The Contributions of Catholics to the Socio-Political Order

Do Catholics understand themselves to be obligated to contribute to the public square and to the statecraft? If the answer be yes, what gives rise to this understanding? And what should be the content of their contributions? These are the questions I wish to raise, and my title telegraphs an answer. The Catholic tradition teaches that this creation, of which men and women are co-creators, both includes and calls for order that is socio-political. One of our terrestrial tasks is to build up an order of societies, including but not limited to properly political society.

The Catholic tradition also teaches that we are preeminently spiritual beings, of course, but this preference for the spiritual is not, however, to the exclusion or denigration of the natural order. Grace builds on -- and does not destroy – nature, as Catholic philosophers and theologians alike say. That our human nature is a precondition of grace’s doing its proper work fortifies, rather than undermines, the importance of sustaining and developing our natural potential. What Jacques Maritain (1882-1973) captured under the epithet “angelism” is to be avoided: We are not disembodied spirits, each going it alone. We are created in the flesh, with the potential to join together and gift one another with society.

Catholic teaching on the socio-political order has its remote sources in the tradition’s early reflections on the revelation of Christ, its intermediate sources in the systematic,
philosophical-theological synthesis worked out, above all, by St. Thomas Aquinas in the thirteenth century, and its proximate sources in the body of work generated in response to the call of Pope Leo XIII (r. 1878-1903) for a renewed appropriation of the mind of Aquinas. Leo sought an up-to-date and authentically Catholic understanding of man, state, and society, and the Church’s position vis-à-vis all three of them, in a world that was no longer medieval and less and less visibly Catholic. Some of that understanding came from the popes themselves, but there were also gifted and generous priests and laymen who learned from the popes and went on to develop social philosophy and theology that are both bold and very Catholic. Probably the greatest Catholic philosopher of the twentieth century was Jacques Maritain. Pope Paul VI wished to create Maritain, a layman, a Cardinal of the Catholic Church at the conclusion of the Second Vatican Council (1962-65). It was Maritain’s social philosophy, more than any other, that shaped the Council’s, and thus the Catholic Church’s, modern social doctrine.

The choice of Maritain as principal guide to the Catholic answers to the questions presented may, nonetheless, require explanation. Maritain is today virtually unknown “on the very campuses where, just a generation ago, he was universally read and admired,” Norman Short recently remarked in the *Weekly Standard*. Admiration of Maritain was never universal (the University of Chicago resisted strong pressures to hire him; Maritain taught at Princeton instead), but he was indeed widely studied and deeply respected on the Continent and in the United States, and also, if more critically, in South America. A Frenchman by birth, Maritain lived for more than twenty years in the United States. Originally hostile to democracy, over time Maritain came to lavish praise not only on the American experiment in democratic living, but broadly on the ideal of democracy and human rights, including a constitutionally enshrined right to religious liberty. As Judge John T. Noonan, Jr., observed, when the Church championed the right to freedom of religion, it followed the way of Maritain.
Notwithstanding his enthusiasm for “rights,” Maritain was no proto-Rawlsian political liberal. As Maritain saw things, democracy and a panoply of legally enforceable rights were called for by the natural law itself. The natural law, nothing less, was to be our guide in politics. Maritain thus proved to be, in the words of William Sweet, “too liberal for conservatives, and too conservative for liberals.” This was the man’s peculiarly Catholic genius. Frequently from within the thicket of controversy but unburdened by the constraints of partisan loyalty, Maritain sought the truth and spoke it as he saw it.

The title of one of Maritain’s first books captures his – and the principal Catholic – insight about man and the state: *The Primacy of the Spiritual*, which in the English translation bears the title *The Things That Are Not Caesar’s*. With his response to the Pharisees’ taunt about whether or not to pay taxes, Christ gave Caesar a perhaps unexpected boost: “Render unto Caesar the things that are Caesar’s, and unto God the things that are God’s.” Caesar has stuff that is properly his, this notwithstanding the primacy of what is not his. Men and women come together in political society in order to fulfill their God-given social nature, and doing so they create a state with its genuine authority, a social and specifically political order. The quality of that order will condition whether humans reach their natural potential. It may even condition, moreover, whether they reach their supernatural or spiritual potential, an ominous point of which Maritain does not lose sight. Our associating here below is not our ultimate end, but it is through it that we, in words of Aquinas quoted by Maritain, “attain to enjoyment of the Godhead.”

For Maritain and the tradition he both articulated and developed, the reason persons should participate in politics is arresting: the human person’s nature is importunate of political society. Lest the import of this claim remain dormant, allow me to repeat it: Political society is
a demand of human nature itself. If this still seems toothless enough, consider that Dame Margaret Thatcher was of the studied view that there is “no such thing as society;” there are only “individual men and women, and there are families.”¹ The former Prime Minister of Britain denied the very reality that Catholics claim is made necessary by human nature itself.

What Catholics claim is necessary, and Thatcher denied, can easily be misunderstood (which is perhaps a principal reason for its denial), so please permit me to be somewhat technical as I proceed. First, on the Catholic view, every kind of thing, whether it be carrot, cow, or human person, has its own nature or, as Maritain sometimes says, its “normality of functioning.” Just as a piano functions normally or according to its nature only when it has the right number of strings and is in tune, so, too, the human person functions normally only when he is, as it were, in tune, e.g., nourished, physically healthy, and so forth.

The “and so forth” includes, second, engaging in society, or, as I would prefer to say, associating. Society is not a thing, but an activity, an activity in which humans, if they are to achieve their normality of functioning, must engage. One society is marriage; there is also the family, the one society Thatcher allows (though without acknowledging that is, in fact, a society). In addition to these two societies that come “rough-hewn” from nature, in Maritain’s apt phrase, there are also the schools, clubs, cloisters, sodalities, guilds, unions, and so forth – the countless societies men and women create, by reason and will, as time and circumstance allow or demand. There is also the Church, a society that comes from God to humanity.

Third, a given society is not a mere aggregation, the simple sum of its members. The sum is greater than the parts, because something distinct in dignity, capable of accomplishing a unique end or ends, comes into being. Family, for example, is not just “n” individuals, but a unity (of order) that deserves to be treated as what it is. Dissolve the society – drive the monks

from the cloister, force them to live isolated from one another, and something real has been lost. Society, fourth, is not merely an add-on to individual humans; humans are constituted through their associating(s). Because we are social by nature, other-directedness, if you will, is, at least in potency, equally original and simultaneous with the “I.” In other words, society, at least in potency, is as primordial and basic a reality as individual humans, pace Dame Thatcher.

So far forth, then, the landscape as seen by the Catholic eye is one of plural societies by which individuals associate and thus achieve some of the perfections of which by nature they are capable. But in addition to multifarious smaller, though not necessarily small, societies beyond numbering, there is, fifth, political society. It is by this route, then – that is, building up from the equal primacy of individuals and society -- that we come to the heart of the matter of about Catholics’ contributions to the socio-political order. One of the kinds of society of which humans are both capable and importunate is the one we call political society, where the word “political” means engaging together in government in order to realize the common good.

We can say that political society is the architectonic society by which individuals, always already associated in other societies (in which authoritative government of a sort also occurs), use reason and will to create the conditions under which they can achieve their normality of functioning. This includes, but is not limited to, creating conditions in which the smaller societies both flourish and harmonize with one another. Families and corporations and churches and schools and monasteries are given legal recognition, and thus protection. Sometimes families and schools are given mutually-reinforcing help. Vouchers for schools are a contemporary example; they allow family society to fulfill its educative function while allowing schools the opportunity to assist. This is the principle of subsidiarity at work; societies left to do their unique work, helped in that work as necessary. Maritain had this in mind when he wrote, “As opposed to the various totalitarian conceptions of political society in vogue today, the
conception here is of a pluralist body politic bringing together in its organic unity a diversity of social groupings and structures, each of them embodying positive liberties.”

Though these “positive liberties” are nothing less than the opportunity to achieve our normality of functioning, they are at the same time much more than that. What we have referred to as human nature or the normality of functioning is, to be sure, an opportunity. Each of us is a well-adapted means to certain kinds of ends (but not to others); we have the chance, unless lightning strike, to become friends, lovers, politicians, artists, but not cows or carrots.

The question of whether to take advantage of the natural opportunity that has been given is not, however, an ungoverned choice for the individual. Yes, each of us is “free” not to become that of which we are capable; however, there is law that ordains that we ought to become that of which we are capable. That law is what the tradition knows as the “natural law.”

As soon as one says “natural law,” a train wreck of misunderstanding impends. According to Maritain, though, no adequate account of our human situation can do without it. This latter claim, about the essential place of natural law in Catholic doctrine on man, state, and society, is itself contested. Some Catholics today would regard “human autonomy” or “human reason” as an apt alternative to natural law. Others (as diverse among themselves as the Odon Lottin, John Finnis, and Mortimer Adler) -- would agree that the natural law is a “law,” but only in a qualified sense. Maritain, however, holds with St. Thomas, with whom the popes of the twentieth century agreed time and time again, that the natural law truly is a law, that is, an ordinance of reason promulgated by the individual -- God, by name -- charged with care of the community, for the common good.
The counter-cultural thesis is that God, whose providential wisdom sweetly orders all things to their natural and supernatural ends, legislates in every human person, that is, instills in every human person a genuine law that binds the human person to realize his nature. Human nature is not itself a law unto itself; however, God induces in man a moral law. “What emerges from this doctrine . . . .,” Maritain explains,

is that the Natural Law is known by human reason, but that human reason, in its rational exercise, has no part in its establishment. The divine reason alone is the author of Natural Law. It alone causes that Law to exist, and it alone causes it to be known, insofar as it is the cause of human nature. Let us say . . . that here the divine reason is the only reason to be considered. The law, in effect, is essentially an ordinance of reason (ordinatio rationis), so that without an ordering reason there is no law. The notion of law is essentially bound up with that of an ordering reason. . . . The fact that the divine reason is the only reason which is the author of the Law enables us to understand better the meaning of Saint Thomas’ expression: Natural Law is a participation in the Eternal Law. It is the divine reason which is involved. If human reason had a hand in it, the Law would, to that extent, have no more than the value of human authority.

On the Catholic view as expounded by Maritain, then, what human persons are doing when they freely – and it is freely, for, again, we possess the wherewithal to flout the natural law – engage in self-government, is to cooperate in the divine governance. Politics is not, pace many prevailing views and much practice, just interest-trading and power-checking. It is, if it be legitimate, a following of the natural law, a participation in the divine rule.

Before drawing out the implications of this radical doctrine, a few more of the pieces need to be filled in. We have spoken of societies, including political society. But what of the
“state?” Maritain makes clear what the popes and others frequently leave obscure. The “state” is not a whole, not a freestanding entity with its own rights, privileges, dignity, and perhaps even “sovereignty.” The state is, rather, a part of political society, part of the body politic. It is the part of the body politic concerned with the good of the whole, the common good. The state is, Maritain explains, “a set of institutions combined into a topmost machine,” a “work of art” that is “constitutes a superior embodiment of reason.” What the person is doing in civil society, and what the legislator is doing in that part of civil society that we call the “state,” is to implement the natural law for the common good of the society.

Given that the natural law just is the normality of our functioning, one might ask, What else would we be doing, at least if we are doing what is good for us? Fair enough, though of course most of contemporary philosophy and common thought deny that we are bound by a natural law. Even those who affirm the natural law with Maritain do not claim, however, that the natural law specifies every particular of human living. As to some things, the natural law is, as we say today, under-determinative. St. Thomas Aquinas himself notes that many matters governed in a general way by the natural law await specification or determinatio. Against the caricature of the comprehensive “brooding omnipresence in the sky,” Maritain explains that the principles of the natural law are neither theorems nor idols, but the supreme rules of a concrete activity which aims at work to be done in such-and-such circumstances, with the help of more proximate rules and with the help, finally, of the rules never traced in advance of the virtue of prudence, which apply the ethical precepts to the particular cases in the climate of a concretely upright will. They do not seek to devour human life, but to build it up.
In order to give positive-law effect to the natural law, the legislator and the judge will need to develop their own respective forms of prudence, different from those adapted to everyday life.

All this should not obscure the decisive fact that, on the Catholic view, every rational person, no matter whether elector or legislator, is given, by God, a real law according to which to reach a judgment with respect to conduct. Thus, the legislator, having received that law from God, and further having received, from the people, the law-making office, can proceed to make further law, thereby ordering society according to the natural law. Correlatively, members of civil society, still capable of and required to reach judgments according to the natural law, will not, except as prudence may require, obey unjust positive “law” promulgated by the legislator. There are no lawless pockets.

Widening the focus from the legislator to the entire government apparatus and bureaucracy that stand at the service of political society, we can say that the end of the state and political society is to lead men and women to the natural perfections of which they are capable. Though it took the Church a long time to get perfectly clear on the point, it is not the role of political society and the state to sanctify and lead people to heaven. The end of political society and the state, Maritain insists, “is not to lead the human person to his spiritual perfection.” The Second Vatican Council made this teaching unmistakably clear, and Pope Benedict reinforced it in his first major teaching document, the encyclical letter Deus caritas est (2005). According to the Pope, it is the role of the Church to make men holy; it is the work of the state to do justice and secure order. A state that fails to achieve order in society will by that failure impede the Church’s work, and for this reason the Church has things to ask of Caesar. If the preacher cannot preach in peace and safety, the Gospel may go unheard -- an eventuality of literally cosmic proportions, whether Caesar acknowledge it or not.
“I love America,” wrote Maritain in his 1958 book *Reflections on America*. Jacques thrilled at the ways in which the natural law was being unfolded in the United States. He saw the mechanisms of our democratic state, the flourishing of societies -- religious and otherwise beyond numbering, and the implementation of structures of social justice as corresponding to the natural human *rights* that he believed were derived from the natural law itself. Maritain’s appreciation of America was not based on an abstraction. Drawing lessons from reflection on, for example, the Tennessee Valley Authority’s contribution to social justice and public welfare, Maritain wrote that, where necessary, “[t]he State itself would launch a movement of progressive decentralization and ‘destatization’ of social life, tending toward the advent of some new personalist and pluralist regime.”

In addition to articulating and pressing for pluralist regimes that serve human persons and their need freely to associate, Catholic social thought of the twentieth century also both contributed to and reflected an emerging sense of the rights of the human person and of his societies. Among twentieth century Thomists, Maritain stands out for the fullness of his articulation of a philosophy of natural human rights, a philosophy he educed from his account of man’s natural law participation in the eternal law. The problem that later emerged, and it is today’s and tomorrow’s, is the one of having rights without responsibilities or, more technically, of postulating rights not rooted in the natural law. Cut flowers die. As “rights talk” (as Mary Ann Glendon called it) replaces rights worked out and disciplined in service of the normality of human functioning, the necessarily particular conditions of human flourishing are eclipsed. Everything prized gets called a right, but nowhere is there publicly available a discourse by which to prioritize rights, adjudicate rights, deny false claims of right.

When the Catholic Church came to commend democracy and the rule of law, she did so with the expectation that a consensus that democratic politics is about implementing the natural
law, along with the natural rights that are derivative of it, through statecraft and positive law, would hold. Maritain and his American contemporary John Courtney Murray, S.J., perceived such an American consensus. That consensus, if it ever existed, has vanished, and now we have, courtesy of the Supreme Court in *Planned Parenthood v. Casey*, a “right to define one’s own concept of existence, of meaning, of the universe, and of the mystery of human life.” And we have a Catholic Justice, Antonin Scalia by name, who opines that “God,” not man, “applies the natural law.” What, then, do we do? And why, we might ask, is the Almighty doing such a crummy job?

What the Catholic Church offers the world of potential politics and politicians is a call to associate for the purpose of implementing the natural law. The naturalness of said law makes it a publicly accessible basis for politics, or so the Church and her philosophers continue to teach. That naturalness, however, should not obscure the marvelous fact that, on the traditional Catholic understanding, human beings implementing the natural law enjoy a participated share in the divine rule. Everyone, whether at home or in the legislature, is under law, always the potential beneficiary of a participated *regalitas*. There is no such thing as a purely private person, a person not under law. Over against modern political theory the landscape of which is populated by individuals considered simply as citizens, the Catholic tradition regards every person as endowed with the capacity and task to make actual the divine ordering that is at first only potential, that is, the power to rule according to a received law. Yes, humans are free to flout the task of rule, free to leave it to God to implement the natural law. But God is not going to do it for us. Which is why, in the judgment of Catholic social thought or at least much of it, contemporary American politics falls far beneath the dignity of a participated regality. We have effectively given up the terrestrial task that is ours, a sad eventuality that calls to mind
Maritain’s observation that the fact mistakes about the natural law are possible proves nothing against the natural law. “[W]e run the risk of error here as elsewhere.”

Do we despair? Thanks to Caesar’s De Bello Gallico, St. Thomas Aquinas recalled that the Germanic people were for more than a season ignorant of the fact that garden-variety theft violates the natural law. Some two thousand years later we have a German Pope. Pope Benedict invites people of all faiths to construct their common life according to “reason,” observing that today, argument from the natural law has become “blunt.” The Pope also recently mentioned Maritain by name, and remarked on the high level of his “confidence in the rational evidential quality of the moral truth of Christianity and of the Christian image of man.” Benedict did not comment on Maritain’s correlative judgment that humans should recognize that they are from the beginning under God’s law, to be obeyed in freedom. Perhaps we have lost sight not only of the natural illegality of theft, but also of the natural law as such, thus reducing ourselves to the false appearance of a condition of lawlessness.

Whatever the verdict on that, Maritain and the Pope are in agreement that the true basis of a sustainable politics includes the self-sacrificing love by which people reverse the cultural currents that obscure or deny the possibility of a social order in which people flourish and live joyfully. When Catholics contribute to building up the socio-political order, this is in part because they are under the law of charity given by Christ to his followers. As Maritain explains, “[B]y virtue of the Charity which is its essential source and principle, Christian spirituality overflows into things outside; it diffuses its own excellence. It acts upon the world, on culture, on the temporal and political order human life.” That may be why Pope Benedict dedicated his first encyclical to the love God has shown his people and that they should in turn show one another, including in the public square and through statecraft.