 387, 433, 445, and 454–61.

Reading questions

Chapter 1, Social Being, can be divided into two parts. Sections 1 through 7 discuss the existence and nature of the subject of the entire book, "the state." The remaining sections of the chapter, sections 8 through 10, discuss what political philosophy is and its methods.

- Section 1: Does "social being" exist? What causes its existence? What sort of character does it have?
- Section 2: Why is the end considered by political philosophy?
- Section 3: Why is social being not a substance? Why care about answering this question?
- Section 4: What is meant by "*esse intentionale*"? What does it entail? How is the common good defined? What does the example of *debellatio* help to illustrate?
- Section 5: Why is the "social relations" theory insufficient?
- Section 6: To what end does Rommen discuss the meaning of political symbols? That is, why is it included in a discussion of the reality of "social being"?
- Section 7: How is the human person the "foundation" of social being?
- Section 8: What is the nature of political philosophy? Is it an empirical study?
- Section 9: How is moral philosophy related to the various social sciences? Which comes first and which second? (Note: the title of the section could also be "Moral Philosophy and the Social Sciences")
- Section 10: How is politics different from political philosophy? How are they related?

After working through the reading questions, we will turn to one of the central issues of our course: What is the state? How has Rommen answered this question so far? What principles or causes or definitions has he given us to work with? Finally, what does this say about the nature of political philosophy?

Human Nature and Society

This section corresponds to *SCT*, Ch. 2 (The Idea of Man, pp. 26–59). Note that the opening paragraph of the chapter refers to the necessity of discussing human nature in political philosophy. Before you read, consider the following: *Why must one understand human nature to understand politics?*

Reading questions

Note that the first section of the chapter serves to introduce the broad scope of how and why political philosophy must consider human nature. The remaining sections discuss this scope in some detail, while also comparing and contrasting previous thinkers to Rommen's position.

- Section 1: What are the three aspects of human nature discussed? What are the extreme views taken?
- Section 2: Hobbes and Rousseau are discussed; what do they say of the three aspects of human nature from section 1?
- Section 3: Luther and some other Protestant political philosophies are discussed; what do they say of the three aspects of human nature from section 1?
- Section 4: Calvinism is discussed; what does it say of the three aspects of human nature from section 1?
- Section 5: Agnosticism is discussed; what does it say of the three aspects of human nature from section 1?
- Section 6: What two extremes are discussed? What priority between these extremes is important?
- Section 7: How does the rational and social nature of man relate to the state? Why does Rommen use capital punishment and death in battle as examples here?
- Section 8: What role does the Christian doctrine of the Fall play in political philosophy?
- Section 9: What role does the Christian doctrine of man being made in God's image play in political philosophy? Why can the Church not resign its interest in the world? What does this tell us of Rommen's idea of Catholic political theory?
- Section 10: What are the two extremes that Rommen discusses here? What is the middle view?

After we work through the reading questions, we should reflect on how exactly human nature is a principle in political philosophy. Must a political society agree theoretically and practically about what it means to be human?

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Rommen's third chapter, on political theology, is not relevant until later in the course. See below, pp. 164ff.

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The Metaphysics of the State

This section corresponds to a first reading from Chapter 4, *SCT*, Ch. 4 (Organic View of the State, pp. 91–103). Before you read, consider the following: *What in the world could Rommen possibly mean by calling the state "organic"? That is, how is the state like an "organism"? What properties of living organisms might apply to it? How is this not a mere metaphor?*

Reading questions

- Section 1: What are the two "views" or theoretical approaches to the state? What characterizes each?
- Section 2: What seem to be the basic ideas of the mechanist-individualist view? What results from these ideas?
- Section 3: What is the state like in the mechanist-individualist view? What are justice and various relationships like in such a state?
- Section 4: Is "totalitarian collectivism" different from the mechanist-individualist view of the state? Do they reach similar end-results?
- Section 5: What characterizes mechanist philosophy in general?
- Section 6: What is the basis of the "biological" misunderstanding of the organic view of the state? What does it share with the mechanistic view?
- Section 7: What are the basic ideas of the organic view of the state? How are these different from the mechanist and biological views?

After working through the above reading questions, begin to seriously consider whether "the state" has one meaning in Rommen's text thus far.

The Organic View of the State

This section corresponds to a second reading from Chapter 4, *SCT*, Ch. 4 (Organic View of the State, pp. 103–118). Before you read, consider the following: *Based upon the previous reading, how might the "organic" view apply to the state? Are there any advantages to thinking of a human society as analogous to a living organism, as opposed to a machine?*

Reading questions

- Section 8: What are the principal parts of the "organic view" when applied to the state? What does it have to say about the perfection and common good of society? How is it the "inverse" of the biological view of the state? What does the organic view maintain about authority and law?
- Section 9: What is and what causes dangerous pluralism? genuine pluralism? What is Rommen's proof of "the excellence of the organic theory"?
- Section 10: How is the organic view of the state related to a certain theological point of view? What does this approach have to say about the various forms of human life?
- Section 11: How does Rommen see the organic view as superior when it comes to properly understanding justice? state administration? authority and freedom? the order of a state?

After a discussion of the reading questions above, we should return to our general question about the meaning of the term "state". What are the different ways in which the word is used? Are there different forms of state?

The Ancient *Polis* and the Modern State

The Greek word being translated as "state" in some versions of Aristotle's *Politics* is actually *polis*. Lord renders this more accurately as "city." Sometimes it is also translated as "city-state." Aristotle's notion of a "city" was a human community that we would recognize as closer to a small town (see *Politics*, Book VII, ch. 3). It is not a small country, much less the modern state.

The size of a nation or empire makes it difficult or impossible to have a truly unified life, and we might wonder whether modern—18th century onwards—governmental systems and bureaucracies or whether contemporary technology overcome the natural limitations for a truly common life with others. While Rommen will chart some of the details of the rise of the modern state, it is worth considering now some of the distinctive features or marks of the modern state, most of which simply did not exist in the following forms prior to the 18th century, and many of which were "perfected" only in our century.

> The concept of the modern state . . . as it emerges in medieval and early modern history, is that of a new and complex form of political organization. For the purposes of my inquiry, the state is to be characterized in terms of a number of interrelated features:

Morris, *An Essay on the Modern State*, pp. 45–46.

1. *Continuity in time and space*. The modern state is a form of political organization whose institutions endure over time; in particular, they survive changes in leadership or government. It is the form of political organization of a definite and distinct *territory*.

2. *Transcendence*. The modern state is a particular form of political organization that constitutes a unitary public order distinct from and superior to both ruled and rulers, one that is capable of agency. The institutions associated with modern states—in particular, the government, the judiciary, the bureaucracy, standing armies—do not themselves constitute the state; they are its agents.

3. *Political organization*. The institutions through which the state in particular, the government, the judiciary, the bureaucracy, the police—are differentiated from other political organizations and associations; they are formally coordinated one with another, and they are relatively centralized. Relations of authority are hierarchical. Rule is *direct* and *territorial*; it is relatively pervasive and penetrates society legally and administratively.

4. *Authority*. The state is *sovereign*, that is, the ultimate source of political authority in its territory, and it claims a monopoly on the use of legitimate force within its territory. The jurisdiction of its institutions extends directly to all residents or members of that territory. In its relations to other public orders, the state is acts autonomous.

5. *Allegiance*. The state expects and receives the loyalty of its members and of the permanent inhabitants of its territory. The loyalty that it typically expects and receives assumes precedence over that loyalty formerly owed to family, clan, commune, lord, bishop, pope, or emperor. Members of a state are the primary subjects of its laws and have a general obligation to obey by virtue of their membership.

Modern states, then, are distinctive territorial forms of political organization that claim sovereignty over their realms and independence from other states. A *state system* can be thought of simply as a group of states interacting in ways, often hostile, that significantly affect the fate of each.

This is indeed far from Aristotle's *polis*. Its institutions are broader and more powerful, and, for reasons that we will have to discuss later in the course, the very understanding of "the rule of law" and

"sovereignty" or "political power" are understood in conceptually different ways than Aristotle's "rule of law" and understanding of the nature of political power. And such differences are not confined to changes of historical circumstances, technological development, or further "enlightenment" in a human sense.

Some of the original words and their meanings for Greeks and Latins are found below.

Greek	**Primary meaning**	**Secondary meaning(s)**	
polis	city	country	community, citizens
politeia	citizenship	government	polity, constitution
politês	citizen, free man	fellow citizen	of the city
politeuma	act of government	government	citizenship, citizens
koinon	common	public good	public affairs, state
Latin	**Primary meaning**	**Secondary meaning(s)**	
urbs	town, city	capital, metropolis	Rome
civitas	city, town, state	citizenship (Roman)	privileges thereof
civis	citizen	fellow citizen	Roman citizen
res publica	public things	public good	state, republic, public affairs
gens	tribe, clan	the race, human race	nation, people, Gentiles
natio	breed, stock	a race of people	nation, people

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Rommen's Chapters 5–8 discuss law and the nature of law. This is more relevant to Part II of our course. Optional reading from Rommen is interspersed throughout that part of the course.

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The Origin of the State

This section corresponds to the reading of *SCT*, Ch. 9 (The Origin of the State, pp. 185–212). Before you read, consider the following: *What does it mean to ask "where does the state come from"? Is this a historical question only, or is there some other way to ask the question?*

Reading questions

- Section 1: What is the meaning of the problem Rommen is addressing? What is it *not*?
- Section 2: How is human nature the origin of the state? What consequences follow from this? How does Rommen's answer differ from that of Hobbes? Note the three paragraphs on p. 187 well; they each correspond, respectively, to Rommen's further discussion in Sections 3–4, Section 5, and Sections 6–11.
- Section 3: What are the arguments Rommen uses to show man is a social being? What is a "perfect society"? Is it possible for human beings to avoid being parts of a state?
- Section 4: How is the state a perfection? What is the "genesis" of the state out of other forms of society?
- Section 5: Is the state a consequence of sin? That is, if human beings were morally perfect, would they still need to live in political societies?
- Section 6: How do the "new social contract theories" differ from what Rommen has been describing? Why is it a "juridical" theory of the state?
- Section 7: What are the three "non-juridical" theories of the origin of the state? How are they distinguished by the presence or absence of key parts of human nature? What are the main examples of the first theory?
- Section 8: What is the second theory? What characterizes it?
- Section 9: What is the third theory? What characterizes it and distinguishes it fully from the first two? According to Rommen, how does the third theory avoid the errors of the first two?
- Sections 10–11: The topics of these sections are discussed in greater detail later in the book. What is the controversy here, in summary? In what way is it possible to say, according to Rommen, that Catholic political philosophy defends a "contract theory"? How is it different from the juridical contract theory discussed in Section 6?

The State and Other Forms of Society

This section corresponds to the reading of *SCT*, Ch. 10–11 (The State as a Perfect Society, pp. 213–233; The State and Other Social Groups, pp. 234–246), as well as *SCT*, Ch. 12 (The State as a Moral Organism, pp. 247–269). Before you read, consider the following: *What does it mean to call a society "perfect"? How would you distinguish the state from the family? the state from other associations like clubs, sports teams, or companies?*

Reading questions

For Chapter 10:

- Section 1: What are the two necessary communities?
- Section 2: What is a perfect society? Why is the state "perfect"? How is it "self-sufficient"? What does this entail?
- Section 3: How does the idea of the state as a perfect society differ according to Aristotle? Socrates? the early Christians?
- Section 4: How does the advent of Christianity alter the understand of "self-sufficiency" and the state as the only perfect society? What becomes of the state and its various functions?
- Section 5: What is sovereignty? How is a state's sovereignty related to the other forms of society?
- Sections 6–7: How does sovereignty over a territory distinguish a state? How is this related to the different types of law? What errors does Rommen exclude in section 7?
- Section 8: Why is self-sufficiency relative? relative to what? Why is this important?

For Chapter 11:

- Section 1: What is the difference between family and state? How does final causality have a role in this explanation? How does authority consequently differ in each?
- Section 2: What is the "paternalist" idea of the state? How is it related to the distinction between public and private law?
- Section 3: What is the difference between a society and a state? Why is this important?
- Section 4: It seems that section 4 could have been better titled "The Problem of Homogeneity." What does Rommen mean by "homogeneity" in this section? What sort of homogeneity does a society or a state need? What is the problem of homogeneity? What solutions does Rommen propose?

What is Rommen saying about the order and differentiation of the types of human societies? What exactly distinguishes them?

Can we provide different causal accounts for them, especially in terms of the final cause? (Here, we could also return to Aristotle's *Politics*, I.1–4.) What is the use of the term *societas perfecta* or "perfect society"? In what sense is the state a perfect society?

Family and the State as a whole

This section corresponds to the reading of *SCT*, Ch. 12 (The State as a Moral Organism, pp. 247–269).

Reading questions

Before you read, consider the following: *Having discussed Rommen's arguments about the "organic view" of the state, and now having discussed familial and economic society, how ought we to describe overall the "inner workings" of a political society? What is required to hold a state together, to promote its common good, or to preserve its communal life?*

As you read, consider the following questions:

- Section 1: If the state is not a "mere system of legal norms," what more is it? In what way must we think about the state's "life" and existence, according to Rommen?
- Section 2: What are the social and political virtues? Where do they exist? How are they related to the legal order of the state? What differing conceptions of the "state" are at work in this section?
- Section 3: What is political freedom? How is it related to order, morality, and legality? How does Rommen relate political freedom and legal compulsion?
- Section 4: What is power? What are the two extreme views of power? What is the correct account of power? Is political power a necessity? Why?
- Section 5: What are political power and economic power? What is their relationship? What conflicts arise between them? What does Rommen mean by "panjurism," and is it some sort of error? If so, what is its corrective?
- Section 6: What are the causes of the weakening of social ethics? What are the results?
- Section 7: How is the state a moral organism? How does Rommen analyze the state according to various causes (the material cause, formal cause, final cause) or functions?

Optional Chapters from Rommen

In what follows, I review some of the chapters from Rommen's *SCT* which are optional reading.

The discussions Rommen entertains in Chapters 12–15 focus upon the common good, which we will discuss extensively when reading Aristotle's *Politics*.

Notes about Rommen and the common good

Chapters 13–15 of Rommen's *SCT* are a thorough discussion of the nature of the common good and its various parts or aspects (see in particular pp. 297–98 about this). The common good is variously described as a *state*, as *felicitas externa*, as the order of justice and peace, or the promotion of justice, tranquility, security, peace, and the various "integral parts of the social order." These chapters should be read attentively. To that end, please consider the following reading questions.

On Chapter 13, The Nature of the Common Good (pp. 270–292):

- Section 1: How does the question of the purpose of the state arise? What are the parts or aspects of this question?
- Section 2: What does Rommen mean by "the service character of the state"? How do we see this "service"? Does this imply limits of the state or not?
- Section 3: What definition of the common good is proposed? What effects does the common good have as a cause or principle?
- Section 4: What does Rommen mean by calling the common good "relative"? Why does he see this as important?
- Section 5: What is the "individualist" interpretation of the common good? What are examples of it? Why does Rommen consider it to be an error?
- Section 6: What is the common good formally speaking? How is it related to individual persons?
- Section 7: How is the common good related to the three forms of justice? How is it specifically related to commutative justice? What is commutative justice, and what is it *not*? What is social or distributive justice?
- Section 8: What is legal justice? How does it involve the common good and the individual citizen?
- Section 9: What distinction does Rommen make in this section about the good *of the individual*? What examples does he use to illustrate this claim?

On Chapter 14, The Common Good as the Measure of State Activities (pp. 293–321):

- Section 1: What is this "task of the state in morality"? How is it related to the common good? What are the limits of this task?
- Section 2: How is "the law" a task of the state? How is it related to the common good? In this section, what parts or aspects of the common good does Rommen list or define?
- Sections 3–5: These sections consider the "liberal" state. It seems that Rommen intends that they provide a contrasting view to the one he is proposing positively: What does Rommen mean by the liberal state? What were its historical origins? What is the "watchman state"? In such a state, what becomes of society? of personal relationship? of personal virtue? What "contradictions" does Rommen see in the liberal state? How does the liberal state end in totalitarianism? i.e., how does liberalism "fail" and what is needed to preserve a truly free society?
- Section 6: Here, Rommen returns to the discussion he had begun in section 2: What are the grounds for "state intervention" and how are they related to justice? How does Catholic political philosophy propose a middle ground in this regard?
- Section 7: What does Rommen propose as the limits of state intervention? What are the four conditions that justify state intervention?
- Section 8: What is subsidiarity? How are forms of society to be protected by the state? (And, does Rommen mean different things by "state" in the section's conclusion?)

On Chapter 15, The State in Relation to Education and Religion (pp. 322–333):

- Section 1: What is the meaning of the "trend" mentioned in the section title? What are the causes of this trend? What are the problems that result?
- Section 2: What does Rommen propose as the solution to the problem raised in the first section? Why ought there be no state monopoly of education?
- Section 3: What is the idea in regard to Catholic schools, according to Rommen? What sorts of schools are tolerable? What are the ultimate reasons governing his consideration of education, and how does this show how education is an integral part (see p. 297) of the common good?
- Section 4: What are the duties of the state towards religion? Why does it have these duties? Is religion an integral part of the people's common good?

– Section 5: Note that Rommen discusses ideas from these sections at greater length in Part III of *SCT*. This bears upon the 2nd Quarter paper assignment.

What is sovereignty?

This section corresponds to the reading of *SCT*, Ch. 17 (Sovereignty, pp. 351–372). Before you read, consider the following: *What is "sovereignty"? How have we heard the word used before? Is it a necessary feature or property of a ruler? If someone is "sovereign" does that mean he has unlimited or absolute power?*

– Section 1: How is the origin of sovereignty related to the origin of political power? What are the various meanings of "sovereignty" discussed in this section? In what ways does the old, medieval theory of sovereignty differ from the newer, modern accounts of sovereignty? How is "law" related differently to the older and newer theories of sovereignty?
– Section 2: What is the positivist conception of sovereignty? In what way is it unlimited? What characterizes the reactionary, "behaviorist" views opposed to the positivists? Why are these reactions insufficient accounts of sovereignty?
– Section 3: Of what is Catholic political philosophy's definition of sovereignty the consequence? What is this definition? How is it different from the modern definition? How does Rommen illustrate this difference using religion and the family as examples?
– Section 4: How is sovereignty limited? How is sovereignty related to order? What are the elements of sovereignty, and why are they necessary to preserve order?
– Section 5: How is sovereignty constituted and divided? According to Rommen, how and why does sovereignty presuppose an order of things prior to its existence? Can political philosophy do without sovereignty?

Forms of government

This section corresponds to the reading of *SCT*, Ch. 21 (Forms of Government, pp. 440–465). Before you read, consider the following: *What are the permissible forms of government? Are any intrinsically unjust? What factors might lead to one form of government versus another in a particular, historical circumstance?*

– Section 1: Why are many forms of government permissible? What is democracy, according to Rommen, and what sense of "freedom" does it require? What are the "concrete factors" that determine the possible forms of government?

- Section 2: How does Catholic political philosophy consider democracy? Why is the French Revolution a factor of this consideration, according to Rommen?
- Section 3: What are different senses of "democracy"? What are its institutions? What are the conditions for the survival of democracy?
- Sections 4–6: These sections each discuss the "principal answers" regarding why, historically, Catholic thinkers sometimes regard democracy with distrust. What are these three reasons? What historical examples are proposed to illustrate these reasons or tendencies? How are these reasons related to the proper understanding of the Catholic Church?
- Sections 7–8: These sections discuss two opposed, yet in a way complementary, mentalities—the conservative mind and the liberal mind. What are the principal characteristics of each mindset? How do they compare? how are they contrasted? How does Rommen's usage of "liberal" and "conservative" compare to our current usage?
- Section 9: Note that this section is a good review of the discussion from Chapters 16–20: What is the origin of political authority? How is this related to the common good, in the concrete sense? How is the best form of government for a particular people determined? How does a state "die" or perish? What does this section tell us about the meaning of the term "state"?

Aristotle's *Politics* 3

> One must hold that what concerns the city is the greatest matter among the rest; how it may be well run; neither pursuing disputes contrary to right, nor giving a power to oneself contrary to the common good. The well-run city is the greatest direction, and in this all things are contained; when this is saved, all is saved; when this is destroyed, all is destroyed.
>
> – Democritus, DK 252

3.1 Introduction

Goals for this chapter

(1) To read and study Aristotle's *Politics*
(2) To gain a familiarity with the fundamentals of classical political philosophy
(3) To lay the foundation for further inquiry in the course

Readings for this chapter

– Aristotle, *Politics*

Our overall goal in reading Aristotle's *Politics* is to gain a familiarity with (almost) the entire work. We will then be able, later in the course, to continue to return to it when asking further questions. Thus, we will read longer passages from the work for each class, but focus in class discussion on the key ideas and themes.

When completing the reading and study materials in this chapter, you should have the following general questions in mind, which are also of use when reviewing the course:

The Chapter Questions are listed all together on pp. 211ff.

– What is the common good? What is the highest good?
– What does the political society presuppose?
– What is a city? What are its causes?
– What makes a person to be a good citizen?
– What is the best sort of regime or government?
– Is there a best possible city? What could bring it about?
– What is the best sort of life for people living in political society?
– What is the relationship between political society and education?

The Lord translation of Aristotle's *Politics* has many helpful footnotes. However, be sure to use the outline on pp. xliii–xlv, and the glossary of term on pp. 239–249.

This portion of the course does not aim at mastering Aristotle's *Politics* in all of its details. Rather, we hope to gain a disciplined familiarity with its classic passages, ideas, and principles. We should also begin to think about how what Aristotle is saying applies to our own times.

To that end, included after the questions and materials for each book of Aristotle's *Politics*, I note some connections to either Rommen's *The State in Catholic Thought* (*SCT*) or other ideas.

3.2 Prepolitical Foundations

In the first book, Aristotle considers the "prepolitical foundations" of the political order.

Reading questions

Before you read Aristotle, *Politics*, Book I, consider the following: ***What sort of "whole" is the city or the state? What are its "parts"? How are these parts causally related to the whole city or political community?***

As you read, consider the following questions:

- Chapter 1
    - What is common to all communities?
    - What is a city?
    - How does Aristotle propose to investigate the city?
- Chapter 2
    - How are we to best study the city?
    - What is the first community? From what two communities does the household arise?
    - How is the household defined? How does the village arise, and how is it defined?
    - What is a city? What is Aristotle's argument that the city "exists by nature"?
    - How does Aristotle show that man is by nature a political animal? Why is man "much *more* a political animal" than the other social animals? (Note well the argument from *speech*.)
    - Community in what sorts of things "makes a household and a city"?
    - What does it mean to say that the city is prior by nature? What is Aristotle's argument?
    - Why is justice a property of the city? What does this show about human excellence?
- Chapter 3
    - Into what parts is the household divided? How many types of rule are there in a household?
- Chapters 4–7
    - What is a slave? Could instruments (technology) ever replace slaves? What does it mean to say that "life is action, not production"? (ch. 4)

- What are the arguments Aristotle uses to show that ruling and being ruled are good things? What are his examples of this relationship? Do these arguments justify his conclusions about slavery? (ch. 5)
- What sorts of slavery does Aristotle exclude? Why? (ch. 6)

– Chapters 8–11

- Is household management the same thing as the art of getting goods (the acquisitive art)? What sorts of arts of acquisition are there? Why do human beings need property? How does the art of acquiring property relate to the community of the household or the city? (ch. 8)
- What is the "double use" of any possession? How is this related to barter or trade? What is the reason for the invention of money? How does "commerce" arise? (ch. 9)
- What is the art of household management, and how does it differ from commerce? How do these arts relate differently to "living well"? Which is "the unnecessary sort of getting goods" and which "the necessary sort"? (ch. 9)
- How does the art of getting goods belong to the household manager in a way, but in a way it does not? Note the comparison to the medical art. Note also the reason Aristotle gives against usury. (ch. 10)
- What are the various "parts" of householding's acquisition of goods? What are the "parts" of commerce or the art of exchange? What was the "scheme of Thales" and what was his economic "insight"? (ch. 11)

– Chapters 12–13

- What is the nature of the rule over wife or children? (ch. 12)
- To what does household management give the most serious attention? How is virtue present in the various parts and members of a household? (ch. 13)
- How does the household, and its various parts, relate to the "regime" of the city as a whole? What distinction does Aristotle make concerning household virtue as part of the city? (ch. 13)

Post-reading questions

The "pre-political" conditions of political society are a very important topic. Students might consider chs. 1–2 of Rommen's *SCT*. One of these pre-political societies is the family.

On Marital Society and the Family

Pius XI's encyclical *Casti Connubii* (*On Christian Marriage*) was a precursor to *Humanae Vitae* and defense of the sacrament of matrimony. Proscribing contraceptive methods, as the Church had long taught, it was written by Pope Pius XI largely in response to the Lambeth Conference of 1930. The Lambeth Conference is a decennial assembly of Anglican bishops, and at its 1930 meeting, it approved the use of artificial contraception within marriage. This had a ripple effect throughout other Protestant denominations.

To illustrate how much cultural attitudes have changed, *The Washington Post* wrote on March 22, 1931, that "carried to its logical conclusion, [these ideas] . . . would sound the death-knell of marriage as a holy institution, by establishing degrading practices, which would encourage indiscriminate immorality. The suggestion that the use of legalized contraceptives would be 'careful and restrained' is preposterous."

Quoted in Charles E. Rice, *50 Questions on Natural Law: What It Is and Why We Need It* (San Francisco: Ignatius Press, 1999), 309.

There are various other documents which are not assigned in this course but are still worth reading in conjunction with the natural basis of the *polis* in marriage and family, and how this natural basis is elevated by the New Covenant. Keep in mind the following, all written by Pope St. John Paul II: *Famliaris Consortio* (*On the Role of the Christian Family in the Modern World*), *Gratissimam Sane* (*Letter to Families*), and *Evangelium Vitae* (*On the Value and Inviolability of Human Life*). Another document of John Paul's is the famous encyclical *Veritatis Splendor*, which defends traditional moral theology against proportionalism (the moral theory that there are no intrinsically evil acts, only acts circumstantially so, given a weighted or "proportioned" consideration of the contextual, circumstantial factors of an action).

Philosophical Break #4

This "break" contains two passages. first, consider the following contentions, from an essay by Pater Edmund Waldstein, O.Cist.

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The second passage is from Nietzsche.

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27. A common good is distinguished from a private good by not being diminished when it is shared.

The first goods that we know are sensible goods, such as ice cream. And these goods are diminished by being shared. If Clarence gives Tom part of his ice cream, then the part of the ice cream that Tom has Clarence no longer has. Clarence can no longer enjoy the part of the ice cream that he gave away. . . . Such goods private goods because they can only belong to one person to the exclusion of others. A private good is ordered to the one whose good it is. In loving a private good, one is actually loving the person for whom that good is intended. Aristotle says that one does not really wish wine well—one wishes rather that the wine will keep so that one might enjoy it, that is, one is really wishing oneself well. And this is because wine is a private good.

Nicomachean Ethics VIII.2 1155b30.

A common good, on the other hand, is a good that is not diminished by being shared. If Tom tells Clarence a joke then he does not cease to enjoy the joke himself—in fact his enjoyment may be increased by sharing it.

28. Common goods are better than private goods.

A joke is only a pleasant good; true common goods are honorable goods. Goods such as truth, justice, peace are common goods in the full sense. They are not diminished by being shared. Moreover they are not ordered to us; we are ordered to them. One desires to promote justice and truth for their own sakes. And they are better than private goods. It is honorable to attain a good for one man, but it is better and more godlike to attain a good in which many can share. The common good is not better merely as a sum of the private goods of many individuals. Nor is it the good of their community considered as a quasi-individual; rather a true common good is good for each of the persons who partake of it—a good to which they are ordered. This cannot be emphasized enough: the common good is a *personal good*. The subordination of persons to this good is thus not enslaving. They are not being ordered to someone else's

See *Nicomachean Ethics* I.2, 1094b10.

good (the good of 'the nation' or 'humanity,' considered abstractly), rather they are ordered to their own good, but this is a good that they can only have together in a community. The common good is a universal cause in the order of final causality. And the fact that it extends its causality to more effects than a private good shows how much better it is.

29. As persons develop, they order themselves to more and more universal common goods.

As a small boy, Tom has little knowledge of common goods. The first goods that he mentions are private goods, such as ice cream. But he comes to love goods in which his whole family can share without diminishing them: the peace and the joys of family life. And he begins to see that he has a responsibility toward these goods and can be punished if he harms them (this does not mean that he becomes a goody-goody like Clarence).

Tom begins to participate in practices, such as chess, football, and acting out Shakespeare plays, that enable him to share other common goods with his friends. Later Tom begins to see that his whole life is bound up with others in a political society in which great common goods, such as justice, can be realized, in which people hold each other accountable for what they do, and in which a governing authority orders them.

30. The family is an incomplete society that can attain to some common goods.

In one sense, the family (or household) is a complete society because it is concerned with every aspect of human life—with the 'act with reason according to human virtue.' There are certain common goods to which a family can attain: the common celebration of feasts, certain truths, the beauties of music, dance, and so on, and above all the tranquility of order of its own life. But if a family were isolated from all other families, as the Lykov family in Siberia was, its development would be stunted. It would consume almost all of its energy in the gathering of private goods, such as food and fuel, and there would be many common goods in which it could not participate. A family is thus in another sense incomplete, as it is naturally ordered to a greater society that enables it to achieve its own common goods better and to share in other, greater common goods.

Nietzsche against Teleology

This passage of Nietzsche's genealogical, explanatory undermining of morality discusses an important point about his method for understanding reality. His topic in this essay is conscience, which leads him to a discussion of punishment. This, in turn, leads him to some revealing comments about his method.

———— ❖ ————

Excerpt from: Friedrich Nietzsche, *On the Genealogy of Morals and Ecce Homo*, trans. by W. A. Kaufmann (New York: Vintage Books, 2011), pp. 76–79.

Yet a word on the origin and the purpose of punishment—two problems that are separate, or ought to be separate: unfortunately, they are usually confounded. How have previous genealogists of morals set about solving these problems? Naïvely, as has always been their way: they seek out some "purpose" in punishment, for example, revenge or deterrence, then guilelessly place this purpose at the beginning as *causa fiendi* of punishment, and—have done. The "purpose of law," however, is absolutely the last thing to employ in the history of the origin of law: on the contrary, there is for historiography of any kind no more important proposition than the one it took such effort to establish but which really *ought to be* established now: the cause of the origin of a thing and its eventual utility, its actual employment and place in a system of purposes, lie worlds apart; whatever exists, having somehow come into being, is again and again reinterpreted to new ends, taken over, transformed, and redirected by some power superior to it; all events in the organic world are a subduing, a *becoming master*, and all subduing and becoming master involves a fresh interpretation, an adaptation through which any previous "meaning" and "purpose" are necessarily obscured or even obliterated. However well one has understood the *utility* of any physiological organ (or of a legal institution, a social custom, a political usage, a form in art or in a religious cult), this means nothing regarding its origin: however uncomfortable and disagreeable this may sound to older ears—for one had always believed that to understand the demonstrable purpose, the utility of a thing, a form, or an institution, was also to understand the reason why it originated—the eye being made for seeing, the hand being made for grasping.

Thus one also imagined that punishment was devised for punishing. But purposes and utilities are only *signs* that a will to power has become master of something less powerful and imposed upon it the character of a function; and the entire history of a "thing," an organ, a custom can in this way be a continuous sign-chain of ever new interpretations and adaptations whose causes do not even have to be related to one another but, on the contrary, in some cases succeed and alternate with one another in a purely

chance fashion. The "evolution" of a thing, a custom, an organ is thus by no means its *progressus* toward a goal, even less a logical *progressus* by the shortest route and with the smallest expenditure of force—but a succession of more or less profound, more or less mutually independent processes of subduing, plus the resistances they encounter, the attempts at transformation for the purpose of defense and reaction, and the results of successful counteractions. The form is fluid, but the "meaning" is even more so.

The case is the same even within each individual organism: with every real growth in the whole, the "meaning" of the individual organs also changes; in certain circumstances their partial destruction, a reduction in their numbers (for example, through the disappearance of intermediary members) can be a sign of increasing strength and perfection. It is not too much to say that even a partial *diminution of utility*, an atrophying and degeneration, a loss of meaning and purposiveness—in short, death-—is among the conditions of an actual *progressus*, which always appears in the shape of a will and way to *greater power* and is always carried through at the expense of numerous smaller powers. The magnitude of an "advance" can even be measured by the mass of things that had to be sacrificed to it; mankind in the mass sacrificed to the prosperity of a single *stronger* species of man—that *would* be an advance.

I emphasize this major point of historical method all the more because it is in fundamental opposition to the now prevalent instinct and taste which would rather be reconciled even to the absolute fortuitousness, even the mechanistic senselessness of all events than to the theory that in all events a *will to power* is operating. The democratic idiosyncracy which opposes everything that dominates and wants to dominate, the modern *misarchism* (to coin an ugly word for an ugly thing) has permeated the realm of the spirit and disguised itself in the most spiritual forms to such a degree that today it has forced its way, has acquired the *right* to force its way into the strictest, apparently most objective sciences; indeed, it seems to me to have already taken charge of all physiology and theory of life—to the detriment of life, as goes without saying, since it has robbed it of a fundamental concept, that of *activity*. Under the influence of the above-mentioned idiosyncracy, one places instead "adaptation" in the foreground, that is to say, an activity of the second rank, a mere reactivity; indeed, life itself has been defined as a more and more efficient inner adaptation to external conditions (Herbert Spencer). Thus the essence of life, its *will to power*, is ignored; one overlooks the essential priority of the spontaneous, aggressive, expansive, form-giving forces that give new interpretations and directions, although "adaptation" follows only after this; the dominant role of the highest functionaries within

Misarchism: hatred of rule or government.

the organism itself in which the will to life appears active and form-giving is denied. One should recall what Huxley reproached Spencer with—his "administrative nihilism": but it is a question of rather *more* than mere "administration."

– What is Nietzsche's main argument against teleology?
– Has anything in Aristotle's opening arguments in the *Politics* addressed or rebutted these concerns of Nietzsche against goal-directedness in nature or form?

Ideal and Real Regimes

We do not read Book II in class. It considers various idealized cities and various historical cities. For instance, Plato's *Republic* is criticized. If students wish to read Book II on their own, some questions for consideration are given below.

Reading questions

Before you read, consider the following: ***What is the difference between considering an ideal city (one that has never existed) and cities that have existed? Is either case sufficient on its own (pure idealism or pure empiricism) for discovering truths in political philosophy?***

If you read Aristotle, *Politics*, Book II, consider the following questions:

- Chapter 1
    - What should we make of the character of the "intention" which Aristotle lays out in this chapter? What are the reasons he gives for it?
    - What must be common to the citizens of a city?
- Chapters 2–6
    - What argument(s) are offered against Socrates's views in the *Republic*? Is perfect unity good for a city/ How does a city differ from a household or a nation? (ch. 2)
    - What are the four arguments against the "family" structure of the *Republic*? How do these arguments illustrate the nature of the family or household and its relationships? (ch. 3)
    - What are the two reasons why people cherish or feel affection for something? How does Aristotle point to certain goods of human relationship and love in this chapter as unitive elements of a city? Does the city of the *Republic* have such a unity? (ch. 4)
    - What sort of common property is investigated in Chapter 5? What arguments against pure common property are given? Is some sort of common use a good thing for a city? How does property promote virtue? (ch. 5)
    - How is a city made one, contrary to some of what Socrates thinks? What other criticisms of the "regime" of Socrates's in the *Republic* does Aristotle make? (ch. 5) Note that "regime" translates *politeia*, the same word as the title of Plato's book *Republic*.
    - What are some of the criticisms made of Plato's *Laws*? Note what Aristotle says about mixed regimes. (ch. 6)

- Chapters 7–8
  - What does Phaleas propose? How does Aristotle criticize this proposal based upon historical examples? Based upon the nature of human desires? On other grounds? Note Aristotle's comments that "the nature of desire is without limit." (ch. 7)
  - Who was Hippodamus? How does Aristotle characterize him and his proposals about politics? Note some of Aristotle's comments; for instance, about the change of laws, traditions, and the difference between the laws and the arts or *technai* (1268b23–1269a27). (ch. 8)
- Chapters 9–11
  - When examining actually existing regimes (as opposed to ideas for them, as in the previous chapters), what are the "two investigations" one must undertake, and how are they different? Note how Aristotle speaks about "the legislator" in these (and other) chapters.
  - What are the most striking of the criticisms of the Spartan regime that Aristotle makes in the following categories? Note the various categories: helots, women, property, overseers, senators, kings, common messes and common funds, admirals, and *especially* "the basic premise" of the entire regime. (ch. 9)
  - What are the most striking of the criticisms of the Cretan regime that Aristotle makes? Note especially what Aristotle says about the rule of law. (ch. 10)
  - What are the most striking of the criticisms of the Carthaginian regime that Aristotle makes? Note especially what Aristotle says about oligarcy, leisure, and division of offices. (ch. 11)
- Chapter 12
  - Based upon the examples in this chapter, what is the difference between being "a craftsman of laws" versus a craftsman of a regime?

Post-reading notes

Note throughout Book II how there is a focus on the unity of the city, the need for its parts to be many but harmonized. There are also many interesting and helpful comments about human nature: desire, pleasure, honor, ambition, greed, crime, injustice, faction, etc. If man is a political animal, then must politics also be somewhat biological and anthropological?

3.3 Cities, Citizens, Regimes

In this book, Aristotle considers the matter and form, as it were, of cities. The matter are citizens, the form, regimes. These are the six classical forms of government or "regime types" (*politeia*). Usually they are arranged as follows:

The usual arrangement of Aristotle's six regimes.

Rule . . .	*. . . for common good*	*. . . for private good*
. . . by one	Monarchy	Tyranny
. . . by some	Aristocracy	Oligarchy
. . . by many/all	Polity	Democracy

The next table is a more complex but more precise arrangement.

Msgr. Robert Sokolowski's arrangement of the six regimes, adapted from his course notes on Aristotle's *Politics*.

The best city simply, where the best rule	**Monarchy**	**Aristocracy**
The most common, and usually best possible	Polity	
	Democracy	Oligarchy
Hardly a regime, Hardly a city	**Tyranny**	

The same six regimes are featured, but are arranged top-to-bottom in descending order of political perfection (so, from one ideal goal to the opposite of the ideal), while what *usually* happens, and what is *usually* best for most people, is in between. Note that the distinction between the top and upper-middle is one where the adage is true that one ought not make the better the enemy of the good.

Reading questions

Before you read, consider the following: ***What does it mean to be a member of a city? What makes one city truly different from another?***

As you read Aristotle, *Politics*, Book III, consider the following questions:

- Chapters 1–5
  - What does Aristotle investigate first in Book III? What is he "seeking"? How does the definition of the citizen shape the essence of the city? (ch. 1)
  - How is Aristotle's definition of citizen superior to "political or offhand definitions"? (ch. 2)

- What two questions about the city does Aristotle raise in the third chapter? What is the easier way to answer whether a city is "the same"? What actually makes a city to be the same one or a different one, even if the people in it change or stay the same? (ch. 3) Note carefully the comparison to a chorus.
- Are the good man and the good citizen necessarily the same? What distinguishes ruler and citizen? Is there only one type of ruler? What type of rule *defines* the virtue of a citizen, and what is that definition? (ch. 4)
- Is there only one kind or class of person who can be a citizen? (ch. 5)

– Chapters 6–8

- What is a regime? What is it for the sake of which that a city is established? How does this end help to distinguish good from bad regimes? (ch. 6)
- Why are there six basic regime types? What are they? How are they related to each other? (ch. 7)
- What clarification is necessary about oligarchy and democracy? (ch. 8)

– Chapters 9–13

- What criticisms does Aristotle make about some discussions of justice? What is the "most authoritative thing" that most miss when discussing cities? (ch. 9)
- What makes for a true city? Why would Megara and Corinth not be one city if "fastened . . . by walls"? What are insufficient but necessary conditions for a true city? What are the necessary and sufficient conditions for such a city? What is the end of a true city? (ch. 9)
- How are "the many" to be incorporated into the authority of the regime? Should the laws or individuals be rulers? (chs. 10–11)
- How is justice related to equality? What sorts of equality are not relevant? What about flutes? (ch. 12)
- Who has a claim to superiority in the city, to be the measure of equality or to rule? What are insufficient claims for being the ruler? What is the problem of equality and preeminence in virtue that Aristotle is raising here? Who should people be glad to obey as the ruler? (ch. 13)

– Chapters 14–18

- Why does Aristotle raise the question of kingship? What are the five types of kingship? (ch. 14)
- Which type of kingship deserves further investigation? Why are the others not considered? What is the major

question raised about the best man and the best laws? (ch. 15)
- What and how many are the arguments of "those who dispute against kingship" that is absolute? (ch. 16)
- What does Aristotle mean that certain people are apt by nature for certain regimes? Which regimes are under consideration as to which people are apt for them? What is the argument for the rule of the best man? (ch. 17)
- How does the final chapter of Book III tie together the themes in the book? (ch. 18)

Post-reading questions

In discussing the analogous matter and form of a city, Aristotle is implicitly contemplating what sort of being the city has. To complement the reading of Aristotle, students should consider Rommen, *SCT*, chs. 4 and 9–11. This is especially relevant to the first paper.

3.4 Realistic Politics

In this book, Aristotle considers the different sorts of regimes in a more "realistic" light.

Reading questions

Before you read, consider the following: ***What does "democracy" mean? What characterizes it as a type of government? How does it differ from other forms?***

As you read Aristotle, *Politics*, Book IV, consider the following questions:

- Chapters 1–2
  - What are the tasks of political philosophy? (ch. 1)
  - Why must politics study the entire range of possible regimes? What is a regime? (ch. 1)
  - What are the various types of regime, and which is the best? which the worst? (ch. 2)
  - What are the various topics that Aristotle will consider in Books IV and V? (ch. 2)
- Chapter 3
  - Why are there a number of different regimes? How does Aristotle's reason relate to the relationships among the parts of a city?
  - What is usually held about the number of the different sorts of regimes? What is the "truer and better" way to distinguish regimes?
- Chapters 4–6
  - What is the clarification that Aristotle makes in this first paragraph regarding democracy and oligarchy?
  - What is the organic analogy that Aristotle proposes to understand the parts of the city? What are the eight parts of the city? Is philosophy a part of the city or apart from the city? What are the types of democracy? Which is the worst (no law, no regime)? (ch. 4)
  - What are the types of oligarchy? Which is the worst? Do the laws automatically make the regime to be of a certain character in practice? (ch. 5)
  - What details does Aristotle add to the types of democracy and the types of oligarchy, introduced in the previous two chapters? What are some of the striking characteristics of these types of regimes? How does Aristotle evaluate these regimes? (ch. 6)

- Chapters 7–9
  - What sort of regime is often overlooked, and why? What are the various senses of the term "aristocracy"? (ch. 7)
  - What is a polity? What is good governance? How is aristocracy properly defined? What three things dispute over the equality in the regime? (ch. 8)
  - How is a mixed regime achieved? What is the sign of a mixed regime? (ch. 9)
- Chapter 10
  - What are the types of tyranny?
  - Why is tyranny in the strongest sense rule over the unwilling?
- Chapter 11
  - What is the question in this chapter?
  - Why is a "mean" approach the best? How does Aristotle support this through an argument about the three classes in a city?
  - What is Aristotle's defense of the "middling" class as the best for most cities?
  - Why are most regimes either democratic or oligarchic?
- Chapter 12–13
  - What two factors help to judge what regime is best for a given city? Under what conditions are these regimes naturally apt to exist: democracy, oligarchy, a polity? (ch. 12)
  - What are the various legislative "devices" in different regimes? (ch. 13)
- Chapter 14–16
  - With what three things must the legislator be concerned? What should be determined about the deliberative element? (ch. 14)
  - What must be determined about the offices of a regime? (ch. 15)
  - What must be determined about the adjudicative element? (ch. 16)

Post-reading questions

The questions which arise in the modern context concerning state power are often put in terms of state sovereignty and the limits of the forms of government. For the sake of the first paper, students should consider the following readings from Rommen's *SCT*.

Revolutions and How to Avoid Them

We do not read Book V in class. In this book, Aristotle treats of regime change—revolutions, and how to avoid them. If students wish to read Book V on their own, some questions for consideration are given below.

Reading questions

Before you read, consider the following: ***What are signs that a population is unwilling to be governed? Can you think of historical examples? Present day examples?***

If you read Aristotle, *Politics*, Book V, consider the following questions:

- Chapters 1–4
  - What is the scope of Aristotle's discussion in this book? How do factions originate in different cities? (ch. 1)
  - What are the various causes and occasions of regime change? Is Aristotle's list exhaustive? (chs. 2–3)
  - Why does Aristotle emphasize the Greek proberb about "beginning is said to be 'half of the whole'"? (ch. 4)
- Chapters 5–9
  - What are the causes of regime change specific to democracies? (ch. 5)
  - What are the causes of regime change specific to oligarchies? (ch. 6)
  - What are the causes of regime change specific to aristocracies and polities? (ch. 7)
  - What preserves regimes in general? (ch. 8)
  - What ought to characterize rulers? (ch. 9)
- Chapters 10–12
  - What causes the preservation or destruction of monarchy? (ch. 10)
  - Is Aristotle giving advice to tyrants in ch. 11?
  - Chapter 12 may be omitted.

Preserving the Regime

We do not read Book VI in class. In this book, Aristotle considers ways to preserve the various types of regimes. If students wish to read Book VI on their own, some questions for consideration are given below.

Reading questions

Before you read, consider the following: ***Is it possible for the same people to be governed by different types of regime?***

If you read Aristotle, *Politics*, Book VI, consider the following questions:

- Chapter 1
    - What is the scope of Aristotle's topic here? What especially characterizes the kinds of democracy? (ch. 1)
- Chapters 2–5
    - What is presupposed to a democratic regime? What characterizes a democratic regime itself? (ch. 2)
    - How is equality to be achieved in a democracy? (ch. 3)
    - What are the different kinds of democracy? Which is best? Which is worst? (ch. 4)
    - How ought a democracy to be preserved? (ch. 5)
- Chapters 6–8
    - What are the ways to establish and preserve an oligarchy? (chs. 6–7)
    - What are the various offices in a city? Is Aristotle's list complete? (ch. 8)

3.5 The Best City

In this book, Aristotle considers the best sort of city.

Reading questions

Before you read, consider the following: ***Reconsider what we have discussed concerning the common good. Is it necessary for the good of a political community that everyone agree on what the common good truly is?***

As you read Aristotle, *Politics*, Book VII, consider the following questions:

- Chapters 1–3
    - What is the most choiceworthy way of life? (ch. 1)
    - Is the best life the same for an individual and the city? (ch. 2)
    - Is the political life or the philosophical life better? for the city or for the individual? (ch. 3)
- Chapters 4–7
    - What is the best population size for a city? Who is Stentor? (ch. 4)
    - What should the territory of a city be like? (ch. 5)
    - How should the city relate to seafaring (trade, naval power)? (ch. 6)
    - What sorts of characteristics ought the multitude of citizens have? (ch. 7)
- Chapters 8–17
    - Chapter 8–12 can be omitted. However, read the end of ch. 12. What causes are at work in bringing about a city?
    - What makes a regimes citizens good? What causes are at work? (ch. 13)
    - How is the soul divided? How is life divided? What is leisure? Why are these political questions? (ch. 14)
    - How are citizens to be educated to be virtuous? (ch. 15)
    - What strikes you most about Aristotle's views on marriage and childbearing and -rearing? (chs. 16–17)

Post-reading questions

Why might Aristotle return, towards the end of the book, to consider the best city?

3.6 Education and Politics

In this book, Aristotle considers the education of a city.

Reading questions

Before you read, consider the following: ***What is the relationship between education and politics? Can you give examples from your own experience?***

As you read Aristotle, *Politics*, Book VIII, consider the following questions:

- Chapters 1–3
  - Why does Aristotle bring up the topic of education? Would Aristotle be in favor of homeschooling? (ch. 1)
  - What sort of education do citizens need? (ch. 2)
  - What is the curriculum of education envisioned by Aristotle? (ch. 3)
- Chapters 4–7
  - Why is gymnastic included in education? What limits does it have? (ch. 4)
  - Why is music included in education? What sort of musical education does Aristotle propose? (ch. 5)
  - Chapter 6 and 7 discuss various details about musical education. Why does the book end with a discussion of music?

Post-reading questions

Why does Aristotle end his book on politics with a discussion of education? N.b., Rommen considers the modern state and its relationship to education in *SCT*, ch. 15.

Philosophical Break #5

Originally published at *The Josias*, February 3, 2015; all excerpts used with permission.

Consider the following contentions, from an essay by Pater Edmund Waldstein, O.Cist.

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31. Associations are incomplete societies that are able to achieve the common goods internal to a particular human practice.

Alasdair MacIntyre defines a 'practice' as

After Virtue, p. 187.

> any coherent and complex form of socially established cooperative human activity through which goods internal to that form of activity are realized in the course of trying to achieve those standards of excellence which are appropriate to, and partially definitive of, that form of activity, with the result that human powers to achieve excellence, and human conceptions of the ends and goods involved, are systematically extended.

Chess, architecture, history, painting, music, the inquiries of physics—these are all practices in MacIntyre's sense. (MacIntyre also considers politics a practice, but . . . there are important differences between politics and other practices because politics is the practice of a complete community.) Such practices are aimed at achieving goods internal to them. Goods internal to a practice are goods that can only be had by participating in a practice. And when achieved, such goods are good for the whole community that participates in a practice. A community founded around such a practice is not a complete community because it is not concerned with the whole of human life, not with the whole 'act with virtue according to human virtue,' but only with one particular area of it. (Again, I am omitting the practice of politics from consideration at this point). Such communities are usually not given in the way one's family is; usually (though not always) one has to choose to enter them. I call such communities of persons engaged in a MacIntyrean practice 'associations.'

32. Philosophical contemplation is ordered to attaining the common good of all things.

On Plato's and Aristotle's accounts, the greatest natural human activity is the activity of philosophical contemplation, whereby persons can transcend the temporal world and attain to eternal

truths, and finally to the ultimate cause of all things. This activity is similar to MacIntyrean practices, but it transcends them because it is not concerned with the common goods of a particular part of human life, but (at least indirectly) with God Himself, the universal common good of all things, to Whom all other common goods are ordered.

33. A polity is a complete society, concerned with the whole of human life, that can attain to the greatest natural common goods.

Human life is naturally ordered. It is natural for many families to live close to each other and assist each other in the pursuit of common goods, and for their community to be ordered by rules. Aristotle calls the association of a few families a village (*kômê*), but he argues that such a small community does not yet suffice to achieve all the common goods to which human nature is ordered. And so it is natural for many villages to come together to form a city (*polis*), a complete or perfect society, which does not depend on any greater society to help it achieve its ends. Such complete societies (which we can call 'polities' or 'commonwealths') take many forms in different times and places, but they always include some kind of rule ordering them to the common good. As Coëmgenus puts it, «even where there is no 'government,' the people are governed (e.g., by tribal custom). In large complex societies, polity finds a formal expression (written laws, anointed kings, formal elections, etc.). In the liberal West, it takes the form of the constellation of institutions that we call a 'state.' Not all people live under a state, but every [complete] human community by definition is a polity.» Polities enable families, local communities ('villages'), and associations to flourish by realizing many common goods, but polities also allow for the achievement of greater common goods.

Politics I.2, 1252b15–27.

The bewildering variety of forms that polities can take sometimes makes it difficult to distinguish between a polity and a village, between a complete and an incomplete society. How can one tell whether a community is able to achieve all the goals of human society? . . . A sign that can be used to distinguish them is this: the complete society has the authority to make coercive laws enforceable by the sword. Even with this qualification, it can still be difficult to distinguish them. For example, before the emergence of the 'sovereign' territorial state in early modernity, Western Christendom was an extremely complex system of overlapping authorities—counties, duchies, kingdoms, and the empire—all claiming authority to use the sword.

Contemporary nation states pose a different sort of problem. While they in many ways function as complete societies, they have

difficulty justifying the authority to use the sword. They have all more or less adopted a liberal political ideology, which holds that polities should be ordered not to the common good, but to the private goods of individuals. A sign of this is the abolition of the death penalty in much of the contemporary West. This is a logical development given their political principles, but it raises questions about the extent to which they are really complete societies, capable of achieving the primary common good of political life.

34. The primary intrinsic common good of a polity is peace.

What is it that gives the complete community the right to enforce its laws with the sword? The authority to kill is a quasi-divine power, since God alone is the Lord of life and death. «If you do evil, then be afraid, since it is not for nothing that that minister wears a sword, since he is God's minister, vindictive in anger against the evildoer.» (Romans 13:4). The authority of the polity is derived from God because it is derived from the common good. The primary intrinsic common good of the polity is the unity of order, peace. This peace depends on the distinction of the different families, villages, and associations in the polity. In consists partly in the common enjoyment of the common goods of those communities. It consists partly in civic friendship and in the activity of governance. But this peace is itself a greater good than any of those partial goods (excepting the philosophical contemplation of God as first cause) because this peace is a participation in the order of all of creation, which as we saw above (21), is the greatest created participation in the divine goodness. Thus, for any person, this good is better than any of their private goods. It is a good to which they can order themselves, for which they can give their lives in battle. And if they harm this good, they oppose the goodness of their own lives, and the authority that has care for this good can justly kill them.

Nevertheless, the common good of the state is not the greatest common good to which persons are ordered. As we saw above (25), persons are ordered to attain by knowledge and love God as the supreme common good of all things, a good infinitely surpassing the intrinsic good of an earthly polity.

3.7 Conclusion

We have finally completed our long trek through Aristotle's *Politics*. Recall the overall questions from the beginning of this chapter. Can you answer them? They are reproduced below.

- What does the political society presuppose?
- What is a city? What are its causes?
- What makes a person to be a good citizen?
- What is the best sort of regime or government?
- Is there a best possible city? What could bring it about?
- What is the best sort of life for people living in political society?
- What is the relationship between political society and education?

Part II

Politics in Action

The Essence of Law | 4

> Those who speak with understanding must be strong in what is common to all, as much as a city is strong in its law, and even more so. For all human laws are fed by one divine law which governs as far as it wishes and is more than sufficient for all.
>
> – Heraclitus, DK 114

4.1 Introduction

Goals for this chapter

(1) To study the nature, causes, and properties of law
(2) To contemplate the origins of natural and human law
(3) To discuss the nature of authority and its justification

Readings for this chapter

– St. Thomas, *Summa Theologiae*, from the *Course Reader*, vol. 1
– Other readings in the *CG*

When completing the reading and study materials in this chapter, you should have the following general questions in mind, which are also of use when reviewing the course:

The Chapter Questions are listed all together on pp. 211ff.

– What is law? What are its main types?
– What is the nature and limitations of human law? How does human law's status as a "measured measurer" of human acts inform the nature of political society?
– What is authority? What is its origin?

We will be reading various articles from the famous *Summa theologiae* in this chapter. While we will devote some time to placing the "Treatise on Law" in context, students should remind themselves of what each article in this work is like.

Generally, when reading an article of St. Thomas's *Summa*, keep the basic logical structure of any given *Summa* article in mind:

- **The main question:** The article is framed by a question, usually of the form "Whether S is P?" For instance: "Whether God is a body?" (*ST*, Ia, q. 3, a. 1)
- **Objections:** Then, a series of objections are raised; usually arguing based on some authority, or a theological or philosophical argument, to a conclusion opposed to the answer actually being defended by St. Thomas. For instance: "It seems that God is a body."
- **Sed contra:** In the "on the contrary," St. Thomas opposes the view set out in the objections, whether by citing an authority or offering an argument. For instance: "It is written in the Gospel of St. John (John 4:24): *God is a spirit*."
- **Respondeo:** The "I answer that," or the body or *corpus* of the article, contains Aquinas's positive determination of the question. Typically, St. Thomas will make a key distinction of principles or terms, and one or more arguments.
- **Ad primum . . . :** The replies to the objections answer the arguments made to the contrary at the beginning of the article. (This is because you cannot refute an argument by refuting its conclusion.) Typically, a distinction made in the body of the article is used to defuse one of the objector's premises or assumptions.

Students should be able to identify the following for each part:

- **The main question:** What does the question mean? Why is it asked in this order (before other questions, after others)?
- **Objections:** How does each objection answer the main question? What is most convincing about the objection?
- **Sed contra:** How does this authority or argument answer the main question?
- **Respondeo:** What is the key distinction of principles or terms? What is the main argument?
- **Ad primum . . . :** What part of the objection is answered or refuted?

Throughout this chapter, Rommen's *SCT* is relevant optional reading; consider especially chs. 5–8.

4.2 What Is Law?

This first question begins with a general consideration of law. St. Thomas answers the *quid est?* question.

Reading questions

Before you read, consider the following: ***Is a law a type of command? What is wrong with this definition: law is the command of a superior backed by threats of force?***

As you read St. Thomas, *ST*, Ia-IIae, q. 90, consider the following questions:

- Is law based upon volition (i.e., desire, what one wants) or upon reason? (a. 1)
- How is law related to what is good for a human being? (a. 2)
- What relationship is there between law and rulership? (a. 3)
- Why are secret laws unjust? (a. 4)

Post-reading questions

What is the importance, for political philosophy, of each of the parts of the definition of law? That is, consider what would happen to the definition if you removed or changed each part.

Philosophical Break #6

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Consider the following contentions, from an essay by Pater Edmund Waldstein, O.Cist.

———— ⌖ ————

8. Honorable goods are better than the useful and pleasant goods.

Our knowledge begins with sensation: with the things that we see, feel, taste, smell and hear. And so the wants or desires of which we are first aware are sensible desires. And these desires are for goods that give sensual pleasures. Tom, the little boy in the first section, gives examples of this kind of good: ice cream and pizza, which please the senses of taste and smell; TV, which pleases the sense of sight as well as the internal sense of imagination; and so on. These goods are called 'pleasant goods.'

Our idea of the good begins with the pleasant good, but then we extend it to things that are useful for obtaining pleasant goods. These things are called useful goods. Because Tom wants ice cream he wants the things useful for attaining ice cream such as money and ice cream trucks. But it is clear that he wants the ice cream more than these things useful for obtaining ice cream. He also wants to buy ice cream, but for the sake of eating ice cream. So ice cream is better than the things and activities that are for the sake of ice cream (considered just insofar as they are useful for ice cream).

Our knowledge begins with sense knowledge, but then we develop rational, intellectual knowledge. And this knowledge leads us to understand more basic goods, such as the preservation of our life and health, and then higher goods, such as friendship, wisdom, justice, et alia. These goods are called the 'honorable good' (*bonum honestum*), because they are worthy of honor. Honorable goods are better than pleasant goods. A man who sacrifices friendship or justice for pleasure is rightly called a 'pig,' because pleasure is a good of the senses, which we have in common with animals, whereas honorable goods are goods of rational nature. An honorable good is not wanted for the sake of getting something else, not even pleasure, it is wanted for its own sake.

Of course, one and the same thing can be good in several of these ways. Steak is a pleasant good, but it is also useful for preserving life. Indeed, all sense pleasures seem to be intended by nature to be connected to actions that lead toward the lower and more basic of the honorable goods, such as the preservation and reproduction

of life. A friend can be useful in many ways, pleasant to be around, and also loved for his own sake. But the three kinds of goods are distinguished according to the primary reason for wanting them: useful goods are primarily wanted for their usefulness in getting other goods, pleasant goods for pleasure, and honorable goods simply because they are good and desirable in themselves.

9. An honorable good is better than the delight of reaching it.

The division of the good into the useful, the pleasant, and the honorable, is used to distinguish between different things that are wanted for different reasons. But, as St Thomas shows, similar distinctions are made in the getting and having of almost any good. Almost always there are steps taken to reach the good (corresponding to the useful), the good itself (corresponding to the honorable), and resting or delighting in the good (corresponding to the pleasurable). For example, in the case of Tom getting ice cream, we can distinguish his buying the ice cream, the ice cream itself, and his pleasure in eating the ice cream.

And we can see something similar in the case of honorable goods. There are the steps taken to reach an honorable good (useful), the honorable good itself (honorable), and a resting and delighting in the honorable good (pleasure). In the higher honorable goods, this delight is not sensible pleasure, but rather a rational or spiritual delight analogous to sense-based pleasure. For example, we can distinguish between learning a truth, the truth itself, and delighting in the truth. Or we can distinguish between taking steps to become friends with someone, the friend himself, and delighting in the friend. Delight in an honorable good can itself be an honorable good, but the good in which one delights is better than the delight. Delight in attaining a truth is an honorable good, but it is natural to love the truth itself more than one's delight in it. Delight in a friend is an honorable good, but one must love the friend himself more than the delight of being his friend. A sign of this is that a good friend wants what is good for the friend even if this means that he will be separated from him and will thus no longer be able to delight as much in his friendship.

10. An honorable good is better than the activity by which it is possessed or enjoyed.

Let's return to the example of Tom and his ice cream. We distinguished between buying the ice cream, the ice cream itself, and the pleasure of eating it. But we can also distinguish the *action* of

eating from these, and this too is a good. So we have four goods: buying the ice cream, the ice cream itself, *Tom's eating the ice cream*, and Tom's pleasure in eating the ice cream.

Again, there is something analogous with honorable goods. We have the steps taken to achieve the good, *the activity of possessing or enjoying the good*, and the delight in that activity: learning a truth, the truth itself, *the act of knowing the truth*, the delight flowing from that action; getting to know a friend, the friend himself, *the activity of being friends with him*, the delight flowing from that activity.

The activity of possessing the good is better than the delight that follows from it: knowledge of the truth is better than the delight that comes from knowledge, and the act of friendship is better than the delight that follows from it. But the good itself is better than the activity of possessing it: the truth itself is better than the knowledge of it, and the friend is better than my being his friend. The good itself is the primary thing—it is ultimately that which makes the activity of attaining it desirable. It is because the truth is good that the philosopher wants to know it. It is because a person is good that another person wants to befriend him.

11. All things desire participation in the eternal and the divine.

As we saw above (8), the first kind of desire that we experience is the desire that comes from sense knowledge, that is, the desire for sensible goods. But then we come to intellectual knowledge, and from this comes desire for goods known by reason. And the idea of desire can be extended even further. We can see even in plants, which have no sense knowledge, and indeed even in inanimate things, a certain tendency to which we can extend the idea of desire. One can even say that anything that acts at all must have something analogous to a desire for the good. This is because action is simply unintelligible without reference to some end or goal, since the final cause is the cause of causes. Aristotle shows in the *Physics* that natural things are things which have internal principle of motion and that this motion is toward an end. Even inanimate things seem to have at least a tendency to remain in existence and resist destruction. And this is even more evident in plants. Plants take in water and light in order to grow and continue existing. Moreover, plants reproduce, thus keeping their kind in existence. In Plato's *Symposium* (207d), Diotima explains the instinct to reproduce by saying that mortal nature seeks as far as it can to be always and immortal, and Aristotle echoes this in the De Anima (415a-b), arguing that everything that natural things do according to nature is for the sake of participating in the eternal and divine, and that therefore reproduction is the most natural

of actions. Reproduction does not give an individual immortality, but it gives immortality to certain kinds of things.

12. All things desire their own perfection.

Natural things do not merely wish to continue existing, they wish to *complete* and *perfect* their natures. A seed strives to grow into a complete plant, and an animal into an adult animal. The nature of a thing is a principle impelling it to perfect itself. Tom wants to grow up, and he wants to develop his abilities, make his possibilities actual and real. As Tom grows older, he will want not only to complete his own individual nature, he will also want to help his friends and his children complete theirs. And he will want to help the communities of which he is a part—his football team, his business, his country—to complete theirs. Perhaps, he will even want to contribute something to the human race as a whole.

13. Human action is always for the sake of the last end of human life.

There are a great many goods that a little boy like Tom wants. Each of them is desirable to him because they contribute (or at least seem to contribute) in some way to his completion and perfection (or the perfection of some community of which he is a part). So his desire for them is caused by his desire for a complete perfection—it is only because he desires complete perfection that he desires them at all. And so, as St Thomas shows,* whenever he desires some good that is not complete perfection, he desires it for the sake of that complete perfection. Complete perfection is *the final end* of Tom's life, and all other ends are means in comparison to it. This does not mean that Tom knows distinctly what the final end is, or what is necessary to attain it, it only means that to choose anything he has to see it as good, and this means seeing it as contributing to the purpose and end of his life.

14. Law aids in attaining the end.

Clarence, the goody-goody from section 1, identifies 'good' with obeying authority, following rules, etc. We can now see how his concept of good is related to Tom's concept of the good as 'things that he wants.' A little boy does not know very distinctly what his final end is, and so he can be easily deceived about what contributes to it. His parents therefore command him to do certain things that help him begin to attain his good. The rules that his parents set up

* *Summa Theologiae*, Ia-IIae, q. 1, a. 6.

are therefore means useful for attaining what Clarence really wants. And therefore doing what his parents tell him is itself worthy of choice, good in a secondary sense. Something similar holds for the laws of human society, which are an aid to attaining its perfection, and the law of God which he gives all of creation in order to help it attain its end.

So Clarence's concept of the good is really reducible to Tom's. Neither of them, however, have a full account of the good. Tom identifies the good with those goods which are most known to him, even if they are not the most important ones for attaining the final end, whereas Clarence identifies the good with certain means for attaining the good, which are given him by his parents.

15. A thing's intrinsic final end is to do its own act well.

When a thing has fully developed its nature, it is able to do the act that either it alone can do, or at least that it can do better than other things. This act is called a thing's 'own act,' or its 'proper act,' or its 'function.' In discussing what a thing's own act is, Aristotle discusses the acts of particular human occupations* since these are most known to us. A cook's own act is to cook, a roofer's is to make roofs, a teacher's is to teach. And in each of these cases, the purpose and end of the occupation is its own act. Why do we have a cook? To cook. Cooking is the purpose of a cook. And we have roofers for the sake of making roofs, and teachers for the sake of teaching.

One can see the same thing in the case of human tools. A corkscrew's own act is to remove corks and so that is the end and purpose of corkscrews. A knife's own act is to cut, and cutting is the purpose of the knife.

And the same thing holds for the parts of the body. The eye's own act is to see, and seeing is the purpose of the eye. The heart's own act is to pump blood, and this is the end of the heart.

So we can generalize and say that whenever a thing has some act that it alone does, or that it does better than other things, this act is its end or purpose. We must however qualify this, since one can distinguish between a thing's own act and the object of that act. The first is the intrinsic good of a thing, and the second is its extrinsic good. The intrinsic good of a cook is cooking, but a cook's extrinsic good is food.

A further qualification is that the end of a thing is to do its own act *well*. The purpose of the knife is not just to cut, but to cut well. To do its own act well, a thing needs a certain quality or qualities,

* *Nichomachean Ethics* 1.6 1097b24–30.

traditionally called 'virtues.' (The word now has a very narrow, moralistic sense, but the sense used to be much broader—think of the 'virtue' of herbs). The virtue of a knife is sharpness because sharpness is the quality that enables a knife to cut well. So we can say that the *intrinsic* good of anything that has an act of its own is to do its own act with its own virtue.

16. The intrinsic final end of human life is the act with reason done according to human virtue.

What is man's own act? It would be strange if cooks, roofers, teachers all had their own act but man as man had nothing to do. Aristotle argues* that man's own act can't simply be growing and nourishing himself, which plants also do, nor can it be the life of the senses, which he shares with animals. He concludes that it must be the life of reason. But the life of reason has two kinds of acts: the acts of reason itself—such as knowledge, understanding, and reasoning— and the acts of other parts of the soul as guided by reason—the acts of the will done reasonably, and the acts of the emotions guided and moderated by reason. All of these together can be called 'the act with reason.' The intrinsic final end of human life is thus to do the act with reason in accordance with those qualities that enable this act to be done well, namely, the intellectual and moral virtues.

17. Objective happiness is better than subjective happiness.

The intrinsic good of human life is the act with reason according to human virtue. And so the *extrinsic* good of human life would be the object of that act. The object of this act must itself be something good. And it will be an honorable good, not a mere pleasant or useful good. But we saw above (10) that an honorable good is better than the activity by which one attains to it. So the extrinsic good of human life must be better than the intrinsic good.

At the beginning of the *Nichomachean Ethics*, Aristotle calls the end of human life by the name that most men give to their confused notion of complete perfection: happiness (*eudaimonia*). This term can easily be misunderstood, since in English it is chiefly used to mean the delight of attaining a good. But we saw above (9–10) that the action by which one attains an honorable good is better than the delight of attaining it and that the good itself is better than either of those. All these things are so closely related that they can all be called happiness. In the Thomist tradition, man's intrinsic

* *Nichomachean Ethics* 1.6.

good (his own act done well) is called *subjective happiness*, while the object of that act, his extrinsic good, is called *objective happiness*. We can now see that most properly speaking the final end of man is objective happiness, rather than the subjective attainment of that end or the delight in attaining it. But what is the object of man's own act? What is objective happiness?

4.3 What Kinds of Law Are There?

After defining law in general, Aquinas then considers its species.

Reading questions

Before you read, consider the following: ***Name the different kinds of laws that you know about.***

As you read St. Thomas, *ST*, Ia-IIae, q. 91, consider the following questions:

- How is the eternal law related to God? (a. 1)
- What is the definition of natural law in this article? (a. 2)
- What is the reason that human law exists? (a. 3)
- Why is a divine law necessary? What was deficient about the other kinds of law, if anything? (a. 4)
- Optionally, students may read aa. 5–6.

Post-reading questions

A helpful exercise is to see if you can specify the general definition for each of the types of law that St. Thomas discusses in q. 91. (What reason? what common good? which ruler? how promulgated?)

4.4 What Are the Effects of Law?

Given that the law is a certain sort of cause (what cause is it?), it is reasonable to ask about its effects.

Reading questions

Before you read, consider the following: ***Reflecting on your own experience, what effect does the law have upon your life?***

As you read St. Thomas, *ST*, Ia-IIae, q. 92, consider the following questions:

- How is the essence of law used to answer this question? (a. 1)
- Can you give examples of all of the various "acts" of law from this article? (a. 2)

Space below for notes.

4.5 What Is the Eternal Law?

We now begin to investigate in more detail each of the major kinds of law.

Reading questions

Before you read, consider the following: ***Is it possible for a law to exist when there is nobody to be subject to the law?***

As you read St. Thomas, *ST*, Ia-IIae, q. 93, consider the following questions:

- How does the existence of God differ from the eternal law? (a. 1)
- Why is it important that Aquinas address the question in the second article? (a. 2)
- What does the third article establish about the existence of laws besides the eternal law? (a. 3)
- Optionally, students may read aa. 4–6.

Space below for notes.

4.6 What is the Natural Law?

Before you read, consider the following: ***How was the natural law defined previous to this article?***

Reading questions

As you read St. Thomas, *ST*, Ia-IIae, q. 94, consider the following questions:

- How does the natural law exist in us? How is it known by us? (a. 1)
- What is the source of the precepts of the natural law? (a. 2)
- What is the importance of the distinction Aquinas makes in answering the question in the third article? (a. 3)
- What objection(s) does Aquinas defuse by his distinctions in the last three articles? (aa. 4–6)

Post-reading questions

The last three articles are especially relevant to answering common objections against "natural law theory". Can you put these objections or problems in your own words? Have you heard these objections from people today?

The following optional sections, on Rommen's chapters on law, could also be studied after our discussion of qq. 93–95.

The History and Idea of Natural Law

This section corresponds to the optional reading of *SCT*, Chs. 5–6 (Origin and Growth of the Idea of Natural Law, pp. 119–133; The Idea of Order as the Philosophical Basis of Natural Law, pp. 134–148). Before you read, consider the following: *If there is an objective moral law, a "natural" law for human beings, then why is there so much moral disagreement among peoples and between people? What level of unanimity about morality is necessary in order to have a society?*

Optional reading questions

For Chapter 5:

- Section 1: How do we know that the natural law exists? What is the evidence?
- Sections 2–4: According to Rommen, what were the key contributions of the following cultures or eras to the tradition of natural law: the Greek thinkers, the Roman statements and Stoics, and various Christians, especially St. Augustine?
- Section 5: Why does Rommen discuss the debate about whether intellect or will is superior?

For Chapter 6:

- Section 1: What are the key philosophical presuppositions of natural law? What arguments does Rommen propose to support these?
- Section 2: What does Rommen mean by the title of this section? What two things is he relating, and why is this important?
- Section 3: What causes the "separation" to which Rommen refers in the title of this section? What are the effects of this separation?
- Section 4: According to Rommen, how is the order of the universe a foundation for natural law?

It is worthwhile to be aware of some of the ancient sources of the idea of natural law, and Rommen brings up many of them. Another excellent book on this subject, and much shorter than Rommen's, is C. S. Lewis's *The Abolition of Man*. For now, consider the following quote from Marcus Tullius Cicero:

> There is a true law, a right reason, conformable to nature, universal, unchangeable, eternal, whose commands urge us to duty, and whose prohibitions restrain us from evil. Whether it enjoins or forbids, the good

Cicero, *De Republica*, 3.22.33.

> respect its injunctions, and the wicked treat them with indifference. This law cannot be contradicted by any other law, and is not liable either to derogation or abrogation. Neither the senate nor the people can give us any dispensation for not obeying this universal law of justice. It needs no other expositor and interpreter than our own conscience. It is not one thing at Rome and another at Athens; one thing today and another tomorrow; but in all times and nations this universal law must forever reign, eternal and imperishable. It is the sovereign master and emperor of all beings. God himself is its author, its promulgator, its enforcer. He who obeys it not, flies from himself, and does violence to the very nature of man. For his crime he must endure the severest penalties hereafter, even if he avoid the usual misfortunes of the present life.

The relationship between the natural law and God, expressed here in the fragment of Cicero's lost *Republic*, ought to be compared to the relationship between the natural law and the eternal law that St. Thomas discusses in q. 91, aa. 1–2, especially the second article, where St. Thomas defends the following characterization of the natural law, that it is "nothing else than the rational creature's participation of the eternal law" of God.

St. Thomas, *Summa Theologiae*, Ia-IIae, q. 91, a. 2, c.

The Contents of the Natural Law

This section corresponds to the reading of *SCT*, Ch. 7 (The Contents of Natural Law, pp. 149–167). Before you read, consider the following: *Based upon the previous reading, what "laws" might the natural law include? How would you explain or defend the existence and character of justice? of rights? of duties?*

Optional reading questions

As you read, consider the following questions: *What are the sources of our knowledge of "basic" morality? What means or causes or persons or institutions are there that have educated or formed us in this way?*

- Section 1: What are the three forms of justice? Why are there three forms of justice?
- Section 2: What are the natural rights of the person? Do different societies have further rights? How do we know these rights exist? What is the *sine qua non* of these rights?

- Section 3: What does Rommen mean by the correspondence of rights and duties? What are examples of this correspondence? What is Rommen denying in this section?
- Sections 4–6: In each of these sections, Rommen discusses a "fruit" or reason why Catholic political philosophy emphasizes the natural law. What are each of these three "fruits"? How could they be briefly summarized?

This chapter complements St. Thomas, *Summa Theologiae*, Ia-IIae, q. 91, aa. 1–2, q. 93, aa. 1–2, and q. 94 (pp. 972–76).

Human Law

This section corresponds to the reading of *SCT*, Ch. 8 (Natural Law and Positive Law, pp. 168–180). Before you read, consider the following: *Based upon the discussion so far this week, how are natural law and human law related? If there were no natural law, then could human laws still exist?*

Optional reading questions

As you read, consider the following questions:

- Section 1: Who "destroyed" the idea of natural law? How and why did they do so?
- Section 2: Why does the positive law exist? What is the nature of its authority? How is positive law related to natural law?
- Section 3: What is "positivism"? What its various weaknesses, according to Rommen? What examples and features does Rommen highlight about the natural law in regards to its "revival"?

This chapter especially suplements reading from St. Thomas and could help our discussion of *Summa Theologiae*, Ia-IIae, qq. 95–97.

The Light that Binds

For modern political philosophers, the basic assumption about human nature and politics is one that posits a primordial "ontology of violence." Rommen discussed this under the rubric of pessimistic and optimistic understandings of human nature, but this philosophical claim really starts from taking human moral depravity as an unavoidable default condition and a *normative* one for political philosophy. By contrast, the medieval theologians and philosophers considered creation's normative and default

condition to be one of peace. Violence is an evil, a clear abberation and defect from the good. The norm is the tranquillity of order and a life of virtue.

These foundational differences lead to fundamentally different approaches to political philosophy, including the nature and role of law in human society. This can be illustrated by considering two of the salient features of how St. Thomas Aquinas (and following him, Rommen) treat of the natural law and human law:

(1) The natural law is fundamentally a *theonomic logos*, that is, a law derived from God's own reason and wisdom. The natural law is knowable by us without an explicit knowledge of God, but its character as law is not intelligible without God as its cause.
(2) The purpose of law is moral formation, and both natural and human laws must have this as their aim.

A further point to note about St. Thomas's understanding of natural law is that, in view of our previous point of human moral depravity, human beings are unable to fully and perfectly live up to the ideals of the natural law. This human moral flaw—the Catholic Christian doctrine of original sin—is not *unknowable* naturally speaking. For instance, Plato has his suspicions (consider the image of the "charioteer-soul" in his *Phaedrus*). He also tells philosophical parables, his myths, about divine justice rendered to human souls in the afterlife.* Aristotle notes that, despite our soul's natural order to being perfected by virtue, perfect virtue is rare—there is almost a "natural" tendency towards moral failure.† Aquinas himself proposes a probable philosophical argument for the existence of original sin.‡ For the political philosopher, such probable arguments are still relevant, since the contingent realities of human life are his concern, not the precisions and certitude of mathematics or metaphysics.

* See Plato, *Phaedo*, 107c–115a. The unruly human "charioteer-soul" is depicted in *Phaedrus*, 246a–254e.
† See Aristotle, *Nicomachean Ethics*, VII.1.
‡ See St. Thomas, *Summa contra Gentiles*, IV.52, n. 4: "Although defects of this kind may seem natural to man in an absolute consideration of human nature on its inferior side, nonetheless, taking into consideration divine providence and the dignity of human nature on its superior side, it can be proved with enough probability that defects of this kind are penalties. And one can gather thus that the human race was originally infected with sin" (O'Neil translation).

4.7 What is Human Law?

Before you read, consider the following: ***Of the kinds of laws Aquinas discusses, which one did you first realize existed? Why?***

As you read St. Thomas, *ST*, Ia-IIae, q. 95, consider the following questions:

- What is the good of the law? (a. 1)
- What distinction(s) does St. Thomas make in order to relate human law to natural law? (a. 2)
- Optionally, students may read aa. 3–4.

Post-reading questions

Based upon this question, what might one say about the relationship between political philosophy and natural theology (the philosophical study of God)?

4.8 What Are the Effects of Human Law?

Before you read, consider the following: ***Hasn't St. Thomas already answered this question previously (q. 92)? Why is this treatment necessary?***

As you read St. Thomas, *ST*, Ia-IIae, q. 96, consider the following questions:

- What sorts of laws are excluded by the first article? Can you give hypothetical (or actual) examples? (a. 1)
- What would a society be like that did *not* follow the conclusion of the second article? (a. 2)
- What would a society be like that *did* follow the conclusion of the third article? (a. 3)
- Is it ever permissible to disobey a human law? Who may do this? What conditions are required? (aa. 4–6)

Post-reading questions

After reading St. Thomas, students must read these pages in conjunction with an encyclical of Pope Leo XIII. Details are below.

Liberty and Law

This section corresponds to the reading of *Libertas Praestantissimum* (*On the Nature of Human Liberty*), an encyclical of Pope Leo XIII. Before you read, consider the following: *What does it mean to be "free"? Is there a difference between a "liberty" and a "right"?*

Optional reading questions

- Where and how is true liberty defined?
- How is liberty related to law? to society?
- Where and how is false liberty defined? What are its consequences?
- What does "liberalism" mean in this document? How are the extreme and modern versions described?
- How are the true and false understandings of liberty compared and contrasted in the discussion of various kinds of "liberties" such as the freedom of religion or the press, academic freedom, or the liberty of conscience?
- What is the "worst kind of liberalism"? What are its consequences? How does Pope Leo XIII respond to these consequences?

A good general question to keep in mind is the following: How are we to integrate or relate what *Libertas* argues, in its philosophical portions, about the true character of freedom with our previous discussions of the common good? How are we to relate these to our current political, cultural, and historical circumstances?

The central plank of the modern political philosophy of liberalism, generally speaking, is *individualism* and especially individual liberty. This is usually conceived of counterfactually—the individual exists in some pure state of nature as an ideal, and we refer all our thinking about human rights and freedoms to this idealized case. However, this conception of the individual in liberalism has always faced the following problem: children are not born free and equal in this idealized sense. Families are thus the necessary and natural social unit for their birth, rearing, and education. This natural organization runs against the idea of generating human society through social contracts, and against the idea of the fundamental form of human liberty and freedom is to be modeled as a property right.

For instance, some libertarian philosophers propose that parents should be thought of as owning their children as property, and thus both abortion and selling one's child (ostensibly, that he or she might have a better life with a richer family) would be permissible on such a "child market." Current legal issues regarding adoptive

See Murray Rothbard, *The Ethics of Liberty*, pp. 103–104.

parenting by same-sex couples, or the legal battles surrounding surrogacy of all forms, illustrate the desire to undo the natural end and form of the human family and its basis in marriage through the legal machinations of the modern state. It is profoundly unclear, however, whether the modern project of political liberalism, even through technological and "legal" means, would ever succeed in making the natural perfection of the family obsolete.

4.9 How Does Human Law Change?

One might compare this topic to Aristotle's *Politics*, Books V–VI.

Reading questions

Before you read St. Thomas, *ST*, Ia-IIae, q. 97, consider the following: ***What are reasons that human laws change?***

As you read, consider the following questions:

- When is it permissible to change human laws? Is there a law that governs change in human law? (a. 1)
- Does law always have to change? What are reasons why not? (a. 2)
- What is custom? How is it related to law? (a. 3)
- When is a dispensation a reasonable exception? Is there a law that governs dispensations from human law? (a. 4)

Post-reading questions

We should consider this question especially in light of modern ideas of progress and the variability of the rule of law. For instance, is there room in Aquinas's thought here for judicial review?

4.10 The Justice of the Old Law

The remainder of St. Thomas's "Treatise on Law" considers the Old Law and the New Law. The section on the Old Law is one of the longest "detail" portions of the *Summa*. We will consider only a selection of this long text.

Reading questions

Before you read St. Thomas, *ST*, Ia-IIae, qq. 100 and 105, consider the following: ***What are the Ten Commandments?***

As you read, consider the following questions:

- For q. 100:
  - What is the relationship between the moral precepts of the Old Law and the natural law? (a. 1)
  - Is the Old Law a complete law? (a. 2)
  - How is the Old Law related to the Decalogue? (a. 3)
  - Optionally, students may read aa. 4–12.
- For q. 105, a. 1: What was the regime established by the Old Law? Why?

Post-reading questions

What might Aristotle say about q. 105, a. 1? To what form of government of his does it most closely correspond?

As a concluding reflection upon our study of the nature of law, consider the following words from Pope Benedict XVI.

———— ❖ ————

– *"A concrete bunker with no windows . . . "*

Pope Benedict XVI, "The Listening Heart: Reflections on the Foundations of Law." Address to the Reichstag, 22 September 2011, Vatican website translation. Some paragraphing has been added.

For the development of law and for the development of humanity, it was highly significant that Christian theologians aligned themselves against the religious law associated with polytheism and on the side of philosophy, and that they acknowledged reason and nature in their interrelation as the universally valid source of law. This step had already been taken by Saint Paul in the Letter to the Romans, when he said: "When Gentiles who have not the Law [the Torah of Israel] do by nature what the law requires, they are a law to themselves ... they show that what the law requires is written on their hearts, while their conscience also bears witness ..." (Romans 2:14ff). Here we see the two fundamental concepts of nature and conscience, where conscience is nothing other than

Solomon's listening heart, reason that is open to the language of being. If this seemed to offer a clear explanation of the foundations of legislation up to the time of the Enlightenment, up to the time of the Declaration on Human Rights after the Second World War and the framing of our Basic Law,* there has been a dramatic shift in the situation in the last half-century. The idea of natural law is today viewed as a specifically Catholic doctrine, not worth bringing into the discussion in a non-Catholic environment, so that one feels almost ashamed even to mention the term.

Let me outline briefly how this situation arose. Fundamentally it is because of the idea that an unbridgeable gulf exists between "is" and "ought". An "ought" can never follow from an "is", because the two are situated on completely different planes. The reason for this is that in the meantime, the positivist understanding of nature has come to be almost universally accepted. If nature—in the words of Hans Kelsen—is viewed as "an aggregate of objective data linked together in terms of cause and effect", then indeed no ethical indication of any kind can be derived from it. A positivist conception of nature as purely functional, as the natural sciences consider it to be, is incapable of producing any bridge to ethics and law, but once again yields only functional answers.

The same also applies to reason, according to the positivist understanding that is widely held to be the only genuinely scientific one. Anything that is not verifiable or falsifiable, according to this understanding, does not belong to the realm of reason strictly understood. Hence ethics and religion must be assigned to the subjective field, and they remain extraneous to the realm of reason in the strict sense of the word. Where positivist reason dominates the field to the exclusion of all else—and that is broadly the case in our public mindset—then the classical sources of knowledge for ethics and law are excluded. This is a dramatic situation which affects everyone, and on which a public debate is necessary. Indeed, an essential goal of this address is to issue an urgent invitation to launch one.

The positivist approach to nature and reason, the positivist world view in general, is a most important dimension of human knowledge and capacity that we may in no way dispense with. But in and of itself it is not a sufficient culture corresponding to the full breadth of the human condition. Where positivist reason considers itself the only sufficient culture and banishes all other cultural realities to the status of subcultures, it diminishes man, indeed it threatens his humanity. I say this with Europe specifically in mind, where there are concerted efforts to recognize only positivism as a common culture and a common basis for law-making, reducing all

* The *Grundgesetz* ("basic law"), Germany's current constitution.

the other insights and values of our culture to the level of subculture, with the result that Europe vis-à-vis other world cultures is left in a state of culturelessness and at the same time extremist and radical movements emerge to fill the vacuum.

In its self-proclaimed exclusivity, the positivist reason which recognizes nothing beyond mere functionality resembles a concrete bunker with no windows, in which we ourselves provide lighting and atmospheric conditions, being no longer willing to obtain either from God's wide world. And yet we cannot hide from ourselves the fact that even in this artificial world, we are still covertly drawing upon God's raw materials, which we refashion into our own products. The windows must be flung open again, we must see the wide world, the sky and the earth once more and learn to make proper use of all this.

4.11 The Origin of Political Authority

This section corresponds to the reading of Pope Leo XIII's encyclical *Diuturnum Illud* (*On the Origin of Civil Power*). Optionally, students may read McCoy, "The Problem of the Origin of Political Authority" (see p. **??**ff).

Reading questions

Before you read, consider the following: ***What does it mean to ask about the origin of power or authority? What possible answers are there? Did you agree to be a citizen under the current regime?***

As you read *Diuturnum Illud*, consider the following questions:

- What is the scope of this encyclical? What is the reasoning behind its division and structure?
- What theory of the origin of political power or authority is excluded by Pope Leo XIII? What is the true origin of political power?
- What arguments based on human nature are proposed to determine the true origin of authority? What is the purpose of political power and its corresponding duties?
- In the second part of the encyclical, Pope Leo XIII discusses various ways in which the Church relates to the power of the state. What are these ways? What is the ideal relationship? What errors are opposed to this ideal?

If you read McCoy, "The Problem of the Origin of Political Authority," consider the following questions:

- What is the question of this essay?
- What are the fundamental distinctions that McCoy makes?
- What is the difference between the transmission theory and the designation theory? How do Suárez and Bellarmine disagree?
- What is McCoy's final answer to the question about the origin of political authority?

Post-reading questions

After working through the reading questions above, we should ask whether or not what Pope Leo XIII argues concerning the origin of civil power comports with what McCoy has to say. Also, how does *Diuturnum Illud* compare and contrast, say, to Lincoln's Gettysburg Address, especially the famous phrase that characterizes American democracy as "government of the people, by the people, for the people"?

In a particular way, we should note that the question of authority has broader implications that merely political matters. We could ask, for instance, whether authority is always necessary in any other area of human social life. For instance, is all authority to be understood on the model of the "deficiency theory" expressed by Yves Simon in the following?

Simon, *A General Theory of Authority*, pp. 21–22.

> Anti-authoritarian theorists, with few exceptions if any, do not mean that authority should disappear or that it can ever cease to be a factor of major importance in human affairs. What the thinkers opposed to authority generally mean is that authority can never be vindicated except by such deficiencies as are found in children, in the feeble-minded, the emotionally unstable, the criminally inclined, the illiterate, and the historically primitive. The real problem is not whether authority must wither away: no doubt, it will always play an all-important part in human affairs. *The problem is whether deficiencies alone cause authority to be necessary*. . . . The truth may well be that authority has several functions, some of which would be relative to deficient states of affairs and others to features of perfection.

Now, this is indeed Simon's contention—namely, that the full truth about authority requires us to recognize substitutional authority (which is justified on the basis of some deficiency or lack), and to distinguish this type from essential authority (which exists even in regard to subjects that are perfect or competent in other ways). An example of the former is parental authority over minor children. An example of the latter would be the authority that a coach has over a professional sports team, or a conductor over a symphony orchestra. Here is a key excerpt from Simon's argument for the existence and definition of essential authority:

Ibid., pp. 48, 49–50.

> *The power in charge of unifying common action through rules binding for all is what everyone calls authority*. . . . Thus, authority does not have only substitutional functions; in other words, it is not made necessary by deficiencies alone. We know, by now, that in one case at least the need for authority derives not from any lack or privation but from the sound nature of things. Given a community on its way to its common good, and given, on the part of this community, the degree of excellence which entails the possibility of attaining the good in a diversity of ways, authority has an indispensable role to play, and this role originates entirely in plenitude and accomplishment. The deficiency theory of authority is given the lie. An ideally enlightened and virtuous

> community needs authority to unify its action. By accident, it may need it less than a community which, as a result of ignorance, is often confronted by illusory means. But by essence it is more powerful than any community afflicted with vice and ignorance, and as a result of its greater power it controls choices involving new problems of unity which cannot be solved by way of unanimity but only by way of authority.

We should consider how Simon would have evaluated James Madison's famous line from *Federalist*, no. 51: "If men were angels, no government would be necessary."

In what follows, we consider a summary of the argument made by McCoy. Below is a summary of the key reformulation he seeks to accomplish. (Based on the table below, why would the designation theory be formed in reaction to the transmission theory?)

	Principle	**Corollary**
Transmission	(A) The whole people is the immediate cause of authority, as secondary cause to God, who is the ultimate cause of authority.	(a) Naturally, the government is the whole people (direct democracy), but other regimes possible by their choice (but they are not bound to do so).
Designation	(B) God is the immediate cause of authority, while whole people is instrumental in designating who has authority (so that everyone knows).	(b) The whole people are not naturally a direct democracy and are bound by natural law to transfer their authority to some regime.

Now, McCoy contends that the (A)–(a) connection (formulated best by the 17th-century scholastic Francisco Suárez) is not a true connection. **Instead, the true connection is (A)–(b).** To argue this, McCoy brings up another 17th-century scholastic, St. Robert Cardinal Bellarmine.

- "The *respublica* [whole people] ... is bound to transfer political power ..." (see p. 53)
- First term: "bound" ... by the natural law? — As a specification of the natural law? No, because it is not a matter of indifference. As a conclusion of the natural law? Yes, because it arises as a political need and good from free human nature. (Note the backdrop of the natural law and human nature here.)
- Second term: "to transfer" ... what does this mean? — This is also not a matter of indifference, so it is a conclusion from the natural law. The "authority of the people" must be made some definite form, not "generic authority."

Finally, McCoy proposes two key distinctions in an attempt to solidify the argument overall.

I. A natural *ius* [something naturally just] can be ...
   (1) Absolute; reason's right to rule appetite, marriage between man and woman, parents to raise their own children
   (2) Relative; possession of this property by this person (not some absolute)

II. Something belongs to the natural law ...
   (1) Because nature inclines to it (e.g., do no harm)
   (2) Because nature does not introduce the contrary (e.g., clothes)

How does he apply these distinctions?

– The political community is a natural whole (II–1; contra social contract theory).
– But this whole does not have a ruling part by nature (II–2), but naturally ought to (II–1). So, (A) is invoked.
– Now, what sort of regime ought to be the ruling part is not something absolute (I–1); rather, there is by natural justice some ruling part or regime relatively to the community's choice (I–2). So, (b).
– By contrast, the Suárezian view agrees that the whole has no ruling part by nature (II–2), but says the whole rules itself at first naturally (II–2!). (That is, (a), direct democracy is natural everywhere.)
– McCoy objects that this is empirically false, and it makes political authority "outside the intention of nature" (because it picks II–2 over II–1 for why authority is introduced). Further, any regime besides direct democracy is substitutional authority, not essential.

———— ❖ ————

– Socrates and the laws of Athens

Plato, *Crito* 51a–b, c–e (Jowett translation).

"Has a philosopher like you failed to discover that our country is more to be valued and higher and holier far than mother or father or any ancestor, and more to be regarded in the eyes of the gods and of men of understanding? also to be soothed, and gently and reverently entreated when angry, even more than a father, and if not persuaded, obeyed?" . . . . Then the laws will say: "Consider, Socrates, if this is true, that in your present attempt you are going to do us wrong. For, after having brought you into the world, and nurtured and educated you, and given you and every other citizen a share in every good that we had to give, we further proclaim and give the right to every Athenian, that if he does not like us when he has come of age and has seen the ways of the city, and made our acquaintance, he may go where he pleases and take his goods with him; and none of us laws will forbid him or interfere

with him. Any of you who does not like us and the city, and who wants to go to a colony or to any other city, may go where he likes, and take his goods with him. But he who has experience of the manner in which we order justice and administer the State, and still remains, has come to an agreement with us that he will do as we command him."

Rommen on Political Authority

This section corresponds to the optional reading of *SCT*, Ch. 16 (The Theory of Political Authority, pp. 334–350). Before you read, consider the following: *Reflecting upon what you know of world history, what is the origin of political authority? What does "authority" mean? What is "power"? Are power and authority different or two names for the same thing?*

Optional reading questions

- Note that the first three sections also serve as a review of the first half of the book.
- Section 1: In order to introduce the problem of the justification of political authority, into what stages or parts does Rommen divide the history of the problem?
- Section 2: Rommen continues to review the history of the problem; what are the stages of this history presented in this section? What common patterns or constants emerge?
- Section 3: What are the "three essentially different circles of human existence"? How are they distinct? How are they interrelated?
- Section 4: What is the distinction between power and authority? What are the kinds of power?
- Section 5: What is meant by "political" or "public" authority? What is its object and final cause?

Attending especially to the distinction between power and authority, we should compare and contrast Rommen's claims in this chapter with Pope Leo XIII's teaching in *Diuturnum Illud*.

Competing Theories of Authority

This section corresponds to the optional reading of *SCT*, Ch. 18 (The Main Task and Justification of Political Authority, pp. 373–389), Ch. 19 (The Origin of Political Authority, pp. 390–413), and Ch. 20 (The Controversy about the Two Theories, pp. 414–439).

Before you read, consider the following: *What would a state without authority look like? Is it even a possibility? Is* Federalist*, No. 51 right that "if men were angels, no government would be necessary"?* Recall the reading of *Diuturnum Illud*; what theories of origin were excluded? What was the true account? What had Rommen previously established about the origin of the state? (Review Ch. 9, The Origin of the State, pp. 185–212, especially sections 6–11.)

Optional reading questions

For Ch. 18:

- Section 1: What is a "constitutional order"? What are its parts? How is it related to natural rights?
- Section 2: What is a "legal order"? What are its necessary parts? What parts are contingent? What is never part of a legal order? How is sovereignty related to the legal order?
- Section 3: How is the natural law the basis for political authority? What two reasons are given for stressing this basis?
- Section 4: What fallacies does Rommen attribute to Rousseau's theory of authority? Can authority be "argued away" in political life? How does Catholic political philosophy avoid the difficulties of alternative approaches?
- Section 5: How are authority and power related to God? To the ultimate end of human life? What does it mean "to live in order"?

For Ch. 19:

- Section 1: What is the question or problem of the origin of authority? What is not included in this question or problem?
- Section 2: What are the three potential answers to the problem of authority? Why are there only three?
- Section 3: Does solving this problem solve all questions in political philosophy? What does it leave out?
- Section 4: For what reasons does Rommen eliminate the first answer given in section 2? What characterizes the relationship between the second two answers?

- Section 5: What is the designation theory? According to it, what are the causes of political authority? How is the designation theory related to answers proposed in section 2?
- Section 6: What is the translation theory? According to it, what are the causes of political authority? How is it compared and contrasted with the designation theory?
- Section 7: What are the key propositions of Suarez's version of the translation theory of authority? Is human consent a condition or a cause of political authority? Is this a "contract" theory of authority?

For Ch. 20:

- Section 1: This section could also be titled "The Historical Milieu of the Long 19th Century"—What are the historical stages to the "abandonment" of the translation theory of authority? What effects did these events have?
- Section 2: How did Catholic moral and political philosophers react to the revolutionary theory of popular sovereignty (discussed in section 1)? What roles does Rommen give to providence and to philosophy in regard to both the revolutionary theory and the reaction to it?
- Section 3: Why was the debate between these two theories of authority confined to Europe, not reaching the United States? Why is it worthwhile to study this "dead debate"? What are the key historical stages of this debate?
- Section 4: In this section, Rommen raises and answers four objections against the translation theory. What are these objections? How does Rommen reply? How is the idea of a "status contract" clarified in this section?
- Section 5: In *Diuturnum Illud*, does Pope Leo XIII exclude the translation theory of authority? To what sections of that encyclical is Rommen referring? What is Rommen's reply to this problem?
- Section 6: What are the merits of the translation theory? Why does Rommen think that the translation theory and the designation theory are so closely related and even perennial theories?
- Section 7: What is a tyrant? What is the difference between passive and active resistance to tyranny? Does the right to revolution exist?

Post-reading questions

Is Rommen's account in accord with what Pope Leo XIII teaches in *Diuturnum Illud*? Is the account of the origin and justification of

authority the same or different than the previous account that we gave of the origin and nature of political society as a whole?

One classic passage about the "agreement" that exists between an individual and the political community (city, country, state, etc.) is the following one from Plato's *Crito*. This dialogue takes place after Socrates has been condemned to death for philosophizing, and one of Socrates's old friends, Crito, is attempting to convince Socrates to flee the city to escape the death penalty. To convince his friend otherwise, Socrates imagines a dialogue between himself fleeing the city and the "laws of Athens" assessing this action. The quotation below is only part of what Socrates has "the laws" say; the entire dialogue is short and worth reading.

4.12 Conclusion

We have now completed our study of law, order, and authority. However, "law" is commonly associated with justice and rights. How are they related? How are they different? We continue our study by turning to look in more detail about what is "one's own" and "owed to one" as key ideas in political theory.

Justice 5

> After the state or city comes the world, the third circle of human society—the first being the home, and the second the city. And the world, as it is larger, so it is fuller of dangers, as the greater sea is the more dangerous. . . . Since, then, the house ought to be the beginning or element of the city, and every beginning bears reference to some end of its own kind, and every element to the integrity of the whole of which it is an element, it follows plainly enough that domestic peace has a relation to civic peace—in other words, that the well-ordered concord of domestic obedience and domestic rule has a relation to the well-ordered concord of civic obedience and civic rule. And therefore it follows, further, that the father of the family ought to frame his domestic rule in accordance with the law of the city, so that the household may be in harmony with the civic order.
>
> – St. Augustine, *City of God*, XIX.7, 16

5.1 Introduction

Goals for this chapter

(1) To study the nature of justice
(2) To consider the types of justice and the charateristics of just actions

Readings for this chapter

– St. Thomas, *Summa Theologiae*, from the *Course Reader*, vol. 1

When completing the reading and study materials in this chapter, you should have the following general questions in mind, which are also of use when reviewing the course:

The Chapter Questions are listed all together on pp. 211ff.

– What is justice? What are the major kinds of justice?
– What characterizes just actions? How does justice relate to the soul? to politics?
– What are the purposes of punishment? What is the classical justification of the death penalty?

5.2 St. Thomas on *Ius*

This section corresponds to St. Thomas, *ST*, selections to be found in the *Course Reader*, vol. 1.

Reading questions

Before you read, consider the following: ***One of the ancient definitions of justice was "to help friends and to harm enemies." Is this definition of justice true? Why or why not?***

As you read, consider the following questions:

– On *ST*, IIa-IIae, q. 57:
  - What is the definition of right (*ius*)? (a. 1) Right (*ius*) is a thing, part of the object of a just act. Note the connection to equality, except in the case of God; also note origin of the word.
  - What are the causes that give rise to the difference between natural right and positive right? (a. 2) The difference between natural and positive right arises from the cause of the measure of equality that defines the right (*ius*). Note the ad 2 and how positive right is measured by natural right.
  - What are the causes that give rise to the difference between natural right and the "common right of peoples" (*ius gentium*)? (a. 3) This law of nations is not the same as natural right, but is natural right in the human case—that is, not something absolutely commensurate but relatively commensurate. Note the ad 2 against slavery.
  - Why is the distinction made in the fourth article important? How does it shed light on societal relationships? (a. 4)

Post-reading questions

We must attend to the different forms of justice, how each is related to the common good, and how this informs the ancient notion of "right." Do the old concepts of "right" seem the same as our modern notions of "rights"?

5.3 St. Thomas on Justice

This section corresponds to St. Thomas, *ST*, selections to be found in the *Course Reader*, vol. 1.

Reading questions

Before you read, consider the following: ***What is the difference between something being unjust and something being unfair? Is there a difference between what is evil and what is unjust?***

As you read, consider the following questions:

– On *ST*, IIa-IIae, q. 58 (focusing especially on the first four articles):
  · What is the definition of justice? (a. 1) Justice is the habit whereby one with a constant and perpetual will renders to others what is due them. Note how *ius* or right is present in the definition of justice.
  · Why is justice essentially other-directed? Can you be "just" to yourself? (a. 2) Justice requires rendering to another, and this excludes yourself or a part of yourself. How does justice define a network of social relationships? Does this article respond to Plato?
  · What is the reason that justice is a virtue? (a. 3) Note the ad 2 and ad 3 and the relationship between law, goodness, and happiness.
  · How or where does justice exist in the soul as a reality, viz., as a quality, a virtue? (a. 4) Perhaps we can exclude the senses (and thus, animal emotions), because the sense appetites cannot grasp the object or intelligible structure of justice.
  · What does it mean to say that justice is "virtue in general"? (a. 5) Justice directs our acts towards others, and this direction insofar as it is towards the whole of which we are a part, and the common good of that whole, is general justice (legal justice).
  · Is justice as "virtue in general" the same as each and every virtue? (a. 6) General justice is not a general description but general in its power, precisely because it is related to the common good of the whole, and thus the same in essence as all virtue.
  · What is the definition of particular justice? (a. 7) Particular justice is required to direct our actions to other parts of the whole.
  · With what is particular justice concerned? (a. 8) Particular justice does have a particular matter, i.e., *ius* or what is due between individual persons related to each other.

- Is justice unemotional? How is justice related or not to the passions or emotions? (a. 9) Note the nuances of particular actions and the common good in ad 2 and ad 3.
- If justice is about a real mean— and what would it mean to say that justice is about a "mean" only determined by reason (a. 10)—then what does justice "do" when it acts? (a. 11) What does this real or objective nature of justice imply about the world, especially if justice is the most important moral virtue? (a. 12) Since the object of justice is a thing, it is not a mean that is merely defined by reason. But the mean of justice is still rational, knowable by reason.

Post-reading questions

Consider the examples of just deeds or actions that St. Thomas gives in the reading. Are they plausible examples? Are they still true ones?

5.4 St. Thomas on Kinds of Justice

This section corresponds to St. Thomas, *ST*, selections to be found in the *Course Reader*, vol. 1.

Reading questions

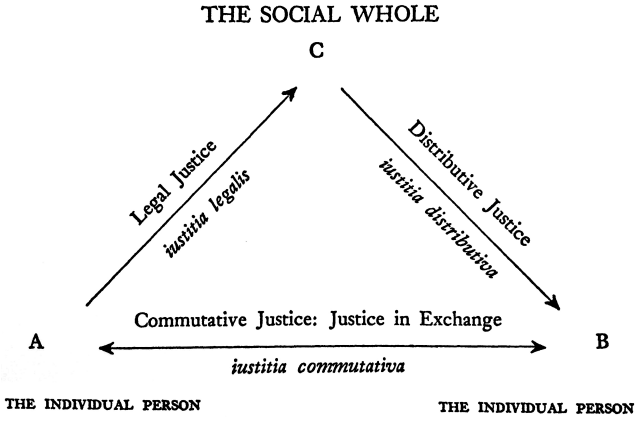
Before you read, consider the following: ***Should someone be punished more for a crime depending upon the person they harmed or what they stole?***

As you read, consider the following questions:

– On *ST*, IIa-IIae, q. 61:
  - What is the essential difference between commutative and distributive justice? (a. 1) Note how part-to-part within the community defines commutative justice, while whole-to-part defines distributive justice. Note the difference between "the common good" and "common goods," e.g., in ad 4.
  - How does the mean of justice differ in these two species? Can you give examples for each? (a. 2) The "geometric mean" belongs to distributive justice, the "arithmetic mean" to commutative justice. Does this difference in the mean of justice imply that justice is not impartial? See ad 3.
  - How does the matter of justice differ in these two species? Can you give examples for each? (a. 3) Note their material sameness in some cases.

Post-reading questions

The discussion of the three forms of justice might be aided by the following diagram.



The relationships among the three forms of justice; Pieper, *Four Cardinal Virtues*, p. 113.

5.5 St. Thomas on Killing & Murder

This section corresponds to St. Thomas, *ST*, selections to be found in the *Course Reader*, vol. 1.

Reading questions

Before you read, consider the following: ***What is the difference between something being unjust and something being unfair? Is there a difference between what is evil and what is unjust?***

As you read, consider the following questions:

– On *ST*, IIa-IIae, q. 64 (focusing especially on articles 1, 2, 3, 6, and 7):
  · What cases of killing does the first article leave unresolved? (a. 1)
  · What sort of justification does this give for capital punishment? (a. 2)
  · What kind of "justice" does this article rule out? (a. 3)
  · Why is this question asked? (a. 6)
  · An infamous article. What is the answer to the question? (a. 7)

Post-reading questions

Our discussion will focus on the reasons for and against judicial killing, extra-judicial killing, and self-defense.

We should also consider, in general, the purposes of punishment. The classic list is contain in the following quotation: "The efforts of the state to curb the spread of behavior harmful to people's rights and to the basic rules of civil society correspond to the requirement of safeguarding the common good. Legitimate public authority has the right and duty to inflict punishment proportionate to the gravity of the offense. Punishment has the primary aim of redressing the disorder introduced by the offense. When it is willingly accepted by the guilty party, it assumes the value of expiation. Punishment then, in addition to defending public order and protecting people's safety, has a medicinal purpose: as far as possible, it must contribute to the correction of the guilty party." (*CCC*, n. 2266)

5.6 Conclusion

With the readings in this chapter, we are now ready to embark on a study of war. This occupies the next chapter.

War and Peace | 6

> The peace of the body then consists in the duly proportioned arrangement of its parts. The peace of the irrational soul is the harmonious repose of the appetites, and that of the rational soul the harmony of knowledge and action. The peace of body and soul is the well-ordered and harmonious life and health of the living creature. Peace between man and God is the well-ordered obedience of faith to eternal law. Peace between man and man is well-ordered concord. Domestic peace is the well-ordered concord between those of the family who rule and those who obey. Civil peace is a similar concord among the citizens. The peace of the celestial city is the perfectly ordered and harmonious enjoyment of God, and of one another in God. The peace of all things is the tranquillity of order. Order is the distribution which allots things equal and unequal, each to its own place.
>
> – St. Augustine, *The City of God*, XIX.13

6.1 Introduction

Goals for this chapter

(1) To introduce and understand the principles of just war theory
(2) To study the history of just war theory
(3) To apply the principles of just war theory to modern cases, particularly as regards *ius in bello*

Readings for this chapter

– St. Thomas, *Summa Theologiae*, from the *Course Reader*, vol. 1
– Rommen, *SCT*, ch. 29 (chs. 30–31 optional)
– *CG*, Ford, "The Morality of Obliteration Bombing" and "The Hydrogen Bombing of Cities," on pp. **??**ff

When completing the reading and study materials in this chapter, you should have the following general questions in mind, which are also of use when reviewing the course:

The Chapter Questions are listed all together on pp. 211ff.

– What is a "just war," and is it ever possible? (*Ius ad bellum*)
– What are the requirements of waging warfare justly? (*Ius in bello*)
– What are examples of unjust wars or the unjust conduct of wars?

6.2 St. Thomas on Just War

This section corresponds to St. Thomas, *ST*, selections to be found in the *Course Reader*, vol. 1.

Reading questions

Before you read, consider the following: ***Does the treatment of St. Thomas imply that just warfare is in some manner proportionate to peace and even to charity?***

As you read, consider the following questions:

- What are the conditions for a just war? (q. 40, a. 1)
- Who may not fight in war, and why? (a. 2)
- What sort of concern does the third article address? (a. 3)
- Is war ever "total"? (a. 4)

Post-reading questions

Note that this treatment of just war falls within St. Thomas's treatment of the theological virtue of *charity*. In particular, it is part of a consideration of the vices opposed to the various virtues of charity. Thus, St. Thomas says in the prologue to Question 34:

St. Thomas, *ST*, q. 34, prol.

> We must how consider the vices opposed to charity: (1) hatred, which is opposed to love; (2) sloth and envy, which are opposed to the joy of charity; (3) discord and schism, which are contrary to peace; (4) offense and scandal, which are contrary to beneficence and fraternal correction.

Logically, war is the contrary of peace, but St. Thomas is considering whether there is a manner of warfare that is not contrary to peace.

6.3 War in the Catholic Tradition

This section corresponds to the reading of *SCT*, ch. 29 (The Catholic Doctrine about War, pp. 606–635). Optionally, students could read chs. 30–31.

Reading questions

Before you read, consider the following: ***Consider the various wars of the 20th and 21st centuries. Which seem to have been "just" or "justified" wars? Which do not? What distinguishes cases of just war from unjust war?***

As you read, consider the following questions:

- Section 1: What is the problem of war and peace? How is "peace" defined? Is war natural? What are the true causes of war?
- Section 2: What is economic pacifism? What is humanitarian pacifism? Are there examples provided of who holds to these positions?
- Section 3: What is religious pacifism? Why does Rommen discuss "genuine religion"? What is the ideal of peace and why is it relevant in this context? What does Christian pacifism maintain? What criticisms of radical pacifism does Rommen provide?
- Section 4: Is a "world state" ideal? Why or why not? What causes limit the possible forms that states can take on? Do these limitations lead to the possibility of war?
- Section 5: What is the true final cause of a war? How does this relate to the grounds for a just war? Do states have a duty to self-defense? Must every just war be defensive? On what grounds is intervention in war justified?
- Sections 6–8: In these sections, Rommen discusses three criteria of a just war. What are they? What sub-parts or qualifications do they have? (For instance, in section 7, that criteria seems to have three sub-types and at least five attendant conditions or elements.) Are these the only relevant criteria? Have these criteria changed at all for modern wars?
- Section 9: What does Rommen mean by distinguishing between the objective and the subjective points of view at the outset of this section? What public considerations are there regarding just war? What private considerations are there?

Post-reading questions

After reviewing the reading questions, we should enumerate and discuss the conditions under which war is justified. Exactly how many conditions of just war are there? While most authors agree that the two main branches of just war doctrine are *ius ad bellum* followed by *ius in bello*, some authors list four, others six conditions for a just war. Could the conditions be arranged in a more intelligible way? Are they related to the four causes in some analogous fashion?

Here, we should note that one of the appended readings, St. Augustine's *Letter 138*, discusses the possibility of Christians to be soldiers towards the end of the excerpt (see nn. 14–15).

Excerpts about just warfare

The first of the following excerpts is from Pope Pius XI's encyclical letter *Firmissimam Constantiam*, written in 1937 to the bishops of Mexico during a time of great persecution of Catholics by the Mexican government. In it, the pope indicates the conditions under which violent action might be justified.

The second is an excerpt from Shakespeare's *Henry V*. In it, King Henry has gone to walk about in the camp of his own army. The conversation he has with two of them (Bates and William, who do not recognize Henry as the king) is insightful about the relationship among individual and "state" intentions when going to war.

———— ❖ ————

– Justified circumstances of civil defense

Pope Pius XI, *Firmissimam Constantiam*, March 28, 1937, nn. 27–28.

27. You have more than once recalled to your Faithful that the Church protects peace and order, even at the cost of grave sacrifices, and that it condemns every unjust insurrection or violence against constituted powers. On the other hand, among you it has also been said that, whenever these powers arise against justice and truth even to destroying the very foundations of authority, it is not to be seen how those citizens are to be condemned who united to defend themselves and the nation, by licit and appropriate means, against those who make use of public power to bring it to ruin.

28. If the practical solution depends on concrete circumstances, We must, however, on Our part recall to you some general principles, always to be kept in mind, and they are:

1) That these revindications have reason [the ratio] of means, or of relative end, not of ultimate and absolute end;
2) That, in reason [ratio] of means, they must be licit actions and not intrinsically evil;
3) That, if they are to be means proportionate to the end, they must be used only in the measure in which they serve to obtain or render possible, in whole or in part, the end, and in such manner that they do not cause to the community greater damages than those they seek to repair;
4) That the use of such means and the exercise of civic and political rights in their fulness, embracing also problems of order purely material and technical, or any violent defense, does not enter in any manner in the task of the clergy or of Catholic Action as such, although to both appertains the preparation of Catholics to make just use of their rights, and to defend them with all legitimate means according as the common good requires;
5) The clergy and Catholic Action, being, by their mission of peace and love, consecrated to uniting all men in *vinculo pacis* (Ephesians 4:3), must contribute to the prosperity of the nation, especially encouraging the union of those social initiatives which are not opposed to dogma or to the laws of Christian morals.

– The king is not to answer it

Shakespeare, *Henry V*, Act IV, Scene 1.

King Henry V
By my troth, I will speak my conscience of the king: I think he would not wish himself any where but where he is.

Bates
Then I would he were here alone; so should he be sure to be ransomed, and a many poor men's lives saved.

King Henry V
I dare say you love him not so ill, to wish him here alone, howsoever you speak this to feel other men's minds: methinks I could not die any where so contented as in the king's company; his cause being just and his quarrel honourable.

Williams
That's more than we know.

Bates
Ay, or more than we should seek after; for we know enough, if we know we are the king's subjects: if his cause be wrong, our obedience to the king wipes the crime of it out of us.

Williams
But if the cause be not good, the king himself hath a heavy reckoning to make, when all those legs and arms and heads, chopped off in battle, shall join together at the latter day and cry all 'We died at such a place;' some swearing, some crying for a surgeon, some upon their wives left poor behind them, some upon the debts they owe, some upon their children rawly left. I am afeard there are few die well that die in a battle; for how can they charitably dispose of any thing, when blood is their argument? Now, if these men do not die well, it will be a black matter for the king that led them to it; whom to disobey were against all proportion of subjection.

King Henry V
So, if a son that is by his father sent about merchandise do sinfully miscarry upon the sea, the imputation of his wickedness by your rule, should be imposed upon his father that sent him: or if a servant, under his master's command transporting a sum of money, be assailed by robbers and die in many irreconciled iniquities, you may call the business of the master the author of the servant's damnation: but this is not so: the king is not bound to answer the particular endings of his soldiers, the father of his son, nor the master of his servant; for they purpose not their death, when they purpose their services. Besides, there is no king, be his cause never so spotless, if it come to the arbitrement of swords, can try it out with all unspotted soldiers: some peradventure have on them the guilt of premeditated and contrived murder; some, of beguiling virgins with the broken seals of perjury; some, making the wars their bulwark, that have before gored the gentle bosom of peace with pillage and robbery. Now, if these men have defeated the law and outrun native punishment, though they can outstrip men, they have no wings to fly from God: war is his beadle, war is vengeance; so that here men are punished for before-breach of

the king's laws in now the king's quarrel: where they feared the death, they have borne life away; and where they would be safe, they perish: then if they die unprovided, no more is the king guilty of their damnation than he was before guilty of those impieties for the which they are now visited. Every subject's duty is the king's; but every subject's soul is his own. Therefore should every soldier in the wars do as every sick man in his bed, wash every mote out of his conscience: and dying so, death is to him advantage; or not dying, the time was blessedly lost wherein such preparation was gained: and in him that escapes, it were not sin to think that, making God so free an offer, He let him outlive that day to see His greatness and to teach others how they should prepare.

Williams

'Tis certain, every man that dies ill, the ill upon his own head, the king is not to answer it.

6.4 Morality in Warfare

This section corresponds to the reading of *CG*, Ford, "The Morality of Obliteration Bombing" and (optionally) "The Hydrogen Bombing of Cities."

Reading questions

Before you read, consider the following: ***What cultural or artistic portrayals of conducting a war through just means have you encountered? What are examples of war propaganda that you remember or have experienced?***

As you read, consider the following questions about Fr. Ford's two essays, but especially the first:

- What does Fr. Ford mean by "obliteration bombing" and what are concrete examples of it?
- What is the moral problem at issue, and what two main questions structure the paper's inquiry? (Be able to locate in the remainder of the article where and how Fr. Ford reaches his answers to these two questions.)
- Why does Fr. Ford discuss the distinction between combatants and non-combatants? Why, according to him, is this distinction still valid in modern warfare? Is this distinction still applicable in modern warfare?
- Why, according to Fr. Ford, is obliteration bombing immoral? What is the objection to this conclusion based upon the principle of double effect? How does this objection fail, based upon each of the components of the principle of double effect?

Post-reading questions

Our class discussion will focus on the reading questions above, and in particular whether or not we find Fr. Ford's arguments to be sound. Special attention should be paid to the discussion of the nature and conditions of "double effect" in moral reasoning. The topic of double effect reasoning is a vast one, and we will only be able to speak to the basics. For our purposes, we will focus on how Fr. Ford argues that double effect does or does not apply to the specific manner of the conduct of warfare under discussion.

The following excerpt is a scene from the life of Tahaski Nagai, a Japanese physician and convert to Catholicism. It relates an episode in his life when he was serving as surgeon in the Japanese army during the Second Sino-Japanese War.

– Nagai and justice in war

On Christmas Eve 1939, the Chinese mounted a surprise attack and knocked 300 Japanese out of action and had the remaining 240 hopelessly surrounded. The commander told Nagai: "It will be the end if they attack tonight. I have a job for you—gather the wounded around the flag and pour gasoline over their bedding. If the Chinese attack in force, set fire to the gasoline so they won't take any prisoners or our flag. I loathe giving this order, but I have to." Days without a decent meal or sleep had left the commander emaciated and tense.

Paul Glynn, *A Song For Nagasaki*, pp. 132–133.

Nagai was in a dilemma. Every Japanese soldier was duty bound to die honorably by suicide rather than be captured. Nagai told his orderly: "Tell the wounded to be ready to be moved and leave me alone to pray. Call me only for emergencies." He went off a short distance, knelt and began the Rosary, forgetting about the consequences of disobeying orders, forgetting about death and about his wife and two children, just handing everything over to God. Making that simple journey around and around fifty-four beads, he became so absorbed that he did not notice the runner come up some hours later. The messenger coughed, bowed deeply and said: "Sir, begging your pardon. A message from the commander. A large relief force has just engaged the enemy. The crisis is over."

6.5 Conclusion

This brings our consideration of nations and international relations—especially those that fail due to war—to a close. Students are encouraged to read Rommen's chapters in *SCT* about peace in international relations. However, in the remaining chapters, our aim is to discuss the end of war, and that in both senses of "end." This requires moving the conversation to a higher register.

Economics 7

> Since the end of society is to make men better, the chief good that society can possess is virtue. Nevertheless, it is the business of a well-constituted body politic to see to the provision of those material and external helps "the use of which is necessary to virtuous action."
>
> – Pope Leo XIII, *Rerum Novarum*, n. 34

> Even though economics and moral science employs each its own principles in its own sphere, it is, nevertheless, an error to say that the economic and moral orders are so distinct from and alien to each other that the former depends in no way on the latter.
>
> – Pius XI, *Quadragesimo Anno*, n. 42

7.1 Introduction

Goals for this chapter

(1) To study the origin and nature of property
(2) To study the moral and empirical principles of economics
(3) To consider the breadth of modern Catholic teaching on economics since the 19th century
(4) To learn the final causes of human economic action

Readings for this chapter

– Storck, *An Economics of Justice and Charity*
– Clarke, *Man and the Economy*
– Various readings as indicated in the *Course Guide*

When completing the reading and study materials in this chapter, you should have the following general questions in mind, which are also of use when reviewing the course:

The Chapter Questions are listed all together on pp. 211ff.

– What is property? Do individuals have a natural right to private property? What limits this right?
– What is economics? How is it a part of human knowledge and action?

- In particular, what "new" questions does modern economics raise?
- What is the true nature and purpose of modern economics? How ought the economy be conceived in relationship to the common good of a political society?

7.2 Property and Its Rights

This section corresponds to St. Thomas, *ST*, selections to be found in the *Course Reader*, vol. 1, and Storck, *Economics of Justice and Charity*, app. 1.

Reading questions

Before you read, consider the following: ***When you were young, what made your toys* yours *as opposed to your sibling's? Or what made your things* yours *instead of your parent's?***

As you read St. Thomas, consider the following questions:

- On *ST*, IIa-IIae, q. 66:
  - For what reason or reasons is property natural to man? In what sense is it not natural? (a. 1)
  - What sort of right exists to own private property? What grounds this right? How is the right to private property limited? (a. 2)
  - What is theft? (a. 3)
  - What "exceptions" are there to the prohibition of theft? Do these exceptions prove the rule? (aa. 7–8)
  - Optionally, students may read aa. 4–6 and a. 9.
- On *ST*, IIa-IIae, q. 77: What is fraud? Why is it wrong, according to St. Thomas? What practical implications for economic justice does this question entail?
- On *ST*, IIa-IIae, q. 78, aa. 1–2: What is usury? Why is it wrong, according to St. Thomas? What practical implications for economic justice does this question entail?

As you read, consider the following questions about Storck, *Economics of Justice and Charity*, app. 1, "The Question of Usury":

- Historically, what is usury?
- What has the Church taught about usury? What arguments support it?
- Does the Church's teaching about usury have any application to the economies of today, according to Storck?

The principal idea is that certain loans of money could generate, under certain conditions, a justified extrinsic title for the borrower returning more money than the principal borrowed, but this was not an intrinsic title based on the use of the money.

Post-reading questions

Are St. Thomas's considerations concerning justice and property still relevant today?

Concerning 1. 66, a. 1, note that we cannot have dominion of the natures of things, but we can use things for our benefit, as the less perfect for the sake of the more perfect (natural dominion argument). But the implicit reasoning (see a. 7 where it is explicit) is the natural need argument. This article only concludes that human nature has a right to property: is this communal or private or both?

In the next article (q. 66, a. 2), note the distinction: (A) humans can manage and dispense property or (B) use property. The first justifies private property, not the second. (A) Private property of management and dispensing is just because of (1) to avoid the "tragedy of the commons"; (2) for a more orderly human life; (3) to promote contented peace. (B) The use of external goods should be as common possessions.

In q. 66, a. 7, note how need underlies the right to property, and how necessity makes the property common. Note also what Aquinas says about superfluous possessions in this light. The natural law basis for property in need to sustain our life makes such cases not stealing. Finally, in a. 8, note the "public authority" argument, as well as the clarification of Augustine in ad 3.

In q. 77, a. 1, fraudulently "selling high" is unjust; the normal case is to sell at a just price, although the case may vary depending on the buyer and seller's need of the property (draw a punnet square!). Note the limits of human law and just price in ad 1; and economic vice in ad 2.

Because the first article seems to make most business a sin, or impossible, we go to consider in a. 4 that *business* in the pejorative sense is not simple exchange or trading (without profit), but exchange for profit; since profit or gain could be ordered to a good end: business is lawful to support your family or the needy or for public advantage. The replies and the body of the article emphasize that seeking profit as its own end is unjust. Note the basis for "economy" or "market" in the ad 2; implicitly, this seems to include investments.

Lastly, in q. 78, a. 1: to take interest on a loan is unjust because it is to sell what does not exist, because for property the use of which is its very being consumed or used up, the thing and the use are not different. Note how the objections are particularly thorough. We might find this odd, since lending at interest is so common; where

does Dante put usurers? Note the limits of human law (ad 3), and against a "consent argument" in ad 7.

In a. 2: Note first the thorough list of objections; in the body of the article, there is seemingly little room for an "advantage" that allows for interest. However, the ad 1 considers a recompense for true risk when lending (cf. later: *lucrum cessans* versus *damnatum emergens*). The ad 5 carefully distinguishes loans from investments. The ad 6 considers security deposits that are then rented out by the lenders; ... books? The ad 7 is close but not quite a "time value of money" idea; generally: nothing from nothing!

In a. 3, the brief answer is yes; but note the careful distinctions based upon harm or the type of things extorted; in a. 4, one could borrow money at interest if there is no other option.

An interesting—pun intended—bonus reading would be *ST*, IIa-IIae, q. 118: On Covetousness. For instance, St. Thomas's remark about money in a. 7, ad 2 is striking: "It is true that money is directed to something else as its end: yet insofar as it is useful for obtaining all sensible things, it contains, in a way, all things virtually."10

7.3 Papal Economics in the 19th Century

This section corresponds to *Economics of Justice and Charity*, intro and ch. 1, and the encyclical *Rerum Novarum* of Pope Leo XIII (*On Capital and Labor*, *RCST*, pp. 92–121).

Reading questions

Before you read, consider the following: ***Based on prior knowledge, how is "economics" defined? As a branch of knowledge, what is its purpose? Is economics a study that is concerned only with technical problems (it is to money as engineers are to designing machines), or are there moral considerations that are essential to economics? What defines capitalism as an economic system? What defines socialism as an economic system?***

As you read, consider the following questions about Pope Leo XIII's *Rerum Novarum*:

- What is the scope of this encyclical? What is the reasoning behind its division and structure?
- What arguments are used to defend the right to private property? How is this seen as a response to socialism?
- How does Pope Leo XIII address the existence of social inequality between rich and poor? What does the Church propose ought to be done?
- What ought the state do to regulate the economy justly?
- What is a just wage? What is the purpose of an association of workers?

As you read, consider the following questions about Storck, *Economics of Justice and Charity*, intro and ch. 1:

- Based on the introduction, what is Storck's main goal in his book? What is most striking about it, given your own experience with the economic, political, and eccelsial?
- From the first chapter, what is essential about the historical background to understand *Rerum Novarum*?
- Notice the points of *Rerum Novarum* which Storck highlights. What does he bring out that you missed when you first read it? Do you think Storck is reading the encyclical clearly and cogently?

Post-reading questions

After working through the reading questions concerning scope, structure, and particulars of the encyclical, we should turn to

discuss whether and how Pope Leo XIII is articulating principles and norms of economics, as opposed to guidelines or ideals.

Philosophy of Economics: The Basics

We should also have some of the following basic ideas about the broader context and meaning of "economics" in mind as we begin our discussions in these two chapters. First, we should note how this material is not the same as that found in a course on modern economics. How exactly is it different? Perhaps it differs analogously as taking a philosophy of science course differs from taking a science course, or how a calculus course differs from an engineering course that uses calculus.

At any rate, we should consider the following elements of the philosophy of economics. First, what is the foundation in human nature for economics? Second, how ought economics to be defined? Third, what are some of the notable points about the philosophy of economics in *Rerum Novarum*?

Human nature and economics

In ways similar to but different from our political nature, man is also an economic animal. Economics arises from natural human needs. In particular, it arises from human material needs, and so economics takes shape not only in conjunction with human social nature but also how material resources can be ordered to fulfilling human needs and wants. Here is how one 20th-century scholastic economist puts it:

> Without the assistance provided by our natural environment, man would be deprived of the prerequisite and the material foundation for any higher cultural endeavor; and, in fact, even his mere physical existence and survival would be impossible. The preservation and development of life, the development of physical and intellectual capacities occurs with the help of the things which are roundabout us. The world is our domicile, our garden, our work place. It serves the intellect as the object of its investigation, and it leads us to the knowledge and love of the Creator. From it we can and ought to fulfill our lives and our potential, and derive those objects which we need for our livelihood. Therefore, if the deeper and ideal basis for man's dominion over the world is to be found in his being made in the image of God, who is the ultimate and highest purpose of his supernatural destiny,

Pesch, *Solidarist Economics*, p. 4.

> that same dominion nevertheless has a very real and more proximate basis and purpose manifesting itself in the natural conditions of our bodily and intellectual existence here on this earth.
>
> We are saying that man is compelled by his nature and by the nature of his environment to subject the earth to his service in a purposeful and continuous manner, since it is only in this way that he can achieve the satisfaction of his wants and assure his being able to continue doing so on a continuing basis.

While this might seem obvious, the many meanings of "wants" (it can mean a lack or a desire) gives rise to many difficulties. Here, one might recall the discussion in Plato's *Republic* about the city of "utmost necessity" (see Book II, 370a). Or, one could recall St. Thomas Aquinas's distinction (following Aristotle, in *Politics*, I.3) between natural and artificial wealth.* To this several complications must be added: what human beings value aright and accurately judge as choiceworthy is not always absolute,† and what is economically valuable in itself is not necessarily the same as what is naturally valuable or good in itself.‡ That is, the economic good is defined in relation to or relative to human nature, but for all that it does not make it a subjective good.

The materiality of economics is a sign of its place as a part within the whole concern political philosophers have when looking to the human good for the sake of action.

Pesch, *Solidarist Economics*, p. 8.

> Man's social nature and social activity is not confined to economic life. Intellectual and moral accomplishments,

* See St. Thomas, *Summa Theologiae*, Ia-IIae, q. 2, a. 1, c.: "Natural wealth is that which serves man as a remedy for his natural wants: such as food, drink, clothing, cars, dwellings, and such like, while artificial wealth is that which is not a direct help to nature, as money, but is invented by the art of man, for the convenience of exchange, and as a measure of things salable." In the ad 3, St. Thomas notes that "the desire for artificial wealth is infinite, for it is the servant of disordered concupiscence, which is not curbed." (Shapcote translation)

† See St. Thomas, *Quodlibetal Questions*, Quodlibet I, q. 7, a. 2, c.: "There are two ways to compare things: absolutely and in a specific case. Now, there is no reason why something better, absolutely speaking, should not be less choiceworthy in a specific case. For instance, philosophizing is better than making money, absolutely speaking, but when necessary, making money is more worthy of choice. A pearl is more valuable than a loaf of bread, but during a famine the bread would be chosen instead. As Lamentations 4 says: *They have traded their precious things for food to revive their souls*" (Nevitt and Davies translation, emended, pp. 203–204).

‡ See St. Thomas, *Sent. Ethic.*, V, lect. 9, n. 981: "He states that it is possible to equate things for this reason, because all things can be measured by some one standard, as was pointed out. But this one standard which truly measures all things is demand. This includes all commutable things inasmuch as everything has a reference to human need. Articles are not valued according to the dignity of their nature, otherwise a mouse, an animal endowed with sense, should be of greater value than a pearl, a thing without life. But they are priced according as man stands in need of them for his own use" (Litzinger translation, emended).

> as in religion, art, and science, transcend by far the pedestrian considerations that have to do with making a living. Yet, the economic sphere does occupy an important position in human society; in fact we may be permitted to say that it represents the underlying basis and the indispensable prerequisite for all higher kinds of human activity by individuals in society.

So, we can note two ways in which the place and role of economics within moral philosophy as a general study could be misunderstood. First, because it concerns something that is a necessary condition for human life (the satisfaction of material needs), it could also be taken to be the most important part of the study of the human good. But just because a good is fundamentally necessary does not mean it is the best good, even if taking it away would result in a great evil. Second, because economics is related to human desires which can be, in a way, infinite, there is a danger of measuring economic action by the indefiniteness of that desire as a controlling first principle, rather than higher norms—such as the virtues or justice—governing the covetousness for material goods.

What is economics?

If economics is founded on human nature in its material needs and wants, this means that economics is the study of a range of specifically human actions: "All such actions fall into four categories: humans produce, exchange, distribute, and consume goods." Since they have to do with human actions, and the excellence of human actions requires the virtues, economic actions are excellent when governed by human virtues. In particular, the relevant virtues are prudence and justice.

Mueller, *Redeeming Economics*, p. 1.

> *Economics is essentially a theory of providence*. It mostly concerns human providence, describing how we provide for ourselves and the other persons we love, using scarce means that have alternate uses. From the beginning, however, economic theory has also concerned divine providence. All serious attempts to explain the order in markets (which is a fact, not a theory) have been derived from some theory of divine providence. The most famous, of course, is Adam Smith's renowned "invisible hand." But the earliest and still the most coherent theory was Augustine's, who deliberately avoided the term *invisible hand* and called the order in markets the "hidden equity . . . stamped upon the business of transactions of men by the Supreme Equity." Augustine explained why a correct understanding of

Ibid., pp. 3–4

Mueller cites a letter of St. Augustine to Simplician.

> the relation between human and divine providence is necessary for a correct understanding of economic activity even—or especially—when it contradicts moral or religious norms.

If this is the way in which economics involves the virtue of prudence (i.e., human providence), how does it involve justice? Well, let's return to the fourfold character of human economic action: people plant and build, buy and sell, marry and are given in marriage, and eat and drink (see Luke 17:27–28). That is, "human beings produce, exchange, give (or distribute), and use (or consume) our human and nonhuman goods." Thus, economics must concern itself with theories of distribution (for whom goods are), utility (what is good or useful), production, and exchange (or equilibrium).

Mueller, *Redeeming Economics*, p. 18, as well as pp. 20, 22–26.

Without all four elements, an economic theory is inadequate to the reality of human actions. In particular, the element of final distribution looks to distributive justice, that of utility accounts for how we value or rank or prefer various scarce material and human goods, a theory of production explains the nature and function of capital and labor, and the element of exchange looks especially to commutative justice. Finally, since economics only concerns itself with a part of human action as a whole, the relationship between the economic and political orders will require legal justice (see above, p. 121).

Economics and Rerum Novarum

This broader context of the principles of prudence and justice that are prior to and normative of economics as a study of human action is also the context of Pope Leo XIII's encyclical letter.

> In the past, although the rich often exploited the poor, every Christian society was officially committed to justice and a sufficiency for each person. However little it may have lived up to it, Christendom upheld the ideal of society as a family. As the historian Christopher Dawson wrote of the Middle Ages: "Every individual and every corporation [guild] had their special offices to fulfill in the Commonwealth, and each was entitled to a just reward" But this was no longer the case in the nineteenth century. Some thinkers, such as Marx, openly advocated class warfare; others, such as adherents of the Manchester school of economists in England, taught that the problems of the poor were of no concern to others and that it was wrong for the state or any private person to intervene on behalf of workers, who, by a dictate of nature, were forever doomed to

Storck, *An Economics of Justice and Charity*, p. 12.

> poverty at starvation wages. Meanwhile, industrialization had reduced the poor to a state worse than ever: "little better than slavery," as Leo XIII was to write.

Thus, all three types of justice, connected to all four elements of economic theory, inform Catholic social teaching in general and Pope Leo XIII's writing in particular. Concern for the distribution of property, a living or just wage, or worker's unions are examples of these general considerations of justice. However, as they are general, they are distinct from the particular means and policies that would realize them. We shall return to such topics later.

7.4 The Deary Science Boot Camp, Part 1

This section corresponds to the reading of Clarke, *Man and the Economy*, Preface & Intro, and Chapters 1–7 (pp. 1–58).

Reading questions

Before you read, consider the following: ***What are some of the main ideas of modern economics that you can list? Its key principles or laws?***

As you read, consider the following questions:

- Preface & Introduction: What is the goal of this book? What is notable about its approach and content?
- Chapter 1: What is economics? What can it do? What are its limitations?
- Chapter 2: What are key features of the history of economics? Has economic science discovered any laws of economic behavior?
- Chapter 3: What is an economic theory? Must such a theory have assumptions? What are some examples?
- Chapter 4: What is positive economics? What is normative economics?
- Chapter 5: What assumptions does the theory of perfect competition make? What are the consequences of the assumptions of the theory?
- Chapter 6: What assumptions does the theory of perfect competition make? What are some examples of how it differs in its assumptions from the picture in Chapter 5?
- Chapter 7: What is macroeconomics? What are some of its assumptions?

Post-reading questions

Our discussion will be guided by the goal of understanding Chapters 5 and 6 in particular.

7.5 The Deary Science Boot Camp, Part 2

This section corresponds to the reading of Clarke, *Man and the Economy*, Chapters 8–14 (pp. 59–126).

Reading questions

Before you read, consider the following: ***Is the "picture" of economic action as presented by Clarke realistic? What is missing?***

As you read, consider the following questions:

- Chapter 8: What characterizes economic "rationality"? What philosophical assumptions underlie such characterizations? What ought to characterize economic reasonability?
- Chapter 9: Why does Clarke claim that the "free market" can be an ideology and what does this mean?
- Chapter 10: What is "the invisible hand"? Why is it a "myth"?
- Chapter 11: What is "complexity" and how does it affect economic science?
- Chapter 12: What is "welfare" according to economic science?
- Chapter 13: What is the meaning of these key ideas regarding law and economics?—The "duty to read"; *caveat emptor*; the Coase Theorem; informed consent; *Peevyhouse*?
- Chapter 14: Are there "facts" in applied economics? In such applications, is there a real distinction between positive and normative economics? Can the theories of economics be tested? What does *ceteribus paribus* mean?

Post-reading questions

Our discussion will be guided by the goal of understanding Chapters 13 and 14 in particular. **Bonus question: What is an "open system" (vs. a "closed system") in natural science?**

The remainder of Clarke's book is optional. Part II would be very helpful reading for the second paper concerning economics, and Part III contains various chapters considering very specific problems that students should read as they are interested.

7.6 Papal Economics in the 20th Century, Part 1

This section corresponds to the reading *RCST*, *Quadragesimo Anno* (*On the Reconstruction of Social Order*, pp. 207–241), an encyclical of Pope Pius XI promulgated on the fortieth anniversary of *Rerum Novarum*.

The discussion in class will focus on the encyclical alongside various chapters from Storck's book.

Reading questions

Before you read, consider the following: ***Based upon our discussion thus far, do the various moral considerations of economics seem reasonable? Do they seem feasible, even today? Why or why not?***

As you read, consider the following questions:

- What is the scope of this encyclical? What is the reasoning behind its division and structure?
- What points does Pope Pius XI emphasize in his review of *Rerum Novarum*?
- How ought the second part of the encyclical be divided, by its own indications?
- In the second part, what is the Pope's understanding of the teaching authority of the Church in social and economic matters?
- What principal conclusions are defended concerning the following: property? capital and labor? just wages?
- Where does Pope Pius XI introduce the term "social justice"? How is this term defined?
- What "weighty principle" does Pope Pius XI introduce when discussing the reform of economic institutions?
- What is the nature and purpose of labor? What is the nature, purpose, and limitation of the market? What institutions are proposed to reform the economy?
- What ought the third part of the encyclical be divided, by its own indications?
- How is capitalism defined? What is Pope Pius XI's judgment of capitalism?
- How is socialism defined and divided? What judgment is passed on different versions of socialism?
- How do the Christian and socialist conceptions of society differ according to final causality? Does a capitalist conception of society differ from these two in some further way?
- What moral reforms are proposed towards the conclusion?

– In the conclusion, how does Pope Pius XI depict the relationship between the Church and modern states?

Post-reading questions

Our main business in class discussion will be to work through the above reading questions. The next class will focus on deeper analysis and furthering the themes of *Quadragesimo Anno*.

7.7 Papal Economics in the 20th Century, Part 2

This section corresponds to the reading of Storck, *Economics of Justice and Charity*, chs. 2–5 and app. 2.

As you read Storck, *Economics of Justice and Charity*, chs. 2–3, consider the following questions:

- How does Pius XI define and evaluate capitalism in *Quadragesimo Anno*? What is a "corporation"?
- What new concerns arise in papal economic teaching in chapter 3?

As you read Storck, *Economics of Justice and Charity*, ch. 4, consider the following questions:

- What is most striking about the points Storck raises from *Laborem Exercens*? from *Sollicitudo Rei Socialis*
- Is there something that characterizes Pope John Paul II's philosophy and theology of economics as a whole, based upon the readings thus far?

As you read Storck, *Economics of Justice and Charity*, ch. 5 and app. 2, consider the following questions:

- What is most helpful to you about what Storck highlights from the first two chapters of *Centesimus Annus*?
- Based upon Storck's reading of *Centesimus Annus*, is Pope John Paul II a free-market capitalist when it comes to economic theory?
- What are some constant themes in Pope John Paul II's economic teachings?
- In Appendix 2, what is the difficulty that Storck identifies when it comes to interpreting *Centesimus Annus*? What passages are misintepreted? How does Storck agree or disagree with his interlocutors?

Deepening Normative Economics

Recall that, in the previous note (beginning on p. 141), we established the broader context of prudence and justice that informs economics as a theory. Pope Pius XI's encyclical letter *Quadragesimo Anno* also has this scope in mind, as one can tell from its English subtitle: "On Reconstructing the Social Order and Perfecting It Conformably to the Precepts of the Gospel." This is also clear in its review and endorsement of Pope Leo XIII's *Rerum Novarum* and its concern with subjects like the right to property, the nature of wages, and its discussion of social or distributive justice and the principle of subsidiarity, among other things.

This encyclical is helpful for our further understanding of the more philosophical elements of economics in the following ways. For instance, a brief definition of capitalism is provided (see *Quadragesimo Anno*, n. 100). That is, "the defining note of capitalism is not private ownership or private economic initiative, but the separation of ownership and labor, the system in which, generally speaking, some people provide the capital and hire others to work for them." We should also note that, while "a sincere Catholic" cannot be a true socialist (see nn. 117–18), the reasoning that the pope employs in these passage also strikes against using material benefits alone to justify a free market system. Indeed, the freedom of the market cannot be its own self-sufficing first principle (as argued in n. 88). Storck argues concerning a related passage of *Quadragesimo* that

Storck, *An Economics of Justice and Charity*, p. 28.

See ibid., pp. 30–31.

> This passage makes it clear that no Catholic may accept free competition as the arbiter of the market and economic activity. Instead, such activity must be ruled by the principles that Pius speaks of here. What principles are they? Social justice and social charity. Earlier the pontiff had introduced the concept of social justice and had stated that "the good of the whole community must be safeguarded. By these principles of social justice one class is forbidden to exclude the other from a share in the profits." (n. 57) Social justice, then, demands that society—and in particular the economy—be organized so that it itself promotes the good of the whole and of each of the parts.

Ibid., p. 27.

Now, one example of this that is usually the subject of heated debate is the idea of a "just wage" or a "living wage" for workers. Keeping in mind the distinction between a general discussion of principles and how they are to be founded and applied in concrete circumstances, we should consider how the 20th-century scholastic economist, Heinrich Pesch, clarified the idea of a just wage.

Grosschmid, "Pesch's Concept of the Living Wage in 'Quadragesimo Anno'," pp. 149–51. See also Pesch, *Solidarist Economics*, pp. 229–69.

Pesch states that a satisfactory solution of the wage question can be given only if one argues on the basis of generally accepted principles. The just wage must conform, according to natural law, with two principles of justice: with the principle of commutative justice and with the principle of social justice. These principles offer the best a highest viewpoint for measuring wages.

Iustitia commutativa, i.e., strict or commutative justice, is the first type of justice to be applied in the determination of the just wage. According to Pesch this type of justice ought to dominate the whole realm of exchange, since it usually embodies the idea of a *quid pro quo*. Work is rendered and wages represent the compensation for work done; strict or commutative justice requires wages to be equivalent to the value of services rendered.

The second principle to be considered in determining wages is that of social justice which should dictate not only the particular wage but also the wage structure of the entire economy, since one obviously affects the other. For example, unduly high wages in certain branches of industry may cause too low a wage level in industries depending on these branches. The principle of social justice further should influence the interrelation of wages and prices. . . .

Having established his concept of the argument, Pesch presents his views on the following points. (1) It is out of the question that the employer should be expected to care for the members of the worker's family unless they were in need or distress. (2) There is no doubt that the family living wage pertains to the common good. The question is, then (3) whether the family living wage is due the worker in commutative justice or whether it is due him only on account of the common good, i.e., whether it is a claim in social justice only.

Here one has to differentiate between labor as active work (*praestatio operis*) and labor as the "application of the human working power" (*labor*). It is clear that if by the appraisal of the value of the work one considers only the physical action of the worker and the profits derived therefrom, one obviously cannot talk about the family living wage. Just as the family does not participate in the work, the family in commutative justice cannot be taken into account. If, however, one regards labor in view of the latter definition the conclusion in regard to a just wage is quite different. It seems *de iure et de facto*

> that the natural and general destiny of human working power is to be able to support an average family. Only the wage the worker receives enables him to live as befits a man (*humano modo*). If, therefore, labor is to be considered an activity of the human working power with its natural purpose—to provide a living—then in commutative justice this wage must be sufficient to cover not only the needs of the worker, but also the requirements of an average family, since family life is normal to most men. . . .
>
> If this deduction in regard to the destiny of human labor is correct, it would follow that the family living wage is, under normal circumstances, the very limit or the minimum just wage for the multitude of workers who are to found and support a family.

Note how the application of both commutative and distributive forms of justice, alongside the distinction made with regard to the nature of human work, is what drives Pesch's conclusion (paraphrased above) that there is no moral distinction between a just wage and a living wage. While this leaves much to discuss as regards how concrete and technical economic questions (as well as socio-cultural discussion about who is expected to work to support the family), one element that ought to be brought up is how such wages ought to be agreed upon. This brings us back to *Quadragesimo Anno*.

We should note in particular Pope Pius XI's discussion of working associations (see nn. 83–87; note that nn. 85–87 are omitted in *RCST*). These are not exactly what we think of or have in the form of unions, because they are associations of men "not according to the position each has in the labor market," that is, employer versus employee, "but according to the respective social functions which each performs." What does this mean?

> In other words, *everyone* who works in the same industry, managers and workers will be part of that industry's occupational group. Unlike labor unions or employer associations, necessary as both groups may often be, occupational groups are to express the natural functional groupings of society, not class conflict between owner and worker. For everyone who makes a living in a particular industry must draw his livelihood from that industry's prosperity. From the company president to the mailroom messenger, each is rightly concerned, in different degrees, with the prosperity of the industry, and hence is interested in the industry's markets, sources of supplies, potential customers, and

Storck, *An Economics of Justice and Charity*, pp. 25–26.

> technology—in everything that contributes to the industry's health and profits. In addition, the members of the industry ought to be interested in whether and how the industry as a whole serves the common good. . . .
>
> What sorts of activities will these occupational groups engage in? . . . Pius does not himself propose any other duties for these groups here, but in addition to those recommended by Leo XIII, many commentators have suggested that they deal with questions such as prices of their products and the market share of participating firms. In the end, they are to reorient economic life so that different firms, as well as their managers and workers, regard themselves as brother working together to serve the public, not as competitors or rivals trying to grab as large a share of the pot as possible.

Now, such suggestions, while general and necessary short of specific details, are often subject to the objection that they are unrealistic or impracticable. Doesn't modern economics require as a key principle the assumption of human greed and competition, which it channels into productivity? We will return to such issues below.

Finally, in conjunction with our discussion of the free market, human relationships, and wages, the following passage from the famous Austrian economist Ludig von Mises is worth considering:

———— ❋ ————

Von Mises, *Human Action*, p. 526.

> In the market economy the worker sells his services as other people sell their commodities. The employer is not the employee's lord. He is simply the buyer of services which he must purchase at their market price. Of course, like every other buyer an employer too can take liberties. But if he resorts to arbitrariness in hiring or discharging workers, he must foot the bill. An employer or an employee entrusted with the management of a department of an enterprise is free to discriminate in hiring workers, to fire them arbitrarily, or to cut down their wages below the market rate. But in indulging in such arbitrary acts he jeopardizes the profitability of his enterprise or his department and thereby impairs his own income and his position in the economic system. In the market economy such whims bring their own punishment. The only real and effective protection of the wage earner in the market economy is provided by the play of the factors determining the formation of prices. The market makes the worker independent of arbitrary discretion on the part of the employer and his aides.

The workers are subject only to the supremacy of the consumers as their employers are too. In determining, by buying or abstention from buying, the prices of products and the employment of factors of production, consumers assign to each kind of labor its market price.

What makes the worker a free man is precisely the fact that the employer, under the pressure of the market's price structure, considers labor a commodity, an instrument of earning profits. The employee is in the eyes of the employer merely a man who for a consideration in money helps him to make money. The employer pays for services rendered and the employee performs in order to earn wages. There is in this relation between employer and employee no question of favor or disfavor. The hired man does not owe the employer gratitude; he owes him a definite quantity of work of a definite kind and quality.

The Impracticality Objection

In our discussions of economics, free markets, capital, and labor, we could take Wendell Berry's observation as our own: "The great question that hovers over this issue . . . is the question of what people are *for*." Just as the law is for the sake of human beings, but not vice versa, so too the economy is for the sake of people and for their ultimate ends, and not conversely.

Berry, *What Are People For?*, p. 125.

These issues are complex, and it is unclear to many whether and how the principles of morality can be fully applied to modern economics. This is the objection against a fully moral economics, due to its impracticability:

> While professing a regard for it, [some] maintain—sometimes openly, sometimes by implication—that Catholic social teaching is too unworldly, impractical, altogether impossible to implement in this life. . . . Reasons to doubt the feasibility of really implementing Catholic social teaching are easy to understand. Aside from the initial problem of persuading the majority, especially those in positions of power, that social justice according to the Church's vision is something to strive for, the logistical problem of making a transition from what we have now to what we desire is overwhelming. . . .
>
> But I would like to compare the difficulty of the task with the difficulties involved in another area of Catholic morality: chastity. Is it feasible to expect the

Storck, *An Economics of Justice and Charity*, pp. 150, 151.

> world to become chaste? Here the problems seem at least as daunting. In our own country and in most of the West, we have not just indifference to chastity, but outright hostility. . . . All this and more is true, yet one rarely finds those who are full of doubts about the feasibility of doing anything about Catholic social teaching taking the same view on chastity.

The argument is essentially one along the lines of what St. Thomas has to say in regard to the purpose of human law generally. The goal of human law is to lead individuals to virtue, and while this does not mean that all virtues must be promoted all the time, neither does it mean that virtue ought not to be promoted. Just because more lax laws would follow the path of least resistance along the averages of human character does not license such lawmaking. The principle is more generally applicable to the relationship between the natural law and human law than Storck's example alone. The objection from impracticability will return soon.

See St. Thomas, *Summa Theologiae*, Ia-IIae, q. 96, aa. 2–3.

7.8 Papal Economics in the 21st Century

This section corresponds to the optional reading of Storck, *Economics of Justice and Charity*, chs. 6–7.

Reading questions

As you read chs. 6–7, consider the following questions:

- What is new and what is the same in Pope Benedict XVI's economic teaching?
- What is new and what is the same in Pope Francis's economic teaching?

As you read ch. 7, app. 4, and the epilogue, consider the following questions:

- What sort of authority does the Church's social teaching have, according to Storck?
- What are the specific teachings of the Church in the area of society and economics that Storck considers to have been infallibly taught?
- In Appendix 4, how does Storck answer the title question? Are his answers to the various objections adequate? Note any insufficiencies that you see in them.
- What is the main thesis of the Epilogue?

Post-reading questions

What has changed or developed over time in papal economic teaching? What has remained the same? What accounts for this difference?

The Impracticality Objection (Again)

Previously (see p. 155), we had brought up the objection from impracticability. That is, the moral theology and philosophy of economics proposed by Catholic social teaching is too idealistic and unrealistic for the "real world." The answer to the first round of this objection is that it would prove too much. That is, too much of the moral life would become "unrealistic" to teach or legislate on such grounds.

However, someone might think that the previous examples of promoting morality through legislation (for instance, legislating against public drunkenness or drunk driving) or other social actions (especially education) has its limits, and reaches them when it comes to economic justice. That is, in such matters—the objector says—there

> is the need for an organized and coordinated approach to social questions. In the case of chastity, generally all that is required is an individual exercise of will, strengthened by divine grace. We are not dependent on another's decisions as to whether we will be chaste or not. But this is not true with regard to social justice. As I said, all aspects of the economy are interrelated. . . . Each economic actor is not entirely his own master. Amintore Fanfani . . . relates the following anecdote: "I remember that in a little village in Tuscany there were only two bakeries. The owner of the one wished to close on Sunday, but was unable to do so because his rival kept open, and had he himself failed to follow suit he would have lost his customers who, being restaurant-keepers, wanted fresh bread Sundays as well as week-days." The more complicated the economy, the more does such interdependence exist. In short, in social morality we often depend upon the decisions of other people, our individual responsibility is often less clear, and many times there are questions that involve that murky and less precise area of moral theology known as *cooperation*.

Storck, *An Economics of Justice and Charity*, pp. 152–53.

We should note, first, that the moral analysis of cooperation with the good or evil actions of others is not simply a part of theology, since moral theology almost entirely relies upon philosophy in such matters. However, the point of this second stage of the objection from impracticability is clear. Compare it to the first stage: even granting that the goal is still *normative* (as is the case with chastity or other individual virtues that even human law can command, insofar as they are related to the common good), there is still

the difficulty that the goals of economic and social justice are not individual goals, but require a complex array of coordinated action, much of which could not be commanded, systematized, or centralized even if one tried.

How to deal with the second stage of the objection? First, we could recall that Pope Pius XI called for not merely workers's unions but also professional associations that would help to rightly order specific types of industries and business endeavors towards the common good (see above, p. 153). Such means could be more frequently and better pursued. Second, a clearer and more coherent education of Catholics and others, in regard to a just and virtuous economy, is necessary.

See ibid., pp. 153–56.

7.9 Conclusion

This concludes our introduction to the principles of Catholic theology and philosophy of economics. If we take stock briefly, we have now discussed the fundamentals to political philosophy, law, justice, and economics. All the parts and pieces of the political order is there. We now turn to consider the political society or state as a whole, the relationships between states, and the relationship between states and the Catholic Church.

Part III

Church and State

History of Church and State | 8

> For there are, O emperor Augustus, two principles by which this world is principally governed: the sacred authority of the pontiffs and the royal power.
>
> – Pope St. Gelasius I, Letter *Famuli Vestrae Pietatis* (494 A.D.)

8.1 Introduction

Goals for this chapter

(1) To introduce the question of Church and State and to consider the possibility of a Christian state
(2) To review the history of the relationship in question
(3) To begin to consider how this relationship's problems, and past ways to achieve harmony

Readings for this chapter

– From Rommen, *SCT*, chs. 22–27
– Optional selection from *RCST*

When completing the reading and study materials in this chapter, you should have the following general questions in mind, which are also of use when reviewing the course:

The Chapter Questions are listed all together on pp. 211ff.

– Why is it necessary to consider the relationship between the Catholic Church and the state?
– What key events and ideas are there in the history of the relationship between the Church and the state?
– What is the ideal relationship between the Church and the state?

Outline of Rommen, SCT*, Part III*

– Introduction to and overview of the question (Ch. 22; introduces six "eras" of the question's history)
– History of the question
  · On the first three "eras" of history (Ch. 23)
  · On the fourth era (Ch. 24)
  · On the fifth era (Ch. 25)
– Resolution of the question at various levels (Chs. 26–27)

On Political Theology

In the third chapter of Rommen's book, titled "Political Theology" (*SCT*, pp. 60–90), he discusses the basics that concept. Political theology is "the thesis that theological doctrines and the fundamental concept of God which a political philosophy holds are of greatest influence on its ideas, principles, and elaborations, however little this theology may be openly expressed."

Rommen, *SCT*, pp. 61–62.

As usual, Rommen makes a distinction. On the one hand, there have been examples where political philosophies have been unduly influenced by revealed or supernatural theology (Luther, Calvin, and various Catholic thinkers). On the other hand, it is true that political philosophy, for its ultimate principles, must rely upon metaphysics and therefore natural theology. Thus, it is true that political philosophy ultimately implies and requires a doctrine about God, and depending upon how those contentions take shape, it can have beneficial or deleterious effects on one's political philosophizing (e.g., atheism as the basis of political philosophy).

Thus, on the one hand, Rommen argues:

> From the standpoint of Catholic theology a specific political theology cannot be held. St. Thomas bases political philosophy on natural reason and natural law, not on revelation and supernatural theology. Natural theology in the form of theism is indeed involved, but theism is based on natural reason and not on a traditionalist original revelation nor on a subjective spiritual revelation. Thus it remains that the rights and duties of the citizen are not changed in substance through supernatural theology or through baptism; they are perfected and exalted. The natural motives are strengthened through supernatural motives, but they are not superseded by the latter. The divine law that issues from grace does not abolish human law that issues from natural reason.

Rommen, *SCT*, p. 78.

On the other hand, Rommen nevertheless maintains:

> Such a repudiation of "political theology" must not be interpreted as if supernatural theology had no influence whatever in matters of political life. Theology will always be of help and assistance to political philosophy. But that does not exclude the fact that the latter's principle of knowledge and its starting point of speculation is reason and experience, that it is natural revelation and natural law, not primarily and essentially theology and faith. This repudiation does not deny that positive

Ibid., p. 82.

> theology or supernatural revelation is a most efficient help, practically a necessity for propagating among men with their *natura vulnerata* the cognition of those verities which belong to the natural order of knowledge, to reason. Now that we have received the truth of revelation we are, so to speak, in possession of the truth independent of speculation, of the discursive processes of reasoning. Thus a repudiation of political theology does not mean that theological supernatural truth is of no corrective and directive influence in political philosophy or that ecclesiastical authority has no right to teach in this field. It means only that reason and experience are the principles of knowledge sufficient for its speculation.

Thus, natural reason is *necessary* for political philosophizing, but it is not a *necessary and sufficient* condition, and to say that it is not sufficient does not mean that it is therefore impossible. This is why Rommen notes the difficulties that arise due to original sin, our *natura vulnerata*. This relationship between nature and grace is crucial for fully understanding the problem of the relationship between the Church and the state, and the natural inscrutability of grace from the strictly natural resources of the political philosopher adds to this problem.

Now, while supernatural theology and the principles of grace do have a "top-down" sort of relationship to political philosophy, this differs from the "top-down" relationship of natural theology to political philosophizing:

> Far different, however, is the case for the influence of natural theology on political philosophy. It is obviously of the most profound importance in political philosophy if the student of the latter is a theist, a pantheist or an atheist. Most anarchists, i.e., men who deny the state as a necessary form of human social existence, are atheists.

Ibid., 82–83.

Now, while there are various historical examples of atheist regimes, we might wonder whether the regime's political philosophy is such because it is atheist or whether being atheist is an accidental feature. At any rate, what is the causal connection between theism and political philosophy? Again, the question comes back to one about the ultimate human good.

This is the "Socratic challenge" of political philosophy. That is, it is theoretically and practically impossible to ignore the existence, nature, and meaning of the ultimate human good; it therefore follows that political philosophy, even in its own proper character,

cannot ignore such a question. It must either solve that question or accept an answer from some other type of knowledge. Thus Rommen concludes:

Rommen, *SCT*, pp. 86–87.

> It is true that the Christian eschatology, the faith in a future life of happiness for the good, of eternal punishment for the wicked, is never an excuse for putting off those who suffer from social injustices and political oppression with the doctrine of the future life. Yet the Christian attitude to social evils and political imperfections will be different from that of the merely secularist humanitarian. The latter easily condemns the demands of Christian ethics in such problems as divorce, birth control, war, and a certain reluctance to cure injustices by violent revolutions. The secularist humanitarian condemns because he implicitly denies God the Judge, personal immortality, and individual moral responsibility in favor of a social or historic determinism. And so it comes that he is readily tempted to the worship of the state, to uncritical belief in the reforming power of the state. The secularist liberal of the early nineteenth century, with a strong bias against the state, may easily become the promoter of an intolerable growth of government interference in the sphere of personal and communal liberty at least as long as democratic formalities are observed. The expectance of *vita venturi saeculi*, once for all, makes impossible the divinization of the state or of the classless society as the ultimate meaning of history. It makes impossible the destruction of individual liberty and moral responsibility, those necessary suppositions to put the state into its right place in the universal order of values.
>
> There is no way out. The state as a moral entity, political authority without regard to its historical form equipped with the indubitable right to demand moral obedience and not simply shrewd external conformity, the rights of man, all these problems of political philosophy can find a satisfactory solution only from the standpoint of theism. If the rights of man and the duties of authority, and the duties of man and the rights of authority, do not ultimately originate in a transcendent God who is perfect Intellect, infinite Goodness, omnipotent Will, gracious and just Providence, then there is no escape from anarchy or from tyranny. So invincible is this argument that from time immemorial philosophers have deduced a proof of the existence of God from the nature of man as a political and legal

being, from the existence of the state and of the law.

It is to this relationship between nature and grace, faith and reason, supernatural and natural theology, spiritual and temporal, Church and state that we now turn our attention.

Philosophical Break #7

Consider the following contentions, from an essay by Pater Edmund Waldstein, O.Cist.

Originally published at *The Josias*, February 3, 2015; all excerpts used with permission.

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18. God is infinite perfection and goodness.

God is the one who Is. He possesses absolute fullness of being in the complete simplicity of His essence. «I am who am.» (Ex 3:14) There is nothing lacking in God. There is no division in Him, no distension of Him, no limit to Him. He is an infinite ocean of perfection, and He possesses it all at once in the eternal instant of His infinite life. There is no unrealized potential in God; He is pure act. And therefore He is infinitely and completely good. In the unspeakable happiness of the trinitarian life, God's infinite perfection is known, expressed, loved, and given between three persons who are each the one God.

19. God shares his goodness with the things he makes.

Looking on His goodness with infinite love, God wills to share it. Because, as St Thomas says, «the things that we love for their own sake we want to . . . be multiplied as much as possible.»* But since the Divine essence is absolutely simple and one, it cannot be increased and multiplied in itself. The only way in which the Divine essence can be multiplied is by likeness, by a representation which always falls short of the original. The goodness of creatures is a participation in the goodness of God, a partial sharing by way of likeness to God's own goodness.

* *Summa contra Gentiles*, I.75.

20. The goodness of creatures is found more in their creator than in themselves.

Since the perfections of creatures are merely likenesses of the divine perfection, sharing in His goodness in a partial way, their perfection is really more in Him than in themselves. The perfections that exist separately in the multitude of created things exist in a unified and more perfect manner in the God who made them.

21. The greatest created good is the order of the whole of creation.

Each creature reflects a different aspect of the Divine goodness as no one creature can represent the Divine goodness as a whole. But the unity of God belongs to the very account of this infinite goodness. As St Thomas Aquinas teaches, «Unity belongs to the idea of goodness... as all things desire good, so do they desire unity; without which they would cease to exist. For a thing so far exists as it is one.»* Therefore, since creation is a likeness of a goodness that is essentially *one*, it follows that the multitude of creatures must be brought together, in some way, so as to imitate the divine unity. The unity that belongs to the multitude of creatures is the unity of order, the harmony that binds them all together. St. Thomas manifests this from the creation account in the book of Genesis:

> The good of order among diverse things is better than any one of those things that are ordered taken by itself: for it is formal in respect of each, as the perfection of the whole in respect of the parts... Hence it is said (Gen 1:31): God saw all the things that He had made, and they were very good, after it had been said of each that they are good. For each one in its nature is good, but all together are very good, on account of the order of the universe, which is the ultimate and noblest perfection in things.†

22. Creatures do all that they do out of love for God.

Because the perfection of created things is more in God then in themselves, God is more desirable to them than they are to themselves. As St Thomas says,

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* *Summa Theologiae*, Ia, q. 103, a. 3, c.
† *Summa contra Gentiles*, II.45.

> To be good belongs pre-eminently to God. For a thing is good according to its desirableness. Now everything seeks after its own perfection; and the perfection and form of an effect consist in a certain likeness to the agent, since every agent makes its like; and hence the agent itself is desirable and has the nature of good. For the very thing which is desirable in it is the participation of its likeness.*

And again,

> All things, by desiring their own perfection, desire God Himself, inasmuch as the perfections of all things are so many similitudes of the divine being.†

Plants growing, birds singing, cheetahs running—all these creatures are trying to achieve their own perfection, but it is really more God that they seek than themselves. We can now see the reason for the thesis presented above (11) that all things desire participation in the eternal and divine; it is because they desire their eternal and divine creator.

23. Creatures naturally love God more than themselves.

St Thomas compares the natural love of created things for God with that of a part for the whole.‡ Creatures are not parts of their creator (we are not pantheists), and yet they are ordered to their Creator in the way parts are ordered to a whole. The perfection that they have is a *participation*, a partial sharing, in His perfection. Therefore all creatures naturally love God more than themselves.

24. Only persons love God directly in Himself.

Plants, birds, and lions have no explicit knowledge of God. The plants are moved by a higher cause to develop their own perfection—their love is not elicited by their own knowledge. Although animals too are moved by nature, they are also moved by a knowledge of a sensible likeness of God. Only rational and intellectual creatures (persons) are able to know God as God and therefore have a love that attains to Him in Himself. But there are two kinds of knowledge of God: a natural knowledge that knows God indirectly as the cause of creatures and a supernatural knowledge that will behold God directly. And so there are two kinds of elicited love of

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* *Summa Theologiae*, Ia, q. 6, a. 1, c.
† Ibid., ad 2.
‡ *Summa Theologiae*, Ia, q. 60, a. 5.

God: a natural, and a supernatural love. The supernatural love of God is a gift of grace, which perfects natural love.

25. God is the objective happiness of all persons.

The desire of anyone who is capable of knowing the Creator cannot be satisfied with any creature. In every creature what is desirable is the likeness of the Creator, but every creature falls short of the infinite perfection of the creator. God alone can satisfy. He is objective happiness (see 17).

26. Sin occurs when some lesser good is preferred to God.

As we saw, there is a natural love of God in all things that is not elicited by an explicit knowledge of Him, but rather is the tendency toward divine perfection in the natures of things. This kind of love does not fail. In persons there is also a higher kind of love that follows on knowledge. But while God is naturally more lovable to creatures than they are to themselves, He is not more knowable to them. Creatures first know other things, and then God. This is true even of the angels. Apart from grace, they know their own nature directly, but God only indirectly as the cause of their natures. And so they can prefer the perfection of their own nature to God, and this is the sin of the fallen angels. Human persons can sin in this way too, but they can also sin in another way. Since human persons first know through the senses, and then abstract rational knowledge from sense knowledge, they can be led to prefer sensible goods (such as ice cream) to the higher goods of rational nature. There is nothing sinful about loving lower goods as long as they are not preferred to higher goods; sin comes about when they are loved more than the higher goods, or in a way that is not compatible with loving God above all things. A sin is *mortal* if a lower good is chosen in a way incompatible with loving God as the final end of one's life; it is venial if it is chosen in a way that (to quote Fr. Joseph Bolin), «doesn't quite fit with the love of God, yet is compatible with it—one's final end remains God, but one is too much attached to something which is a means to God.»*

* "Commandments and Counsels".

8.2 The Beginnings of the Question

This section corresponds to the reading of *SCT*, chs. 22–23 (The Meaning of "Church", pp. 469–482; Church and State in the Era of Faith, pp. 483–503).

Reading questions

Before you read, consider the following: ***Reflect on your prior knowledge and what you have taken from the readings thus far on the relationship between religion and political society, or between the Catholic Church and the modern state. What are some of your expectations about what will be discussed and debate as we review the history of this question using Rommen's text? Keep these in mind as you read.***

As you read, consider the following questions about ch. 22:

- Section 1: What does the "*libertas ecclesiae*" mean? Why is this a problem for political philosophy?
- Section 2: What is the Catholic Church, according to Rommen? Why are there not "two Churches"? Why is the Catholic Church a concrete political problem?
- Section 3: What is the constitution of the Church? Why did the Roman Empire persecute the Church thus constituted?
- Section 4: What are the main stages or historical periods of the problem of Church and state? What are the reasons or causes that lead to this "problem"? How do these help to define that "problem" or question of Church and state?
- Section 5: What are the six main eras of the history of this question? What are the four "attitudes" or types of relationship between the Church and the state?

As you read, consider the following questions about ch. 23:

- Section 1: What does "caesaropapism" mean? What are the high points of the first era highlighted here? What are the "two powers" according to Pope St. Gelasius I?
- Section 2: What historical conditions and practices arose during the second era that exacerbated the problems in the relationship between Church and state?
- Section 3: What was the dispute between Pope Gregory VII and Henry IV (the Holy Roman Emperor, not the English or French king)? How does this dispute relate to the idea of *libertas ecclesiae* introduced in the previous chapter?
- Section 4: What was the "consciousness" of medieval people themselves about the relationship between Church and state, especially in the third era? How did they understand the

"two powers" discussed by Pope St. Gelasius I? How was this understanding challenged by the debate between the curialists and the legists? Why is this debate difficult for we moderns to grasp? How did this debate introduce the seeds of decay in the Church/state relationship?

– Section 5: What historical illustrations and ideas are introduced to explain the first type of "attitude" of the relationship between Church and state? (The four attitudes were introduced in the last section of Chapter 22.)

Post-reading questions

Our primary goal, after working through the reading questions above, will be to begin to grapple with the paradigmatically different manner in which Church-State relations are being presented here, in the history of the early Church prior to the Reformation. Two futher texts will aid our discussion.

The first passage is from St. Thomas Aquinas. The second is from the English historian Christopher Dawson. It is excerpted below. Dawson's text summarizes aspects of the period in history about which we read in Rommen, and prepares the way for the consideration of Church–state relations in the era of the Renaissance. First, Aquinas:

St. Thomas Aquinas, *ST* IIa-IIae, q. 60, a. 6, ad 3 (following Wilson translation).

> The secular power is subject to the spiritual power just as the body is to the soul. For that reason, it is not an usurpation of judgment if a spiritual prelate involves himself in temporal matters so far as concerns those matters in which the secular power is subject to the spiritual, or which are granted to the spiritual power by the secular power.

How ought we to understand this analogy from St. Thomas? Here is one explanation, given by the famous Thomistic commentator Cardinal Cajetan, with particular regard to the first way in which spiritual power can get involved "in politics," namely, insofar as it involves matters where the secular power is subject to the spiritual:

Cajetan, *In ST*, ad loc. cit. (Wilson translation, emended).

> For it is manifest, that the spiritual is formal in respect of the corporeal: and by this, the power administering of spiritual things is formal in respect of the power administering of secular things, which are corporeal. It is also indubitably clear, that corporeal and temporal things are for the sake of spiritual and eternal things, and are ordered to these as an end. And since a higher

> end corresponds to a higher agent, moving and directing, the consequence is, that the spiritual power, which is concerned with spiritual things as its first object, moves, acts, and directs the secular power and those things which belong to it to the spiritual end.
>
> And from this it is clear that the spiritual power, of its very nature, commands the secular power to the spiritual end: for these are the things in which the secular power is subject to the spiritual. The text intends this specification with the words: *so far as concerns those matters in which the secular power is subject to the spiritual*. The Author observes by this, that the secular power is not wholly subject to the spiritual power.
>
> On account of this, in civil matters one ought to obey the governor of the city, and in military matters the general of the army, rather than the bishop, who should not concern himself with these things except in their order to spiritual things, just as with other temporal matters. But if it should happen that something of these temporal things occurs to the detriment of spiritual salvation, the prelate, administering of these things through prohibitions or precepts for the sake of spiritual salvation, *does not move the sickle unto another's crop*, but makes use of his own authority: for as regards these things, all secular powers are subject to the spiritual power.

To complete our tour of the old-school theology and philosophy of this worldview, one could consider the excerpts from St. Augustine's "Letter 138" and St. Thomas's *De Regno* in the *Course Reader*, vol. 2. For now, consider the following passages from Dawson.

———— ❖ ————

The Church and the Church alone possessed the power and authority necessary to unite the semi-barbaric peoples of Europe in a universal society. The medieval Church was not a group of individuals, united by common religious opinions, like a modern sect; it was a true kingdom with its own constitution and its own laws, it embraced a much larger part of human life and imparted a far wider citizenship than did the fragmentary and barbarous feudal State. It undertook far greater social responsibilities, inasmuch as all that we now think of as "the social services" , the care of the poor and the sick, and the protection of the weak, belonged to its province instead of to that of the State. Above all, it was the true organ of culture. Education, thought, literature and art all existed

Dawson, *Medieval Essays*, p. 64.

primarily in and for the Church, and it was the representative of the tradition of Latin civilization and order, as well as of the Christian ideals of charity and brotherhood. [. . .]

Ibid., pp. 65–66.

Thus the reforming movement was at once revolutionary and conservative. It broke with the tradition of the Carolingian Empire and the territorial Church in the name of canonical principles and of patristic and apostolic ideals. But, in the circumstances of the age, this led to revolutionary innovations in the relation between Church and State and to the active intervention of the spiritual power in the social life of Christendom. The distinction and independence of Church and State, of the spiritual and temporal powers, was recognized in theory as it had been in patristic times. But the concrete situation had been entirely changed by the territorialization of the Church on the one hand, and by the desecularization of the State on the other. In the patristic age the Church, for all its power and privileges, was a secondary society that existed in the Roman Empire in the same way as the Church exists in the modern State; as St. Optatus writes: "The State is not in the Church, but the Church is in the State; that is, in the Roman Empire." But in the Middle Ages this relation was reversed, and it could really be said that the State was in the Church. The latter was the primary and fundamental social reality, and the State was merely a subordinate institution charged with the office of preserving peace and order. This conception, which is of fundamental importance for the understanding of medieval ideas, was clearly recognized by medieval canonists and theologians but proved extremely difficult to apply to the complex realities of the feudal state. For the symmetry and completeness of medieval social theory was contradicted by the inextricable confusion of ecclesiastical and secular rights and jurisdictions that characterized the actual conditions of medieval society. The Holy Roman Empire was one attempt to achieve a synthesis, the papal theocracy was another. Neither was completely successful. The ideal of Catholic universalism could not make the realities of the territorial system conform to strict canonical principles, while the territorial Church, in spite of its centrifugal tendencies, could not deny the validity of these principles or refuse allegiance to the universal ideals that were inherent in the Catholic tradition. This unresolved tension explains the ultimate disruption of medieval Christendom. Yet, at the same time, it is an essential condition of the religious achievement of the Middle Ages. The Middle Ages were not the ages of Faith in the sense of unquestioning submission to authority and blind obedience. They were ages of spiritual struggle and social change, in which the existing situation was continually being modified by the reforming energy and the intellectual activity that were generated by the contact between the living stream of Christian tradition and the youthful peoples of the West. [. . .]

Dawson, *Medieval Essays*, pp. 67–68.

It is impossible to understand the history of the medieval Church, and its relations with the state and to social life in general, if we treat it in the analogy of modern conditions. The Church was not only a far more universal and far-reaching society than the medieval State, it possessed many of the functions that we regard as essentially political. As F. W. Maitland used to insist, it is difficult to find any definition of a State which would not include the medieval Church, while the State under feudal conditions often lacked prerogatives and functions without which we can hardly conceive a State existing.

In the modern world the Church is regarded as essentially a voluntary society of limited membership and limited functions, while the State is the fundamental fact that dominates every aspect of social life and leaves little room for any independent activity. The chief problem for us is how to safeguard that minimum of social autonomy without which neither the spiritual society of the Church nor natural social organisms like the family can fulfil their functions. In the early Middle Ages, however, the State had neither the physical power nor the moral prestige to make such universal claims. It was sufficiently occupied with the problems of bare existence. It occupied a precarious position between the universal society of the Church, which possessed a monopoly of the higher culture, and the lesser territorial units which possessed so large a measure of local autonomy units which possessed so large a measure of local autonomy as to leave few political prerogatives in the hands of the nominal sovereign. Accordingly, in the Middle Ages the ultimate social reality was not the national kingdom, but the common unity of the Christian people of which the State itself was but the temporal organ and the king the divinely appointed guardian and defender.

Thus to the medieval mind the distinction was not between Church and State as two perfect and independent societies, but rather between the two different authorities and hierarchies which respectively administered the spiritual and temporal affairs of this one society, as Stephen of Tournai puts it in a well-known passage: "In the same city and under the same king, there are two peoples and two ways of life, two authorities and two jurisdictions. The city is the Church the king is Christ. The two peoples are the two orders in the Church—the clergy and laity. The two ways of life are the spiritual and the bodily. The two authorities are the priesthood and the kingship. The two jurisdictions are the divine and human laws."

We should keep in mind as we read about the later chapters in the

history of the relationship between Church and state that many of the political changes that were brought about were bound up with the influence and reality of the Catholic Church. To ignore this is to ignore half of the causality in political history, for, after all, while political philosophy is essentially based upon natural reasoning, such natural causes are not the only ones operative in human beings. So, political philosophy must account for such causes at least in a negative or humbled fashion—"There are causes here that I cannot fathom, but must acknowledge," it might say. It's a first response to the Socratic challenge of political philosophy.

8.3 The Protestant Reformation and Modern Times

This section corresponds to the reading of *SCT*, chs. 24–25 (The Era of the Reformation, pp. 504–524; The Modern Secularized State, pp. 525–547).

Reading questions

Before you read, consider the following: ***Based upon the reading and discussion thus far, and your prior knowledge of history, what developments or changes are still missing from Rommen's history of the question of the relationship between Church and state?***

As you read, consider the following questions for ch. 24:

- Section 1: What two new points of view are introduced in this fourth era? What is maintained by the opponents of the Catholic theologians Francisco Suarez and St. Robert Bellarmine? What do Suarez and Bellarmine maintain about the origin, authority, constitution, and end of the Church?
- Section 2: What is the relationship between the end of the Church and the end of the state? What is the meaning of "the indirect power of the Church"? What would "direct power" be in this context? How does the power of the Church vary due to historical circumstances (e.g., in Christian states versus non-Christian states)? How is the theory of indirect power a middle ground between the theory of the legists and the theory of the curialists? (In this context, compare the legists from Chapter 23 with what Hobbes and Rousseau maintain.)
- Section 3: How did the sixteenth century change the historical circumstances of the Church/state relationship? How did the notion of state sovereignty come to be understood differently? How did these circumstances affect the old debate between the curialists and the legists?
- Section 4: What connection does Rommen propose between the Reformation's fundamental ideas and the idea of kings ruling by divine right?
- Section 5: What are the different sorts of "tolerance"? What is "Gallicanism"? What are its four main contentions? How does is Gallicanism related to the idea of "the union between throne and altar"?

As you read, consider the following questions for ch. 25:

- Section 1: What historical events helped to define a "new" understanding of the state? What are its "new" principles?

In Rommen's view, how did Renaissance humanism and the Reformation lead to the modern secular state? What does this "secularism" mean? What have been the effects of secular civilization upon the Church and society at large, by Rommen's accounting?
- Section 2: What were the Church's various answers to the rise of the modern secular state?
- Section 3: According to Pope Leo XIII, what is the Church? How does it differ in origin, end, and constitution from the state? What are examples of the various liberties of the Church?
- Section 4: Why is marriage an example of the necessary cooperation between the Church and the state? What are the foundations of the ideal of Church/state cooperation? Why is there still the possibility of conflict between them? Can the Church be indifferent to the sphere of political life? Can religious liberty be used as a reason to exclude the Church from political life?
- Section 5: How is the modern secular state sovereign and thus free of the Church? How is it not free of the Church? What does Rommen emphasize about Pope Leo XIII's political philosophy? What specific problems remain in Church/state relations at the close of this fifth era of the history of the question?

Post-reading questions

After grappling with the reading questions above, we should consider—especially in light of our discussion of authority from the previous part of the course—how do abstract ideas of state sovereignty in this era of the history of the relationship between the Church and the state interact with and inform the understanding of that relationship?

Note in particular the discussions of Sections 3–5 of ch. 24 take place against the background of the Peace of Westphalia (1648), which fully established the principle *cuius regio, eius religio*, initially established by the Peace of Augsburg (1555). The extent to which this is an acceptable principle for Church-state relationships is now clearly a question to be debated.

We should also compare and contrast Rommen's treatment of Church-state relations in modern times with Pope Leo XIII's consideration in *Immortale Dei*, which we read later. Is Rommen in full agreement with the Pope? Is there anything different in their approaches to the problem?

8.4 Rommen on Cooperation and Separation of Church and State

This section corresponds to the reading of *SCT*, chs. 26–27 (Cooperation and Separation, pp. 548–568; Social and Political Catholicism, pp. 569–575).

Reading questions

Before you read, consider the following: ***Based upon Rommen's review of the history of the question, what are the various types of separation and cooperation between the Church and the state? Also, list the duties that you think are expected of citizens generally, and then what duties citizens who are also religious claim to have. Is there anything notable about the two lists? What historical examples of a conflict between citizenship and religious belief come to mind?***

As you read, consider the following questions for ch. 26:

- Section 1: What is a concordat? What is its purpose?
- Section 2: What are the two extreme views regarding the legal nature of a concordat? What is the middle position? Is a concordat legally binding? Is it unchanging?
- Section 3: What sort of "union" between Church and state is not acceptable? What is the ideal sort of union?
- Section 4: What is religious tolerance? What are its various types? Is tolerance the same as religious indifferentism? How have historical circumstances in modern times affected the understanding and implementation of practices of religious tolerance?
- Section 5: What is meant by the "separation" of Church and state? What are its four elements? Is this separation ideal? Why or why not?
- Section 6: What does Rommen mean by a "hostile" type of separation? What is its origin? What is the political purpose of this hostile separation and what are some of its effects? Why is it intolerable, according to Rommen?
- Section 7: What is the acceptable type of separation between Church and state, according to Rommen? How is it the same in its principles as the hostile type of separation, and how is it different? How is this separation a "policy" and not a principle?

As you read, consider the following questions about ch. 27:

- Section 1: What does Rommen mean by the "neutrality" of the democratic state? What does he mean by "political

Catholicism"? Is its existence in the modern secular state a good or an evil, or a mix of both?
- Section 2: How does Rommen understand the duties and life of the Catholic or Christian citizen in the modern secular state?

Optionally, consider the following questions about *On the Participation of Catholics In Political Life*, which can be found in *RCST* (pp. 485–496):

- What is the scope of this document? What is the reasoning behind its division and structure? What question(s) does it seek to address?
- What is the relationship between democracy and relativism? According to the argument, what is the proper and what the improper meaning and scope of pluralism? How does this impact Catholic citizens?
- What fundamental political truths are proposed by the document in regard to the participation of Catholic citizens in public life?
- What principles are presented to properly understand the autonomy of the temporal order?
- Is a Catholic citizen called to lead a double life—one as a Catholic, one as a citizen?

Post-reading questions

After working through the questions above, we should consider what Rommen is suggesting as far as *normative* or *ideal* demands. What is the ideal form of the relationship between the Church and the state? What are other, acceptable options? What must be avoided?

Furthermore, consider in Section 3 (especially fn. 7) what Rommen says about the analogy that the Church is to the state as soul is to body. Is this in disagreement with what Pope Leo XIII states in *Immortale Dei*, n. 14? What role ought the salvation of one's soul have in the temporal order? Ought the state be concerned with distinguishing genuine from false religion? Some of these—for the purposes of our course—are still open questions.

We could also discuss the following question: Is Rommen, in his suggestions about Christian citizenship, in agreement with how Catholic politicians comport themselves?

The place of the Catholic Christian citizen, especially in the United States, has a long and fascinating history, with both its darker and brighter chapters. For instance, we could recall then-Senator John F. Kennedy's famous campaign speech.

Because I am a Catholic, and no Catholic has ever been elected president, the real issues in this campaign have been obscured — perhaps deliberately, in some quarters less responsible than this. So it is apparently necessary for me to state once again not what kind of church I believe in—for that should be important only to me—but what kind of America I believe in.

I believe in an America where the separation of church and state is absolute, where no Catholic prelate would tell the president (should he be Catholic) how to act, and no Protestant minister would tell his parishioners for whom to vote; where no church or church school is granted any public funds or political preference; and where no man is denied public office merely because his religion differs from the president who might appoint him or the people who might elect him. [. . .]

I am wholly opposed to the state being used by any religious group, Catholic or Protestant, to compel, prohibit, or persecute the free exercise of any other religion. And I hope that you and I condemn with equal fervor those nations which deny their presidency to Protestants, and those which deny it to Catholics. And rather than cite the misdeeds of those who differ, I would cite the record of the Catholic Church in such nations as Ireland and France, and the independence of such statesmen as Adenauer and De Gaulle.

But let me stress again that these are my views. For contrary to common newspaper usage, I am not the Catholic candidate for president. I am the Democratic Party's candidate for president, who happens also to be a Catholic. I do not speak for my church on public matters, and the church does not speak for me.

Whatever issue may come before me as president—on birth control, divorce, censorship, gambling or any other subject—I will make my decision in accordance with these views, in accordance with what my conscience tells me to be the national interest, and without regard to outside religious pressures or dictates. And no power or threat of punishment could cause me to decide otherwise.

John F. Kennedy, "Speech to the Greater Houston Ministerial Association," Houston, TX, September 12, 1960 (text and audio recording available from NPR.org).

Konrad Adenauer was the first Chancellor of West Germany, Charles De Gaulle a famous French general and later president of France; both were Catholics.

Kennedy's speech, and its implications for Catholic citizenship, are worth thinking about at length. One wonders what St. John Henry Cardinal Newman would have said in reply to President-to-be Kennedy.

8.5 Conclusion

This brings to a close our historical review of the question of Church and state. How might this question be resolved? This is the subject of the next chapter. As we might expect—and especially given the discussion from last chapter of the different forms of government, "providential constitutions" of states, and the consequent varying conditions for the duty of Christian citizens—there is a range of acceptable forms this relationship might take, even if there are more ideal cases set against forms of Church-state interaction that are to be avoided as detrimental to the various common goods of human beings.

The Christian State and Religious Liberty

9

Render therefore to Caesar the things that are Caesar's, and to God, the things that are God's.

MATTHEW 22:21

I had always from the beginning truly used myself to looking first upon God and next upon the King, according to the lesson that his Highness taught me at my first coming to his noble service, the most virtuous lesson that ever prince taught his servant.

– St. Thomas More, Letter to Margaret (June 3, 1535)

I die the King's good servant, and God's first.

– St. Thomas More (June 6, 1535)

9.1 Introduction

Goals for this chapter

(1) To conclude our study of the relationship between sovereign states and the Church
(2) To understand the true nature of religious liberty, and to distinguish it from religious toleration
(3) To reconsider and distinguish between ways of resolving the question of Church and State

Readings for this chapter

– St. Thomas, *Summa Theologiae*, from the *Course Reader*, vol. 1
– Selections from *RCST*

When completing the reading and study materials in this chapter, you should have the following general questions in mind, which are also of use when reviewing the course:

The Chapter Questions are listed all together on pp. 211ff.

– What does it mean to be a Christian state? What does it mean to be a Christian citizen?

– What is the nature of religious liberty, and how is it to be defended? What implications does this problem and its various resolutions have upon the social and political life of Catholic citizens and citizens of other religious beliefs?

Before beginning the readings for this chapter, students should carefully consider the following excerpt.

St. Augustine, *The City of God*, XIX.17.

> This heavenly city, then, while it sojourns on earth, calls citizens out of all nations, and gathers together a society of pilgrims of all languages, not scrupling about diversities in the manners, laws, and institutions whereby earthly peace is secured and maintained, but recognizing that, however various these are, they all tend to one and the same end of earthly peace. It therefore is so far from rescinding and abolishing these diversities, that it even preserves and adopts them, so long only as no hindrance to the worship of the one supreme and true God is thus introduced. Even the heavenly city, therefore, while in its state of pilgrimage, avails itself of the peace of earth, and, so far as it can without injuring faith and godliness, desires and maintains a common agreement among men regarding the acquisition of the necessaries of life, and makes this earthly peace bear upon the peace of heaven; for this alone can be truly called and esteemed the peace of the reasonable creatures, consisting as it does in the perfectly ordered and harmonious enjoyment of God and of one another in God.

Philosophical Break #8

Consider the following contentions, from an essay by Pater Edmund Waldstein, O.Cist.

Originally published at *The Josias*, February 3, 2015; all excerpts used with permission.

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35. The primary intrinsic common good of the City of God is the order of the whole of creation restored and elevated through grace.

Persons are destined to attain to God, not merely through natural philosophic contemplation, but through the supernatural vision of His essence given by grace. They are destined to enjoy this vision forever in the 'Heavenly City,' which is nothing other than the whole of creation restored. The extrinsic common good of that city will be God Himself seen by all the angels and saints together, but its intrinsic common good is the order of all creation, the greatest likeness of the divine goodness, made even greater by its being constituted by persons who have become like Him through seeing His essence: «We know that when he is revealed we shall be like him, because we shall see him as he is.» (1 John 3:2). But before the second coming, the City of God is present in a hidden and partial way here on earth in the Church militant. In this temporal life, we do not yet have the vision of the divine essence, but we know God through the theological virtue of faith and love Him with the same love that we will have in Heaven.

36. The common good of temporal society is subordinate to that of the City of God.

Until the second coming, the Church, which is immediately ordered to the common good of the Heavenly City, exists alongside temporal polities, which are immediately ordered to the temporal common good. But the temporal common good is a participation in the order of creation itself, and so it can dispose those who share in it toward the eternal common good. The temporal common good is thus subordinate to the eternal common good, and the temporal rulers are subordinate to the hierarchy of the Church.*

* See my "Religious Liberty and Tradition, Part III," *The Josias*, January 2, 2015.

37. The theological virtue of love brings us into the right relation toward the common good of the City of God.

The most necessary thing for attaining any common good is love of that good. And in order to love God as the common good of the City of God, the most necessary thing is to have the theological virtue of love. I conclude with a text from St Thomas, explaining this thesis. It is rather long, but I quote it in full, as it contains virtually the whole account of the common good:

> The philosopher says in Book Eight of the *Politics* that in order to be a good political [person] one must love the good of the city. Now when someone is admitted to participation in the good of some city and becomes a citizen of that city, he must have certain virtues in order to do what a citizen must do and to love the good of the city.
>
> In the same way, when a man is admitted by divine grace to participating in heavenly beatitude, which consists in the vision and enjoyment of God, he becomes, as it were, a citizen and member of that blessed society which is called the heavenly Jerusalem, according to Ephesians 2,19: 'You are citizens with the saints and members of the household of God.' A person who is in this way counted as part of the heavenly city must have certain freely given virtues which are the infused virtues. The right exercise of these virtues requires a love of the common good that belongs to the whole society, which is the divine good as the object of beatitude.
>
> Now one can love the good of a city in two ways: in one way to possess it, in another that it might be preserved. If someone loves the good of a city in order to have and own it, he is not a good political person, because in this way even a tyrant loves the good of a city, in order to dominate it, which is to love oneself more than the city. He wants this good for himself, not for the city.
>
> But to love the good of the city that it might be kept and defended, this is truly to love the city and this makes a person a good political person, so much so that some expose themselves to the danger of death and neglect their private good in order to preserve or increase the good of the city. In the same way, to love the good that is participated by the blessed, to love it so as to have or possess it, does not establish the right relation between a person and blessedness, because

even evil people want this good.

But to love that good according to itself, that it may remain and be shared and that nothing be done against this good, this gives to a person the right relation to that society of the blessed. And this is love [*caritas*] which loves God for his sake and neighbors, who are capable of blessedness, as oneself.*

* *De Virtutibus*, q. 2, a. 2, c.; translation Michael Waldstein.

9.2 The Christian State

This section corresponds to the reading of Pope Leo XIII's encyclical *Immortale Dei* (*Concerning the Christian Constitution of States*), which can be found in the *Course Reader*, vol. 2.

Reading questions

Before you read, consider the following: ***Based upon our readings and discussions thus far, how should a state relate to religion and the religion(s) of its citizens? Is this a question that could just as well be ignored when it comes to politics? Why or why not?***

As you read, consider the following questions:

- What is the scope of this encyclical? What is the reasoning behind its division and structure?
- How does Pope Leo XIII determine "the form and character of the State were it governed according to the principles of Christian philosophy"?
- Based on the nature of the state, what are its duties to religion?
- What sort of society is the Church?
- According to Pope Leo XIII, how ought the Church and the state be related? What sort of society would result, if they were related as they ought to be?
- What reasons does Pope Leo XIII give for why the Church and various modern states are no longer related as they ought to be?
- How does the Church relate to the "modern" states as regards their duties to religion? freedom of worship? religious indifferentism?
- Do Pope Leo XIII's conclusions in this encyclical encourage or discourage Catholics to enter into politics, given the character of modern secular states?

Post-reading questions

After discussing the reading questions, we should consider what differences or similarities there are between what Pope Leo XIII teaches concerning the constitution of Christian states, on the one hand, and, on the other hand, our own cultural and national circumstances today.

The Christian Citizen

This section corresponds to the optional reading of Pope Leo XIII's *Sapientiae Christianae* (*On the Duties of Christians as Citizens*). It can be found online.

Reading questions

Before you read, consider the following: ***Is one's religion a private affair? How does one's religion affect one's participation in public life today? Is conflict between one's duties as a believer and as a citizen inevitable?***

As you read, consider the following questions:

- What is the scope of this encyclical? What is the reasoning behind its division and structure?
- What is the natural law basis for love of country? How is love of country related to a Christian's other duties?
- What are the duties of a Christian in countries or cultures where revelation is denied (naturalism, agnosticism)?
- What is the nature of a Catholic's obedience to the pope?
- What is the nature of the Church, and how is it "notably different" from the state?
- How do the concerns of the Church and the state overlap? What extremes ought Catholic citizens avoid when navigating the relationship between Church and state?

Post-reading questions

After discussing the reading questions, we should consider what differences or similarities there are between what Pope Leo XIII teaches concerning the duties of Christian citizens in general, on the one hand, and, on the other hand, our own cultural and national circumstances today.

St. Augustine, St. John Henry Cardinal Newman, and Christian citizenship

The claim that Christians cannot be good citizens is an old one. For instance, St. Augustine addresses such concerns in one of his letter to Marcellinus (see the appendix, p. **??**ff). In particular, his conclusion is typical Augustine and worth remembering:

St. Augustine, *Letter 138*, n. 15.

> Wherefore, let those who say that the doctrine of Christ is incompatible with the State's well-being, give us an army composed of soldiers such as the doctrine of Christ requires them to be; let them give us such subjects, such husbands and wives, such parents and children, such masters and servants, such kings, such judges — in fine, even such taxpayers and tax-gatherers, as the Christian religion has taught that men should be, and then let them dare to say that it is adverse to the State's well-being; yea, rather, let them no longer hesitate to confess that this doctrine, if it were obeyed, would be the salvation of the commonwealth.

Our patron, St. John Henry Cardinal Newman, also remarked upon, in the following words, the historical apogee of Christendom in the following words.

John Henry Cardinal Newman, *Letter the Duke of Norfolk*, ch. 2, "The Ancient Church," pp. 200–201 (from the online Newman Reader).

> But I have more to say on this subject, perhaps too much, when I go on, as I now do, to contemplate the Christian Church, when persecution was exchanged for establishment, and her enemies became her children. As she resisted and defied her persecutors, so she ruled her convert people. And surely this was but natural, and will startle those only to whom the subject is new. If the Church is independent of the State, so far as she is a messenger from God, therefore, should the State, with its high officials and its subject masses, come into her communion, it is plain that they must at once change hostility into submission. There was no middle term; either they must deny her claim to divinity or humble themselves before it,—that is, as far as the domain of religion extends, and that domain is a wide one. They could not place God and man on one level. We see this principle carried out among ourselves in all sects every day, though with greater or less exactness of application, according to the supernatural power which they ascribe to their ministers or clergy. It is a sentiment of nature, which anticipates the inspired command, "Obey them that have the rule over you, and submit yourselves, for they watch for your souls." (Hebr 13:17)

This "Letter" of Newman's is noteworthy for another, more important reason Indeed, its composition was sparked by a controversy over the very idea that Christians could be faithful citizens, voiced in various objections made by the famous English civil servant and (later) prime minister, William E. Gladstone, after the First Vatican Council defined papal infallibility. Gladstone attacked

Catholic citizens in a widely-read pamphlet of some eighty pages, *The Vatican Decrees in Their Bearing on Civil Allegiance: A Political Expostulation*. It garnered various replies from noteworthy persons in its day, in particular from the patron saint of our university. Newman's book-length response to Gladstone, the famous *Letter to the Duke of Norfolk*, is summarized by historian Josef L. Altholz as follows:

> Gladstone's conscious object was to prevent, by exposing the political consequences of the Vatican decrees, the success of a "vast conspiracy" among Catholics to restore the pope's temporal power by war.* This idea became fixed in his mind in the course of writing his pamphlet. Whether it was justified or not, the fact that he believed it indicated that the pamphlet was not a mere religious polemic; it was indeed what he called it, a *Political Expostulation*. It was addressed to the English Catholics themselves, seeking to elicit assurances of their loyalty and to warn them against their ultramontane leaders. [. . .]
>
> The reply most eagerly awaited was that of Newman, which appeared early in 1875 as the *Letter to the Duke of Norfolk*. Newman took the opportunity both to refute Gladstone and to criticize the extremists of his own Church. It was easy for him to show that Gladstone had misunderstood the Syllabus of Errors and the Vatican decrees. Newman sought to "minimize" these documents by maintaining that they were to be interpreted not literally but in the manner of the theological schools. He stressed the limited nature of the pope's infallibility, which did not extend to particular commands of action and in any case could command nothing contrary to conscience. He thus set aside an area of freedom for Catholic thought and action. Newman's pamphlet is probably the most enduring product of the entire controversy. Harold Laski described it as "perhaps the profoundest discussion of the nature of obedience and of sovereignty to be found in the English language." It is too profound to be discussed adequately here, except to note that Newman's interpretation of the Syllabus and of infallibility has been of major importance for Catholics in Britain and America. The charm of his argument rendered it attractive also to Protestants. It

Altholz, "The Vatican Decrees Controversy, 1874–1875," pp. 598–99, 601.

* Recall that the Papal States had been conquered by the Kingdom of Italy only as recently as 1870, eliminating the pope's territorial rule outside what we now know as Vatican City. Pope Pius IX subsequently declared himself a "prisoner in the Vatican," and the political situation between Italy and the Vatican was not harmonized until the Lateran Treaty of 1929.

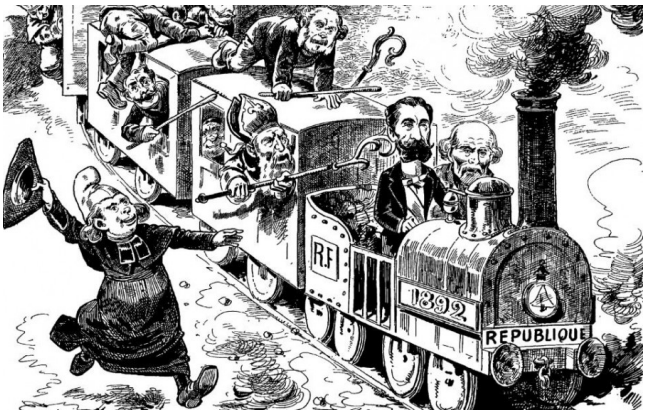
> is instructive to note how respectfully Newman was treated by Protestant reviewers; and Gladstone was forced to admit that Newman, at least, had not forfeited his mental freedom.

This "ultramontane" problem is one which implicates further Church–State topics in upcoming chapters. In the meanwhile, it is worthwhile pondering, in review, the nature of allegiance to the state and allegiance to God underlined by this chapter's readings.

Pope Leo XIII to the Church in France and America

This theme of the relationship between the Church and modern nation-states can also be found in the encyclicals *Au Milieu des Sollicitudes* (*On Church and State in France*) and *Longinqua Oceani* (*On Catholicism in the United States of America*). We should note a few things about these encyclical letters of Pope Leo XIII.

The first, written in 1892, was directed to address a cultural and political crisis among French Catholics with divided loyalties to the Third French Republic (1870–1940). Some Catholics wished to return to the monarchical form of government, while some liberal Catholics argued against the monarchists that the Church had to, in essence, "get with the times."



A caricature of "*ralliement*" politics, appearing in the pro-Republic, satirical, and anti-clerical French journal *Le Grelot* in 1892 (Wikimedia Commons).

Instead, Pope Leo XIII encouraged Catholics to work towards transforming from within the Republic's anti-clerical and anti-Catholic posture to one more harmonious with France's Catholic heritage and culture. This strategy was called *ralliement* for "rallying."

> In the encyclical *Au Milieu des Solicitudes* Pope Leo XIII emphasized that various forms of government can be considered legitimate as long as they are ordered to the public good, and that Catholics should not rebel against legitimate governments. At the instructions of the Holy See, nuncios and bishops interpreted the encyclical to mean that French Catholics should stop trying to restore the monarchy, and instead "rally" (*rallier*) to the Republic. These instructions were accepted by the most enthusiastic ultramontanists, who took a strong view of the binding power of prudential Papal decisions. And of course they were also supported by liberal Catholics. . . .
>
> The Papal instructions were, however, rejected by traditionalist monarchists. To this day many Catholic Traditionalists in Europe are sore about the *ralliement*. . . . There are, however, serious exponents of Catholic Social Teaching who take a favorable view of *ralliement*. . . . [They argue] that the absolute monarchies that arose in Europe after 1648 were themselves fatally modern and defective forms of political life, and that *ralliement* properly understood was an attempt to go back to the ideal of mixed government proposed by St. Thomas Aquinas. This was to be done by accepting the external form of modern republics, but then changing them by means of Catholic principles.

Fr. Edmund Waldstein, "Catholic Action and Ralliement," February 12, 2016, at *Sancrucensis*.

In the end, *ralliement* was not successful, as the early 20th century saw the passage of many anti-Catholic laws in France, as well as the expulsion of the religious orders.

The encyclical letter *Longinqua Oceani* both praised the growth and freedom to practice and to teach that the Church enjoyed in the United States (see nn. 5–6), but also warned that "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 it would be universally lawful or expedient for State and Church to be, as in America, dissevered and divorced" (n. 6). The comments of Pope Leo XIII in *Longinqua*, however, are much more encouraging than his *Testem Benevolentiae* four years later, the encyclical in which he condemned "Americanism" (see above, p. 14). Here is one historian's assessment:

> Leo XIII must have been aware of the disintegrating effects which Protestantism experienced in the late nineteenth century as a result of its effort to achieve religious renewal through an accommodation of modern secular culture. Although the pope seemed to flirt with

Thomas, "The American Press and the Encyclical Longinqua Oceani," p. 486 and fn. 30.

the approach vis-à-vis his interaction with the liberals in the American hierarchy during the early 1890s, his ultimate return to the defensive, conservative tradition enunciated by Pius IX was perhaps in large part motivated by his conviction that it was the only way to prevent the sorry plight affecting Protestantism from infecting the Roman Catholic Church.

It is commonplace to cite *Testem* as a papal reprimand to liberal Catholicism in America. It is less common to refer to *Longinqua* in the same sense. The press response of 1895, however, leaves no doubt that the letter was explicitly and implicitly perceived as a reprimand from Rome and was, therefore, a setback to progressive efforts for rapprochement between the church and American society. More dramatically, the press response supports the conclusion that if the tragic climax of nineteenth-century liberal Catholicism in America occurred in 1899, then 1895 was the year of the omen, and *Longinqua Oceani* its first utterance.

Much of the historical context of *Au Milieu* and *Longinqua* are irrelevant to us now except as historical antecedents. However, their perennial principles are applied to our particular circumstances.

9.3 St. Thomas on Conscience and Coercion

This section corresponds to St. Thomas, *ST*, selections to be found in the *Course Reader*, vol. 1.

Reading questions

Before you read, consider the following: ***What do people usually mean when they appeal to their "conscience"? What do people usually mean when they ask for "tolerance"?***

As you read the various selections from St. Thomas, consider the following questions:

- For selections from *ST*, Ia-IIae, q. 19, aa. 5–6, what is conscience? If one's conscience is erroneous, must you act according to it?
- For selections from *ST*, IIa-IIae, qq. 10 and 11, what strikes you most about the reasons St. Thomas gives regarding tolerance or intolerance of unbelievers and heretics? What accounts for the differences?

Post-reading questions

Students should also consider the following excerpt.

———— ❖ ————

John F. X. Knasas, *Thomism and Tolerance*, pp. 93–95.

[It seems that], given what Aquinas says about treatment of heretics and Jews, Aquinas cannot be the proponent of tolerance that I have described. This treatment of heretics and Jews is described by Aquinas in the articles of questions 10 and 11 in the second half of the second part of his *Summa Theologiae*. On its face, Aquinas' position on the treatment of heretics, described in article 3 of question 11, sounds very intolerant. Aquinas says that heretics should be given two offers to repent. If they do not repent, they should be excommunicated and handed over to the civil government for execution. Aquinas allows toleration of heretics only if the Church's prosecution would be so indiscriminate that the prosecution threatens the innocent.

Aquinas' stand against heretics certainly seems to be incompatible with my presentation on Thomism and tolerance. As I repeated above, intellectual disagreements must be solved intellectually; diamond must cut diamond. Also, except in extreme cases, the state has no role here. So, has my presentation got Aquinas wrong? I do not think so. Aquinas' position on heretics appears intolerant

because the contemporary reader assumes that the heretic has a genuine intellectual disagreement with Catholicism and is just following his conscience. But that is not the individual about whom Aquinas writes.

For Aquinas, the heretic is guilty of the sin of unbelief. But sin is a type of human act. And since, properly speaking, a human act is a voluntary act—an act of will performed with knowledge—then to be a sinner one must knowingly and willingly do evil. Hence, the heretic is a person who knows that Catholicism is true but freely decides to oppose Catholic truth and to take others with him. In short, Aquinas' understanding of the heretic is analogous to society's understanding of a citizen who commits treason, that is, someone who betrays his country to another country for a sum of money.

According to Aquinas' understanding, the heretic is attacking the spiritual common good just as much as someone who commits treason is attacking the temporal common good. Hence, just as no one could criticize the state for defending itself against treasonous citizens, so too, no one should criticize the Church for defending itself against heretics. Also, though unmentioned by Aquinas, I would like to note that, in Aquinas' time, the Catholic Church was the cradle of civil society. Though the temporal and spiritual spheres were theoretically distinguished, civil society had not reached its maturity and rightful autonomy. Because of this historical state of affairs, the heretic's attack upon the Church was, de facto, also an attack upon society. Hence, subsequent to the judgment of the Church, the heretic could not only be excommunicated by the Church but could also be executed by the civil authorities. In our present day, civil society has reached maturity, and so the Church restricts its dealings with heretics to excommunication and the battle of ideas. As mentioned above, civil authorities would become involved only when the practical results of a religion seriously threaten the temporal common good.

Aquinas is well aware that, though the logical implications of the category of heretic are clear, applying the category to particular persons is often far from clear. In that latter respect, rash judgments can be made and the innocent can be swept up with the guilty. Accordingly, Aquinas insists that the authorities ought to suffer the cockles with the wheat until it becomes perfectly plain to everyone involved that the individual with whom one is dealing is a heretic in Aquinas' sense. I am sure that some will insist that such a point of clear knowledge is never reached. But others will disagree. Consider Neville Chamberlain's realization that he had been lied to by Hitler. Sometimes it is perfectly obvious who our sworn enemies are.

9.4 The Nature of Religious Liberty

This section corresponds with the readings of *RCST*, *Ci Riesce* (*Discourse on Religious Tolerance*, pp. 242–250), and *Dignitatis Humanae* (pp. 251–263).

Reading questions

Before you read, consider the following: ***Prior to the discussions of the past several classes, how would you have defined religious tolerance and religious liberty and expressed the difference between them? What argument would you give that we have a right to religious liberty?***

As you read, consider the following questions about *Ci Riesce*:

- What is the purpose of Pope Pius XII's address *Ci Riesce*? What introductory points does he make about states, their sovereignty, and the problems that modern states face?
- How does Pope Pius XII distinguish the question about the co-existence of Catholic and non-Catholic states?
- According to Pius, what is religious toleration and what arguments support it? What two principles do these arguments clarify?
- How is the Church to be related to the practice of religion in various modern states?

As you read, consider the following questions about *Dignitatis Humanae*:

- What is the scope of this declaration? What is the reasoning behind its division and structure? What question(s) does it seek to address?
- How is religious liberty defined? What arguments from reason itself support this definition?
- How is religious liberty related to the family and to the common good of civil societies?
- How ought the state regulate or make laws about religion? Can governments of states remain neutral to or claim ignorance of the truth about religion?
- In the second section of the document, how is religious liberty related to the act of faith and to the nature of truth?
- What does *Dignitatis Humanae* have to say about the *libertas Ecclesiae*?

This declaration of the Second Vatican Council, to put it mildly, was the most controversial document approved by the Council Fathers. We will not attempt to survey that controversy or the role

of the many theologians and intellectuals from all regions who contributed to it. (For those interested in this historical background, disputes contemporaneous to the Council, or contemporary resources, please discuss that with the instructor.)

Accordingly, we will approach the declaration—especially in the mode of studying its philosophical arguments—with some care.

Notes on reading *Dignitatis Humanae* well

Following the legal, political, and Catholic scholar F. Russell Hittinger, we ought to take note of two salient points.* The first is to respect its scope and its silences, while the second is to not ignore the issues it does settle.

Respect the scope and silences of the document

First, the document does not decide every issue about the relationship between the Church and the state. Indeed, some of that question at the level of particular policy relationships (the "concordats") between Church and state had already been determined by the First Vatican Council. The Church was to be free to conduct her own business without state interference. The general questions of principle about the relationship between the spiritual and temporal powers had also been well established in the past. The goal of *Dignitatis Humanae*, then, was to consider the individual's relationship to state and to the Church with regard to the question of the duties and rights of religion.

Thus, the moral, political, and theological question of the Church and state are more in the background, while the moral, political, and theological questions about the individual is in the foreground, especially as regards the natural-law foundation in civil law for religious freedom. The declaration is "a middle-level approach to the cluster of problems and issues summarized under the rubric 'religious liberty.' It is not a complete exercise in either the theory or the practice of Church-state relations." The brevity of the document and the lack of historical sources from the late medieval or early modern period also argue for the conclusion that the Council Fathers were limiting their scope, for practical and theoretical reasons. The issue of how the Church must relate to the modern state in all its forms—from the atheistic Soviet Union to the United States to the Catholic Republic of Malta—took a back seat.

Hittinger, "The Declaration on Religious Liberty," p. 362.

* See the works of Hittinger cited in the bibliography for more details. Hittinger draws out these two points in his 2008 essay, p. 374.

Do not pass over what the document does settle

Second, and at the same time, we should attend to what the document does conclude concerning Church-state relations.

Ibid., p. 365.

> At the council, the subject of religious liberty was considered and debated in light of three different models of how the Church might be situated vis-à-vis temporal authorities. The models were not merely abstract, for each had a historical track record.
>
> The first model is that of political Christendom. Since the eighth century, the Catholic Church was wedded to Western society in the form of a single, though differentiated, *corpus mysticum*. Today, many speak of a theologico-political, or Church-state, "problem." For centuries, however, Church and state formed a single body, internally differentiated by two authorities, each of which was thought to share in Christ's *triplex munus* of priest, prophet, and king. The king participated in Christ's rule *pedes in terra* (feet on earth), while the episcopal authority imaged Christ's rule *caput in cael* (head in heaven). As Ernst Kantorowicz noted in *The King's Two Bodies*, nearly a millennium of Church-state relations in the West was conducted within a model that is scarcely imaginable to the contemporary mind. Today one rarely thinks of the state as a body, much less one shared with the Church.

Some of this history and its twists and turns should be more familiar to us now, having gone through the previous chapter's reading, following Rommen's summary of the history of Church-state relations.

Professor Hittinger goes on to note, however, that this first model is *not* repudiated by *Dignitatis Humanae*. First, see n. 6 in the declaration itself (p. 256 in *RCST*), which addresses the possibility of confessional states. It seems to me that Professor Hittinger is right when he says this brief mention in the declaration of the model of political Christendom is not meant as the final word of this topic. The theoretical and practical demands for treating that question in the context of the Council were too much, and "it was quite enough to tackle the problem of the religious civil liberties of individuals, communities, and the Church herself."

Ibid., p. 365.

Second, Professor Hittinger also indicates reasons for why this model could not be dismissed by *Dignitatis Humanae*:

> Although recent popes never taught that harmonious relations between the Church and civil government

> require special assistance and recognition of the true religion by the state, such was the ideal. This ideal was rooted in two points of theology. First, the obligation to recognize and serve the truth of religion is not restricted to individuals. Societies, as well as individuals, bear an obligation to perform acts that satisfy the virtue of religion. Of course, precisely how societies are to do so without usurping the functions of the Church has been a complicated and controverted issue from the beginning of political Christendom in the West. Second, the kingship of Christ is both spiritual and temporal. It would be a contradiction of fundamental Christology to believe that Christ's reign is only spiritual.

In these chapters, we are focusing upon the first reason that Hittinger provides. The second reason must wait for the final chapter of the course.

Now, what are the other two models of Church-state relations? The second model is a "neutralist" regime, while the third is the "*cuius regio*" model that ends up blending state and religion—the "throne and altar" arrangements of early modern nation-states.

> The second model can be called the neutralist or separationist regime, according to which the Church enjoys a negative liberty vis-à-vis civil authority. What is most important is the ground of the negative liberty. It is one thing to say that a government constitutionally, by positive law, lacks authority over matters religious (for example, "Congress shall make no law respecting an establishment of religion"); it is quite another thing to assert that government on principled grounds must remain neutral on religion as such. Both are capable of generating a kind of negative liberty. The latter example, however, has more far-reaching implications. The neutralist regime can imply: (1) a radical privatization of religion—at its most extreme refusing to recognize the moral and juridical status of religious bodies; (2) a reduction of the moral and juridical status of the Church to that of other private associations; and (3) a denial that civil authority has any participation in the veridical order of truth.
>
> Although the bishops were not experts in political philosophy, they were most likely not unfamiliar with the general lines of the neutralist regime. Furthermore, whereas the bishops remained mostly silent about political Christendom, they were careful to frame the civil right of religious liberty in such a way that it did

Ibid., pp. 364–65.

> not imply either a theoretical or practical endorsement of neutralism.
>
> The third model has already been mentioned. This is where the status and liberty of the Church are conflated with the status and liberty of the state itself. In modern times, this model goes back to the Peace of Augsburg (1555), which effected a settlement of religious conflict in Germany on the basis of the formula *cuius regio, eius religio* ("whoever rules, his religion"). Far from being a flimsy legal device for a temporary modus vivendi in Germany, *cuius regio* established itself as a fundamental doctrine of state during the age of absolutism. In Catholic nations, *cuius regio* often vested itself in the titles and claims of ancient Christendom (for example, "the Most Christian Prince," "Monarch, by the Grace of God"), when princes were sworn to a quite different ideal of service to the Church. It was not always easy to distinguish where *cuius regio* meant princely service and protection of the Church according to the first model and where it amounted to a thinly disguised hijacking of the Church by the temporal authority. . . . For the bishops at he Second Vatican Council, this model was well known. Not only had it bedeviled Church-state relations in Europe for three centuries, but it had also reappeared in the communist states after World War II in the form of puppet churches.

What is important for our discussion, therefore, is to follow Professor Hittinger's advice on the first point. However, we should also note, on his second point, that the second and third models of Church-state relationship are rejected by *Dignitatis Humanae*. (In regard to the neutralist model, see nn. 5–8 in particular; for the *cuius regio* or throne-and-altar model, see n. 13.)

So, in conjunction with its central issue of individual religious freedom and responsibility, *Dignitatis Humanae* is not entirely silent on the issue of Church-state relations, even if it adopts an approach with "a broader spirit of detachment from the problem of the state" since "The Church, after all, is *in* but not *of* the world." Since the Church is in the world, it requires its own freedom, the *libertas Ecclesiae*; thus, the third model is eliminated. At the same time, its members are in the world but not of it, and so the state must respect their religious liberty and, by consequence, the religious liberty of all those seeking God in the truth; thus, the second model is eliminated.

Hittinger, "The Declaration on Religious Liberty," p. 375.

9.5 Conclusion

This brings our consideration of the question of Church and state to a close. While there are a few closing points to be made (see the next subsection), the history of this relationship and the various principles and truths used to make sense of it and sort out the right order should be clearer. This should also aid you as you think more deeply about this relationship in your second paper. Now, before moving on the issues of war and peace among nations, we should take one last look at the possibility of confessional states.

The question of Church and state—degrees of union and separation

While it might seem a bit clumsy to attempt to diagram the varieties of Church-state relationships, the one below helpfully arranges them along a sort of spectrum. It organizes the range of relationships on two axes, one according to religious freedom and one according to the union or separation (of various sorts) between Church and state.

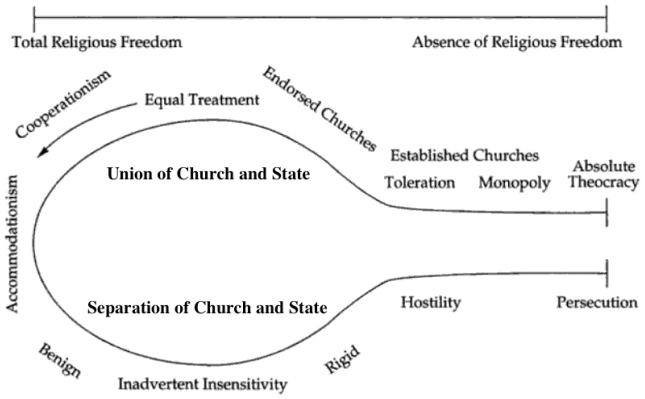


Diagram from Hittinger, "Political Pluralism and Religious Liberty," p. 48, fn. 25, adapted.

Some explanation is in order. First, what this diagram means by "religious freedom" is to be taken in a civil or juridical sense. That is, the sense of "freedom" here is that "negative" or "neutral" freedom that is indifferent to the true good—it is merely the capacity to choose as one prefers without state or legal interference. Second, the diagram attempts to be more descriptive than it is normative. That is, while the extremes are more clearly wrong, it does not follow that the "middle" of the diagram on the far left is an Aristotelian virtuous mean.

This is especially true given the natural law claim that there is a true virtue of religion, and the Catholic claim that Catholicism is that one and only true religion. To state this, however, is not the

same as to conclude to a universal or absolute political rule. Since *Dignitatis Humanae* leaves open the possibility of some form of confessional state (see n. 6; *RCST*, p. 256), the area of the spectrum labelled "endorsed churches" is clearly not out of the question. This is also true in the case of the Catholic religion on the basis of what Hittinger argued above in regard to the validity of the first "model," political Christendom. Furthermore, given what the Church has stated in the past concerning indifferentism or "religious freedom" taken in the wrong way—or, what Rommen calls a "hostile" sort of neutrality of the state towards religion—it seems that the further along the "spectrum" one goes from the top towards the bottom, the further one is from an ideal.

Indeed, if both second and third models discussed by Hittinger—the neutralist regime and the *cuius regio* regime—have been eliminated by *Dignitatis Humanae* on the basis of philosophical and theological argumentation, then anything past "inadvertent insensitivity" towards religion or from "monopoly" onwards also seems to be eliminated. This is especially true if one interprets "established churches" to mean the sort of "throne-and-altar" arrangements (where the emphasis of order is throne and then altar).

However, we should recall something discussed long ago concerning the best form of regime. Even Aristotle recognized a distinction between the best political constitution simply speaking and what is most practicable for a given people or time, that is, what is best given *these* particular circumstances. So, even for those who would defend as a normative ideal the unitive harmony of the Church and the state (for instance, see Rommen himself, *SCT*, pp. 554–55), or their coordination along the lines of Hittinger's "first model" or political Christendom, or even their integrated social cooperation and, as it were, body-soul union articulated by Pope Leo XIII in *Immortale Dei*, n. 14, it does not follow that these modes of union can be achieved in the same measure—or at all—in all circumstances.

Here, some old moral adages serve us well: proscriptive or negative precepts bind *semper et pro semper*, or always and in every case; however, prescriptive or positive commands bind *semper sed non pro semper*, that is, always but in not every case. This is not just because *ad impossibilia nemo tenetur*, no one is bound to do the impossible. Rather, while it is always possible to avoid an evil, it is not always possible to do what is best or better without bringing about evil. For instance, it is good to be generous with your money. Aristotle calls this the virtue of liberality. However, as a positive precept, "Be generous" obliges you always but not in every possible instance of being generous, otherwise you would soon be out of money. This applies to other goods as well: one cannot be in silent, secluded

prayer all the time, or helping out others all the time to the neglect of your own duties, etc.

At the level of peoples and nations, something analogous is true in regard to the natural law duty to worship God in truth. Given the providential constitution of a people, it might not be possible for them *as a people* to rise to the level of virtue required to properly worship God and therefore fulfill their religious obligations. Rather, some "accommodation" might be required, where different groups in a given state are permitting to worship God according to their different sects. Of course, this does not prevent the providential constitution of a people from being such that there *is* sufficient cultural and society unanimity on the point of the true religion—what Rommen calls "homogeneity," see *SCT*, pp. 240–45—and, as a consequence, that the true religion be endorsed and acclaimed by that people in its laws as an integral part of that nation's conception and ordering of its common good.

This material condition of a Catholic culture—to be preserved by a Catholic regime—is well expressed by Thomas Stork in the introduction to one of his books. I quote an excerpt below:

> 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. 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.

Storck, *Foundations of a Catholic Political Order*, p. 8. N.b.: This quotation is from the first edition of the book (1998); a second, revised edition is now available (2022).

Perhaps this is how a Catholic might borrow and repurpose Aristotle's phrase in the *Politics*, when he mentions a regime "for which one ought to pray." (Recall also the end of Book VII.12, 1331b19–23.)

The End of Politics | 10

> When we shall have reached that peace, this mortal life shall give place to one that is eternal, and our body shall be no more this animal body which by its corruption weighs down the soul, but a spiritual body feeling no want, and in all its members subjected to the will. In its pilgrim state the heavenly city possesses this peace by faith; and by this faith it lives righteously when it refers to the attainment of that peace every good action towards God and man; for the life of the city is a social life.
>
> – St. Augustine, *The City of God*, XIX.17

10.1 Introduction

Goals for this chapter

(1) To consider "the end" of politics, in the sense of finality
(2) To consider the nature of political prudence

Readings for this chapter

– St. Thomas, *Summa Theologiae*, from the *Course Reader*, vol. 1
– *RCST*, *Quas Primas*

When completing the reading and study materials in this chapter, you should have the following general questions in mind, which are also of use when reviewing the course:

The Chapter Questions are listed all together on pp. 211ff.

– What is political prudence? Is there such a thing as political wisdom?
– What are the cultural and moral foundations for peace? What are the ultimate causes of peace?

10.2 Political Wisdom

This section corresponds to the reading of St. Thomas, *ST*, selections to be found in the *Course Reader*, vol. 1.

Reading questions

Before you read, consider the following: ***What is prudence? How was it defined, say, by Aristotle?***

As you read *ST*, IIa-IIae, q. 50, consider the relationship between practical wisdom and kingly wisdom, on the one hand, and political wisdom, on the other hand? Why does prudence have such "parts"? What sorts of political prudence apply to citizens?

10.3 Christ the King

This section corresponds to the reading of the encyclical of Pope Piux XI, *Quas Primas* (*On the Kingship of Christ*). It can be found in the *Course Reader*, vol. 2.

Reading questions

Before you read, consider the following: ***Is it possible for political or legal action* alone *to bring about world peace? What does this indicate about politics and political philosophy?***

As you read, consider the following questions:

- What is the scope of this encyclical? What is the reasoning behind its division and structure?
- How does Pope Pius XI establish both *that* and *why* Christ is King?
- How does the encyclical characterize Christ's kingship and its effects?
- What temporal effects does Pope Pius XI hope will result from the institution and public liturgical celebration of this feast?

Post-reading questions

The above reading questions will be our main focus in class. However, time permitting, we should also discuss the relationship between the philosophical and theological claims being made in this document. For instance, what previous examples are there of philosophers concerning themselves with a "prince" or "king" or ruler of the universe itself?

10.4 Conclusion

This brings our course to a close, fittingly enough, with a discussion of ultimate things. It would be worthwhile to consider the analogy of "peace" from St. Augustine. Such contemplation of and hope for the fullness of the hierarchically order tranquillity of all things has been one of the principal causes of this course and its various parts. As such, I for one hope that it has been beneficial.

Review Guide

The various Chapter Questions are all repeated below, so as to assist students in reviewing for the final examination.

- Chapter 1 (Introduction)
    - What are the fundamental questions of human life as social, political creatures?
- Chapter 2 (Miller, *A Canticle for Leibowitz*)
    - What is the greatest scope that can be given to human life?
    - Are there commonalities to human life and society across cultures and times?
    - What is the good?
- Chapter 3 (Aristotle, *Politics*)
    - What is the common good? What is the highest good?
    - What does the political society presuppose?
    - What is a city? What are its causes?
    - What makes a person to be a good citizen?
    - What is the best sort of regime or government?
    - Is there a best possible city? What could bring it about?
    - What is the best sort of life for people living in political society?
    - What is the relationship between political society and education?
- Chapter 4 (The Essence of Law)
    - What is law? What are its main types?
    - What is the nature and limitations of human law? How does human law's status as a "measured measurer" of human acts inform the nature of political society?
    - What is authority? What is its origin?
- Chapter 5 (Justice)
    - What is justice? What are the major kinds of justice?
    - What characterizes just actions? How does justice relate to the soul? to politics?
    - What are the purposes of punishment? What is the classical justification of the death penalty?
- Chapter 6 (War and Peace)
    - What is a "just war," and is it ever possible? (*Ius ad bellum*)
    - What are the requirements of waging warfare justly? (*Ius in bello*)

    - What are examples of unjust wars or the unjust conduct of wars?

- Chapter 7 (Economics)
    - What is property? Do individuals have a natural right to private property? What limits this right?
    - What is economics? How is it a part of human knowledge and action?
    - In particular, what "new" questions does modern economics raise?
    - What is the true nature and purpose of modern economics? How ought the economy be conceived in relationship to the common good of a political society?
- Chapter 8 (History of Church and State)
    - Why is it necessary to consider the relationship between the Catholic Church and the state?
    - What key events and ideas are there in the history of the relationship between the Church and the state?
    - What is the ideal relationship between the Church and the state?
- Chapter 9 (The Christian State)
    - What does it mean to be a Christian state? What does it mean to be a Christian citizen?
    - What is the nature of religious liberty, and how is it to be defended? What implications does this problem and its various resolutions have upon the social and political life of Catholic citizens and citizens of other religious beliefs?
- Chapter 10 (The End of Politics)
    - What is political prudence? Is there such a thing as political wisdom?
    - What are the cultural and moral foundations for peace? What are the ultimate causes of peace?

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