

Joseph Cardinal Höffner

**THE STATE**

**SERVANT OF ORDER**

German Bishop Conference in Cooperation with

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Joseph Cardinal Höffner

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## FOREWORD

Over the years, the Association for the Promotion of Christian Social Teaching, registered in Cologne, Germany as “ORDO SOCIALIS” has been very active in research, publications and the organization of seminar, workshops and symposia all over the world for the knowledge and promotion of Catholic Social Doctrine. Various publications of ORDO SOCIALIS have appeared worldwide.

This is possible because the association believed in and still holds the view that the Church’s social doctrine has a message for the world which message, if well known and lived, would lead to a solution of many of the micro and macro socio-political and economic policies which regulate the lives of nations and of peoples. The aim is to make Christianity work in the concrete, daily lives of people, be they entrepreneurs, politicians or professionals of every imaginable trade.

No one doubt the fact that in today’s world, “Catholic Social Teaching has emerged as an intellectual and moral force which is gaining both in vitality and in following.” Various authorities have said it we repeat it here that the principles of these Teachings remain “the only force capable of bridging the contrasting differences between individualism and collectivism along with their inherent economic and social systems. Indeed it strikes us as the only guideline capable of shaping a dignified human existence within a modern economy and society, or for faithfully implementing the Christian conception of humanity and the world.” (J. Stemmler, General Secretary of ORDO SOCIALIS until 2007)

This worldwide significance and efficacy of the Church’s Social Doctrine led to the formation, far back in 1990 in the Coal City of Enugu at the cementary celebration of “Rerum novarum” by African Theologians and peoples, of the African Association for the Advancement (today they call it “Promotion”) of Catholic Social Teaching (AAACASOT) with its seat at the Catholic Institute for Development, Justice and Peace (CIDJAP), Enugu, Nigeria.

This association has become the platform through which “Social Thought and Social Action” within Nigeria are being articulated and made handy for all persons of goodwill in the larger human society. Our society has a good chance to make it in the community of Nations. Let us make the first steps which is knowledge. ORDO SOCIALIS has gone to Asia, Europe (East and West), Latin America and now has a home in Africa. We need to know these teachings in its manifold forms and thereby live by them.

One of the greatest minds in the Western Church and a post war Veteran of the Social Teaching of the Church, Cardinal Joseph Höffner, delivered a paper, while alive, on “The State – Servant of Order” which topic, handling and logical conclusions help the African Christian, politician, economist and professional of various shades to see “light” and certain response to the problem of the “almighty State” in the development of various African States at this point in time.

For the first time, our CIDJAP Cardinal Höffner printing press did the work of printing at Enugu and we have the pleasure now to hand it over to you, the “African Reader” wherever you are and whatever you are doing, with gratitude to ORDO SOCIALIS Cologne and with faith in the brighter future of the African Continent.

Obiora Ike, Director CIDJP  
Enugu, 1996

## CHAPTER ONE: THE MEANING OF THE STATE

The state, which is filled by elementary tensions - state and society, state and international community, state and morality, state and Church - has been interpreted for millenia in very different and contradictory ways. The Christian answer to the question about the origin and meaning of the state can be summarized in four statements.

### **First statement: The state is not the “presence of God“**

Since the Syrian king Antiochus had himself glorified as savior (soter) and the manifestation of God (epiphanes), emperor worship became widespread in the ancient world. In the city of Priene in Asia Minor we find an inscription from the year nine A. D. in which it says that the Emperor Augustus has proclaimed the „gospel“ and brought „salvation“ to men. Since the death of Augustus the deceased Roman emperors were declared divine by a decree of the Senate. Domitianus, Aurelius, and Diocletianus had themselves called „lord and god“ (dominus et deus) already in their own lifetimes.

Holy Scripture quite deliberately applies these divinization formulae of ruler worship (soter and epiphanes) to Christ. It is not the emperor who is the savior and God appearing among us, but Christ: we are called to salvation „through the appearance of our Savior“ Jesus Christ (2 Tim 1:10). The faithful are exhorted to pray for the kings, not to them, whereby the divinity of the rulers is absolutely denied.

The theocratic conceptions of some jurists and theologians of the Middle Ages are also to be rejected, those, e.g., of Aegidius Romanus (+ 1316), who taught that „after the passion of Christ there is no more true state in which Christ does not reign as founder and ruler,“ from which it follows that ultimately all political power lies in the hands of the pope.<sup>1</sup> This ideology contradicts Holy Scripture. From the words of the Lord, „Give to Caesar what is Caesar's, but give to God what is God's,“ there speaks neither contempt for the state, to which one can give „I don't care“ what it demands nor a theocratic subordination under the ecclesiastical hierarchy. The question of the Pharisees ran: Who is right, the Hellenistic and pagan divinizers of the state or the Zealot Party which turns over the state to the temple priesthood? The „neither-nor“ of Christ's answer both rejects divinization of the state and recognizes the independence of the state.

### **Second statement: The ideology of power leads to the degeneration of the state.**

According to the ideology of power, the right of the stronger is the oldest of all laws. In the history of ideas, the Florentine Niccol• Machiavelli (1469-1527) has exercised the most lasting influence. Only a powerful prince, he declares, is able to coerce self-seeking men to order. The prince must therefore exercise his power unscrupulously, without any misgivings, „whether justly or unjustly, mildly or cruelly, laudably or shamefully.“ The principle of reason of state (ragione di stato) demands that everything that serves power be consistently carried out. The better a prince masters the art „of posing as if and of posing as if not,“ the more will his means be considered honorable and praiseworthy by all. The rabble, of course, is impressed only by mere appearance and success--“and in the world there is only rabble.“<sup>2</sup> The

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<sup>1</sup> Aegidius Romanus, *De ecclesiastica potestate* (Weimar, 1929), 73.

<sup>2</sup> N. Machiavelli, *Il principe* (1516), ch. 18.

antidemocratic movements, which flooded Europe after the First World War, favored the spread of the cult of power. Georges Sorel considered „power as the only great thing in history.“<sup>3</sup> The myth of power celebrated its orgies in National Socialism. The Marxist-Leninist theory of the state also rests on an interpretation of the ideology of power mixed with historico-dialectical materialism. The „dictatorship of the proletariat“ is, according to Lenin, „an iron power“ that acts „with revolutionary boldness and rapidity and that is ruthless in the suppression of both exploiters and hoodlums.“<sup>4</sup>

### **Third statement: The individualistic Enlightenment interpretation of the state is to be rejected as utilitarian.**

The philosophy of the Enlightenment, which pushed the autonomous individual into the center, saw in the state as well as in other social structures a merely functional organization.

1) According to Thomas Hobbes (1588-1679), the original „natural state“ of men was the „war of all against all“ (bellum omnium in omnes). Reason required that this condition, which had to lead to the downfall of all, be ended through a pact of union (pactum unionis). Each one had to renounce his freedom in favor of a third (pactum subiectionis), who thereby became the absolute ruler.<sup>5</sup> Leviathan, in which Hobbes expounded his political science, became the Magna Charta of royal absolutism and was invoked as a witness even at the time of the national-socialist dictatorship. On February 20, 1946, Pope Pius XII asked: Has the state not come so far as „to renounce its mission as protector of rights in order to become the leviathan of the Old Testament which dominates everything because it wants to arrogate everything to itself?“<sup>6</sup>

2) Also according to Jean Jacques Rousseau (1712-1778) , the destructive insecurity of the original state was ended through the contractual founding of the state. „Since by nature no one has power over his fellows, and since might does not make right, a settlement is the only thing that remains. Therefore every legitimate authority is also founded on this.“ Through the contractual founding of the state, one's „better self“ becomes operative as a pure moral consciousness and as a general will (volonté générale) of all men. „Each one of us,“ writes Rousseau, „places his person and his entire strength under the supreme direction of the general will and further accepts every member as an indivisible part of the whole.“<sup>7</sup>

Rousseau's effect has been enormous. He not only pointed the way to the French Revolution, but also influenced the structures of democracies of the Western type.

### **Fourth statement: According to the Christian understanding, the state stands in the service of order. It is the supreme guarantor of the common good founded on right and power.**

Order, a key concept of Catholic social teaching, is realized when a multiplicity is pervaded by a single purpose and brought to a higher unity. Order does not mean enforced conformity and suppression, but service to the members and parts which could not exist without this ordering power. The individual person is unable to manage all the necessities of life by his or her own strength. Numerous forms of community are necessary. We are thus faced with an

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<sup>3</sup> Georges Sorel, über die Gewalt (Frankfurt am Main, 1969).

<sup>4</sup> Lenin, Ausgewählte Werke (Moskow, 1947), II:379-381.

<sup>5</sup> Thomas Hobbes, Leviathan (1651), ch. 17, ch. 26.

<sup>6</sup> Address of Pope Pius XII on February 20, 1946.

<sup>7</sup> J. J. Rousseau, Du contract social (1762), bk. 1, ch. 7.



almost incalculable number of interconnected individual persons, families, communities, cultural institutions, business enterprises, etc., whose multiple relations must be permeated by right, order, and security. It would be utopian to assume that this order could be established of itself. Adam Smith (1723-1790) did indeed believe in a „pre-established harmony“ of private interest and common good. He thought that concern for „general happiness,“ i.e., for the common good is „the business of God and not that of man.“<sup>8</sup> Two hundred years before Adam Smith, Francisco Suarez (1548-1617) was more sober in his thought. „Individuals,“ he wrote, „pursue their own private advantage, which frequently stands in contradiction to the common good.“<sup>9</sup> In order to secure the common good there is required a comprehensive social structure that as the highest parameter of society - based on right and might - guarantees earthly welfare in the best possible way. The highest social structure, the state, should therefore create all the presuppositions for a productive development of individual persons, of smaller circles of life, and of the entire society.

State and society are thus not separated, but distinct. The dualism of state and society, which is characteristic for the history of Europe, guarantees the freedom of man and the development of specific realms of culture. It offers protection from the totalitarian power of the collective.<sup>10</sup> But the name alone does not make the state. In ancient Greece the polis may have been a „state“ in the fullest sense. Today it is a legitimate question whether the traditional national states of Europe are still able to exercise the function of the supreme guarantor of the common good. These states are economically, politically, and militarily so dependent on each other, and this not least as a result of technological and world-political developments, that the highest and most vital concern of the common good can only be realized in common. It is therefore in accord with a correctly understood Christian political science that the national states join together in a European political unity and lend their support to it in order that the security, the preservation of justice, and the respect of rights for all peoples may be guaranteed through a worldwide ordering power, as has been called for in different ways by the popes and the Second Vatican Council.

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<sup>8</sup> Adam Smith, *The Wealth of Nations*, bk. 2, ch. 3 and Bk. 4, ch. 9.

<sup>9</sup> Francisco Suarez, *De legibus*, III., c. 3, n. 4.

<sup>10</sup> Cf. Peter Koslowski, *Gesellschaft und Staat. Ein unvermeidlicher Dualismus* (Stuttgart, 1982).

## CHAPTER TWO: THE GOVERNMENTAL AUTHORITY

According to the Christian understanding, governmental authority, which is realized in legislation, in public administration, and in the administration of justice, is by nature connected with the state. Governmental authority, which orders things to the common good, can be more closely defined through five statements.

### **First statement: God himself, from whom all power and authority stem, is the ultimate author of governmental authority.**

Not a few people have a broken relation to power. „Power upsets social differences,“ said Lord Acton. „Power,“ wrote Jakob Burckhardt also, „is evil in itself, regardless of who exercises it. It does not rest, but is a craving and eo ipso unfulfillable. It is therefore unhappy in itself and must thus make others unhappy also.“<sup>1</sup>

The Epistle to the Romans thinks otherwise: „Let every person be subject to the governing authorities. For there is no authority except from God, and those that exist have been instituted by God. Therefore he who resists the authorities resists what God has appointed“ (Rom 13:1-2). Certainly, the state endowed with the power of coercion belongs to the age between the Fall and the return of the Lord. In the coming kingdom of God there will be no state. Fallen humanity, however, needs the ordering function of governmental authority against lawbreakers and malicious men: „Rulers are not a terror to good conduct, but to bad“ (Rom 13:3).

### **Second statement: Since the state is the supreme guardian of the common good, its power must be uniform, comprehensive, sovereign, and coercive.**

It is, of course, contradictory to Christian thought to see in the sovereignty of the state a power that is fully unlimited, and even illimitable, both internally and externally. Outside of hell, there is no „totally closed society.“ The state may not fall prey to that intolerant exclusivity that leads to terror and war and recognizes neither God nor man nor human dignity. It must rather be open for the particular way of life of individual persons and smaller groupings, for the right to life of other peoples, and especially for that order that stands above all states because it is given by God ( principle of subsidiarity).

### **Third statement: According to the conception of Catholic social teaching, the original bearer of governmental authority is the nation as a whole, i.e., the politically unified national group.**

In Catholic political science political freedom occupies a large space. In particular the great Spanish theologians of the sixteenth century emphatically declared that the people transfers its own authority to the bearers of governmental authority. Dominico Bañez (1528-1604), for example, teaches that governmental authority „comes entirely from the people itself,“ thus „immediately from the nation as a whole, and that is the unanimous teaching of the students of St. Thomas.“<sup>2</sup> Theologians add that governmental authority, when transferred to the present bearers of this authority, still remains rooted in the nation as a whole. If governmental author-

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<sup>1</sup> Jakob Burckhardt, *Weltgeschichtliche Betrachtungen*, ed. Rudolf Masse (Stuttgart, 1955), 97.

<sup>2</sup> Dominico Bañez, *Scholastica comm. In II. II.* (Duaci, 1615), III:524.

ity degenerates into tyranny, the people is justified in drawing it back to itself. Pope Pius XII explicitly professed this liberal and basically democratic conception of the state which „prominent Christian thinkers have held at all times.“<sup>3</sup>

Otto von Gierke has reproached Catholic social teaching for having operated „with all weapons of the spirit for a purely worldly construction of the state and of the right to rule.“<sup>4</sup> In this way, also according to the judgment of Wilhelm Windelband „the higher authority and, to a certain extent, its metaphysical root“ have been taken from the state.<sup>5</sup> In reality, Catholic political science seeks to avoid a confusion of the natural and supernatural orders and at the same time to protect the freedom of man over against every pseudo-religious veil worn by the state and by governmental authority.

#### **Fourth statement: The tasks of governmental authority--legislation, executive power, administration of justice--arise from the end of the state.**

Governmental authority sees itself placed today before difficult tasks. On the one hand, the ever thickening social intertwinements, the ever broader expansion of the system of social security, the disturbances of equilibrium between the sectors of the economy, the problems of environmental protection, the dangerous demographic development, the breakdown of moral norms--along with many other reasons--have led to the „growing intervention of public authorities“ in almost all realms of human life, even in those that „pertain to the most intimate aspects of human life“ (child-rearing, education, vocational guidance, public health service, etc.).<sup>6</sup> On the other hand, it is complained that legislation and public administration often make only short-term, feeble, and provisional decisions. In earlier opening addresses before the German Bishops' Conference I have referred to the important tasks of governmental authority and discussed questions of the guarantee of peace, protection of the environment, and the economic order. Today I shall limit myself to pointing out the following realms which seem to me to be of topical interest.

#### **1) Protection and Fostering of the Moral Order**

Since the end of the 1960's, a serious crisis of life has spread among our people, that is connected with the confusion of moral value notions. It expresses itself in many ways: in the disturbed relations to young life (more coffins than cradles), in the disruption of numerous marriages (130,000 divorces per year), in unmarried couples living together, in the weakening of the moral norms protecting the life of people (particularly of unborn, ill, and elderly people), in the increase of violence, in alcohol and drug abuse, etc. It will perhaps be said that in a pluralistic society the state is responsible for the law but not for morals. I counter that law and morality cannot be so simply separated. „The inner binding character of the law,“ the Federal High Court has declared, „rests precisely on its agreement with the moral law.“<sup>7</sup> A state that wished to recognize no fundamental moral values but to content itself with a somehow functioning external order would decay. In the Federal Republic of Germany, governmental authority is bound to Basic Constitutional Law, which recognizes binding moral norms in the

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<sup>3</sup> Address of Pius XII to the opening of the Rota report year, October 2, 1945 (A. A. S. [1945], 259).

<sup>4</sup> Otto von Gierke, *Johannes Althusius und die Entwicklung der naturrechtlichen Staatstheorien*, 3rd ed. (Breslau, 1913), 65.

<sup>5</sup> Wilhelm Windelband, *Lehrbuch der Geschichte der Philosophie*, 13th ed. (Tübingen, 1935), 359.

<sup>6</sup> Cf. the encyclical of Pope John XXIII, „*Mater et Magistra*“ of May 15, 1961, no. 48, 60.

<sup>7</sup> BGH St. 6, 52.

fundamental rights. Nevertheless, a certain tension between the pluralism of a liberal democracy and the commitment to the values of Basic Constitutional Law is unmistakable.

As experience teaches, criminal law is able to sharpen the moral consciousness, but also to disinhibit it, even when the legislator does not intend this. Without the relaxations in criminal law, the living together of unmarried couples, for example, would not have become such a matter of course as is often the case today. The same holds for the protection of the life of the unborn child.

It has been objected that people must first be won over to the protection of the unborn child and then the corresponding legal regulations can be enacted. Moral convictions must first be changed, and then politicians can draw the conclusions from them. One should not approach politicians with the „subtle belief that they can change any attitude.“<sup>8</sup>

It is my conviction that it would be a fatal mistake if the governmental authority would wait each time with its measures--with taxpayer honesty or shoplifting, for instance--until the moral consciousness has changed. There is the additional consideration that according to Article 3 of Basic Constitutional Law comparable states of affairs should not be treated differently. If, for example, the governmental authority intervenes only with hesitation to protect the life of the unborn child, then will it not consequently have to limit the protection of the life of an already born child, one who is handicapped perhaps?

## 2) The Welfare State

According to the conception of Catholic social teaching, it is the right and duty of the individual person to bear the first responsibility „to provide the necessities of life for himself and his dependents.“<sup>9</sup> Even if the family has lost many functions, the family household offers a great degree of security still today. Nevertheless, owing to the conditions in industrialized society, the individual and his or her family alone can no longer guarantee the social security of life without the assistance of the institutions of society as a whole. It is therefore not correct to present the system of social security in general as a phenomenon of degeneration and as a sign of the loss of individuality and a lack of self-responsibility. It is, to a large extent, a question of an adaptation of the form of existence and the way of life of modern man to the altered social and economic circumstances.

It is, however, alarming that wide circles of the population are filled with a conspicuous desire for public assistance, so that there is talk of the „limits of the welfare state.“<sup>10</sup> The welfare state will have to pay especially careful heed to the principle of subsidiarity. Long before the social encyclicals, Bishop Ketteler was probably the first to have spoken of „subsidiary right.“ Reason and truth, he wrote, give the people the right „also to provide and to accomplish itself what it can in its own home, in its own community, and in its own country. That is, of course, in no way compatible with the principle of centralizing governmental authority....For then the governing interventions everywhere and the fabrication of laws would soon come to an end.“ With respect to the family, for example, the state only has certain rights if „parents seriously violate their paternal rights and duties.“ It is, however, a „harsh absolutism, a true enslavement of soul and spirit, if the state abuses this, as I would call it, subsidiary right.“<sup>11</sup>

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<sup>8</sup> Cf. „Überfordert die Kirche katholische Politiker?“ in Herder-Korrespondenz (April, 1986), 174ff.

<sup>9</sup> „Mater et Magistra,“ no. 55.

<sup>10</sup> Cf. Chancen und Grenzen des Sozialstaats, ed. P. Koslowski, Ph. Kreuzer, R. Löw (Tübingen, 1983).

<sup>11</sup> Kettelers Schriften, I:403, II:21, 162.

The welfare state, writes Manfred Spieker, should be „a reserve, protection and aid, a refuge site and support of free, independent, and self-responsible people“ and „secure, encourage, and foster“ the efforts of the person „towards the success of his or her own life.“ In doing so, however, it must always respect „the primacy of the responsibility proper to individuals and to groups, i.e., to society.“<sup>12</sup>

It also belongs to the tasks of the welfare state to foster personal initiative in the realm of the economy and to avoid the incurring of debts for the expansion of the ordinary and current social expenditures.<sup>13</sup> The costs of the welfare state are obscured through state indebtedness. For „the state cannot give without taking; only God can give without taking“ (Carl Schmitt). „The true prosperity of the nation,“ as James M. Buchanan writes, is „inevitably decreased by every form of financing of current government services through state indebtedness.“<sup>14</sup>

State indebtedness is even more alarming in view of demographic development. While we today in the Federal Republic of Germany count fifteen million young people under twenty years of age, in the year 2030 there will presumably be only 6.2 million. The number of those over sixty-five, on the other hand, will rise from 9.1 to 13.5 million so that the generation of those from twenty to sixty-five years of age, which will decrease by twelve million, will have to provide a livelihood not only for themselves and their children but also for elderly people. To the wage disputes between labor unions and employers there will be added the struggle between the employed and the elderly for a share in the social product. It is only in course of time, when the remaining elderly are no longer alive that a new equilibrium will be able to fall into its normal swing. It would be irresponsible if those who are gainfully employed today would raise their standard of living and live beyond their means through state indebtedness and thereby further place an enormous burden of debt on the younger generation in addition to the provision for the elderly.

### **3) Internal Security**

The construction and preservation of the legal system in domestic affairs will take shape above all in the constitution, the economic system, civil law, criminal law, a just administration of public affairs and of justice as well as in concern for the common welfare. Here it is to be observed that not only must material welfare be fostered in terms of economic and social policy, but that immaterial welfare is also to be cared for, whose characteristics are above all the realization of social justice, a national education building on moral values, a high level of culture and science, a model public health system as well as the protection of the freedoms of conscience and religion.

We recognize how important internal security is when we think, for instance, of the conditions in Northern Ireland or in Lebanon. Today terrorism, which fights against the „prevailing system“ with fanatical zeal, is threatening the security and the structure of the state. It wishes to make the Western world ungovernable. Terrorism is nothing new. In the second half of the nineteenth century, it was a dangerous power threatening the order of European states. Czar Alexander II of Russia, King Umberto of Italy, King Charles of Portugal, Empress Elisabeth

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<sup>12</sup> Manfred Spieker, *Legitimitätsprobleme des Sozialstaats* (Bern und Stuttgart, 1986), 269, 284.

<sup>13</sup> Cf. Joseph Höffner, *Wirtschaftsordnung und Wirtschaftsethik*, ed. the Secretariate of the German Bishops' Conference, 1985, idem., „Wettbewerb und Ethik“. Vortrag auf dem Symposium des Forschungsinstituts für Wirtschafts-verfassung und Wettbewerb. Innsbruck, February 15, 1986.

<sup>14</sup> James M. Buchanan, „Verschuldung, Demos und Wohlfahrtsstaat,“ in *Chancen und Grenzen des Sozialstaats* (Tübingen, 1983), 125.

of Austria, two Spanish prime ministers, and a French prime minister fell victim to it. In 1869 Bakunin and Nietzsche published a terrorist catechism in which it says: „The revolutionary is a consecrated man. He is merciless to the state in general as well as to the entire civilized class of society, and just as little should he expect mercy for himself. Between him and society there rages both openly and secretly a life and death war, but one without end and without reconciliation.“<sup>15</sup> On September 21, 1977 and on April 10, 1978, the German Bishops' Conference pointed to the causes of terrorism, such as the ideology of conflict, the philosophy of unlimited prosperity, pragmatism, the throw-away culture, and the lack of meaning, as well as to the presuppositions for overcoming it: respect for life, a new style of life, orientation by the gospel, and a spirit of reconciliation.<sup>16</sup>

#### 4) External Security in the Community of Nations

The thesis that the external security of a state can be guaranteed only through military defense is not tenable according to the conception of Catholic social teaching. The security and well-being of an individual state can only be realized in the community of states and nations since world economics and world trade, press and radio, the threat of war and the longing for peace have joined all humanity into a fateful unity as never before. Because people are not simply many, but many of the same species, they form an original, pre-given unity in intellectual and moral, legal and economic respects, independently of agreement and consent. The whole world, Francisco de Vitoria taught (+ 1546), is „in some way a single state.“<sup>17</sup> Or, as Francisco Suarez (+ 1600) expressed himself, it is a unity „that rests not only on the identity of species of all men, but rather on that of their political and moral nature, as it were.“<sup>18</sup> Pope Pius XII took up this teaching and on December 24, 1951, declared that the common good and the essential end of individual states could „neither exist nor be conceived without their inner relation to the unity of the human race.“<sup>19</sup> As the Second Vatican Council also teaches, it „requires the establishment of some universal public authority acknowledged as such by all, and endowed with effective power to safeguard, on the behalf of all, security, regard for justice, and respect for rights.“<sup>20</sup>

Just as the security of individual states can be guaranteed only in the community of nations, so is every state jointly responsible for the well-being of other states and nations. A worldwide power of suggestion proceeds today from the advanced industrialized societies. Nations that for millenia have lived in a certain static contentedness have been awakened and come to a new consciousness. This awakening, however, takes place with an eye on the comforts of civilization of the developed industrialized states in the face of which they consider themselves disinherited, neglected, or even exploited. It is a command of justice for the common good of all mankind to come to the aid of these nations. The hungry nations expect a sign above all from Christians.

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<sup>15</sup> Cited in Th. Schieder, *Propyläen-Geschichte Europas* (1977), V:206.

<sup>16</sup> The German Bishops, *Ursachen des Terrorismus und Voraussetzungen seiner Überwindung*, 10. April 1978, ed. the Secretariate of the German Bishops' Conference, Bonn. Cf. *Terrorismus, Beiträge zur geistigen Auseinandersetzung*, ed. Hans Maier (Mainz, 1979).

<sup>17</sup> F. de Vitoria, *Relecciones teológicas*, ed. L. G. A. Getino (Madrid, 1934), II:207.

<sup>18</sup> Francisco Suarez, *De legibus*, bk. 2, ch. 19, no. 9.

<sup>19</sup> Christmas address of Pius XII, December 24, 1951.

<sup>20</sup> „Pastoral Constitution on the Church in the Modern World,“ no. 82. I refer further to the statement of the German Bishops' Conference, *'Gerechtigkeit schafft Frieden,'* (1983) and my address, „Das Friedensproblem im Licht des christlichen Glaubens,“ ed. the Secretariate of the German Bishops' Conference, (Bonn, 1981).

If this sign is lacking, the danger threatens that „types of messianism which give promises but create illusions“ will incite the masses and deliver them up to „totalitarian ideologies.“<sup>21</sup>

### **Fifth statement: It seems daring, but would be appropriate to draw up a „politician's code“ for the bearers of governmental authority.**

In earlier centuries people were fond of establishing ideal models for the different classes so that the reader could carefully consider himself or herself as in a mirror. There were codes for princes, handworkers, farmers, merchants, etc.<sup>22</sup> Today many are of the opinion that it is hardly possible to define the ethos of the politician, i.e., the totality of his or her moral convictions determining his or her political action. For politics corrupts one's character, and a loss of face is to be lamented among politicians. Scandals and cases of corruptions have led to a crisis of confidence.

It seems to me that a politician's code should exhibit the following seven traits:

#### **1) Strength of Character**

One is a person of character who, even against resistance, steadfastly orients one's life by firm principles. This is an attitude that must prove itself in a special way in the case of politicians, for whoever holds a political office occupies an exposed position. He or she is exposed to the criticism, the attack, and the pressure of interest groups. „If the jackdaws are not to caw around you, you must not sit on top of the church tower,“ says Goethe. The Federal Republic of Germany has been called a „group market“ that „conducts political business as a group“ and „as an association of dukedoms.“<sup>23</sup> The politician must be independent and incorruptible. The Basic Constitutional Law determines, on the one hand, that all „governmental authority proceeds from the people“ (Article 20, 1) and, on the other hand, that the delegates „are not bound to commissions and directives and are subject only to their own consciences“ (Article 86, 2), and that produces tensions. The delegate will follow his or her conscience and not let himself or herself be influenced by public opinion or the mass media. A majority is no proof of correctness, and the Federal Republic of Germany is not a television democracy.

#### **2) Profession of Fundamental Moral Values**

According to the Basic Constitutional Law, whoever is a bearer of governmental authority must be convinced that there are trans-temporal moral values and orders. The Basic Law is not a quick-change picture frame with a content adapted to the public opinion of any given time. It is, to name one example, alarming to present marriage and family as „questionable.“ A bishop of the third world, who knows and loves our people, said to me some time ago: „If you continue in this way, we shall bury you.“

Profession of the permanent moral values preserves the politician from pragmatically and precipitously adapting his decisions to what is of temporary interest at the moment. There are many propositions (Sätze) today, but few principles (Grundsätze). When fundamental moral values break down, ideologies sprout up like weeds, those „closed systems“ which, as a doctrine of salvation, are incapable of bearing criticism. An ideology is also a flight into the nostalgia of a utopian life.

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<sup>21</sup> Encyclical „*Populorum progressio*,“ no. 11.

<sup>22</sup> Cf. Wilhelm Berges, *Die Fürstenspiegel des hohen und späten Mittelalters* (Leipzig, 1938).

<sup>23</sup> Theodor Eschenburg, *Herrschaft der Verbände?* (Stuttgart, 1955), 49, 641, 87.

### **3) A Gift for Creative Combinations**

In the high Middle Ages, Thomas Aquinas wrote that the politician must possess an „architectonic“ aptitude, as it were.<sup>24</sup> What he means is a gift for creative combination, a sense for promising developments, a talent for coordination, independent initiative, and the art of balancing interests. The politician does not remain outside. He is not a contemplative observer. He takes sides and wishes to order and to shape. Good will and moral integrity do not suffice. Aptitude and ability must be added besides. Only then can goals be realized that reach beyond everyday politics, although a politician must also do much detailed work.

### **4) Objectivity, Soberness, and Equanimity**

The politician will not let himself or herself be led by sensationalism, theatrics, slogans, emotions, and utopias. Extremes are always wrong. Nor can everything be expressed on placards. On the one hand, objectivity and soberness protect one from the anxiety that is haunting Europe like a ghost: anxiety about nuclear energy, about nuclear war, about the future, etc. As experience teaches, technological, cultural, and social upheavals happen to provoke anxieties in every age. For social and economic upheavals steer us towards a future that is not calculable in every respect. That is a danger and an opportunity at the same time. On the other hand, a superficial optimism that considers everything feasible is no less dangerous. The politician knows that a kernel of truth lies in the words of Machiavelli: „In all human things it appears on closer examination that one can never eliminate an ill without another one arising there from.“<sup>25</sup> It is easier to say of social and economic conditions: „Not this way!“ rather than: „This way!“

### **5) Willingness to Serve**

In Holy Scripture, the exercise of governmental authority is characterized as a pastoral office and diaconia. The good shepherd „strengthens the weak,“ „binds up the injured,“ and „brings back the strayed“ (cf. Ez 34:4). He is thus there for the flock and is not a hired hand who pastures himself (Ez 34:10), lines his own pockets, and is susceptible to bribery and corruption. Whoever exercises governmental authority must be conscious that he or she is „God's servant“ (Rom 13:4) and thus in the service of men as well.

### **6) Courage to Make Unpopular Decisions**

Political relations today are so many-sided and difficult to penetrate that almost every more important decision presents a challenge. What our age needs is something out of season. The politician is fond of open and straightforward language. A word no longer has any meaning when it can have every meaning. The politician is conscious that what is relevant is not what our age wants but what it needs.

### **7) Willingness to Cooperate**

The crisis of confidence of many citizens in the politicians and of numerous politicians among each other is dangerous. Only objective confrontations can be of further help. While maintaining all resoluteness in holding one's own opinion, one should not personally offend those who

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<sup>24</sup> Thomas Aquinas, *Summa Theologica* II-II, q. 58, a. 6.

<sup>25</sup> N. Machiavelli, *Discorsi*.



think otherwise with scornful irony and cynical mockery but together strive towards the good of the people and be ready for reconciliation and compromise in doing so. I would wish a bit of humor for the politician. He or she should not take himself or herself so seriously but maintain his or her inner equilibrium without dead seriousness. Only dictators have no sense of humor. As for the rest, to lead does not mean to dominate and to dictate, but to convince through specialized competence.

## CHAPTER THREE: THE RIGHTS AND DUTIES OF THE CITIZENS

Complaint is often raised concerning the widespread indifference with respect to the state and the loss of political interest among many citizens of the Federal Republic. Not a few worry only about their private income and their prosperity. „Opulence makes one immobile,“ says Paul Valéry. Even if generalizations are to be rejected, it is nevertheless unmistakable that the willingness to feel responsible for the state has atrophied among many. Citizens have rights and duties with respect to the state.

**First statement: Since the people is the original bearer of governmental authority, crucial rights are due to the citizens.**

### 1) All Citizens are Entitled to Contribute Actively to the Common Good of the State

I here call to mind the right to vote and the honorary collaboration in self-government, but also the right of criticism and control. The shortening of the time to be spent in gainful employment expected in the future could and should lead to the expansion of honorary services. „We must be ready,“ says Professor Oswald von Nell-Breuning, „to donate a large part of our work without remuneration simply because we consider it meaningful and relevant, if not even commanded.“<sup>1</sup>

### 2) All Citizens Have a Legal Claim to Equality Before the Law (GG 3, 1)

In the Basic Constitutional Law (GG 3, 3), it says: „No one may be disadvantaged or preferred because of sex, descent, race, language, homeland and origin, faith, or religious and political views.“ The injustice of „apartheid“ contradicts the principle of equality. Apartheid, formed etymologically from the French ... part (apart),<sup>2</sup> means being pushed aside, disadvantaged, segregated, separated, and disenfranchised.<sup>3</sup> As the Second Vatican Council teaches, three different forms of apartheid can be distinguished, namely, discrimination against a person because of his or her „race or color, condition of life, or religion.“<sup>4</sup>

a). Nations, tribes, and individual persons are often disadvantaged and persecuted because of their race or color. The elimination of the Jews by National Socialism represents an apocalyptic high point. up until recently a world-wide indignation prevailed over the racial apartheid ( now fortunately abolished) that was introduced by law in the Republic of South Africa in 1948. The power system of the white minority was supposed to be secured in the political, social, and cultural realms. Such a system contradicts the rights and dignity of the black population. For „all bondage“ offends against the gospel. All efforts to create peaceful relations are in vain „so long as feelings of hostility, contempt, and distrust, as well as racial hatred and unbending ideologies, continue to divide men and place them in opposing camps.“<sup>5</sup> I have taken a detailed stance with respect to the situation in the Republic of South Africa in a declaration of August 20, 1986.

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<sup>1</sup> Oswald von Nell-Breuning, in „BKU-Rundbrief“ (October, 1985), 5.

<sup>2</sup> Cf. Franck-van Wijk-van Haaringen, *Etymologisch Woordenboek der Nederlandse Taal. Supplement* (s'Gravenhage, 1936), 7.

<sup>3</sup> Cf. van Dale, *Groot Woordenboek der Nederlandse Taal*, 10th ed. (s'Gravenhage, 1976), I:174.

<sup>4</sup> „Declaration on the Relationship of the Church to Non-Christian Religions,“ no. 5.

<sup>5</sup> „Pastoral Constitution on the Church in the Modern World,“ nos. 41, 82.

b) Social apartheid forces weaker social groups into the margins, exploits them, and disenfranchises them. Many are of the opinion that the Catholic Church was first pushed towards its responsibility with respect to the socially exploited through the „theology of liberation.“ That is an error. For the Church possesses in its social teaching a program that „penetrates the human community and its history.“<sup>6</sup> In the message of Holy Scripture about the dignity of man who is image and child of God, redeemed through Jesus Christ, and made a „new creation“ through baptism (Gal 6:15) and a „partaker of the divine nature“ (2 Pt 1:4), there lies an enormous socially dynamic and explosive force.

When in the European Middle Ages the peasants were in many ways treated inhumanely by the landlords, numerous priests raised a public protest in their preaching. „They now subjugate you,“ cried Friar Ludwig to the peasants, „but on the day of judgment you will put your foot on the necks of the lords.“<sup>7</sup> Another Minorite brother called the lords „oppressors and robbers of the poor“; he compared the landvogts of the lords with the sparrow hawk „which may be a small bird but is predatory and greedy.“<sup>8</sup> In the judgment of the famous popular preacher, Berthold von Regensburg, the peasants rightly called the lords rapacious wolves, „for that is what they are.“<sup>9</sup> If you do violence to the peasants, he exhorted the lords, „you have become unfaithful to the almighty God and have fallen away from the community of holy Christianity: he will cast you among the unfaithful angels.“<sup>10</sup> „You robbers and violent ones,“ he called them another time, „who corrupt and oppress the poor with unjust power, your military banner hangs with Lord Nimrod; you must eternally burn below.“<sup>11</sup> The „Friend of God,“ Rulman Merswin (1307-1382), also led a bitter complaint against dukes and counts who coerced the poor against all right. Not even the Emperor was as he should have been.<sup>12</sup>

Catholics also protested passionately against the misery of the proletariat in nineteenth-century Europe. Even today still, one is sometimes inclined to affirm that before Karl Marx no one saw the misery of the proletarians and that particularly the Catholics behaved almost indifferently. Whoever speaks in this way does not know the historical facts. In the year 1823, when Karl Marx was five years old, the journal, „Der Katholik“, published in Mainz wrote that development threatened to split human society into two classes: „into squanderers and hungering beggars, into men and beasts of burden, into rich and poor.“<sup>13</sup> The „new priests of industry,“ so Adam Müller (+1829) held, dreamed of the „world domination of industry,“ without considering that in this way the industrial workers would be cut to pieces „in gears, treble hooks, rollers, spokes, shafts, etc.“<sup>14</sup> The competitive economy, declared the Rheinisch Catholic leader, Peter Franz Reichensperger, teaches that „most extreme egoism of greed which in feverish rage builds its own industrial happiness upon the ruins of the ruthlessly destroyed existence of a hundred others, indeed, it perhaps essentially coincides with this.“<sup>15</sup> The exploitation of children is especially terrible. „Can a work,“ wrote Reichensperger, „bring happiness and blessing to the land that tolerates such horrors in its midst, while it enacts laws for the protection of nightingales and against cruelty to animals?“<sup>16</sup> In the leading Catholic

<sup>6</sup> „Instruction on Christian Freedom and Liberation,“ no. 62.

<sup>7</sup> H. Franz, *Drei deutsche Minoriten-Prediger aus dem 13. und 14. Jahrhundert* (Freiburg in Breisgau, 1907), 88-89.

<sup>8</sup> *Ibid.*, 102.

<sup>9</sup> Cited in A. E. Schönbach, *Studien zur Geschichte der altdeutschen Predigt* (Vienna, 1908), CLV:42.

<sup>10</sup> Cited in F. Pfeiffer, *Berthold von Regensburg* (Vienna, 1862), I:143.

<sup>11</sup> Cited in A. Linsenmayer, *Geschichte der Predigt in Deutschland* (Munich, 1886), 343.

<sup>12</sup> P. H. Strauch, *Merswins-Neun-Felsen-Buch* (Halle, 1929), 40-42.

<sup>13</sup> *Der Katholik*, 10 (1823), 97f.

<sup>14</sup> Adam Müller, *Ausgewählte Abhandlungen* (Jena, 1921), 46f.

<sup>15</sup> P. F. Reichensperger, *Die Agrarfrage* (Trier, 1847), 199f.

<sup>16</sup> *Ibid.*, 208ff, 249.

journal of those decades, the *historisch-politische Blätter*, it says in the first volume (1838) that hunger stands „impatiently outside before the door wrapped in rags, knocks with a threatening finger, and demands bread and clothing.“<sup>17</sup>

Several years before the Communist Manifesto the Cardinal-Archbishop Giraud de Cambrai protested in a pastoral letter on the social question (1845) against „the exploitation of man by man,“ an expression that in no way stems from Karl Marx.<sup>18</sup>

Leading Catholics of the time pointed out in warning that, if a structural reform did not follow, the proletarian revolution would break out, assume „a pseudo-mystical, fanatical character,“ and build an „apocalyptic kingdom of the future.“<sup>19</sup>

The German Catholics of the nineteenth century did not content themselves with criticizing the inhumane social conditions. They proposed concrete reforms and collaborated energetically on their realization. They stimulated the solidary coalition of workers and the founding of unions as well as the cooperation of employers and employees. They demanded the establishment by law of a social policy: prohibition of child labor, shortening of working hours, and establishment of a system of social security (health and accident insurance, pension insurance, etc.). They demanded the creation of property in the hands of the workers: the acquisition of a private home and participation in economic capital formation. In this way it was to be brought about that every worker „would be directly involved in the result of his work and in the prosperity of the factory“ and the awareness instilled in him „of doing good or bad work not merely for a third party but also for himself.“<sup>20</sup>

Catholic social teaching and the Catholic social movement collaborated decisively in the establishment of that order which we call the „social market economy.“

In solving the social problems of the third world, especially in Latin America, one should set out from the experiences of European Catholics from the beginning of the nineteenth century. That promises more success than the adoption of Marxist analyses, which have proved false in all their crucial statements.

Social apartheid represents an „unprecedented challenge“, since it is today a question of „the socio-economic liberation of millions of men and women caught in an intolerable situation of economic, social and political oppression.“<sup>21</sup>

c) In many countries „antireligious apartheid weighs on millions of people. The communist states were and still in part are the pacesetter of antireligious apartheid. It may well say in their constitutions that citizens are guaranteed the right „to profess the religion of their choice or none at all, to perform religious acts of worship or engage in atheistic propaganda“(Article 52 of the constitution of the former Soviet Union). But as a system-immanent ideology atheism is a governmental world view. To occupy oneself with God, W. J. Lenin declared, is „the most dangerous horror, the most repulsive disease,“ the „most vile way of spitting on oneself.“<sup>22</sup> According to Marx and Lenin, the origin of religion lies in the impotence of subjugated man before his exploiters and in the impotence of scientifically unenlightened man before the forces of nature. Communism, Karl Marx affirms, is „perfected humanism,“ i.e., „the

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<sup>17</sup> *Historisch-politische Blätter*, I (1838), 150.

<sup>18</sup> Cf. Paul Droulers, „L'Episcopat devant la question ouvrière en France sous la Monarchie de Juillet,“ *Revue historique* 466 (1963), 346.

<sup>19</sup> *Historisch-politische Blätter*, 19 (1847), 522ff.

<sup>20</sup> J. F. Reichensperger, 253ff.

<sup>21</sup> „Instruction on Christian Freedom and Liberation,“ no. 81.

<sup>22</sup> W. J. Lenin, *Briefe* (East Berlin: Dietz-Verlag, 1967), III:232, 233.

true resolution of the conflict“ between man and man and at the same time „perfected naturalism,“ i.e., „the true resolution of the conflict between man and nature.“<sup>23</sup> This ideology is a bundle of prejudices and oversimplifications. It gives no answer to the questions: „What is a man? What is the meaning and the purpose of our life? What is goodness and what is sin? What gives rise to our sorrows and to what intent? Where lies the path to true happiness? What is the truth about death, judgment, and retribution beyond the grave? What, finally, is that ultimate and unutterable mystery which engulfs our being, and whence we take our rise, and whither our journey leads us?“<sup>24</sup>

Today even in the communist dictatorships more and more people are becoming aware that they are coming up against the limits: the limits of progress, of production, of survival in a world threatened by self-destruction. The Tschernobyl catastrophe has shaken faith in „perfected naturalism.“ „Pravda,“ the party newspaper published in Moscow, printed a poem of the poet Andrej Vosnessenskij on June 2, 1986, in which it says: „Forgive me man...that monstrous trials of forces blind have fallen on my land and on my age. Forgive the fact that I am but a man.“ The question of God cannot be repressed.

Nevertheless, the apartheid character of atheism showed itself not so long ago in the fact that in the Soviet Union and in the other socialistic countries it was the presupposition for advancement to a leading position. Whoever publicly professed to be a Christian and participated in the religious life of a Christian community could not become the prime minister, or a member of the Supreme Soviet, or a member of the government, or an ambassador, or a mayor, or a director of a business enterprise, or a professor, or an officer, or a principal or teacher in a school, or anything of the kind. To disadvantage believing Christians in this way and to push them aside is antireligious apartheid. At the Roman Bishops' Synod from September 27 to October 26, 1974, a bishop from a socialist country pointed out that there „the unbelievers“ were „privileged,“ for the prevailing world view was that of dialectical materialism. Peter Nichols also wrote: „If one publicly professes Christianity, it is difficult to find employment. Factory directors usually disadvantage believers, especially those who take an active part in the work of their Church. They refuse to hire them or give them unimportant tasks which offer no possibilities of promotion.“<sup>25</sup> The entire clergy of the Lithuanian diocese of Panevezys 1986 protested in a letter to the Soviet Party Leader Michael Gorbachev against the fact that the citizens professing the Christian faith are in many ways disadvantaged in public life with respect to the atheists.<sup>26</sup> At the beginning of September, 1986, the Polish bishops still lamented the fact that individual believers and groups of believers were discriminated against because of their religious convictions. And antireligious apartheid had assumed terrible forms in Albania too.

Every form of apartheid violates the right and dignity of man. The Christian will therefore not limit himself or herself to protesting against a particular kind of apartheid, e.g., racial apartheid, as if religious apartheid were less evil. The Christian rejects all apartheid. He or she is also convinced that the overcoming of (the forms of) apartheid is an essential presupposition of peace within the state and among states.

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<sup>23</sup> Karl Marx, Die Frühschriften, ed. S. Landshut (Stuttgart, 1953), 235.

<sup>24</sup> „Declaration on the Relationship of the Church to the Non-Christian Religions,“ no. 1.

<sup>25</sup> Peter Nichols, Die Divisionen des Papstes (Munich, 1983), 299.

<sup>26</sup> KNA, August 4, 1986, no. 177.

### 3) The Right to Resistance

Even if, as it says in the Epistle to the Romans, governmental authority „is instituted by God“ (Rom 13:1), it still bears the inadequacy of all earthly things. With more or less reason one will have one thing or the other to criticize in all laws and in all governmental measures. But more frightening is the fact that states and governments, as experience teaches, can exhibit not only this or that deficiency, but can also degenerate in a criminal way. Here it is usually not a question today, as it was in antiquity, of an individual tyrant, but of movements or parties that spread terror at home and abroad. The „Instruction on Christian Freedom and Liberation“ of April 5, 1986, branded with sharp words the „violence exercised by the powerful against the poor, arbitrary action by the police, and any form of violence established as a system of government.“<sup>27</sup>

As the original bearer of governmental authority, the people are entitled to the right of resistance with respect to the state. The above-mentioned Instruction rejects, however, the „systematic recourse to violence“ as a „destructive illusion“ since it not infrequently „opens the way to new forms of servitude.“ The „myth of revolution“ surrenders to the illusion that „the abolition of an evil situation is in itself sufficient to create a more humane society,“ whereas in reality this myth fosters „the setting up of totalitarian regimes.“ The thesis that sees „in the class struggle the structural dynamism of social life“ is also rejected as erroneous.<sup>28</sup>

An armed struggle can only be justified in „an extreme case“, when it is „a last resort to put an end to an obvious and prolonged tyranny which is gravely damaging the fundamental rights of individuals and the common good.“ Nevertheless, a „very rigorous analysis of the situation“ is necessary whereby one must consider that „passive resistance“ is a way „more conformable to moral principles and having no less prospects for success.“<sup>29</sup>

#### **Second statement: The fulfillment of the laws of the state is a moral duty.**

The citizen experiences the so-called duties of the „subject“ in the most marked way. Today, it is not infrequently said, the trend towards relativizing binding norms of the state is widespread. The constitutional state is avoided and undermined. In opposition to this, Catholic social teaching points to three fundamental attitudes.

#### **1) Love of One's Fatherland**

In Germany, love of one's fatherland has fallen into disrepute because of National Socialism. In recent decades it was almost tabooed to speak of the fatherland. Upbraiding of one's fatherland took the place of love of one's fatherland. At the most, one still spoke of preservation of the countryside and protection of monuments, if the fatherland was not simply rejected as a „system of the ruling-classes“.

If I am not mistaken, the Treves bishop, Franz Rudolf Bornewasser, wrote the last pastoral letter on love of one's fatherland on March 15, 1947. There he says: „It is not open to man whether he wishes to love his fatherland or not. Love of one's fatherland is not a weighing of advantage, but a religious obligation. Neither is love of one's fatherland mere feeling, but a virtue of the will, a free, conscious self-surrender to the land of one's fathers. Love of one's

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<sup>27</sup> „Instruction on Christian Freedom and Liberation,“ no. 76.

<sup>28</sup> Ibid., nos. 76-78.

<sup>29</sup> Ibid., no. 79.

fatherland means rejoicing at the flowering of one's fatherland, suffering at its suffering, and always praying for its well-being. But love of one's fatherland also means deep pain at the blemishes that soil the image we bear of it in our hearts. Love of one's fatherland further means faithfulness. Whoever breaks faith is a traitor. True faithfulness proves itself when suffering and need come upon one's fatherland. Would it not be sad if, in times of need, one were to begin to calculate whether one could not live better if one were to separate oneself from one's fatherland? To abandon one's fatherland for purely egotistical reasons in flight before the required sacrifice contradicts the spirit of Christianity, which values faithfulness and willingness to sacrifice more highly than material goods.“

It seems to me that the time has come to reflect again on the Christian message about the relation of man to his people, to his fatherland, to his state. According to the Christian understanding, love for one's fatherland is grounded in reverent dedication to those to whom we owe our origin: God, our parents, and the land of our fathers, the land where our cradle stood and to which we are bound by destiny through a common homeland, a common descent, a common history, a common culture, and a common language. „Before man is thrown into the world, he is laid in the cradle of the home,“ says the French philosopher, Gaston Bachelard (1884-1962).

Homelessness is a loss of identity. If „fatherland“ disappears from linguistic usage, other important things in life are also lost. The Christian does not have a broken relation to his or her fatherland. The Second Vatican Council summons Christians to „a generous and loyal devotion to their country.“<sup>30</sup> It exhorts the faithful, „in loyalty to their country,“ to serve the common good.<sup>31</sup> The people of God of the Old Testament loved their homeland and the city of Jerusalem. In Psalm 137, it says: „By the waters of Babylon, there we sat down and wept, when we remembered Zion...If I forget you, O Jerusalem, let my right hand wither!“ (Ps 137:1.5). Jesus loved his people also. As he saw before him the disaster that would come upon the city of Jerusalem, „he wept over it“ (Lk 19:41).

Christian love of one's fatherland is not a mere feeling, nor an unctuous patriotism, nor a sentimental nationalism, and even less a chauvinism. It is embedded in the love for all men and all peoples. For the limitation of being human to one's own race, one's own people, one's own nation, or one's own class leads to brutality. Love of one's fatherland is, as the Second Vatican Council says, „without any narrowing of mind,“ open to „the whole human family, which is tied together by the manifold bonds linking races, peoples, and nations.“<sup>32</sup>

## 2) Willingness to Sacrifice

Without the citizens' willingness to sacrifice, the common good cannot be realized. The tight social intertwinement and the development of social and political relations since the beginning of the industrial age have greatly increased the financial needs of the state. The amount of taxes and duties, their anonymity, the complicated process of balancing costs, and not least the spread of that attitude which is usually called „minimum morality“ (Grenzmoral) have weakened the consciousness of being morally obligated to pay taxes and duties. According to the Christian understanding, the citizen is morally obligated to pay taxes and social security contributions. The Second Vatican Council calls tax evasion „fraud.“<sup>33</sup> 68 If the citizens con-

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<sup>30</sup> „Pastoral Constitution on the Church in the Modern World, „ no. 75.

<sup>31</sup> „Decree on the Apostolate of the Laity,“ no. 14.

<sup>32</sup> „Pastoral Constitution on the Church in the Modern World,“ no. 75.

<sup>33</sup> „Pastoral Constitution on the Church in the Modern World,“ no. 30.

sider the tax laws to be in need of improvement, the solution does not lie in tax evasion, but in tax reform to be striven for in a democratic way.

Moreover, one should not underestimate the willingness of the German people to pay taxes and duties. In the year 1981, no less than 631 billion DM were paid in taxes and social contributions on a social product in the amount of 1,552 billion DM. Social expenditures rose in 1986 to more than 600 billion DM (31% of the social product). In the year 1985, the total expenditures of the state (including social security) amounted in the Federal Republic of Germany to 47.6% of the gross social product (Informationsdienst des Instituts der deutschen Wirtschaft, 1986, no. 30).

### **3) The Common Good Precedes the Private Good**

In the Federal Republic of Germany, numerous interest groups have been formed, i.e., organized associations that conjoin the parallel economic interests of their members and seek to exercise influence and pressure on public opinion, the political parties, the chambers of parliament, the government, and the administration of public affairs and justice as well as on opposed interest groups in order to obtain their interests. The formation of organized associations does correspond to our understanding of society and state. And it is also to be recognized that, in a certain respect, interest groups are the expression of the need for protection over against the ever expanding power of the state. Nevertheless Catholic social teaching places the common good of the state above the special interests of associations. It appeals to the sense of responsibility of the associations and their functionaries to recognize the primacy of the common good in their programs and praxis in spite of the fully justified advocacy of their own interests.



## CHAPTER FOUR: THE RELATION BETWEEN STATE AND CHURCH

In its two thousand year history, the Church has experienced various social orders and political systems and has had to come to terms with them. Politically, the Roman state was tightly organized but still tolerated the rank pluralism of religions and mystery cults as long as they recognized the state cult. Since the Christians rejected the pagan sacrifices, they were exposed to serious suspicions and persecutions in the first three centuries. In the Middle Ages and even in the religious state of the Early Modern Age, Church and society stood opposed in a simple polarity. New problems emerged when, in the course of development, numerous states assumed a biconfessional character after the Reformation. Only in the difficult adaptations lasting from the sixteenth to the twentieth century has it been possible to find a *modus vivendi*.

The modern state of the Western world has neither a homogeneous faith nor a biconfessional structure. In respect of religious ideology, it stands rather under the law of a plurified polarity. The bewildering multiplicity and contrariety of religious and ideological conceptions is characteristic for it, whereby it should not be overlooked that, even when they have communist governments, the European states possess a Christian past and thus a Christian imprint now as before.

As experience teaches, it is not easy for the Church to find its own position in this pluralism. The Church has been warned of the „fatal inclination“ to consider itself as part of the „social forces.“ Robert Spaemann rightly points out that the Church should not be a „representative of a religious need,“ „nor an ideological community,“ but that it must „hold fast to its constitutive claim to truth“ and understand itself „as the place with an absolute public character under the legitimating claim of God transcending the claim of the state.“<sup>1</sup> Thus understood, the relation of the Church to the state can be summarized in the following six statements:

### **First statement: The mission of the Church to proclaim the salvation given to us in Christ does not exclude, but rather includes service in the social realm.**

Since the beginning of the twentieth century, especially among Lutheran theoreticians, the tension between the radical indifference to the world of the message of Christ and its meaning for social and political relations has been controversially and contradictorily disputed. Max Weber (1864-1920) and Ernst Troeltsch (1865-1923) declared that the unadulterated teaching of Jesus, as it appears most purely in the Sermon on the Mount, raises no claim to shape the social relations. Christ founded a charismatic community, that was „indifferent“ to earthly orders<sup>2</sup> and simply dismissed worldly interests with the demand for trust in God and a materially simple life-style<sup>3</sup>. This is a „radical transcendence of the world and a heroism that cares little for the conditions of earthly life,“ a „capitulation before the sinful orders“ of the state, society, trade, economy, and family, a „pure ethics of character without legal rights and power.“<sup>4</sup> In 1916 Johannes Wendland also wrote: „If Christianity could be the only power defining our lives, then forbearance, renunciation of one's own rights, endurance of violence, and faith in an eternal, transmundane kingdom would be the only answer to enemy threats.“<sup>5</sup>

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<sup>1</sup> Robert Spaemann, in the introduction to Peter Koslowski, *Gesellschaft und Staat* (Stuttgart, 1982), p. XVII.

<sup>2</sup> Max Weber, *Wirtschaft und Gesellschaft*, Grundriß der Sozialökonomik (Tübingen, 1922), III/2:280.

<sup>3</sup> Ernst Troeltsch, *Die Soziallehren der christlichen Kirchen und Gruppen* (1912), 2nd ed. (Tübingen, 1919), 96.

<sup>4</sup> Ernst Troeltsch, *ibid.*, 96, 225.

<sup>5</sup> Johannes Wendland, *Handbuch der Sozialethik*, (1916), 283.

These theses, which at first found so many adherents in Lutheran circles that Georg Wünsch spoke of the „collapse of Lutheranism as a social configuration,“ have long been rejected by leading Lutheran social ethicists such as Walter Künneth, Helmut Thielicke, Heinz-Dietrich Wendland, and Ernst Wolf as „introverted interiority,“ as „liberal dualism,“ as an „emancipation of orders,“ as a „surrender of a world left to itself“ „to profaneness.“ For several decades, first Lutheran theologians and then Catholic theologians also have proclaimed a „political theology“ which, compared with Max Weber and Ernst Troeltsch, adopts an extremely opposed standpoint. During the last world war, Dietrich Bonhoeffer wrote that Christianity is concerned „not with the beyond, but with this world as it is created, preserved, regulated by laws, reconciled, and renewed.“ He added: „In recent years, I have come to know and understand more and more the profound this-worldly character of Christianity.“<sup>6</sup>

In 1967, Johann Baptist Metz expressed the view that the „salvation of all flesh“ lay „originally and not subsequently in the concrete social dimension of human existence.“ It takes place not only „in society,“ but society is „to a certain extent the primary material of salvation, which aims at universal peace and definitive justice (cf. 2 Pt 3:13).“ This salvation, therefore, is „of a permanently worldly character, not indeed in a cosmological sense, but in a social, public, and, to a certain extent, political sense.“<sup>7</sup>

In the 1970's, not a few took up the catchword „political theology“ with great emotion and demanded from the Catholic Church massive involvements in the political realm, e.g., the use of *Misereor* and *Adveniat* collections for revolutionary liberation struggles, which others in turn rejected as a relapse into the „Constantinian age“ and as a „humorless utopia.“<sup>8</sup>

In the meantime, the „theology of liberation,“ which is widespread especially in Latin America, and which was doubtless sponsored by the stock of ideas of „political theology,“ has become common talk.<sup>9</sup>

As a survey of theological opinion in the twentieth century shows, radical aversion from the world and radical conversion to the world are sharply opposed to one another. The solution does not lie in an either-or. According to the Catholic understanding, the proclamation of salvation and advocacy of the dignity and freedom of man are internally related to one another.

## 1) The Proclamation of Salvation

As it says in the „Instruction on Christian Freedom and Liberation,“ the Church must remain true to its most proper mission of proclaiming to men „the very core of liberation,“ the salvation bestowed upon us in Christ. Jesus Christ has not brought man just any liberation, from sickness or social oppression for instance, nor liberation for a limited time, say three or five years, but liberation in every respect and for ever, namely the liberation „from the most radical evil, from sin and the power of death.“ „The heart of the Christian experience of freedom is in justification by the grace received through faith and the Church's sacraments. This grace

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<sup>6</sup> Dietrich Bonhoeffer, *Widerstand und Ergebung. Briefe und Aufzeichnungen aus der Haft* (Munich and Hamburg, 1964), 137, 183.

<sup>7</sup> J. B. Metz, „Friede und Gerechtigkeit. Überlegungen zu einer 'politischen Theologie,'“ in *Civitas* (1967), VI:13.

<sup>8</sup> Cf. Jos. Arquer, „Kirche an der Leine der Revolution? Wider die Politisierung der Theologie und die Vergewaltigung des Gewissens,“ in *Rheinischer Merkur*, September 27, 1968.

<sup>9</sup> Cf. Joseph Höffner, „Soziallehre der Kirche oder Theologie der Befreiung?“ Eröffnungsreferat bei der Herbstvollversammlung der Deutschen Bischofskonferenz, Fulda, September 24, 1984.

frees us from sin and places us in communion with God.<sup>10</sup> Even if all mankind had become an affluent society and hunger were overcome everywhere, Christ's message of salvation would remain just as necessary and dismaying as today. Cardinal Giraud de Cambrai wrote words in 1845 in his pastoral letter on the social question, which gain a new relevance today a hundred and fifty years later: „Let us beware of all exaggeration. The affirmation of the service to mankind that the gospel has performed in the social realm should not mislead us into following the example of modern journalists who would like to limit supernatural salvation and the divine mystery of the world's redemption on the cross to purely worldly proportions and to interpret them in the sense of a reform of earthly society.“<sup>11</sup>

## **2) Advocacy of the Rights and Dignity of Man**

Although political and economic action do not belong „directly“ to the mission of the Church, the „hope of eternal life,“ „the love of justice“ and peace, as well as the „mercy“ proclaimed in the Sermon on the Mount also produce effects in the „temporal order.“ The message of Christ also „penetrates the human community and its history“ in a purifying and animating way. For „the Church desires the good of man in all his dimensions, first of all as a member of the city of God, and then as a member of the earthly city.“ Evangelization and human promotion form, on the one hand, a unity because the Church „seeks the good of the whole person.“ They are to be distinguished, on the other hand, because both tasks belong to the mission of the Church „in different ways.“<sup>12</sup>

Christ has redeemed the whole person, even insofar as he or she is essentially related to the Thou and the community. It would be a questionable reduction of the Christian message of salvation if one were to see in it only an appeal to the individual soul and limit oneself to attempts to console individuals. Even after the Fall there is an order of human life in common founded in the social nature of man and thus willed by God. God has not delivered up the fallen age to his adversary.

### **Second statement: It is the task of the Church to proclaim the fundamental moral values in a pluralistic society „whether convenient or inconvenient“ (2 Tim 4:2).**

Pluralism as such possesses no integrating force. A total pluralism would have destructive effects. The leveling off of morality creates not community, but pseudo-unity. The Church advocates „justice and love“ and seeks „by her universality“ to be „a very close bond between diverse human communities and nations.“ It claims the right „to preach the faith with true freedom, to teach her social doctrine, and to discharge her duty among men without hindrance. She also has the right to pass moral judgments, even on matters touching the political order, whenever basic personal rights or the salvation of souls make such judgments necessary.“ In doing so, the Church seeks after what is binding and confesses „that all men, believers and unbelievers, must work together for the proper building up of this world in which they live together.“<sup>13</sup> When the Church advocates the rights and dignity of man, it does so in virtue of its authority of proclamation, not in virtue of an authority of coercion, however understood. The Church exercises no physical coercion, for it is the community of those who believe in

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<sup>10</sup> „Instruction on Christian Freedom and Liberation,“ nos. 52, 99.

<sup>11</sup> Paul Droulers, „L'Episcopat,“ 345.

<sup>12</sup> „Instruction on Christian Freedom and Liberation,“ nos. 62-64.

<sup>13</sup> „Pastoral Constitution on the Church in the Modern World,“ nos. 29, 42, 76.

the Lord by free decision and profess the pre-given order and form of the Church willed by Christ.<sup>14</sup>

In the most recent discussions on authority and freedom in the Church it is often alleged that the Church is a state. The strength and weakness of the Church lies in the truth and in grace, not in external force.

It is amazing what high expectations many oppressed people and nations, especially in the third world, place on the Catholic Church. The number of countries in which the Church vigorously and effectively protests against social and political injustice, against guerilla terrorism, against totalitarian oppression, and against the persecution of believers is becoming ever larger. I am reminded of the non-violent „Rosary Revolution“ in the Philippines in February of 1986. Pope John Paul II gives new impetus and inspiration to it on his pastoral trips time and again. He thereby strengthens the social presence of the Church. It would, however, be wrong to dissolve the service of the Church into sociology and development aid.

**Third statement: The Church cannot take a stance by virtue of her authority on those economic and political questions on which Christians, without prejudice to their faith, can be of differing opinions.**

When it is a question of the concrete configuration of states, societies, and the economy, e.g., the right of codetermination, Christians can, as the Second Vatican Council declares, „with equal sincerity...disagree with others on a given matter.“ In such cases, no one has the right „to appropriate the Church's authority for his opinion.“<sup>15</sup> The defenders of „political theology“ mistake these connections to a large extent. Hans Maier rightly writes that he is „surprised and alarmed“ at the „naïveté“ with which political theology speaks of „the political involvement of the Church,“ as if to engage in politics were „to walk along a totally straight street paved by the Magisterium and not rather a tedious searching for the way in the tangle of interests, group rivalries, and conflicting norms.“<sup>16</sup>

When criticism is brought to bear on ecclesiastical utterances concerning the political realm, it must be examined in the interest of the Church itself whether pre-given limits were overstepped. Positions taken by the Church which take place in a legitimate way and with the proper moderation should support the state in the performance of its governmental tasks. They must be effective through their persuasive force.

**Fourth statement: The competence of individual believers or groups of believers is to be distinguished from the responsibility of the magisterial office in the governmental and social realms.**

Believers have rights and duties „as members of the Church“ and other rights and duties „as members of human society.“ They will „strive to harmonize the two.“<sup>17</sup> In doing so, they will orient themselves by the fundamental Christian values, but otherwise act out of their own responsibility. They will „make the Church present and operative in those places and circum-

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<sup>14</sup> Cf. Ernst-Wolfgang Böckenförde and Konrad Deufel, *Christlicher Glaube in moderner Gesellschaft* (Freiburg, Basel, Vienna, 1982).

<sup>15</sup> „Pastoral Constitution on the Church in the Modern World,“ no. 43.

<sup>16</sup> *Stimmen der Zeit*, (February, 1970), 74.

<sup>17</sup> „Dogmatic Constitution on the Church,“ no. 36.

stances where only through them can she become the salt of the earth."<sup>18</sup> This task can be fulfilled both in personal service to be exercised by each individual and in conjunction with those of like mind. Hasty talk of „antiquated Catholic guilds“ is imprudent and suspect. „In the present circumstances,“ the Second Vatican Council writes, „it is quite necessary that, in the area of lay activity, the united and organized form of the apostolate be strengthened.“<sup>19</sup>

When Christian citizens join together in a political party, this party is not an „ecclesiastical institution,“ not a confessional and clerical party, but a political party, which is responsible for the good of the whole people. If it calls itself „Christian,“ that does not mean ecclesiastical patronage, but profession of the principles of Christian social teaching. The political parties themselves determine their nearness to or distance from the Church through their platform and praxis.

Today not a few hold the thesis--consciously or unconsciously--that only the adherents of liberalism, socialism, humanism, or other secularized trends are justified in becoming politically active, but not those citizens of the state who are adherents of the Christian faith, or not, in any case, according to the principles of their faith. If Catholic citizens should wish to become politically active, they would, in the political realm, have to give up their faith, as it were, and act according to liberal or socialistic models. A political activity informed by faith on the part of Catholic citizens would be „political clericalism.“ This offensive objection is to be countered by the fact that in the modern, ideologically pluralistic society the Christian is also justified and obligated to cooperate from out of his faith in the political shaping of the state, the society, and the economy. As the Second Vatican Council teaches, Christians should be an example of dutiful action and support for the common good. They should show through their deeds „how authority is to be harmonized with freedom, personal initiative with consideration for the bonds uniting the whole social body, and necessary unity with beneficial diversity.“<sup>20</sup> Here, however, a clear distinction is to be made „between what a Christian conscience leads them to do in their own name as citizens, whether as individuals or in association, and what they do in the name of the Church and in union with her shepherds.“<sup>21</sup>

**Fifth statement: The Church is able to be present and effective in the modern religious and ideological pluralism only insofar as „the witness of Christians“ allows.**<sup>22</sup>

It would be a false reaction to depend on traditional customs and positions secured by law. The relation of the Church to the state is ultimately defined in the long run through the presence of the Church in modern society. If the living witness of Christians is lacking, which should be effective „in the arena of their labor, profession, studies, residence, leisure, and companionship,“<sup>23</sup> the Church will no longer fill the spiritual space of modern society, and other forces will penetrate it and gain control. Christians may not retreat into a spiritualistic „pure ecclesiality“ of the introverted cultic community.

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<sup>18</sup> Ibid., n. 33.

<sup>19</sup> „Decree on the Apostolate of the Laity,“ no. 18.

<sup>20</sup> „Pastoral Constitution on the Church in the Modern World,“ no. 75.

<sup>21</sup> Ibid., no. 76.

<sup>22</sup> Ibid., no. 76.

<sup>23</sup> „Decree on the Apostolate of the Laity,“ no. 13.

**Sixth statement: Although state and Church are distinct in their origin, end, and constitution, and „in their proper spheres...are mutually independent and self-governing,“<sup>24</sup> they are nevertheless related to one another in many ways and obligated to collaborate for the good of man.**

State and Church make their way through history together: in common joy and distress, in common guilt and in the common experience of the mercy of God. Both serve the same person, even if in their respectively different ways. The end of the state is the realization of the earthly common good. The end of the Church is the supernatural salvation of men and women. The chilly separation of state and Church and the cool aloofness from one another are therefore to be rejected.

In countries in which state and Church have been closely intertwined for centuries, e.g., in Germany, a „mitigated“ or „halting separation“ (U. Stutz) has developed which sets out from the fact that the majority of the population are members of the Christian churches and that a Christian presence is a social given. In our country, state and Church are in many ways institutionally connected with one another, e.g., through the recognition of the churches as corporations under public law, through the establishment of Catholic theology departments at state universities, through the system of levying church taxes, through the establishment of confessional schools, etc. The „reasonable cooperation“ of Church and state (Federal Constitutional Court) has favorable effects for both sides. Struggles between Church and state tend, as experience shows, to put believers on the defensive and to paralyze valuable forces.

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<sup>24</sup> „Pastoral Constitution on the Church in the Modern World,“ no.76.