

Joseph Cardinal Höffner

**CHRISTIAN SOCIAL
TEACHING**

With an Introduction and Complementary Notes by
Lothar Roos

Ordo socialis

Original (published in German):

Joseph Kardinal Höffner

CHRISTLICHE GESELLSCHAFTSLEHRE

Edited, revised and supplemented by Lothar Roos

Editor: Butzon & Bercker

Publishing Company: Butzon & Bercker • D-47623 Kevelaer, 1997

ISBN 3-7666-0324-8

Translation and digitalization sponsored and organized by:

ORDO SOCIALIS

Academic Association for the Promotion of Christian Social Teaching

Wissenschaftliche Vereinigung zur Förderung der Christlichen Gesellschaftslehre e.V.

The members of the board are published in the impressum of www.ordosocialis.de

Head Office: Georgstr. 18 • 50676 Köln (Cologne) • Germany

Tel: 0049 (0)221-27237-0 • Fax: 0049 (0)221-27237-27 • E-mail: gf@ordosocialis.de

English edition:

Translation: Stephan Wentworth-Arndt, PhD; Gerald Finan (Introduction Roos and Notes)

© ORDO SOCIALIS, Cologne, Germany, Second Edition 1997

Consultant: Prof. Dr. Karl H. Peschke

Editorial Supervision: Dr. Johannes Stemmler

Layout and Typesetting: Thomas Heider, Bergisch Gladbach

Edited by ORDO SOCIALIS, published by LÚC, Bratislava

ISBN 80-7114-196-8

Digitalized by Jochen Michels 2006, Layout by Dr. Clara E. Laeis

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INTRODUCTION TO THE ENGLISH EDITION

Cardinal Höffner's „Christian Social Teaching“ is surely the Catholic Church's most successful textbook on this subject. The German version was first published in 1962, but over the next twenty years or so (up to 1983) eight more editions, some enlarged, appeared and it was translated into six languages (1964 English and Spanish, 1967 Japanese, 1970 Portuguese/Brazilian, and 1979 Italian and Korean). This fact, too, shows its unique importance for the Church's global mission. The 'secret' of the author's success lies in a similarly unique combination of qualities. Joseph Höffner was a historian and systematist, theologian and economist, researcher and 'populizer', professor and bishop all in one person.

Born in Korhausen (Westerwald, Germany) in 1906 into a rural family of eight children, Joseph Höffner obtained a PhD in 1929 at the Gregorian Papal University in Rome and, after being ordained in 1932, was awarded a theology doctorate in 1934 with a dissertation on „Social Justice and Social Love.“ With his study entitled „Peasant and Church in Medieval Germany“, a study of socio-ethical history, he also obtained a German theology doctorate at Freiburg im Breisgau in 1938. At the same university he also studied economics under Walter Eucken and in 1940 wrote a dissertation on „Business Ethics and Monopolies in the 15th and 16th Centuries.“ Then in 1944, likewise in Freiburg, he wrote a post-doctoral thesis on „Christianity and Human Dignity. The Ethics of Spanish Colonialism in the Golden Age“ (published in 1947).

In 1945 Joseph Höffner became professor of pastoral theology and Christian social teaching at the Trier Seminary, and in 1951 he was appointed professor of Christian social science at the University of Münster. There, in 1960, he founded the „Yearbook of Christian Social Sciences.“ Apart from his teaching and research work he was involved in Germany's post-war political and social reconstruction as a member, for instance, of advisory committees to the federal ministries for family and youth, housing, labor and social affairs, as head of the social affairs department of the Central Committee of the German Catholics and as spiritual adviser to the Federation of Catholic Entrepreneurs.

Höffner's „Christian Social Teaching“ appeared in the year he was appointed Bishop of Münster (1962), the fruit of his many years of teaching. Thus its academic and ecclesiastical impact was not felt until after the author had swapped the professor's robes for the bishop's gown, first as Bishop of Münster, then from 1969 as Archbishop of Cologne and Chairman of the German Bishops' Conference. But the extent to which he continued in his episcopal teaching to draw on the Church's social doctrine is apparent not only from his many other publications but above all from his famous presentations at the autumn plenary sessions of the Bishops' Conference. The latest ones were entitled „The Church's social doctrine or the theology of liberation?“ (1984); „Economic Systems and Economic Ethics -Guidelines in Catholic Social Teaching (1985); and „The State. Servant of Order“ (1986). His 1985 presentation was disseminated in nearly 30 countries, not least because its author, owing to the international importance of the archdiocese of Cologne and his visits to many parts of the Third World as Chairman of the German Bishops' Conference, had personally acquired increasing esteem as an ambassador of the Church's social doctrine. As late as December 1986 (Joseph Höffner died on 10 October 1987) he made long journeys to Nicaragua, Mexico, the Philippines, Hong Kong and other countries. In Nicaragua he met the head of the Sandinist Government, Manuel Ortega, on what was a difficult intermediary political mission, and at the universities of Mexico City and Manila he received honorary doctorates from the faculty of economics.

These biographical data largely explain the nature of Höffner's textbook and its global influence. Joseph Höffner was deeply convinced that the Church could only play its role in society

on the basis of the classical social doctrine introduced by Bishop Ketteler and Leo XIII which must continue to evolve. He develops that doctrine, showing the interaction of history, empirical knowledge and theological-ethical logic with charm and humor, sometimes with a touch of irony, but at all times clearly and discerningly. He defends it against ideological attacks from the outside and against fashionable substitutes from the inside. There thus emerged a classical textbook which draws on the medieval tradition of social teaching to be found in, for instance, Thomas of Aquinas or the late Spanish scholars, and the author's own source studies as well as modern Church doctrine beginning with „Rerum novarum“ (1891). Anyone wanting to know what the Church teaches and stands for in this field can always rely on Höffner. His textbook is also a very personal work. We sense in many parts the connection between academic research and teaching, social and ethical counseling, and pastoral instruction. This is achieved in such a unique way that it would hardly be possible to copy the book's method and style. To attempt to revise it would therefore be out of the question.

But if that is the case, what is the point in trying to make this work accessible today, thirteen years after its last edition? True, there has been in the meantime an intensive theoretical debate on ethical foundations in general and the self-perception of Catholic social teaching in particular. And some areas, for instance the political ethics of democracy, the relationship between Church and democratic society, or ecological and economic issues, require more detailed coverage in a modern work than they receive from Höffner. But whatever could be said on those subjects could not ignore the fundamental principles and answers which constitute the Church's social teaching as expressed in the papal social encyclicals issued since Leo XIII and especially in those of more modern times. That sure and lasting foundation is synonymous with Joseph Höffner's textbook. Though some examples may be out of date, that is by no means the case with regard to the substance. To anyone seeking an accurate account of the methods, principles and socio-ethical consequences of the Church's social teaching, Höffner's „Christian Social Teaching“ continues to be of fundamental importance.

In one respect, however, the work can easily and meaningfully be supplemented. Since the last edition (1983) papal social teaching has been extended quite considerably in the form of the two encyclicals „Sollicitudo rei socialis“ (1987) and „Centesimus annus“ (1991). The first encyclical published by John Paul II „Laborem exercens“ (1981) was taken into consideration by Cardinal Höffner himself in his last edition. It therefore makes sense to add the substance of recent papal pronouncements on this subject. This has been done by means of additions in the appropriate places which are indicated as such (indented, Italics). Thus readers have at their disposal a survey of the Church's social doctrine from its inception up to the present time and incorporating at least the essence of papal social pronouncements in recent years.

Christmas 1996

Lothar Roos

FOREWORD

„The Church’s social teaching and activity“ the Second Vatican Council declares, belong to the Church’s life (*Unitatis redintegratio* n.6) and should contribute at the same time to „making the family of man and its history more human (*Gaudium et spes* n. 40). The Church therefore claims the right „always and everywhere“ to announce its social teaching „with true freedom“ and to pass moral judgments, even on matters touching the political order, whenever basic personal rights or the salvation of souls make such judgments necessary“ (*ibid.* 76). The Council did not advance a new social teaching, but, „ according to the circumstances of the times,“ reinforced the principles of the traditional teaching, which had been elaborated „in the course of the centuries“, and „set forth certain guidelines“ (*ibid.* 63).

This short outline of Christian social teaching, which is now appearing in the eighth edition and is already available in English, Spanish, Portuguese, Italian, Korean, and Japanese translations, with a translation into Dutch being prepared, is designed to respond to the concern repeatedly expressed by the Council, that the faithful „should above all learn the principles and conclusions of this social doctrine so as to become capable of playing their part in advancing this doctrine and of rightly applying these same principles and conclusions to individual cases“ (*Apostolicam actuositatem* n. 31). It would thus be faithful to the exhortation of John XXIII:“ We urge that attention be given to such studies in Catholic schools on all levels, and especially in the seminaries...Moreover, we desire that social study of this sort be included among the religious materials used to instruct and inspire the lay apostolate be this in parishes or in associations“ (*Mater et magistra*, 223).

Cologne, January 1st, 1983

Joseph Cardinal Höffner
Archbishop of Cologne

INTRODUCTION

§ 1 The Concerns and the Concept of Christian Social Teaching

1. Christian social teaching is neither a bundle of practical instructions for the solution of social questions nor a skilful selection of certain findings of modern sociology useful for Christian social training, but „an integral component of the Christian doctrine of man“ (*Mater et magistra*). Christian social teaching, which was proclaimed by the Church „from the very first centuries“ (Pius XII, February 23, 1944, achieved a special importance in the age of industrialism, which has been confirmed by the great social encyclicals, *Rerum novarum* (1891), *Quadragesimo anno* (1931), *Mater et magistra* (1961), *Pacem in terris* (1963), *Populorum progressio* (1976) and *Laborem exercens* (1981), as well as by the pastoral constitution of the Second Vatican Council, *Gaudium et spes*, on the Church in the modern world.

Twenty years after „Populorum progressio“ John Paul II once again expresses, in his encyclical „Sollicitudo rei socialis“ (1987), „the social concern of the church, directed toward an authentic development of man and society“ in the light of changed conditions. Finally, the centenary of „Rerum novarum“ was the occasion for „Centesimus annus“ (1991), no doubt the most important social encyclical of the present Pope.

2. The *theological* importance of Christian social teaching is shown by five considerations:

- a) Man is the likeness of God, redeemed by the blood of Christ, and called to eternal communion with God. He may not be degraded to become the object and means of state, social or economic processes. For „the social order...must...be subordinate to the personal realm and not contrariwise“ (*Gaudium et spes*, 26). Love of God and neighbor is the great commandment of the New Covenant.
- b) Christ redeemed the *whole* man, even insofar as he is essentially related to the interpersonal other and the community. It would be a suspect curtailment of the Christian doctrine of man were one to see in him only the individual soul called by God.
- c) Over against a widespread supranaturalism, Christian social teaching emphasizes that even after the Fall there is an order of common social life grounded in the social nature of man and thus divinely willed. This „social order, its restoration, and its perfection according to the saving plan of the good news“ (*Quadragesimo anno*), the „formation of it in the light of Christian teaching“ (*Mater et magistra*), is the object of Christian social teaching. God has not left the fallen age to his adversary.
- d) An unsettling importance with respect to our salvation attaches to social conditions as a result of our humbling dependence on the given milieu because „men are often diverted from doing good and spurred toward evil by the social circumstances in which they live and are immersed from their birth“ (*Gaudium et spes*, 25). The perversion of the divinely willed order „is now such as to put in the way of vast numbers of mankind most serious obstacles which prevent them from caring for the one thing necessary; namely, their eternal salvation“ (*Quadragesimo anno*, 130). Conditions adverse to salvation, such as the levels of poverty in some developing countries, are scandals that cry out for redress, and not only in the form of critique and alms, but also in the form of a new social order that accords with the principles of Christian social teaching. The hard and passionate struggle against poverty, hunger, disease, misery, and need is a Christian duty. Premature resignation would not be a Christian surrender to the will of God, but a fatalistic quietism that would bring the reproach of being „an opium for the People“ upon the Christian faith.

e) That Christian social teaching is an „integral component of the Christian doctrine of man“ follows as a profound consequence of the Incarnation of Christ. By taking on „a true human nature,“ the Word of God „also entered into the historical and social life of mankind“ so that a Christian who would let „the power of the faith for the ordering of public life lie fallow would commit a „betrayal of the Godman.“ Because of the Incarnation of Christ, the Church is „the vital principle of human society (Pius XII, August 17, 1958). The paired terms ‘Church and world’, ‘Church and state’, ‘grace and nature’, and ‘faith and reason’ do indeed have their meaning, but should not be understood as if the state stood absolutely outside the world. Church and world interpenetrate one another. The Church does not only dialogue with the world from the periphery, but is also present in a salvific way in the centre of the world as „leaven“ (Mt 13:33), as „salt of the earth“ (Mt 5:13), as „seed“ (Mt 13:24), and as „light of the world“ (Mt 5:14). Through the epiphany of Christ, the whole human history has been in the salvific work of God. St. Paul has expressed this truth masterfully, even if in a negative formulation: „For I am certain that neither death nor life, neither angels nor principalities, neither the present nor the future, nor powers, neither height nor depth nor any other creature, will be able to separate us from the love of God that comes to us in Christ Jesus, our Lord“ (Rom 8:38/39). „Through the Incarnation God gave human life the dimension that he intended man to have from his first beginning“ (John Paul II, ‘*Redemptor hominis*’ 1).

In his social encyclicals Pope John Paul II. constantly points out that a truly humane society can only be established on the basis of a binding ethos which finds its surest rationale in the „transcendent truth“ above the people. „If there is no transcendent truth, in obedience to which man achieves his full identity, then there is no sure principle for guaranteeing just relations between people.“ For the dignity of man stems from the fact that he is „a visible image of the invisible God“ („Centesimus annus“ 44,2).

3. On the basis of our considerations thus far, Christian social teaching can be *defined* as the whole of our knowledge about the essence and order of human society and the resulting norms and tasks applicable to any given historical conditions; it is acquired socio-philosophically from the essentially social nature of man and socio-theologically from the Christian order of salvation.

§ 2 Methods of Christian Social Teaching

1. Christian social teaching comprises ontological as well as normative disciplines, and thus avails itself of both socio-philosophical and socio-theological methods. To the objection that social philosophy is not essentially ‘Christian’ it is to be countered that, according to the teaching of the Second Vatican Council, it is the task of the Church „to give utterance to, and authoritatively to teach, that Truth which is Christ Himself, and also to declare and confirm by her authority those principles of the moral order which have their origin in human nature itself“ (*Dignitatis humanae*, 14). In addition many ‘natural’ truths of social metaphysics and social ethics have been explicitly confirmed by divine revelation and have thereby gained a certainty that philosophical thought is unable to attain. Therefore, Christian social teaching starts out from the fact that the „principles of natural law and the truths of revelation have their common source in God like two parallel streams of water that are in no way opposed“ (Pius XII, June 11, 1941) and that, although both are indeed distinct and not of equal rank, they nevertheless meet in the one human person redeemed by Christ. The concrete human nature created by God is entitatively related to Christ and taken up into the order of redemption which encompasses both nature and supernature. According to the Christian understanding, original sin has indeed „wounded and weakened“ human nature, but has not affected the abilities and powers of man „in his innermost core,“ even if it is only „with the help of the all-

powerful grace of Christ“ that man is able to live as the honor of God and his own dignity as man require“ (Pius XII, September 25, 1949). It is essential that Christian social teaching occupy itself with natural social orders ultimately in the light of the Christian order of salvation. Through this orientation, Christian social teaching receives its theological imprint, whereby it is to be noticed that, as a result of the Christocentrism of all creation, what is right according to natural law is in a true and profound sense Christ-related, i.e. is Christian and belongs to the *one* economy of salvation (Cf. Col 1:16; 2:10; Eph 1:22). This statement in no way implies an alienation of sacred from earthly realities. Rather, Christian social teaching explicitly recognizes the relative autonomy of the cultural domains (of the state, the economy, science, art, etc.). It is not only in politics that we should „give to Caesar what is Caesar’s“ (Mt. 22:21). The medieval confusion of the religious and the profane realms was not a Christian ideal. „Certain habits of mind, sometimes found too among Christians, which do not sufficiently attend to the rightful independence of science,“ are explicitly regretted by the Second Vatican Council (*Gaudium et spes*, 36).

2. Starting with creation and redemption, Christian social teaching sees in the essentially social nature of man, not only the likeness of God the Creator, but also the one redeemed „through the blood of Christ and divine grace, elevated „to a higher order,“ and called to divine filiation (Pius XII, February 23, 1944). It is therefore necessary to elaborate Christian social teaching through the development of specifically theological categories above and beyond natural law. For example, the social importance of the radical connection and solidarity of all people is to be investigated in greater detail as it arises from the doctrine of creation, the making of man and woman, the redemption through Jesus Christ, the divine filiation, and the mystical body of Christ. The social effects of sin and its consequences as well as the historico-theological importance of the doctrine of the antichrist and of the overcoming of world history by the returning Christ are to be included in the consideration. Like everything created, the social realm is also in need of salvation and is related to Christ.

3. Finally, from a social-theological point of view, the important task of warning against every social utopianism devolves upon Christian social teaching. Before the Ascension, the disciples asked: „Lord, are you going to restore the rule to Israel now?“ (Acts 1:6), a question that runs through the Christian centuries like a scandal. Again and again, sectarians arose and promised an earthly paradise. Christian social teaching knows that there will be no paradise before the last day, in spite of all prophets from the East and the West. Not even the most zealous lay apostles are able to create an ideal Christian order, for „the whole world is under the evil one“ (1 Jn. 1:19). At the end of time, earthly orders and institutions will in no way have reached the state of Christian perfection, but will be overcome and judged by the returning Christ (Cf. Rom 3:6).

Since the eighteenth century, the utopia of innerwordly salvation has sought ever and again to camouflage itself with the unclear and ambiguous ideology of ‘progress’. Christlob Mylius (1722-1754), editor of the newspaper *Der Freygeist* first introduced the expression ‘progress’ into the German language around the year 1750, in the middle of the age of Enlightenment. The New Testament employs the word *prokopé*, which does not really mean ‘progress’ but, somewhat more laboriously, the moving forward of a ship through oar strokes, and this in a twofold sense. On the one hand, *prokopé* designates the progress in faith and in the following of Christ bestowed upon us by God’s mercy (1 Tim 4:15. Phil 1:259) and thus the „furtherance of the gospel“ (Phil 1:12). On the other hand, it means the progress of heresy which will progress and spread „like a plague“ (2 Tim 2:16-17; 3:13). It therefore depends on what one leaves behind and on that towards which one progresses. The disciples „abandoned their nets“ and went towards Jesus (Mt 4:20; 19:27). But man can also abandon the Lord and run after false gods in his progress (Dt 11:16; Jos 22:16; Judg 2:12; Is 1:4). He can miss the „straight

road“ (2 Pet 2:15), give up the „first love“ (Rev 2:4), and „become more and more godless“)2 Tim 2:16).

Technical and economic progress do not directly and immediately prepare „new heavens and a new earth“ (Rev 21:1). True progress, which is sanctified by the mystery of the cross and resurrection, takes place rather through the increase of faith, hope, and love. Correctly understood, progressing and preserving (tradition) are not antitheses, but two fundamental attitudes vitally important to man. Not everything prior is worthy of preservation. In many realms there is a justified progression away from what has been. What is valid irrespective of the passage of time, that is worthy of preservation. Here a constant „return to the beginnings“ is necessary. When you drink, think of the source,“ says the proverb. „Whoever seeks the source must swim against the stream,“ writes the Polish poet, Jercy Lec. The Christian should not swim as a conformist, but should be a breakwater instead.

In the meantime the two ideologies of progress, which captivated numerous people and nations in the nineteenth and twentieth centuries, have been seriously shaken. Neither the technocratically accelerated progress of the economy and of material prosperity nor the revolutionary construction of a socialist order of society is able to bring people happiness and freedom.

John Paul II. sees the „true cause“ of the „collapse of Marxism“ leaving aside the „inefficiency of the economic system“, in the „spiritual void brought about by atheism.“ He says that it left „the younger generations without orientation“ („Centesimus annus“24,2), But he also argues that the „alienation“ to be found in „western societies“ is also ultimately based in theology. If, he says, man’s innate „capacity for transcendence“ is blocked out then a „reversal of means and ends“ may occur. People „use one another“ as tools for the „satisfaction of their individual and secondary needs“ and thus become incapable of „voluntary self-giving“ (Cf.41). This would lead not only to the destruction of the family but to the undermining of the „democratic ideal“. If there were no ultimate transcendent rationale for human dignity, „democratic systems“ could be in danger of destroying themselves through the antagonism of „particular interests“ and thus of losing the strength to achieve consensus for the good of all (Cf.46/47).

The goal of Christian social teaching - especially in its socio-political, socio-ethical, and socio-pedagogical orientation - is neither an earthly paradise nor a neo-triumphalistic glorification of the ‘mundane world’, but that social order in which man is able to fulfill the will of God and to lead a Christian life. Consequently, both social utopianism and a spiritualist ghetto-Christianity, which would grant the Christian faith no power to order the social realm and would leave the world to its fate, are to be rejected. Hope in what is to come does not make us escapist, but inwardly free, so that we are able to shape earthly realities from the power of the faith.

4. Even if the most important task of Christian social teaching is to investigate the socio-metaphysical, socio-ethical, and socio- theological foundations, it must nevertheless always be concerned to understand „*the signs of the times*“ (Mat 16:3). Otherwise, it would fall into the danger of succumbing to an abstraction that remains foreign to the present, however true to principles it may be. From this it follows that Christian social teaching must carefully consider and utilize the assured findings of empirical and systematic sociology, social history, social psychology, demography, and so on, especially in the present age in which tempestuous social, technical, and economic developments are radically transforming people’s modes of existence and ways of life. Christian social teaching struggles with the tension between the divine and the historically variable in the Church, between what is given as a fact and what is given as a task, between necessity and freedom.

5. In this outline, the presentation of divinely established immutable values and orders is to be combined with the analysis of the conditions of the present age. In so far as it is possible in a brief outline, all relevant questions of general and special Christian social teaching will be discussed.

PART ONE: FOUNDATIONS

SECTION ONE: INDIVIDUAL AND SOCIETY

CHAPTER ONE: THE SOCIAL NATURE OF MAN

§ 1 Personality as the Foundation and the Presupposition of the Social Nature of Man

1. The thought that there could somewhere exist a being who would be our second self seems uncanny to us. This involuntary start before a ghostlike double is grounded in deep levels of our being. No creature on this earth is so much a world unto itself as man. He is a person, and it is only in terms of personhood that his social nature can be comprehended. Therefore, in order to gain access to an understanding of the state or quality of being social, or sociality as this is termed, the characteristic features of human personhood shall be defined more closely through ten statements.

- a) Personhood means participation „in the light of the divine mind.“ Through his understanding, which must of course be perfected through wisdom, man towers above „the material world.“ He is „capable of knowing and loving his Creator“; he was „appointed by Him as master of all creatures“ (*Gaudium et spes*, 12, 15).
- b) Personhood means uniqueness. Man is in himself, with this body and this soul, distinct and set off from every other being, never repeated, never repeatable. He is born as an original, even if he often ends as a copy.
- c) Personhood means self-subsistence. We are not a part of another as, for instance, the hand is part of our body. We subsist in ourselves, although different realms are found in us: the bodily vital as well as the spiritual. But we really do not *have* a body and a soul as one possesses a foreign thing, rather we *are* the bodily and spiritual whole.
- d) The human person is the bearer of its thinking, acting, and failure to act. All our deeds are *our* acts, even if they are spread over many decades of our lives. We can indeed regret and inwardly overcome false decisions and sins; but we can never obliterate the fact that they were and remain our acts. Through our personhood they receive an ego-character that can never be abolished.
- e) Personhood means freedom. The freedom of the will arising from the spiritual core of the human person is the ability to decide for this or that in self-mastery in the face of different possibilities, without being driven in a particular direction through psychic determinism. Through the creative power of free will man is „master of himself“¹. Without personal freedom of will, moral responsibility is impossible, so that guilt and atonement, reward and punishment, contrition and satisfaction lose their meaning. This does not deny the fact that man is influenced consciously and unconsciously in many ways (hereditarily, psychically, socially) and - especially in the age of mass media - exposed to manipulation. Today uncertainty and the fear of decision-making are spreading more and more. Although, or rather, because mod-

¹ Thomas Aquinas, *Summa Theologiae* II-II. 64,5, ad 3.

ern society considers everything ‘producible’, it is becoming ever more perplexed, so that there are more and more counseling centers.

f) Personhood means responsibility. Fleeing behind the responsibility of others is denied to man. Having to be answerable is inwardly connected with responsible decision-making, which means risk to the point of catastrophe, so that there results an identity between freedom, responsibility, and risk. On the other hand, man possesses the possibility of self-transcendence since he is able to perceive the personal call of God and to enter into a relationship with him in which dialogue is possible; a dialogical relationship as this is called. From this point of view the gift of self-decision is a sign of the dignity of man in the divine likeness and, at the same time, a commission to self-responsible personal development, whereas the saying ‘condemned to freedom’ bespeaks pessimism and insolence. In the affirmation of responsibility, the commitment to the order of moral values finds expression.

g) Personhood means conscience. Man does indeed bear the origin of his free decisions in himself, but pre-ordained norms also live in him through which he personally experiences the morally binding „Thou shalt“ or „Thou shalt not“, especially in cases of conflict. Man becomes aware of his personhood precisely in the call of conscience, which stems ultimately from God, even though conscience can become „practically sightless as a result of habitual sin“ (*Gaudium et spes*, 16).

h) Personhood means solitude. Freedom, responsibility, and conscience leave man „alone with himself“ in his personal core. Solitude thus understood is a fundamental experience of man, whereas its caricature, isolation, drives man to escape himself in noisiness and in the frantic pursuit of pleasure.

i) The personhood of man means the consciousness of his origin from another. Man indeed knows that he must be answerable for his decisions; but he is not responsible for the fact that he exists. He is someone gifted. He owes everything - his existence, his future, his salvation - to the generous love of God. At the same time, he knows of the preliminary character of his earthly life. One can accurately define man as that being who is conscious of having to die. However great and useful it may be, all progress of technology and science seem like a mockery in the faith of death. Man is a creature created, called, and loved by God.

j) Personhood means the vocation of man to „communion with God.“ Man is „from the very circumstance of his origin“ called „to converse with God“ (*Gaudium et spes*, 19). He is redeemed by Christ and has become a „new creation“ (Gal 6:15) and a „sharer of the divine nature“ (2 Pet 1:4). The preservation and development of the divine filiation is appointed to the Christian as a personal life task.

The Christian interpretation of personhood is the answer to the question about the ultimate meaning of life which is passionately posed today, especially by younger people. Not a few are alarmed today by the abysmal feeling of meaninglessness to their lives.

They have run aground, are „caught in a trap“ (Is 24:18), and stand before shattered signposts. Even in affluent societies, anxiety is not far from man. It wakes with him, it sleeps with him. We can distinguish eight forms of anxiety: anxiety about the economic crisis, unemployment, war, disease, old age, isolation, death, and what comes after death. Anxiety can only be overcome through the nearness of one who loves us. But the one who loves us most is God himself, who has not created us for disaster but for salvation.²

² Cf. Joseph Höffner, *Wo Gott ist, da ist keine Angst*. (Cologne: Presseamt des Erzbistums, 1977).

2. Even the infant is a person and, if baptized, a child of God and a member of the Body of Christ. But it does not yet have a personality. The personality of the Christian first matures when, in following Christ, he or she strives for perfection in love and faithfulness. The more he or she becomes a personality, the more originally, richly, and characteristically he or she stands before us in his or her unrepeatable singularity and uniqueness. Yet - and this is what is amazing - the human person finds his or her fulfillment in contact with others. The person does not rest relationless in himself or herself, but is open, accessible, and dialogical. Personality and sociality stand in an original and peculiar relation of tension to one another. The more powerful a personality a man has developed, the deeper and more inward his encounter with others will be, whether it is a question of the „I-Thou” relationship of the dyadic two-person community or of man’s tension-filled relation to the larger and more encompassing social groups.

§ 2 Proof of the Social Nature of man

1. In grounding the essentially social nature of man, it seems obvious to emphasize first of all his *dependence* on others and on society in the bodily-material, spiritual-cultural, and moral realms. No organism is so dependent on others in the first months and years of childhood as man who, as opposed to the animals, lacks the infallibility of innate instincts. The animal is formed by its natural disposition and the environment in which it is embedded with unfailing instincts, and the same situation is repeated for each animal generation. Man, however, passes on his experience and discoveries from generation to generation through tradition, education, and teaching. „We are the heirs of earlier generations, and we reap benefits from the efforts of our contemporaries“ (*Populorum progressio*, 17). Every culture rests on the common possession of the spiritual goods of past and present generations. „How little we have and are, what we, in the purest sense, call our own! We all have to receive and learn both from those who were before us and from those who are with us. Not even the greatest genius would get very far if he wished to be indebted only to his own mind for everything. Very many good people, however, do not comprehend that and grope for half their lives in the dark with their dreams of originality“ (Goethe to Eckermann). Above all, the norms of the moral order require preservation and protection by society. In this respect, a special importance attaches to the Church as the herald of divine revelation.

2. The social nature of man is most deeply grounded, not in a utilitarian way in external dependence on others, but metaphysically in the essence of man, which means wealth, not poverty. Created being, which stems from the generous goodness of God, seeks in many ways to represent the goodness and greatness of the Creator. All being, even unspiritual being, is therefore ‘communicative’ in a metaphysical sense (*bonum est diffusivum sui*). In a particular way, man as the image of God, i.e., as a created, personal substance, is of his essence communicative, i.e. ready to pass on his own spiritual value and, on the other hand, eager to participate in the full spiritual value of other persons. Thus, all personal being essentially strives towards giving and sharing, so that personal being is of its essence ordered to the ‘thou’ of the other and to society. The goal is the mutual giving and receiving of a share in personal values, whereby the different social groups are determined in their realm of meaning, such as marriage, friendship, and so on, according to the kind of personal values in question.

3. In *socio-theological* terms, membership in the Body of Christ is the most intimate principle of unity among people and also with the triune God. The one God in three persons has created man in his likeness, from which one may conclude that „the sociality of God is reflected in

human sociality.³ In the prayer of Christ to the Father also, „that all my be one...as we are one“ (Jn 17:22), there shines forth a „certain likeness between the union of the divine Persons, and... the union of God’s sons in truth and charity“ (*Gaudium et spes*, 24). Thomas Aquinas referred to the fact that man’s likeness to the trinitarian God shines forth in a particular way in language (as the representation of the Logos) and in love (as the representation of the Holy Spirit). In irrational creation there is only a „trace“ (*vestigium*) of the Trinity; in man, however, there is an image (*imago*): „In rational creatures, possessing intellect and will, there is found the representation of the Trinity by way of image, since there is found in them the word conceived, and the love proceeding“⁴.

§ 3 The Community-Building Powers of Man

1. Three powers that instinctually push man to sociality - the sex instinct, the imitative instinct, the strong desire for recognition, the fighting instinct, the play instinct, and so on - do not suffice for the formation of lasting social bonds and institutions, even if, in association with spiritual powers, they do have their importance. Nor do mere disputation and criticism bind together in the long run. Rather, two spiritual powers are especially effective in community-building: the readiness to imitate and to love. The readiness to imitate, as, for example, it determines the relationship of children to parents and of pupils to teacher, does not flee behind the responsibility of another, but is a personal decision. It presupposes a bond in terms of one’s convictions and is frequently united with love. It is not a question here of that ‘love’ which egoistically abuses the other person and treats him or her like a consumer good, but of love as the esteem that takes effect in the willingness to sacrifice for one’s neighbor and for the community.
2. Through the spiritual bond among themselves, people are capable of practicing social virtues (love of neighbor, fidelity, truthfulness, justice, obedience) and of building up cultural domains that an individual could not create of himself or herself (art, science, economy, and so on): „Here we see...entitative and moral values that lie absolutely beyond the reach of separate individuals, which even God’s creative power could only confer on social beings and make accessible to them.“⁵
3. The pre-eminent mediator of spiritual exchange is *language* through which we, in the society united by the same mother tongue, take part in the „process of wording the world.“⁶ language creates community, especially when people not only speak *about* something, but express themselves in words (the „I do“ in matrimony, the „adsum“ of priestly ordination). Of people bound together in love we say: they understand each other, they speak the same language. Holy Scripture reports that the original community of men was destroyed through the confusion of tongues at Babel (Gen. 11:1-9) and that the community of those redeemed by Christ found new expression in the linguistic miracle of Pentecost (Acts 2:1-11).

The astounding development of the modern means of communication has led to the fact that, today especially, the importance of the ‘word’ and of the ‘image’ for the formation of public opinion can hardly be overestimated. The influence of a few thousand opinionmakers in the key positions of the press, radio, and television is in many respects greater than the power of parliaments - but, unfortunately, it is often undermining and irresponsible. Joachim Besser

³ H. de Lubac, *Catholicisme. Aspects sociaux du dogme*, cited in G Thils, *Theologie et Réalité sociale*. (Paris: Tournai 1952) 259.

⁴ Thomas Aquinas S. Th. I 45,7

⁵ O. v. Nell-Breuning, *Wörterbuch der Politik*, (Freiburg i.Br. 1947), I: 44.

⁶ J. Leo Weisgerber, *Die Grenzen der Schrift* (Cologne-Opladen 1955), 10.

writes of German television: „Since evening after evening fifty million people occupy themselves with what only a few hundred have selected, a conformity of thought is being generated which is unique in history“⁷ ‘Conformity of thought’ is another name for being brought into line and not being of age. In addition, the almost ceaseless flood of sensation and information through the mass media has to a large extent devalued language and scarcely permits people to be quiet any more and to reflect on themselves.

The language of the mass media also leads to word loss and to atrophy of the mother tongue; it hardly appeals to the intellect, but appeals all the more importunately to the feelings. When Confucius († 479 BC) was asked where he would begin if the government were transferred to him, he answered: „I would improve the language; for if the language is not correct, then what is said is no longer what is meant. One should tolerate no arbitrariness in words.“ As the bearer of ideology and the means of propaganda, the catchword is an expression of the corruption of language. Language is in many ways being undermined and violated through a sophistry that dissolves the truth. There is a kind of literature that is wittily ‘made’ and yet is poor and inferior.

The expectation that people would come to a better understanding of themselves and of the meaning of the social process through mass information, through hosts of conferences and dialogues has not been fulfilled. On the contrary, the feeling that the world is unintelligible has grown stronger. More and more people are also living alongside each other but without relationship; they carry on monologues and shut themselves off. „No man knows another, everyone is alone“, says Hermann Hesse.

⁷ J. Besser, in *Welt der Arbeit*, May 18, 1973.

CHAPTER TWO: COMMUNITY, SOCIETY, LOSS OF INDIVIDUALITY

§ 1 Community and Society

In a broad sense, ‘society’ designates every form of lasting bond between people who jointly strive to realize a value (or goal). Thus understood, society is conceptually the same as community. To a large extent, Catholic social teaching employs both expressions synonymously, adapting itself to the Latin text of the papal social encyclicals, which call every social structure a *societas*, be it a question of the family (*societas domestica*), or a state (*societas civilis*), or the social space between the individual man and the state (*quae in eius velut sinu iunguntur societates, Rerum novarum*, 37).

2. On the other hand, in many word formations, linguistic sensibility separates the community as a personal band based on convictions from society as a functional organization. We call marriage a community of life, not a society of life. We speak of the domestic community, the educational community, the community of grace, and the community of saints, but of the stock corporation, the industrial society, and the like. Linguistic usage, however, is not unambiguous. Although we speak, for example, of the monastic community, the Jesuits call themselves the ‘Society of Jesus’ and the Steyler Missionaries the ‘Society of the Divine Word’.

3. The juxtaposition ‘community-society’ which is first found in Schleiermacher and in Romanticism (Adam Müller), infiltrated into social science through Ferdinand Tönnies († 1936). His book *Gemeinschaft und Gesellschaft* indeed remained virtually unnoticed until, prior to the First World War, the youth movement rediscovered its own interest in the ‘community-society’ antithesis. In the year 1912 a second edition of the book appeared, and by 1935 the eighth. Numerous sociologists of culture adopted Tönnesian thought, especially in the first decades of the twentieth century. Max Weber spoke of „communalization“ and „socialization“, Hermann Kantorowicz of „irrational vital relations“ and of „rational purposive relations“, Wilhelm Helpach of „generative structures“ and „statutory structures“, and so on. Under August Pieper and Anton Heinen, the special emphasis on the emotional and vital bond of the community over against the fabricated functionalization of the organization exercised a formative influence on the educational work of the *Volksverein für das katholische Deutschland* (People’s Union for Catholic Germany).

After the Second World War, Tönnies was pushed into the background again, since German sociology was turning away from the speculative sociology of culture and, under the influence of the American method, was pushing empirical social research into the foreground. Of the „community-society“ antinomy, according to the judgment of René König in 1955, „not even a heap of ruins, but only a single grand confusion“ which has nothing to do with „history and reality“ is left.¹ It is, however, striking that the Tönnesian antinomy continues to exercise an influence under a new name even today. Numerous sociologists are accustomed to setting the ‘primary orders’ of family, neighborhood, guild, and village over against the anonymous ‘secondary systems’ which no longer turn to the whole man, but only grasp him in a different respect on each occasion as, for example, a member of the work force, a contributor to social security, and so on.

4. Tönnies set out from the fact that intrinsically connected structures such as communities of blood (family, clan, kinship, tribe), those of space (neighborhood, village, community) and

¹*Kölner Zeitschrift für Soziologie*, 7 (1955), 375f.

those of spirit (friendship) grow up from the ‘natural will’ expressed in the conviction, feeling, and conscience of man, whereas the ‘elective will’ oriented towards means-end relation has created arbitrary structures (societies): „Community is understood as resting on the common natural will, society as produced by the common elective will.“² The natural will is operative in communities as custom, belief, harmony, morals, and religion, whereas the elective will produces the contract, the statute, and the convention.

5. As a criticism of the Tönniesian antinomy it must be noted that its fundamental idea (the unconscious emotional forces of man are good, but the rational ordering spirit is somehow suspect) is untenable. Tönnies also interprets the community only in terms of subjective experience, whereas the ontological structure (the substantiality and personality) of man as the presupposition and end of every community remain closed to him. ‘Natural will’ and ‘elective will’ are biological and psychological, i.e. physical, not metaphysical principles. In addition, the classification of social structures intended by the antinomy does not correspond to reality, since all social structures - even those that rest on a personal bond - exhibit conscious formations. To the essential characteristics of community there belong not only connectedness and the common realization of values but also order and leadership (authority). This is not to deny that - presupposing the philosophical foundations of community - a certain epistemological value attaches to the distinction between communities with a more personal imprint and societies with a predominantly purposive organization.

§ 2 Mass Society and the Loss of Individuality

1. Not a few are declaring today that population increase, urbanization, industrialization, mechanization of labor, technicization of traffic, transportation, and communications, the standardization and uniformity of the production of goods, in a word, the mass character of modern ways of life have depersonalized man and deprived him of his individuality. Mass man allegedly arises „technologically from mechanization, economically from standardization, sociologically from overcrowding, and politically from democracy.“ Whither „the ever more rapidly whirling movement of the spiral“ will finally lead to, no one can know; but „that we are nearing its end of whatever kind“ is hardly subject to doubt.³ Technological progress, „especially in the area of food production,“ has for a long time been leading to sociological overpopulation“ and has marred and spoiled life on this earth by „transforming it into a rabbit hutch, even if the food suffices for the time being.“⁴

2. The Christian must have misgivings about this thesis, which Romano Guardini summarizes in this question: „Do we ultimately have the right to put forward an argument against the growth of the masses from the limitation that it will bring for all personal and cultural values? Do we therefore have a right to say that a thousand should not be born, but only ten, because the cultural standing of a thousand people must be lower than that of ten“?⁵ According to Christian thought, the mass character of living conditions is not to be equated with the depersonalization of man. The environmental conditions of the modern industrial states do indeed „make it difficult for a person to think independently of outside influences, to act on his own initiative, exercise his responsibility and express and fulfill his own personality“ (*Mater et magistra*, 62) Nevertheless, the opinion, that the close network of social ties necessarily leads to self-alienation is to be rejected resolutely. Rather, in a spiritual, moral, and religious respect, the following three traits are characteristic in the loss of individuality.

² F. Tönnies, *Gemeinschaft und Gesellschaft* (Leipzig 1935), 86f.

³ Hendrik de Man, *Vermassung und Kulturverfall*. München 19522, S. 48, 195.

⁴ Alexander Rüstow, in: *Ordo*, (1951), IV:389.

⁵ Romano Guardini, *Das Ende der Neuzeit* (Basel 1950), 73.

a) The flight into the impersonal „they“ think, „they“ mean, „they“ do. Whoever is susceptible to slogans, lets his or her thoughts be dictated to the ultimate questions of life by television or magazines, or becomes an echo of others and takes over standardized ways of thinking, falls prey to the loss of individuality. Inwardly unstable people are supple instruments of dictators.

„Centesimus annus“ speaks of „manipulation by the means of mass communication, which impose fashions and trends of opinion through carefully orchestrated repetition, without it being possible to subject to critical scrutiny the premises on which these fashions and trends are based“ (41,4),

b) Assigning an absolute value to the material standard of life which represses the spiritual and thus threatens the personality of man. Advertising and the subjection to continuous stimuli press in the same direction. It is often said, and not unjustly, that the social value of a person is determined not so much by his or her professional position and responsibility as by his or her standard of life, through that ‘which he or she can afford’. Faith in the ‘produceability’ of the world has siphoned off the forces of man towards the external as never before in history. But man does not find his fulfillment in the merely external and in consumption.

c) Religious uprooting. A widespread rationalistic and naturalistic way of thinking is foreign and indifferent to the religious and the supernatural. Here it is striking that in broad social strata certain ‘old-fashioned’ pseudo-scientific theories which have been obsolete in science for a long time, continue to exercise an influence. The atmosphere of modern society has been secularized. But the silent lapse of many into religious indifference has not brought the „great liberation“, but made numerous people unsure, disoriented, and emotionally distressed. This disillusionment is still bound to increase. Ultimately, it is only having one’s anchorage point in God that can preserve man from the desecration and loss of his personal dignity.⁶ Today many are alarmed by the abysmal feeling of emptiness of their lives.

„The decisive experience of existence,“ writes Eugen Gottlob Winkler, was „even for the twenty-year-old...the feeling of being exposed to a complete emptiness... The wasteland meant an analogy to the world for him.“⁷ In the poem, „The Wasteland“, T. S. Eliot says: „I will show you fear in a handful of dust.“⁸ „Wasteland“ means shadows, night, „ruins and sand scattered all about,“ total hopelessness, aloneness, or as Franz Kafka writes in his diaries: „complete indifference and bluntness...nothingness. Dreariness, boredom, no, not boredom, only dreariness, meaninglessness, weakness.“⁹ The „spiritual wasteland“ is made by the „corpses from the caravans of your earlier and your later days,“¹⁰ „Eye and mouth stand so open and empty, Lord,“ says Paul Celan.¹¹

In „Centesimus annus“ John Paul II describes the threat to our personal and individual status emanating from pressure exerted by overpowerful social institutions as a tendential loss of „subjectivity of society“ (*subjicitas societatis*). If man is „reduced to a series of social relationships“, then „the concept of the person as an autonomous subject of a moral decision disappears.“ The anthropological „fundamental error of socialism“, he says, consists in understanding man „simply as an element, a molecule within the social organism...

⁶ Cf. Joseph Höffner, *Industrielle Revolution und religiöse Krise* (Cologne-Opladen, 1961); Pastoral der Kirchenfremden (Bonn, 1979).

⁷ E. G. Winkler, *Dichtungen: Gestalten und Probleme* (Pfullingen, 1956)

⁸ Cf. H. Friedrich, *Die Struktur der modernen Lyrik* (Hamburg, 1967), 265

⁹ Franz Kafka, *Tagebücher* (Frankfurt, 1954), 475.

¹⁰ Franz Kafka, *Hochzeitsvorbereitungen auf dem Lande* (Frankfurt 1953), 349.

¹¹ „Tenebrae“, in Paul Celan: *Sprachgitter* (Frankfurt, 1959)

without reference to his free choice, to the unique and exclusive responsibility which he exercises in the face of good or evil” 13, 1).

In democratic societies, he wrote, the „subjectivity of society“ reveals itself in the „creation of structures of participation and shared responsibility“ (46,2). This was prevented, however; if a majority principle, when applied absolutely, were to undermine the dignity and rights of the individual and the autonomy of social groups and institutions, especially the family, existing within the framework of the public weal (Cf.13,2).

A sublime erosion of the subjectivity of society and of the principle of subsidiarity it stands for is the „new type of state“ that was described as the „welfare state“ or „Social Assistance State“ (48,4). „By intervening directly and depriving society of its responsibility, the Social Assistance State leads to a loss of human energies and an inordinate increase of public agencies ...accompanied by an enormous increase in spending“ (48,5).

In many instances, according to „Centesimus annus“, it is the people themselves who are to blame on account of their growing entitlement mentality and their tendency to „shift“ personal responsibility onto the state. This, it says, is partly provoked by the fact that the market only rewards purchasable services but not those non-material goods that are provided especially by the family in the form of child-raising and care inputs, that are also in society’s economic interest. Thus „the individual today is often suffocated between two poles represented by the State and the marketplace“ (CA 49,3). All this hampered and jeopardized the „subjectivity of society“ as a free community of persons, families and social groups responsible for their own actions.

SECTION TWO: THE PRINCIPLES OF SOCIAL ORDER

CHAPTER ONE: THE SOLIDARITY PRINCIPLE

§ 1 The meaning of the Principle of Solidarity

1. The laws of order governing the life of a society are grounded in the socio-philosophical and socio-theological modes of being that were presented in the section entitled ‘Individual and Society.’ The *principle of solidarity* follows as the next and immediate conclusion from these modes of being (from solidare= to fit firmly together). It begins *simultaneously* with the personhood and sociality of man and implies mutual connection and obligation. Individualism, which denies the social nature of man and sees in society only a utilitarian association for the mechanical balancing of individual interests, as well as collectivism, which robs man of his personal dignity and degrades him to a mere object of social and especially economic processes, are thereby rejected as principles of order. The principle of solidarity does not stand somewhere in the middle of individualism and collectivism, but, since it begins simultaneously with the personal dignity and the essentially social nature of man, represents a new and unique statement about the relation between man and society. On the one hand, this principle is grounded in the ontologically pre-given mutual connection of the individual and society (common involvement); on the other hand, it implies the moral responsibility resulting from this mode of being (common liability). It is therefore an ontological and an ethical principle simultaneously.

2. The solidarity principle was scientifically expounded and grounded by Heinrich Pesch, Gustav Gundlach, and Oswald von Nell-Breuning above all. These scholars gave the name ‘*solidarism*’ to their socio-scientific system - no doubt with the intention of opposing a short and striking catchword to individualism and socialism - so that „solidarism“ would be synonymous with ‘Christian social teaching’. But not even all Catholic social scientists accept this, even if they do recognize the fundamental idea of the solidarity principle. In fact, it is

difficult to comprise Christian social teaching under a determinate heading, be it ‘familiarism’ (Gustav Ermecke), ‘Christian socialism’, ‘universalism’ (Othmar Spann), or indeed ‘solidarism’. It is advisable to speak simply of ‘Christian social teaching’

§ 2 The Foundations of the Principle of Solidarity

1. Because man is in essence a person and in his personal uniqueness is simultaneously related in essence to society, the building principle of society rests „on an original and characteristic state of relation and connection“ between man and society and permits „in no way a simple reduction to *one* of the two dimensions.“ From the characteristically dual direction of this tie, which constitutes the metaphysical essence of society, it follows that persons „are tied to the whole from an inner fullness of value,“ „but in such a way that the whole only has its own fullness of value in its dependence on the personal fullness of value of the members.“¹²

2. The German Federal Constitutional Court professed the same principle in its decision of July 20, 1954: „The image of man that Basic Law represents is not that of an isolated, sovereign individual. Basic Law has rather settled the tension between individual and community in the sense of the person’s relatedness to the community and dependence on the community, without thereby violating his or her intrinsic value.“¹³

The encyclical „Sollicitudo rei socialis“ projects the image of a global society based on solidarity: Thus it refers not only to the „internal level of every nation“ but, analogously, to the solidarity between nations and peoples as well. This, it says, calls for a fundamental ethical concept of a human culture in which the quality of the whole can only be derived from respect for all individual persons, societies and peoples. . . . There must be complete respect for the identity of each people with its own historical and cultural characteristics... Both peoples and individuals must enjoy the fundamental equality which is the basis for everybody to share in the process of full development“ (SRS 33,7).

CHAPTER TWO: THE COMMON-GOOD PRINCIPLE

The solidarity principle, which begins *simultaneously* with personhood and sociality, raises the question whether both poles of the solidarity relationship face one another on an equal footing, or whether they are superordinated and subordinated to one another. It will be shown that this question cannot be answered with a simple Yes or No, but requires various distinctions. Whereas, in a certain respect, priority attaches to the common good, personhood is, from another and ultimate point of view, the higher value.

§ 1 Priority of the Common Good over the Individual Interest.

1. for more than two thousand years Western social philosophy has tried to interpret the relation of the individual man to society with the help of the organism analogy - a method that must be applied very carefully since, as history teaches, it can easily be misused for totalitarian purposes.

As early as the fifth century BC, Menenius Agrippa is supposed to have reconciled the patricians and the plebeians of Rome with the fable of the divided members that nevertheless form one body in a solidary fashion. In *The Republic*, Plato compared the „well ordered state“ with a body and its members. Aristotle made use of the organism analogy to gain knowledge of the

¹² G. Gundlach, *Solidarismus*, in: Staatslexikon (1931), IV.: 1614.

¹³ Entscheidungen des Bundesverfassungsgerichts, 4, 120

structure and life of society. Seneca taught that „we are members of one great body“, since nature has generated us as „relatives“ and made us „social beings.“¹⁴ Thomas Aquinas systematically incorporated the organism analogy into his social teaching: society is „reputed as one body“ and „as one man“ (I-II, 81, 1). A contemporary of Aquinas, Vincent de Bovais, called the state a ‘mystical body’ (*corpus politicum mysticum*), a designation which, in the fifteenth and sixteenth centuries, was taken up by Johannes Gerson, Antonius de Rosselis, Domingo de Soto, and Francisco Suarez. St. Paul also applied the organism analogy to the Church. He speaks of the „Body of Christ“ in a double sense: in some places, ‘Body of Christ’ means the Church as a visible, organically articulated, social phenomenon (1 Cor 12:12-30; Rom 12:4-8); in other places by ‘Body of Christ’ Paul understands the supernatural, mysterious community of life and grace that binds the members together with their head and with one another (e.g. 5:21). The expression ‘mystical body’ is not employed by Paul; it first emerges in early scholasticism and, as we have seen, has been applied from the thirteenth century on not only to the Church, but also to the state.

2. Christian social philosophy makes use of the organism analogy in order to reject the individualistic conception of society, on the one hand, and to elucidate the common-good principle, on the other. Here three kinds of analogies can be distinguished:

- a) Organisms continue to exist, whereas the individual cells pass away and are built up anew again and again. In an analogous way, society outlasts the coming and going of individual people. Even the family spans two generations. Village and city, nation and state exist for centuries. Society, Augustine writes in the twenty-second chapter of the City of God, is like an olive tree whose leaves fall and grow forth anew, but whose trunk and crown remain. The organism analogy thus makes clear, on the one hand, that society temporally transcends the short span of human life, reaching in the past and the future, and is thus not a static quantity, but is filled with an urgent and often tempestuous movement; on the other hand, it also spatially surpasses the living space of the individual, like the branches of the olive tree.
- b) The parts of an organism, such as the leaves and roots of a plant, do not form a sum of unrelated individual things; they are rather placed in the service of the whole by the immanent vital force of the entelechy. One can again see this mode of being realized in an analogous way in a society whose members are not isolated individuals, but form a spiritual and moral unit of order and serve the whole.
- c) Organisms do not allow their members to wither away, but nourish and preserve them; only in the most extreme need does an organism sacrifice a member in order to save the whole. A similar law holds analogously in society also, which is not allowed to exploit its members, but must care for them, whereas the members must be ready in turn to subordinate their interests selflessly to the common weal. As the hand instinctively exposes itself to the sword thrust in order to save the whole body, so the citizen will „expose himself to the danger of death for the whole body politic“ (Thomas Aquinas, I, 60, 5).

3. The following emerges from the organism analogy for the interpretation of the common good: it is false to see with Viktor Cathrein in the common good „nothing other than the sum of homogeneous individual welfares.“¹⁵ The common good is not a sum, but a new value specifically different from the individual good and the sum of individual goods. Every social entity, such as a city or a university, has its particular common good. If, however, one speaks of the common good purely and simply, the common good of the ‘perfect society’ of the state is

¹⁴ L.A. Seneca *ad Lucilium* I, XV. ep. 4. (Bononiae 1927) 83.

¹⁵ V. Cathrein, *Moralphilosophie*. 5th ed (Freiburg i.B. 1911), I: 284

intended; it is the totality of institutions and conditions that render it possible for both the individual man or woman and smaller groups to strive in an orderly co-operation towards the fulfillment of the divinely willed purpose - the development of personhood and the building up of cultural domains. It must be noticed here, of course, that in the age of worldwide intertwinement the bonum commune that was one hitherto accustomed to limit to the state „takes on an increasingly universal complexion and consequently involves rights and duties with respect to the whole human race“ (*Gaudium et spes*, 26,Cf.also 74).

§ 2 Preservation of Personal Dignity

1. It would be a fatally wrong course to misuse the common good principle for the annihilation of the freedom and dignity of the person by exaggerating the organism analogy. An organic living being and society belong to two specifically different realms of being. The cell is wholly exhausted in the service of the organism; man, however, must remain the subject of social processes.

Since the nineteenth century a good many sociologists have in fact let themselves be misled into misinterpreting the organism analogy in a biological way. Auguste Comte called sociology a ‘social physics’ and spoke of ‘social anatomy’. Paul Lilienfeld saw in society a real organism with a social nervous system, a social intercellular matter, defective developments and regressive phenomena. Even Christian scientists have, in the struggle against the individualistic conception society let themselves be carried away to formulations that are misleading and suspect. One will still understand correctly when Matthias Scheeben speaks of the ‘quasi-substantial’ unity of the human race¹⁶ or when Dietrich von Hildebrand does indeed deny the community the character of substance, but gives it a ‘substance-like being’,¹⁷ although these expressions are somewhat bold. It is, however, untenable when Rudolf Kaibach calls the social realm a ‘substantive being’ and a ‘complete substance’.¹⁸

2. In the face of these misleading formulations, *three principles* should be put forth for the protection of personal dignity:

a) Only the individual person is a substance; society, however, is a real unit of relation and order (*relatio realis*). Apart from individual people and independently of them, society does not exist. In the Church, the Mystical Body of Christ, the unity is of a particular incomparable kind. For Christ lets the Church participate in his supernatural life, penetrates his whole body with his divine power, and nourishes and preserves its individual members, so that the designation „mystical body“ excludes every natural body, be it a physical body, be it a so-called moral one (*Cf. Mystici Corporis*, 62). It is therefore inadmissible to draw conclusions from the structure of the mystical Body of Christ for the interpretation of natural social bodies.

b) The priority of the common good over the individual good holds only insofar as man is obligated to a given social organisation as its member, for instance, a staff member in a company, a member in an association,, a citizen in a state, and so on. No company and no state may see only the staff-member (the ‘total’ company) or only the citizen (the ‘total’ state) and want to confiscate him with all that he is, thinks and does for itself. For man is more than the employee of a company or a citizen; he is man and is in no way „ordained to the body politic according to all that he is and has“ (Thomas Aquinas, I-II, 21, 4 ad 3). Only insofar and as long as man works as a staff member in a company must he subordinate himself to the objective necessities of the company; and only insofar as it is a question of one’s citizen status does

¹⁶ M. Scheeben, *Handbuch der katholischen Dogmatik*, (1880) II: 626

¹⁷ D. v. Hildebrand, *Metaphysik der Gemeinschaft*. 2nd ed. (Regensburg 1952). 179

¹⁸ R. Kaibach, *Das Gemeinwohl und seine ethische Bedeutung*. (Düsseldorf 1928), 44.

the priority over individual interests belong to the common good of the state. Many speak with almost mystical emotion of „the“ common good (which exists just as little as „the“ tree) without differentiating whether they mean the common good of a city, a state, or of all mankind. Even less does a priority attach to the common good of an earthly social body when faced by goods of the supernatural order. „The good of grace in one is greater than the good of nature in the whole universe“¹⁹.

c) The ultimate purpose of all sociality is the perfection of personhood. Society ultimately serves the person, since „in the plan of the world, only the spiritual being is willed for its own sake and everything else for its sake“ (Thomas Aquinas, In Eth. Nic.I.1) „In the plan of the Creator, society is a natural means which man can and must use to reach his destined end. Society is for man and not vice versa“ (Pius XII, Divini Redemptoris. 29). Nevertheless one may say that in a certain sense society also has an end in itself. For when a social body such as a state develops in reverence for the divinely appointed order and blossoms, it fosters not only the well-being of its members, but also serves as the realization of the divine idea of the Creator’s glory and honor.

§ 3 Authority

1. With the help of the organism analogy, Christian social philosophy usually illustrates the fact that every society requires a uniform authority conducting its members to the realization of the common good, although this is not the case for the duo-personal community (e.g., friendship), which lacks an authoritarian structure. As the organism starts to break down with the dwindling of its immanent vital forces, so no society can exist if everyone pursues his or her particular interests. „Now a social life cannot exist among a number of people unless under the governance of one to look after the common good; for many, as such, seek many things, whereas one attends only to one“ (Thomas Aquinas, I, 96,4). If it is the task of authority to take the necessary measures in the interest of the common weal as well as to assure the continuance of the society by planning in advance.

The public authority can and should, according to „Centesimus annus“, be constituted exclusively on the basis of an ethos that is equally binding on that authority and all members of society. That ethos has its core in the „transcendent anchorage“ of human dignity. Without such an anchorage, there would be a danger of „class interests, group interests, and national interests inevitably bringing people into conflict with one another.“ „If one does not acknowledge transcendent truth: then the force of power takes over (44, 2). This applies equally to disputes between citizens and, as a logical consequence, to the shape of public authority: „As history demonstrates, a democracy without values easily turns into open or thinly disguised totalitarianism“ (CA 46,2).

2. The social authority (e.g. of the state), which is founded by the common good and tied to the common good, is to be distinguished from the authority of origin as it exists prototypically in the relationship of God to his creatures and analogously in the relationship of parents to their children and in the relationship of the Church to those born of her womb in the sacrament of baptism. It is the task of the social authority to order the coexistence of the individual and of the groups through the promulgation and application of lawful norms. The Second Vatican Council laments the fact that many today „use the name of freedom as the pretext for refusing to submit to authority.“ The world of today needs people who „will respect the moral order and be obedient to lawful authority“ and who „will be lovers of true freedom“ as well (*Dignitatis humanae*, 8). The Council in no way has a triumphalistic glorification of the „divinely appointed magistracy“ in mind. Every bearer of authority is exposed to error and fail-

¹⁹ Thomas Aquinas, S. Th. I-II, 113, 9 ad 3

ure and, above all, to the misuse of power. In the modern democratic society, authority is therefore subject to control and criticism, which are exercised not only by parliaments, the courts, and by public opinion, but also by the individual citizens at the polls. This, of course, in no way speaks in favor of an excessive criticism of all authority and of everything, that bears an institutional character, be it the family, the school, the Church, or the state. The anti-authoritarian education glorified by many as the ‘liberation’ of man will produce super-individualists incapable of community and will increase neuroses. It is dangerous to put conquest of the system in the place of self-conquest.

A state is even more shaken in its foundations when terror and violence spread (assassination attempts, kidnappings, and the like) and are ideologically defended or favored.

CHAPTER THREE: THE SUBSIDIARITY PRINCIPLE

§ 1 The Meaning of the Principle of Subsidiarity

1. The word ‘subsidiarity’ harks back to the Latin *subsidiū*, which means ‘help given from one’s reserves.’ Thus, for example, in Roman military terminology, the reserve cohorts (*subsidiarii cohortes*), who stand prepared behind the lines, are contrasted to the cohorts fighting on the front (in the *prima acies*). Applied to society, subsidiarity designates the supplementary, helping intervention of the larger social body in favor of individual people and of smaller circles, and in most cases the „larger social bodies“ in question will be the state or institutions organized for a particular purpose. After the Second World War, several Catholic social scientists attempted to interpret into the subsidiarity principle almost everything that we have set forth concerning the solidarity principle and the common-good principle, which has led to conceptual and methodological confusions. The principle of subsidiarity presupposes the principles of solidarity and the common good, but is not identical with them. That society must help the individual is a clear statement of the solidarity principle, which emphasizes mutual connection and obligation; the distribution and delimitation of the competence to be considered in this help fall into the subsidiarity principle.

2. The classical definition of the subsidiarity principle is found in the encyclical *Quadragesimo anno* (79-80): „Just as it is gravely wrong to take from individuals what they can accomplish by their own initiative and industry and give it to the community, so also it is an injustice and at the same time a grave evil and disturbance of right order to assign to a greater and higher association what lesser and subordinate organizations can do. For every social activity ought of its very nature to furnish help to the members of the body social, and never destroy and absorb them... Therefore, those in power should be sure that the more perfectly a graduated order is kept among the various associations, in observance of the principle of ‘subsidiary function,’ the stronger social authority and effectiveness will be, the happier and more prosperous the condition of the State.“

Pius XII called the subsidiarity principle a „principle constantly defended by the social teaching of the Church“ so that „activity and achievement on the part of society may always be a buttress only, and support and complete the activity of the individual, of the family, and of the professional groups“ (Pius XII, July 18, 1947). It has often been noted that Pius XII expressed the validity of the subsidiarity principle „for the life of the Church also, without prejudice to its hierarchical structure“ (February 2, 1946). Whoever places the subsidiarity principle in the context of the solidarity and common-good principles will see in it, not the highest socio-philosophical principle, but a most weighty principle“ (*gravissimum illud principium*, *Quadragesimo anno*, 79).

§ 2 The Foundation of the Principle of Subsidiarity

1. The principle of subsidiarity finds its foundations in the freedom and dignity of man as well as in the structure and characteristic features of smaller social circles, to which tasks and rights are due that cannot be fulfilled in a meaningful way by the more comprehensive social bodies. Here two considerations serve as a point of departure:

- a) On the one hand, the subsidiarity principle protects the personal being and life of individual people and of smaller social circles from encroachments by the more comprehensive social organizations so that, in this respect, it implies a certain defining emphasis on their autonomy.
- b) On the other hand, subsidiarity means ‘help from above,’ which at times is tendentiously overlooked. This helping intervention of the larger social units can be necessary for two reasons: first, because individual people or smaller social circles can fail culpably or inculpably in the field of duties proper to them; second, because it is a question of tasks that can only be mastered by the more comprehensive social units. Since individual people and smaller social circles are not self-sufficient, but are incorporated into more extensive social structures, not only do their own duties devolve upon them, but community duties as well.

2. Even if the name ‘subsidiarity principle’ is relatively new and is found neither in Heinrich Pesch nor in the second to last edition of the Staatslexikon (1932), in its content this principle is an ancient piece of human wisdom. „The impetus of liberalism“ was not necessary, as A. F. Utz affirms, in order „to thrust forward“ towards the subsidiarity principle at all.¹ In the book of Exodus Moses was given the counsel: „You cannot do it alone...set officers over groups of thousand, of hundreds, of fifties, and of tens ...Thus your burden will be lightened, since they will bear it with you“ (Ex 18:18-22). Thomas Aquinas also touches on the matter of subsidiarity when, in reference to Aristotle, he explains that an exaggerated standardization and conformity threatens the existence „of the body politic composed of different members,“ just „as the symphony and harmony of voices disappear when all sing the same note“(In Pol II,5). Dante also emphasizes in his De Monarchia (I, 14) that „not every little regulation for every city“ should be decided directly by the emperor, for „nations, states, and cities have their own internal concerns which require special laws.“ Subsidiarity then played an important role in the disputes between the curialists and their opponents in the fourteenth century.

In the nineteenth century - long before the social encyclicals - Bishop Ketteler not only formulated the principle of subsidiarity accurately, but was probably the first to speak of ‘subsidiary right’: reason and truth give the people the right „to attend to and also accomplish themselves what they can do in their homes, in their communities, and in their native lands. Of course, this is in no way compatible with the principle of centralized government authority...For then shared government and the fabrication of laws would soon come to an end.“ Vis-a-vis the family, for example, the state has „certain tutelary right only in those cases where parents seriously violate their rights and duties.“ It is, however, a „harsh absolutism, a true slavery of spirit and soul, when the state misuses this subsidiary right, as I should call it.“ „My view proceeds from the simple proposition that every individual should itself exercise the rights that it can exercise itself. For me, the state is not a machine, but a living organism with living members in which every member has its own right, its own function, and shapes its own free life. Such members are for me the individual, the family, the community, and so on. Every lower member moves itself freely in its sphere and enjoys the right of the freest self-determination and self-government. Only where the lower member of this organism is itself no longer capable of achieving its end or of itself averting dangers that threaten its development does the higher member enter into action for it“ (Ketteler's Schriften, I:403; II:21, 162). The Second Vatican Council emphasized the importance of the principle of subsidiarity especially for educational and school systems (Gravissimum educationis, 3) and for interna-

¹ A. F. Utz, Das Subsidiaritätsprinzip. Heidelberg 1953, S.7.

tional economic co-operation (Gaudium et spes, 86). From the principle of subsidiarity there results the dualism of state and society, which is characteristic for Catholic social teaching. This dualism is a „condition of individual freedom.“²

SECTION THREE: RIGHT AND JUSTICE

CHAPTER ONE: LAW AS THE NORM OF SOCIAL LIFE

§ 1 Natural Law as the Law of Man's Essence

Most norms, and the most important norms, that regulate social coexistence are of legal nature. By ‘right’ those values are understood to which the individual and the society are entitled as „theirs“ (objective right) and to which a claim therefore exists (subjective right). Right bears witness to the dignity of man made in the likeness of God, to whom certain goods are assigned as his own. At the same time, it is the expression of human endangerment, since those goods are threatened and must therefore be protected by law.

As Thomas Aquinas teaches, three properties characterize right. First, it presupposes the relatedness of several among themselves (ad alterum); man has no rights over against himself. Second, only those goods pertain to the sphere of life which are assigned to the bearer of the rights as his or hers in the strict sense (debitum); man has no legal claims to gratitude and love. Finally, right presupposes the equality of service and counter service (tantum - quantum); everything beyond what is due departs from the sphere of right (II-II,58,5).

2. Certain rights belong inalienably to man by nature. Natural law does not begin with the concrete, historical nature of this or that man, but with the constitutive essence of man as such, i.e., with that which at all times and in all cultural areas metaphysically defines man as man, to which corporality and spirituality, personality and sociality, as well as the creaturehood belong. Man possesses natural rights because God has created him as a person with for example, the right to life, to freedom from bodily harm, and freedom of conscience. Such natural rights have been delineated by the United Nations in the Universal Declaration of human rights of December 10, 1948: “Everyone has the right to life, freedom, and personal safety. No one should be held in slavery or dependence...Everyone has a claim to be recognized everywhere as a legal personality.” That all may sound self-evident or even „devoid of content“ (Stammler). But how powerful a content dwelt in natural law should have become obvious in view of the mass murder of millions of Jews, even of Jewish children under the National Socialist reign of terror. Even today, man's right to life is threatened since abortion is considered innocuous and there is often discussion as to whether the terminally ill or invalids may be given a fatal injection.³

3. Natural law as part of the natural moral law is ultimately grounded in the ‘eternal law’ (lex aeterna) of the Creator and is bonding in conscience. It is therefore false to oppose morals as ‘inner morality’ to law as ‘outer legality’. However, law in no way encompasses all moral realms, such as piety or chastity or love of self or love of neighbor. Human law, as Thomas Aquinas teaches, appeals to the multitude which for the most part is not exactly „perfect in virtue.“ Human law does not therefore forbid all vices, but only the more grievous ones which the majority of people are capable of avoiding, especially those crimes „without the prohibi-

² Peter Koslowski, Gesellschaft und Staat. Ein unvermeidlicher Dualismus. Stuttgart 1982, S. 3.

³ Cf. Jos. Höffner, Nicht töten - sondern helfen. 8. Aufl., Köln: Presseamt des Erzbistums, 1977 (Themen und Thesen Heft 6).

tion of which human society could not be maintained. Thus human law prohibits murder, theft and the like“ (I-II, 96,2). Human law also generally contents itself with the external fulfillment of prescriptions without asking about inner attitudes. Penal law, however, cannot exclude the investigation into motive and guilt, so that the assertions that „judicial decisions should not in principle take ethical evaluations as a basis is deplorably false“; for the „inner binding character of law rests precisely on its agreement with the moral law“ (German Federal High Court, BGHSt 6, 52).

4. The Church Fathers, such as Irenaeus, distinguished early between the primary natural law, which is valid independently of the Fall, and the secondary natural law, which presupposes the state of fallen nature. Whereas the right to life pertains to the primary natural law, the institution of private property belongs to the secondary natural law, which Thomas is accustomed to call the *jus gentium* (see below, pp...)

§ 2 The Battle over Natural Law

Given the decisive importance for man and society that attaches to natural law, it is not surprising that there is a bitter contention about this „law of man's essence.“ Today, the attack against natural law comes from five sides.

1. Atheistic existentialism seeks to remove the foundation from natural law by denying a common human nature. „There is no human nature“, affirms Jean-Paul Sartre, „because there is no God who could have devised it.“ The highest principle of existentialism reads: „Man is nothing other than he makes of himself.“ For in man existence precedes essence; he first exists and „projects himself towards the future.“⁴ At this point it is superfluous to enter in more detail into Sartre's initial thesis, the denial of God. With the recognition of the Creator, Sartre's conclusions fall apart.

2. Natural law is rejected by legal positivism in a particularly stiff-necked way. Towards the end of the nineteenth century, numerous scholars of jurisprudence were convinced of the demise of natural law. „The battle against natural law,“ thought Otto von Gierke in 1883, „belongs for the most part to the past. The only thing that has survived the sword thrusts of the historical school is the shadow of its former proud power.“⁵ In 1892, however, Karl Bergbohm demanded that the „weed of natural law“, that „bastard of rationalism and politics“, be „ruthlessly destroyed root and branch on whatever form or disguise it might appear, whether openly or hidden.“ The „disastrous effects“ of natural law, which „rest on flagrantly untrue presuppositions, which are woven together out of pure phantasms and sophisms,“ will „be able to be entirely surveyed and accurately evaluated only in the future“ when we have recovered from „the final speculative convulsions.“ Only „positive penal law“ makes an action a crime. Whoever assumes that there are actions that are crimes „in themselves“, has „some form of natural law in his head.“⁶ In 1925 , Hans Kelsen still called it a „naiveté or presumption of natural law“ and a „fully meaningless assertion“ that in totalitarian despotism no legal system exists; „for the despotically ruled state represents some system of human behavior...And it is precisely this system that is the legal system.“ The despotic state may indeed be able to „arrogate every decision to itself, to determine unconditionally the activity of subordinate organs... and to revoke or change formerly established norms at any time. But such a state is a state of law.“⁷ A consistent legal positivism has come to the conclusion that, on the other hand, there can be no actions that are unlawful in themselves, i.e. independently of posi-

⁴ J.P. Sartre, L'Existentialisme est un Humanisme. Paris 1948, p. 22, 52.

⁵ O. v. Gierke, Naturrecht und deutsches Recht. Frankfurt/Main 1883, S. 13.

⁶ K. Bergbohm, Jurisprudenz und Rechtsphilosophie. Bd. I. Leipzig 1892, S. 118, 227, 228, 280, 396, 479, 532.

⁷ H. Kelsen, Allgemeine Staatslehre. Berlin 1925, S. 335 f.

tive law, and that, on the other hand, every positive law, even the vilest one, is just - two fateful conclusions for both man and society, as recent history has confirmed. Legal positivism, Gustav Radbruch wrote in 1948, has „rendered German jurisprudence and administration of justice defenseless against such great cruelty and caprice.“ Thus, „the idea of a transstatutory law, measured by which even positive laws could appear as statutory injustice, has powerfully risen again after a century of juristic positivism.“⁸ Pius XII, however stated on November 13. 1949 before the Sacred Roman Rota that „the mere fact that something has been declared as a binding norm of the state by a legislative power is not in and of itself sufficient to make it just...The totalitarian state with its anti-Christian imprint first had to come, that state which in principle or, at least, in that fact burst every restraint imposed by the supreme divine law, in order that the true face of legal positivism be unmasked before the world...We have all been witnesses to how some who acted according to this law have been called to account before human justice...It has also been established how on the basis of the principle of legal positivism these trials would have had to end with just as many acquittals...The accused were, so to speak, covered by the law in force.

Many paid attention when Max Horkheimer referred in 1970 to the „harmonistic illusion“ of positivism which excludes „a view of the beyond.“ „Positivism,“ he writes, „finds no authority transcending man that distinguishes between the readiness to help and lust for profit, kindness and cruelty, avarice and self-surrender.“ There is no logically compelling justification for why I should not hate if I do not thereby incur any disadvantages in social life.“⁹

3. Related to legal positivism is legal sociologism, which does indeed recognize that in different cultural areas there are general conceptions of law that positive law may not contradict, but which then affirms that these conceptions of law are neither immutable or universally valid, but tied to the „total framework of a given culture.“ As the „natural law doctrine of modern times,“ sociology has allegedly proved that the intrinsically relative notions of law seemed absolute, i.e. like natural law, to the people of a cultural area who were no longer conscious of the relative character of these norms. Thus, for example, Arnold Gehlen explains that there is „a structure of consciousness that has arisen historically, in the sense of a genuine transformation, whose conditionedness and genesis are hidden from us.“ In this sense, a society „that has not yet lost the strength of its traditions also experiences its moral and social norms as natural, although a few scholars may know how infinitely different in space and time such norms have been...In general, the natural is the self-evident, and the latter is what has become self-evident, but its having become so, is hidden from our consciousness.“ We thus experience pederasty as unnatural, for example, „because it does not belong to the norms of our society, as it did in ancient Greece,“¹⁰ though here it is to be observed that sexual practices with children were in no way recognized as a general norm among the Greeks.

Today even some Catholic moral theologians who have a disturbed relation to metaphysics affirm that there are no intrinsically evil actions. As ethics in general, so social ethics id allegedly nothing but an evaluation and therefore subject to human sovereignty. It depends on the motives, and here the weighing of goods plays an important role. „Morality“ writes Wilhelm Korff, „for example, „is an artificial product of human reason, invented and implemented by man for man. It shares this reason with all other productions of man: with language, of which no one would affirm that it is an immediate growth of nature; with interpretation and theories about our world and its meaning; and finally, with technical creations from the Stone Age chisel to the computer. This is not to deny that all these things have their natural presupposi-

⁸ G. Radbruch, Vorschule der Rechtsphilosophie. Göttingen 1948, S. 108 f.

⁹ Max Horkheimer, Die Sehnsucht nach dem ganz Anderen. Hamburg 1970, S. 60 f.

¹⁰ A. Gehlen, Urmensch und Spätkultur. Bonn 1956, S. 116 f.

tions, conditions, necessities, and aspects not subject to choice. But they are products of man. They are artefacts every one of them. That holds for morality also.“¹¹

Franz Böckle also declares that „all ethical norms concerning interpersonal behavior are ultimately based on a judgment of preference.“ „Good means: better than“¹² It is concluded that transgressions of the second tablet of the Decalogue are not intrinsically evil actions; their moral quality depends on a weighing of goods. In the interpersonal realm, moral norms can only be teleologically grounded, i.e. in view of the „foreseeable consequences of the action.“

This thesis is rightly rejected by many. „I consider this view of things false,“ writes Robert Spaemann.¹³ Teleological morality is „untenable for several reasons“, he says.¹⁴ B. Stöckle, A. Chapelle, Josef Seifert, and Josef Georg Ziegler advance similar reservations. Josef Pieper calls the thesis that moral norms are „constructs of human reason.“..„abominable.“¹⁵

No one denies that there can be temporally conditioned notions of law, morals, and customs that appear to people as immutable and universally valid. But the problem does not lie here. The question is rather whether law per se is culturally bound or whether there are rights that are valid for all times and in all cultural areas because they are essential rights of man, such as, for example, the right to life. In the Auschwitz concentration camp, Jewish infants were thrown alive into the ovens. That was intrinsically evil. Man is not just any creature, but a child of God redeemed by the blood of Christ. An absolute legal sociologism is just as untenable as an absolute legal positivism.

4. Catholic social teaching will have to occupy itself in a particularly serious way with the reservations that are advanced against natural law by Protestant theology. In spite of his doctrine of justification, Luther himself did indeed have a positive stance towards natural law, so that he has been designated as a „naive proponent of natural law,“ which, of course, has been rejected by others. The Reformer calls „the precious jewel, as natural right and reason are called,“ „a singular thing among the children of men“ and considers „the law of Moses and natural law“ as „one thing.“

In contrast to this, natural law is vehemently rejected today in broad circles, especially of European Protestantism, as a questionable ontology“ and „wicked human righteousness,“¹⁶ as „presumption before God“ and the apostasy of wanting „to be like God.“¹⁷ Natural- law thinking allegedly mistakes the „total interpenetration of creation and sin“¹⁸ and sets aside „God’s self- disclosure in Christ,“¹⁹ and even presupposes a deistic work of creation „that has abandoned God, so to speak“ (Prenter).

The destruction of the original likeness to God allegedly makes a law „that would be inherent to the nature of man „impossible.“²⁰

The doctrine of natural law allegedly mistakes the „Reformational depths of the recognition of sin,“ exchanges“ the theology of Incarnation for a philosophy of immanence,“ and does not take „either sin or grace in the biblical sense seriously.“²¹ The fallen age is“ no longer creation and not yet the kingdom of Christ.“²²

¹¹ Wilhelm Korff, Theologische Ethik. Eine Einführung. Herder, Freiburg-Basel-Wien 1975, S. 14-16.

¹² Franz Böckle, Glauben und Handeln, in: Mysterium salutis V, 1976, S. 36 und S. 92.

¹³ R. Spaemann, Wovon handelt die Moraltheologie?, in: Internat. Kath. Zeitschr. 1977, S. 298, 305, 307.

¹⁴ Ders., Morale Grundbegriffe. München 1982, S. 67.

¹⁵ Cf. B. Stöckle, in: Internat. Kath. Zeitschr. 1976, S. 258 f. - I.G. Ziegler, ebd., S 131. - A. Chapelle, ebd., 1977, S. 334. - Josef Seifert, Was ist und was motiviert eine sittliche Handlung? Salzburg 1976, S. 67.

¹⁶ H. Dombois, Naturrecht und christliche Existenz. Kassel 1952, S. 62.

¹⁷ H. H. Schrey, in: Theologische Rundschau XIX (1951), S. 41

¹⁸ H. Thielicke, Theologische Ethik, Tübingen 1951 ff., S. 1080.

¹⁹ K. Barth, Christengemeinde und Bürgergemeinde. Stuttgart 1946, S. 24.

²⁰ J. Ellul, Die theologische Begründung des Rechts. München 1948, S. 51.

²¹ A. a. O. S. 42.

²² H. Simon, Der Rechtsgedanke in der gegenwärtigen deutschen evangelischen Theologie. Bonn 1952, S. 146 f.

In view of this sharp rejection of natural law, it seems only logical that reservations be raised against the doctrine of the „biblical order of creation“ as it is held by Emil Brunner, for instance. The idea of an order of creation allegedly renders eschatology innocuous and threatens to remove the world from the „judgment of God.“²³ Also disputed is the traditional concept of the „divine orders of preservation,“ which are distinct from the order of creation but presuppose it, and which, like marriage, law, and state, for example, are allegedly ordained as the „reaction to God’s wrath to sin“ in order to protect fallen humanity from full annihilation through the powers of evil.²⁴

Against this doctrine, it is emphasized that it is too one-sided to see only the wrath of God in those orders.

Incidentally, many Protestant social scientists state that the monotonous rejection of natural law has been made too easy.

Protestant social ethics cannot do without „what is essential in natural law“ either.²⁵ Through sin the „essence of man was indeed radically determined,“ but the „continuity of his humanness“ was not abolished.²⁶ It is not a question of „the alternatives, Christ or natural law, but of the task of taking natural law into Christ without thereby obliterating it.“²⁷ Consequently, the „impetus towards natural law“ must be preserved without Protestant theology „thereby biting its own tongue, so to speak.“²⁸

In spite of the sharpness of the formulations, the differences of opinion between Protestant and Catholic theology should not be unbridgeable since, on the one hand, Protestant theology „of course“ recognizes that man has remained man even after the Fall and since, on the other hand, according to the conception of Catholic theology, the concrete, historical man has been wounded and changed for the worse by sin, which does not exclude the possibility of deriving a natural law from the nature of man metaphysically understood even after the Fall.

5. It is often objected to natural law, even by those who do not reject it in principle, that it mistakes and devalues the historicity of man and of society and evaporates into an unrealistic abstraction. The natural-law doctrine allegedly avails itself exclusively of the deductive method and derives its norms in sublime speculations from the *lex aeterna*. Inductive investigation of current social conditions is foreign to natural- law thinking. „No one“ has allegedly been tempted to provide „the reader with a factual inventory“ through a „real description“ of concrete conditions.²⁹

This judgment not only mistakes the concern of natural law, but also does not fit the natural-law doctrine of scholasticism. Thomas Aquinas explicitly distinguishes between divinely appointed values and orders whose transhistorical validity stems from the „unchangeableness and perfection“ of God, the creator of human nature, and historically variable social and economic conditions (I-II, 97,1, ad 1). In the sixteenth century, Francisco Suarez, renowned for the depth and the clarity of his thought, showed in reference to Thomas that the mutability of social orders is grounded in the variability of man and in the change of mores and customs as well as, above all, in the change of the circumstances of times. Luis de Molina, however, sets out from the principle that ethical judgments „are all the less useful and all the less correct the more generally they are formulated.“³⁰ In order to avoid this error, the Spanish teachers of natural law, of the sixteenth century in particular, attempted with amazing success to become

²³ E. Wolf, *Gottesrecht und Menschenrecht*. München 1954, S. 24.

²⁴ H.D. Wendland, *Die Kirche in der modernen Gesellschaft*. Hamburg 1956, S. 227.

²⁵ C. v. Dietze, in: *Das christliche Deutschland*. Stuttgart 1947, S. 183.

²⁶ W. Stählin, *Zusage an die Wahrheit*. Stuttgart 1951, S. 48.

²⁷ H. Wenz, in : *Evangelische Theologie VIII* (1948/49), S.177.

²⁸ H. Thielicke, a. a. O.,S. 345.

²⁹ W. Braeuer, *Handbuch zur Geschichte der Volkswirtschaftslehre*. Frankfurt/M. 1952,S.32 f.

³⁰ De *Justitia et Jure*. Tr. II disp.35.n.1.

familiar with and to analyze the concrete conditions.³¹ Natural law is indeed transhistorically valid, but is operative only in history, of course. In this respect it is in no way „ahistorical“ or „transhistorical“ or „transcendent,“ but immanent in the current historical systems. Natural law is a „program“ to be continually realized.

§ 3 Natural Law and Positive Law

1. The concern of natural law was fully mistaken when, in the eighteenth century, certain Enlightenment jurists made everything a ‘natural law’ that seemed somehow „reasonable“ to them. At that time, some proved that man possesses a natural right to jewelry and cosmetic items (Christian Wolff); others declared that the establishment of post offices was a demand of natural law; still others made out the constitution, so that the distinction between of the Holy Roman Empire, the feudal system, or the constitution of the French Revolution to be of natural law so that the distinction between natural and positive law was hopelessly blurred. In reality, the recognition of natural law, which is not a law of reason but a law of man’s essence, in no way makes positive legislation superfluous. Natural law contains the fundamental norms that result from the essence of man, that are transtemporally valid, supreme, and universal, and that precisely for this reason are so important for the legal system. It would, however, be utopian to consider these fundamental norms as sufficient for the ordering of human coexistence and to consider positive laws superfluous. It is positive laws that first create the kinds of law applicable to the current historical conditions (constitutional and administrative law, commercial law, tax law, civil and penal law, and so on). Here it is to be noted that the fundamental norms of natural law are indeed immanent to the body of positive laws but that the positive laws further contain numerous historically conditioned and therefore mutable elements, so that a great leeway is left to the creative power of the legislator.

2. The relation of natural law to positive law can be determined in particular through five principles:

- a) The obligatory character of the positive legal system results from natural law, which obligates the legislator to enact laws demanded by the common good and the citizen to obey those laws.
- b) The natural law is immanent in many positive laws in such a way that they can be designated as a codified natural law, such as the prohibition and punishment of murder.
- c) Other positive laws are concrete realizations of the principles of natural law adapted to the current historical conditions (applied natural law). To what degree an institution that intrinsically belongs to natural law is subject to historicity is shown by private ownership which „like other elements of social life“ is not „absolutely unchanging“ and whose closer delineation is left rather to „the industry of men and institutions of peoples“ (Quadragesimo anno,⁴⁹)
- d) Most positive laws are not determined by natural law in their content, but are subject to the general demand of natural law to serve the common good, such as most stipulations of civil law, procedural law, penal law, tax law, and so on. Because of their social, political, and economic conditionedness, these laws are entirely different according to times and peoples.
- e) Positive laws that represent an unambiguous violation of the fundamental norms of natural law are invalid. A law that, for example, denies the right to life to a particular people (that, for instance, orders the murdering of Jewish children) is invalid, and a judge who administers

³¹ Cf. Jos. Höffner, Kolonialismus und Evangelium. 3. Aufl. Trier 1972, S. 243 ff.

„justice“ according to this law or an executioner who executes such a sentence is a criminal, and is so at all times and in every cultural area. When during the Boxer Rebellion (1900-01) the slogan ‘no mercy will be given’ sprang up, the Berlin university professor Friedrich Paulsen wrote:“ There would be no German officer who would command such a bloody deed (the murder of prisoners) and no German soldier who would carry it out...And what is to happen with the wounded...? Should we make it a principle that the sons of our people...kill the wounded? Again, I am convinced that the horror of such bloodshed would itself offer resistance to the command.“³² Actions that contradict „universal natural law and its all-embracing principles“ are „criminal,“ according to the teaching of the Second Vatican Council, as are the „orders commanding such actions,“ and „blind obedience cannot excuse those who yield to them“ (Gaudium et spes, 79). An example of this is the elimination of an entire people or of a national minority.

§ 4 The Properties of Natural Law

The law of man’s essence, natural law possesses three properties: universal validity, immutability, and knowability.

1. *Universal validity*. because natural law results from a human nature that is the same for all people, it obligates everyone. It has indeed been affirmed that the irrational, inconceivable, and creative character of political decision lifts the statesman, like the artist, above the mass of other people and thus above the law. According to Christian thought, this thesis is not only false, but also fateful in its consequences for the nation and for humankind. Without universal validity, natural law would no longer be natural law.

2. *Immutability*. Whereas positive laws are subject to change because of their dependence on the current conditions and can be fully abrogated if need be, the fundamental principles of natural law are immutable since they rest on the consistency of human nature. They can be neither rendered void, nor changed, nor mitigated through privileges or dispensations. In the Middle Ages, certain theologians did indeed attempt to ground natural law, not in the essence of man created by God, but in the will of God who, without transforming human nature, could change the norms of natural law and, for example, order „hatred of God, theft, and adultery“ (William of Ockham† 1349. This moral-positivistic thesis), which is also found in Peter Abelard († 1164) and Duns Scotus († 1308), mistakes the ontological foundation of natural law which ultimately rests on the essence, not the will, of God. The immutability of natural law in no way contradicts the historicity of man, since natural law rests on the transtemporally valid, metaphysical constitution of man’s essence. Individual people and humanity living in space and time are subject to historical change, but metaphysical human nature is not. Thus, for example, the claim to vitally necessary commodities resulting from man’s right to life takes a form different for the infant from that for the adult, but is in both cases the same natural right. The institutions of natural law that are adapted to the current social conditions are also accustomed to change with these conditions, as is the case, for example, with private ownership. The principles of natural law themselves, however, are transtemporally valid and therefore immutable.

3. *Knowability*. It is not infrequently affirmed that natural law contains „purely formal propositions“ (Johann Sauter) which only subsequently have to be made concrete in a laborious way. In reality man gains the essential insights of natural law originally and immediately „in the fundamental social situation of the family community“ (Johannes Messner), be it a question of the extended patriarchal family of former cultures or of the two-generation family of

³² Cited in. V. Cathrein, Moralphilosophie. I. 414.

the industrial age. The fundamental principles of natural law are therefore not grasped formally first and then determined in content, but, conversely, experienced and learned concretely and objectively from childhood on in the family in which the essential elements of right can be demonstrated, so that the knowledge of principles and of modes of being are united at the root.

That misinterpretations of natural law can be demonstrated among many peoples is evidence neither against natural law nor against its knowability. As history teaches, even the fundamental norms are exposed to error. Even if, for example, man's right to life has been recognized in principle in all cultural areas, this right has nevertheless been obscured in certain cases such as human sacrifice and exposure of infants. Erroneous conceptions occurred more frequently in the realm of the so-called applied natural law in which the principles of natural law are related to current conditions. To hit on what is right here - „not all are able to do this carefully, but only those who are wise,“ writes Thomas Aquinas (I-II, 100, 1). To decipher the „demands of the law that God has written „in the heart“ of man (Rom 2:15) even in its fineness is often a laborious enterprise and one threatened by error. Ignorance and misinterpretation of the natural law have their deepest ground in the limitedness of the human mind and in its darkening through original sin. These errors are not infrequently strengthened and hardened by false theories and by public opinion. It is a consoling thought that Christ, as the Second Vatican Council teaches, has entrusted his Church, the „teacher of the truth,“ with the mission to declare and confirm by her authority those principles of the moral order which have their origin in human nature itself“ (Dignitatis humanae, 14) - a mission assigned to the Magisterium and not to the pastorate of the Church, as Jakob David thinks.³³

CHAPTER TWO: THE VIRTUE OF JUSTICE

§ 1 The Essence of Justice

1. When justice is mentioned in modern philosophy of law, not infrequently the 'moral idea of law' is meant. Under the rejection of natural law, and as its replacement, as it were, it is thought to stand somewhere behind positive law, but outside the sphere of law proper. It is further assumed to raise the in no way undisputed claim of being the moral measure of existing law. Over against this basically legal-positivistic conception of law, Christian social teaching sees in justice a virtue, namely, that moral attitude „whereby one renders to each one his due by a constant and perpetual will“ (Thomas Aquinas, II-II, 58,1). The one who practices justice seeks not his or her own right, but gives or allows the other one his or her right. 2. Justice is one of the four cardinal virtues and thus a principal virtue on which the other virtue hinge (sicut in cardine). It presupposes law, particularly natural law, from which it receives its meaning and orientation. From this, it follows that the three properties of law will also accompany the virtue of justice: relatedness to others, strict indebtedness, and exact proportion between what is owed and what is given. If one of these properties is lacking or even diminished, we are no longer within the jurisdiction of the cardinal virtue of justice, but in that of one of its attendant virtues, such as piety, truthfulness, gratitude, or liberality.

§ 2 The Fundamental Forms of Justice

Justice is the great orderer of human social life. Since Aristotle (Nichomachean Ethics), the Western tradition has distinguished three fundamental forms of justice according to the three fundamental social relationships: the relation of equal legal partners to one another, the relation of the social body to its members, and the relation of the members to the social body.

³³ Jakob David, Das Naturrecht in Krise und Läuterung. Köln 1967, S. 65 ff. - Cf. Ludwig Berg, Naturrecht im Neuen Testament, in: Jahrbuch f. Christl. Sozialwissenschaften, Bd. 9 (1968), S. 23ff.

1. When the legal partners encounter one another on an equal plane, *justitia commutativa* (commutative, balancing justice in commerce, contracts, and trade) exercises its office. Its violation through theft, injury, or an attempt on the body and life of one's neighbor creates a situation of injustice that must not only be repented inwardly, but also repaired outwardly. In the industrial society, commutative justice makes its appearance in four realms above all:

- a) The industrial society is a commercialized society in which almost everything that households require in terms of goods and services is bought, so that the justice of prices has attained an importance unsuspected in earlier economic periods in which self-provision was widespread.
- b) Since in the developed industrial society approximately eighty per cent of the gainfully employed practice their professions as wage-earning laborers, office workers, and civil servants, commercial justice must take effect in a special way in employer-employee relations (fair pay, fulfillment of duties at the work place).
- c) More than four fifths of the population in industrial states are inserted into the system of 'social security', which yields a further important realm of commutative justice. Insurance fraud is a violation of commercial justice, not only in private insurance, but also in the forms of social insurance established by law (health insurance, accident insurance, and so on). This fact must be especially emphasized since lax opinions prevail here to a large extent.
- d) Commutative justice is gaining increasing importance in the modern *traffic system*; here it is to be noted that the duty to make restitution in the case of traffic accidents where one party is at fault also holds with respect to the family of the one injured or killed.

2.) Even if commercial justice is extremely important for human coexistence, an even greater importance , nevertheless, attaches, especially today, to those fundamental forms of justice that regulate the strained relations between individuals and society.

Here is to be named first that fundamental form of justice, which orders the relation of the social body to its members from above, as it were: *justitia distributiva* (distributive, apportioning justice). Its goal is to allow individual people to participate in the common good through a just distribution, so that spiritual and moral development becomes possible for all. Since the same position does not attach in every respect to each individual and to each group within the social whole, it is not the arithmetic equality holding for commutative justice, but rather a geometrical equality that corresponds to apportioning justice, as for instance, that which forms the basis of the tax laws. Every kind of corruption, favoritism, and oppression of particular people or groups is a travesty of distributive justice. Distributive justice therefore obligates above all those who exercise power in the social body (of the community and the state), whereas the members act in the spirit of distributive justice when they are satisfied with just measures. Incidentally, if a state were to violate not only the position of the citizens within the national whole, but also human rights, it would offend against distributive as well as against commutative justice.

3. Social bodies are also bearer of rights. This brings us to the third form of justice: *justitia legalis* (legal or legislative justice), whose formal object is the orientation to the common good. It is to be distinguished from apportioning justice, for, whereas legal justice is oriented to the creation of the common good, apportioning justice aims at the individual or, more precisely, at the distribution of the common good appropriate to the respective position of the individual. Legal justice is found, principally and, so to speak, 'architectonically' in the legis-

lators and governors, but only secondarily and rather ‘administratively’ in the citizens (Thomas Aquinas II-II, 58,6).

The legislator fulfills the duties of legal justice through a just legislation and administration above all. It demands of the citizens that they obey the laws and, in case of emergency, support the common good with property, person, and life. If legal justice is related to the state above all, it nevertheless enters the picture wherever it is necessary to preserve the common good. It is in this sense that Cajetan († 1534), for example, speaks of legal justice in the ecclesiastical realm, whereas Martin de Esparza († 1689) explicitly assigns it to the so-called ‘social’ space as well by inculcating the duties of legal justice within the municipality, the trading company, and so on.

4. Since the nineteenth century, a fourth kind of justice has customarily been placed next to the above-mentioned three fundamental forms of justice: social justice. At first, this designation was only a catchword behind which an unclear wish and demand did indeed stand, but not a scientific concept. The neoscholastic social philosopher Luigi Taparelli († 1862) was probably the first to have employed the expression ‘social justice’ in the not very clear sense of a justice ‘between man and man’. In 1848, Antonio Rosmini held up social justice, the content of which was unclearly defined, as a guiding principle in his proposal for a model Christian constitution. At the turn of the century, others designated ‘social justice’, which Thomas Aquinas allegedly did not know, as a „poisonous fruit of modernism“ and vehemently rejected both „word and substance.“³⁴ In spite of these suspicions, the name spread more and more in Catholic literature and was taken up under Pius X in the official writings of the Roman Curia as well. Finally, in 1931, the encyclical *Quadragesimo anno* pushed social justice so much to the centre that this important letter has been called the ‘encyclical of social justice’.

Is social justice only a new name for a long familiar question, or is it a new law for the construction of social life that was not at all or not sufficiently noticed earlier? Many equate social justice with legal justice (e.g. A. Vermeersch, E. Genicot, L. Lachance, and P. Tischleder). Others limit social justice to natural-law requirements of the common good that are not established by law (e.g. E. Höring, A.E. Utz). Still others combine both legal and apportioning justice in the concept of social justice (H. Pesch, O. Schilling, and E. Welty). Others go further still and interpret social justice as „the harmony between legal, distributive, and commutative justice correctly conceived (B. Mathis, F. Cavallera).

Whereas the above-mentioned definitions remain within the realms of the traditional three fundamental forms of justice, others would like to see in social justice a specifically new kind. Thus, for example, Johannes Messner affirms that social justice orders the relationship of intrasocietal groups and classes to one another, whereas the familiar division into three is „quite obviously“ related to the state. Gustav Gundlach, however, seeks to place social justice above the usual division into three. The three traditional fundamental forms are allegedly of a static nature; social justice, however, has a dynamic character, shapes the development of the legal system, and actualizes itself „in the three static forms of justice mentioned above.“

In reality, social justice cannot be interpreted as a fourth fundamental form of cardinal virtue. It is rather identical with legal justice correctly understood. Those definitions are a priori excluded that subsume several fundamental forms of the cardinal virtue under social justice. For since a proper formal object is lacking to such a comprehensive term, a new fundamental form of justice cannot possibly be meant. Messner’s proposal to limit the scope of social justice to the relationships between social groups and classes is not convincing either, since a

³⁴ Cf. Jos. Höffner, *Soziale Gerechtigkeit und soziale Liebe*. Saarbrücken 1935, S. 10.

new formal object is exhibited here; rather, only a certain field of the application of legal justice is emphasized. Against the interpretive sense of Gustav Gundlach, which is tempting in itself, it is to be objected that the traditional legal justice in no way lacks a dynamic character. Thomas Aquinas presupposes that the one responsible for the common good has, like an artist, ‘architectonically’ beheld the shape of the order to be realized in his mind. Only then can he make political decisions and enact laws in a meaningful way. Consequently, the proper function of legal justice lies prior to legislation, namely, in the creative, political conception that takes shape in legislation and government policy. It would therefore better correspond to the essence and function of legal justice if it were not called „legal“, but „common-good justice“ or „social justice.“ It would also be an etatist constriction to limit common-good justice to the state and its common good. Its field of application is broader. It exercises its office not only in the state, but also in territorial authorities, in the professional classes, in the Church, and so on, and thus wherever it is a question „of the dynamically conceived common good“ (Gaudium et spes, 74)

§ 3 Social Justice and Social Love

1. Justice and love do not exclude each other, but secure in their mutual connection the existence and the development of human society. „Both radiate from the same spirit of God, both are a program for and a seal of the dignity of the spirit of man. Both complement each other, work together, animate and support one another, and lend each other a hand on the road to harmony and peace“ (Pius XII). Rights have something harsh and divisive about them; they are independent of feeling and inclination. „Justice alone can, if faithfully observed, remove the causes of social conflict but can never bring about union of minds and hearts.“ Social peace and collaboration among men presupposes a „mutual bond of minds and hearts“, which does not mean that „charity can substitute for justice which is due as an obligation and is wrongfully denied“ (Quadragesimo anno, 137). The laborer „is not to receive alms what is his due in justice. And let no one attempt with trifling charitable donations to exempt himself from the great duties imposed by justice (Divini redemptoris, 49).

2. Thomas Aquinas probably coined the term „social love“ (dilectio socialis) (De caritate, a. 9). The expression is employed today in close connection with social justice. Thus, in the encyclical Quadragesimo anno, for example, it is explained that social justice permeates state and social institutions, but that social love must be operative as the soul of this order. Social groups must „deeply feel themselves members of one great family and children of the same Heavenly Father; nay, that they are one body in Christ (n.137). Here it is presupposed that man is able to fulfill the duties of social love out of the power of love of God and neighbor embracing it. In contradistinction to conjugal love, filial love, sibling love, and the love of friends, social love, understood in the narrower sense, is the community- building, well wishing, and self-surrendering recognition and affirmation of the values lying in social ties and groups as well as the share in the common good accruing to individuals and groups. Social love is prepared for selfless service to the common good and grants each one his or her social position. Important tasks are set for social love, especially in relation of estates, professions, groups, and classes to one another. Social love strives to overcome conflicts through understanding. It sees and seeks that which is unitive and common. It takes away the coldness and the stringency from the demands of justice. Nothing contradicts it so much as class hatred. Even if disputes between classes that remain within limits do not automatically offend against social love, social justice as well as social love demand in this situation that everything be staked in order to eliminate class division through a new ordering of social relations. (Cf. Quadragesimo anno, 114). Incidentally, social love not infrequently clears the way for social

justice and social law through its works and initiatives. „Today's justice is yesterday's love“; today's love is tomorrow's justice.“³⁵

As its goal Christian social teaching has in mind a system of order, „based, as it must be, on truth, tempered by justice, motivated by mutual love, and holding fast to the practice of freedom“ (Pacem in terris, 149) „Love, not fear, must dominate the relationships between individuals and between nations. It is principally characteristic of love that it draws men together in all sorts of ways, sincerely united in the bonds of mind and matter; and this is a union from which countless blessings can flow“ (ibid. 129). It teaches us to distinguish „between error, which always merits repudiation, and the person in error, who never loses the dignity of being a person, even when he is flawed by false or inadequate religious notions“ (Gaudium et spes, 28).

³⁵ M. Gillet, Justice et Charité, in: Semaine sociale de France 1928, p. 132.

PART TWO: THE STRUCTURE OF SOCIAL ORDER

Christian social teaching does not content itself with the elaboration of socio-philosophical and socio-theological principles. It also investigates the exceedingly manifold structure of social order as it stands before us in families, professions, communities, workplaces, associations, states and so on. In the almost bewildering multiplicity of social relationships and formations, transtemporally valid essential structures are recognizable which are, however, realized only in the current conditions that are subject to continual change, so that the tension between essential form and historicity emerges in all its strength.

Social orders such as e.g. the economy and the state possess certain inherent laws; they even 'function' in some way w hell the divine legislator is denied, such as in the Bolshevik states. Nevertheless, man is continually threatened in this case by the danger of being degraded into a mere object of economic or state processes.

SECTION ONE: MARRIAGE AND THE FAMILY

CHAPTER ONE: MARRIAGE

Philosophers, sociologists, psychologists, physicians, lawyers and theologians are all striving to interpret marriage, so that we are threatened with the danger of stopping at a confused inventory. Like every essential form, marriage too is a whole, although the most varied levels of man as a body-soul being are harmonized in it. Since, however, we are not able to look intuitively at essences in a single glance, but have laboriously to discover and unfold their structures, *ten realms* that are important for the interpretation of marriage are to be distinguished, although it should not be overlooked that, at bottom, it is only a question of different levels of the one whole that we call marriage.

§ 1 Sexuality

I. Sexuality which appears as the polarity of male and female, and which is a fundamental presupposition of marriage, is not to be equated with the sexual drive. It is more comprehensive, determines the biological dynamics of both sexes, and moulds the whole body-soul essence of men and women, which in turn has its effect in thought and action, feeling and disposition, and even in one's relation to God. Whereas it is more characteristic of the man to be interested in work, the essence of the woman is determined by a devoted motherliness related to the interpersonal other. The man is therefore not the measure of the woman, even if, on the basis of their great adaptability, many women and girls consciously or unconsciously take the man as their measure, especially in professional work outside the home. Incidentally, one should not exaggerate the spiritual difference between the sexes. The fundamental human essence is the same in man and woman.

And both sexes are the 'image of God' in their being as a man or a woman. God has bestowed dignity and the same inalienable rights on both. For both man and woman God is equally „the calling, loving, working Creator.“ Both should listen to him, answer him and serve him. Both are „equal in their dignity as God's creatures, but also equal in their misery if they deny him.“³⁶ God has had mercy on man and woman equally. Indeed, even more: he took a woman, the Virgin Mary, into his work of salvation in a special way. We believe and confess that the

³⁶ The German Bishops' Conference, Zu Fragen der Stellung der Frau in Kirche und Gesellschaft, 21, September 1981, (Bonn: Sekretariat der Deutschen Bischofskonferenz, 1981),9.

Son of God was „born in recent times for us and for our salvation from the Virgin Mary, Mother of God, as to his humanity.”³⁷ Through the motherhood of Mary, writes Pope John Paul II, God has revealed „the dignity of women in the highest form possible“³⁸. There is hardly a man either that does not bear in himself strengths and gifts of sacrifice and solicitude, just as, on the other hand, one could hardly find a woman who could not also devote herself objectively and soberly to the activity of work. It is often rightly said that a merely masculine man is terrible and a merely feminine woman is unbearable. Nevertheless, it remains that the difference between man and woman reaches into the deepest roots of their bodily and mental being. The distribution of social roles between the sexes (for instance, in the performance of work) is indeed historically determined to a large extent, but even when man and woman do the same thing, the way in which they do it is different, so that the woman's professional work outside the home means not only something more, but something qualitatively new.

2. Two erroneous conceptions are opposed to the realization that sexuality belongs constitutionally to the essence of man:

a) Many sociologists seek to relativize the bisexual expression of man's essence by calling the differences in the feeling and emotional life and in the mode of thought between men and women merely 'allegedly universal' and by wishing to reduce them to the historically conditioned social distribution of roles between the two sexes. To this it must be rejoined that the historical conditionedness of certain (not all) role distributions is in no way evidence against the sexuality that leaves its imprint on the whole human essence. Fundamental forms like 'daughter', 'sister', 'wife', 'mother', 'son', 'brother', 'husband', and 'father' are trans-temporally valid and cannot be interpreted as merely historically conditioned role distributions. Because of the intrinsically profound relatedness of body and soul, the biological distinction of the two sexes has mental and spiritual consequences also.

b) It is even more fateful to represent sexuality as the degradation of man, as the sublime anti-body and anti-sex speculations of Persian dualism, oriental mystery cults, Neoplatonism, Gnosticism, and especially Manicheism have attempted to do. Mani demanded of his chosen ones that they place „a seal upon the breast and the womb“; for only in this way could the externally self-perpetuating evil be averted, since the lucid spirit is buried again and again in the dark prison of the flesh through love and marriage. This anti-sexual spiritualism has openly and, even more, frequently bewitched Western thought in subtle ways in the Christian era as well. One perceives its influence among some Church Fathers, such as Clement of Alexandria, Origen, and John Chrysostom. The heretic Tertullian called the woman a „gateway to the devil“, since she seduced and defiled „the image of God that the man is. But even St. Gregory of Nyssa († 394) opined that God originally wanted to create an asexual „heavenly man,“ but then, because he foresaw the Fall, created the historical „earthly man“ and divided him as Adam and Eve into two sexes. Now and then similar thoughts are expressed even today. Theodor Culmann, for example, stated that Adam was first bisexual in himself and was only sexually differentiated by his sin. He allegedly perceived a bisexual mode of existence among animals and felt it as something „lacking to him and therefore desirable.“ That was the „beginning of sin.“ „God must now condescend to remedy that evil which had broken out in creation through the sin of man with the formation of woman. The creation of woman is therefore so terrible a catastrophe that it is surpassed only by death itself, to which she is just a preliminary stage.“³⁹ Theodor Böhmerle also called it a disastrous decision when Adam

³⁷ The Council of Chalcedon, Denzinger-Schönmetzer, n 301.

³⁸ Pope John Paul II, Familiaris Consortio, the Role of the Christian Family in the Modern World, November 22, 1981, n 22.

³⁹ Th Culmann, Die christliche Ethik 2nd ed (Stuttgart, 1874), 56.

wished to have the feminine principle beside him instead of bearing it within himself. Genesis narrates: „that the woman was taken out of the side of the man. Where then was the woman before? Quite obviously in the man.“

Adam strongly desired his helpmate so that the Lord allegedly acknowledged: „What was once good is no longer good...From in one another to beside one another -that was the giant step that was taken and that entailed the most terrible consequences.“⁴⁰ Similar considerations are found in Edgar Dacque: through the creation of woman, Adam allegedly received a person „opposite to himself who was not God. „And thereby a need had already arisen“ that finally led to the Fall. For the original sin took place on account of Eve: „Eve knew that she could be herself an enticement to unification without relatedness to God....and thus arose the dreadful whirlpool of desire, spiritual and sensual.“ And man thereby „entered from within to the demonic state, and nature did so with him.“⁴¹

The Christian doctrine of man rejects as heretical these pessimistic misinterpretations of the sexual which make marriage and family out to be institutions that became necessary only through the fall of man. It is no coincidence that the German word Ketzer (heretic) -gazzari in Italian -is derived from the Katharen (Cathari) and thus from that medieval sect that wanted to smuggle Manichean spiritualism into the Christian West. According to Christian thought, the two sexes are contained in the original plan of creation willed by the love, goodness, and wisdom of God and did not first arise from the godless fall from asexual monism into sexual dualism. Holy Scripture refers with particular emphasis to this divine plan in the case of the creation of man: „Let us make man in our image, after our likeness. ..Thus God created man in his image; in the divine image he created him; male and female he created them“ (Gen. I: 26 f.). St. Paul turns with unaccustomed harshness towards the gnostic „deceitful spirits“ and „plausible liars“ who adhere to „things taught by demons“ and „forbid marriage and require abstinence from foods....Everything God created is good“ (I Tim 1:1-4). God's providence has made the 'nuptial' a structural law of creation.

§ 2 The Dialogical Relatedness of the Sexes

I. Although the sexual character lends the whole physical and mental being a masculine or feminine imprint, the two sexes nevertheless stand in such a deep and delicate relatedness of each other that a dialogical relationship of real depth is possible. The sexes experience this relatedness as an attraction and a promise, as a mission and a responsibility. They instinctively wish to please each other. Their turning towards one another can assume very many different forms. It can be noble and selfless, but also aggressive and egoistical; it can appear as an anxious inhibition, but nevertheless remains even in this case an inward relatedness. With the same ground of the human essence, the characteristically masculine should be wed in marriage with the characteristically feminine for a happy community of life. Man and woman must therefore recognize one another in their particularity, take one another seriously, and affirm one another. The man may not treat his wife as if she were still the 'young girl', a grown-up child almost, and vice versa. Such abnormal attitudes usually arise from a sublime egoism that frequently seeks to disguise itself under the mask of the eternal, pedantic educator or of importunate, compassionate mothering. One 'bestows' and bespeaks oneself. Dialogical relatedness may not be suppressed by the domineering monologue. This piece of advice is important especially today, since a partner relationship between the spouses has taken the place of the patriarchal constitution of the family of the pre-industrial age. It is not least the result of the professional activity of girls and women outside the home that they feel helpless and dependent vis-a-vis the man, but rather see the ideal in mutual recognition and equality, which does not mean an egalitarianism stereotyping everything. Women have successfully

⁴⁰ S Th Bohmerle, Die Frauenfrage im Lichte der Bibel (Wernigerode, 1924), 26, 33f.

⁴¹ E Dacque, Die Urgestalt. Der Schöpfungsmythos neu erzählt (Leipzig, 1940), 27ff.

defended themselves against the ancient temptation of men to see in them only an 'object' of desire and possession. Discrimination against women has diminished almost everywhere in the world, even if it has hardly been overcome yet. The struggle for equal rights, equal treatment, and equal opportunity continues. This development has made the greatest progress in industrial states. Here, for the first time in human history, the woman is legally, if not everywhere in fact, equal to the man in marriage and family, society and public life: the same compulsory education, the same educational and vocational possibilities, and the same professional opportunities. Sociologists speak of 'omnipresence' of the woman even in the sense that women do not veil and cover themselves as previously in the Orient, but are present everywhere in their characteristic femininity. They face the world with shared responsibility and shared creativity and do so consciously as women, not as imitators of men. What has taken place here and still is taking place is more significant for human history than, for instance, the discovery of atomic energy or the spread of automation. Incidentally, one should not exaggerate medieval patriarchalism. There were at that time islands of matriarchy in the convents and abbeys run by women, particularly in the prince-abbeys directly subordinate to the Emperor (e.g. Essen, Gandersheim, Quedlinburg, Gernrode, Hochelten, Herford, and Zurich), in which numerous enthralled peasants and even clerics were subject to the abbesses. Emancipation had its preliminary stages.

2. Only the equality of man and woman and their resulting personal relatedness are compatible with the Christian image of man. As Francisco de Vitoria (\dagger 1546) taught in the patriarchal Spain of the sixteenth century, the woman is the companion (*socia*), not the servant (*non serva*), of the man.⁴² At times the National-Socialist charge is brought forth that the Council of Macon (585) denied women a soul. In reality, as the acts of the Council establish, this question was not even discussed at the national synod at all. Gregory of Tours merely reports that a bishop, probably in a conversation outside the synodal negotiations, asked whether the word *homo* still applies to women. This question was not meant anthropologically, but philosophically, since in the developing Romance languages of that time the word *homo* had gradually assumed the meaning of 'man' (*homme, uomo*).

§ 3 The Sexual Power

I. Two closely intertwined meanings inhere in the sexual power, an innate and instinctive vital urge. On the one hand, this power is directed towards a transindividual goal, the reproduction of the human species, so that Thomas Aquinas speaks of „a very great good“ (11-11, 153,2). On the other hand, the experience of sexual surrender is for man and woman a mysterious, physical and mental expression of their giving and self-bestowal in the loving communion of marriage. The Christian therefore sees nothing evil in sexuality, but rather a truly disposition bestowed by God and intrinsically related to marriage. Even without the Fall, the reproduction of paradisical man would have taken place through the sexual union of man and woman, and Thomas Aquinas is of the opinion that the experience of the senses would have been deeper than today because man would have had a purer nature and a body with „greater sensibility“ (I, 98, 2).

2. Whereas the animal cannot resist the sexual power, but must serve reproduction as driven by instinct, it is given to man to master and to spiritualize the sexual power, i.e. to live it out chastely, not through morbid repression, but through genuine sublimation. On the other hand, man is able to separate the sexual experience from reproduction as well as from marriage. The spread of contraceptives and the disappearance of moral responsibility allowed premarital and extramarital intercourse to increase considerably and to become to a large extent a fleeting and non-binding experience. The more this kind of behavior spreads, the more earnestly is it

⁴² Francisco de Vitoria, *Relectio de Matrimonio*, p 2, n 7

to be emphasized that, precisely because of its intrinsic depth, the sexual power has destructive effects in men as well as in women when it is egoistically degraded. It requires discipline. It is disastrous that illicit sexual practices (premarital and extramarital intercourse, homosexuality) are called 'love' by many today.⁴³

§ 4 The Protective Power

1. It is proper to man to defend himself against the violation of his intimate personal sphere. Thus, for example, emotional shame lives in each man, i.e., the involuntary tendency not to expose the most personal things to others, such as, for instance, those the adolescent records in his or her diary. Emotional shame makes itself most clearly felt when it is a question of guilt or sin. In addition to emotional shame, there is also social shame which is aroused when man believes his prestige to be endangered among his peers, as, for instance, a result of gauche behavior or old-fashioned clothing. Since profanation in the sexual realm has especially fatal consequences, the preservative power of the tendency to shame is here so strongly pronounced that, when we speak of shame purely and simply, we mean neither emotional nor social, but sexual shame. It is not the result of education or habituation nor a consequence of fear and disgust, but a protective power given by nature that, as a primal human feeling, is to prevent „a slip into the sphere of the merely instinctive.“⁴⁴ At puberty, shame awakens even if the environment consciously attempts to teach other notions to the young person. With many children it begins to be aroused around the fifth year and is present with all children by the tenth year. To what degree brutal intrusion into the sphere of sexual intimacy is a profanation is shown by linguistic usage which, to all intents and purposes, speaks here of the use of violence and of violation. Sexual shame creates distance and unites in a new way at the same time. It is a 'reserve' in the twofold sense of the word: as a defensive reservedness and as an accumulation of values that some day will be given away in marriage. As a defense, shame is a „protection against indiscriminately grasping instinctive life.“⁴⁵ At the same time it allows love to grow and to mature by „standing as an angel of reverence at the gate of mystery that shall one day be opened.“⁴⁶ The protective power is essentially related to marriage and receives its meaning in marriage, even if in another form.

2. Even if the forms of expression of shame are subject to historical change, such as in fashion, a sexually overstimulated climate nevertheless prevails in modern society. Shamelessness is spreading publicly, especially in the world of entertainment, in commercial advertising, as well as in certain films and illustrated magazines. These 'products' are not infrequently on such a low intellectual level that sexualisation and idiocy lend each other a hand. A cleverly led attack against every kind of shame, against the emotional, but particularly against the sexual is underway. The scandalous exposure and indiscretion that seeks to disguise itself as 'emancipation' endangers young people particularly and tears down walls that are built as protecting ramparts around marriage and family.

§ 5 Eros as a covetous Love

Among many peoples, the patriarchal practice prevailed for centuries according to which the parents determined the marriage partner without asking the children. Here agricultural, dynastic, and political interests frequently played the decisive role. But it must also be noted that, at

⁴³ Cf. Joseph Höffner, Sexual-Moral im Licht des Glaubens, Themen und Thesen, Vol 5, 8th ed (Cologne: Presseamt des Erzbistums, 1980); idem, Nur Du -und Du für immer (Cologne, 1980).

⁴⁴ Th Müncker, Die psychologischen Grundlagen der katholischen Sittenlehre, 4th ed (Düsseldorf, 1953), 285.

⁴⁵ Ibid, 288.

⁴⁶ E Masure, Die Vergeistigung der Ehe, in J Viollet, Vom Wesen und Geheimnis der Familie (Salzburg [n d]), 225.

that time, the engaged couple were under age and very young, often only twelve or fifteen years old. Incidentally, it was assumed that the profound relatedness between the two sexes would soon lead to liking and affection. Not infrequently, the engaged couple saw each other for the first time in their lives on the wedding day, as, for example, King Philip II of Spain and his fifteen-year-old bride, Isabel de Valois, who were introduced to each other on January 31, 1560 in the festival hall of the palace of Guadalajara whereupon the wedding ceremony followed immediately in the palace chapel. The marriage between Philip and Isabel was a very happy one, just as at time in general „there were probably fewer unhappy marriages than today“ because „instead of an individual attraction, an attraction between families and clans“ could be effective.⁴⁷ At that time people said: „I love you because you are my wife“; today we say: „You are my wife because I love you.“

Of course, the patriarchal practice of contracting marriage was morally unobjectionable only when the engaged couple assented to the decision of the parents without fear or coercion and when it could be considered certain that love would grow in them. Therefore, in the age of patriarchalism the Church always recognized a marriage contracted against the will of the parents as valid and declared marriages forced upon the engaged couple invalid, and it did so in an effective way because ecclesiastical tribunals were entitled to marital jurisdiction. Affection and love were therefore recognized as marriage-forming powers in the patriarchal age also. Many sociologists do indeed affirm that the union of personal love and marriage was foreign to the patriarchal age and only emerged gradually in the eleventh and twelfth centuries with the troubadours and minne-singers, but this is a thesis that stands in contradiction to the historical witnesses. Even in the Book of Genesis where typically patriarchal conditions are described, we read: „Jacob had fallen in love with Rachel. ..So Jacob served seven years for Rachel, yet they seemed to him but a few days because of his love for her“ (Gen29:18 ft). When Samuel's mother remained childless and was grieving on that account, her husband, Elkanah, consoled her thus: „Hannah, why do you weep, and why do you refuse to eat? Why do you grieve? Am I not more to you than ten sons?“ (I Sm I :8).

2. Of course, there is hardly a word that can designate something so lofty and holy and at the same time something so low and common as the simple little word 'love'. There is a so-called love that exploits another person and forces him or her into sexual submission. Thomas Aquinas thinks that the lion also loves the deer „in relation to its food“ when it sees it or hears its voice (11-11.141,4 ad 3). Such sexual exploitation is crass egoism, but not love. True love has its original ground in God whose likeness man is. Because „God is Love“ (I Jn 4:8), man too is a loving being, and most people experience this mystery in a particularly deep and happy way in the married love between man and woman. Only that love which is also respect, however, possesses a marriage-forming power. It is of a twofold kind: Eros and agape.

The general attraction and tension between the sexes becomes specialized and concretized with one person of the other sex through that emotional sexual love that we call Eros. Today, Eros probably stands at the beginning of most love relationships and marriages. It is the 'covetous love', but in a noble sense; for it seeks completion, enrichment of life, bliss, and fulfillment in the person loved. It is, however, threatened by the twofold danger of getting bogged down in one-self, on the one hand, and of projecting an unrealistic ideal image onto the other person, on the other, which can easily lead to disappointments. Often, Eros also promises the lovers a beatitude such as is unattainable in this age between the Fall and the Day of Judgment. Even if Eros as an emotional sexual love is not connected with the sexual drive at first, especially among girls, the state of being in love normally urges one towards it. Here it is to be observed that, since it is a lively one, this urge does not come to a standstill, but tends towards becoming more intimate. Among many young people today, 'love' is not much more

⁴⁷ W Morgenthaler in Die Psychohygiene (Bern, 1949), 124.

than an enchantment (fascination), i.e. an Eros of a lower and unchastened kind. Their eyes are 'held' by an egocentric love so that they do not recognize by what powers they are being driven. Being 'swept off ones feet' is not the same as marital fidelity, which involves a decision. At the wedding ceremony they do not ask: „Are you swept off your feet?“ but „Are you freely willing and unconstrained?“

§ 6 Selflessly Giving Love

1. In the long run Eros is not enough to withstand all the trials. For „all these fires slowly burn out“ (Sigrid Undset). That love which Paul calls agape must be joined to Eros. It is „patient“ and „kind,“ is „not self-seeking,“ is „not prone to anger,“ does not brood over injuries“; there is no limit to its „forbearance, to its trust, its hope, its power to endure“ (1 Co 13:4-8). There may be marriages in which agape is joined to Eros from the very beginning. In most marriages, however, agape must grow gradually; otherwise the marriage will fail. „With marriage love comes to an end,“ is a bad saying.

In selflessly giving conjugal love, which merges the „human with the divine“ and leads the spouses in „gentle affection“ to a „free and mutual gift of themselves“ (Gaudium et spes, 49), man does not pledge to something, but himself. He does not love some 'thing' that the other possesses, but the other wholly and entirely. Agape does not strive as Eros does for the enhancement of one's self, but for that of the interpersonal other. It does not will to be happy, but to make happy, and therefore remains protected from the danger of an 'egoism for two'. Agape seeks to understand the other sympathetically; it accepts him or her as he or she is, with his or her limitations and weaknesses, and does not project the unconsciously transfiguring ideal images of the 'animus' or 'anima' unto her or him. It is „a pure attentiveness to the existence of the other“ (Lavelle), a unique understanding of his or her essence and, at the same time, a readiness for the most intimate community of life, so that one may bear the other's burdens (Gal 6:2) and both may become „imitators of God as his dear children“ with one another (Eph 5:1). Although selflessly giving love is possible as 'natural' love, it finds its fulfillment only in the supernatural theological virtue of charity. In selflessly giving love, man is aware that from now on he is entrusting his whole life to the other and delivering himself up to his or her formative power, without ever being able to know him or her thoroughly.

2. Eros and especially selflessly giving love possess a transforming power. It is here that the other realms of the sexual find the fulfillment of their meaning and enhancement. Eros and agape shine through and permeate these realms, as it were, not in order to abrogate them, but in order to ennable them. The sensual and sexual become an expression of conjugal love and protect it from becoming an egoistic end in itself. The protective power also finds its fulfillment through love, since man may now give his most secret and personal self without fear of profanation. Likewise, the will to please one another, which otherwise so easily degenerates into coquettishness, is experienced as meaningful in true love. Since the loving unity of hearts is based on commonly affirmed and lived religious values, marriages between people who stand on a different ideological and religious ground are threatened with crises more than others.

§ 7 The Awakening of New Life

„Marriage and conjugal love,“ the Second Vatican Council teaches „are by their nature ordained toward the begetting and educating of children“ (Gaudium et spes, 50). Where there is love there is life. As the Bride of Christ, the Church, gives her Lord ever new children of God in the sacrament of baptism, so marriage also stands under the blessing of fertility that God has poured out upon it. The parents therefore experience their child more as given than as generated. Children are „the supreme gift of marriage“ (ibid, 50). The slogan common today,

every child must be a 'wanted child', is not harmless, for new life is here understood as 'producible' and no longer as a gift. It is even worse when sexual pleasure-gain is set up as an absolute while self-giving, sacrificial love for the child is made ridiculous. The statistics show a drop in the birth rate since the end of the nineteen-sixties.

In the third decade of our century,⁴⁸ but especially since the Second Vatican Council,⁴⁹ the question about the ends of marriage has been the subject of lively discussion. If one asks about the inner meaning that inheres in marriage as a natural institution, the awakening and unfolding of new life is the first to be named. But marriage as an institution also has the objectively inherent meaning of being a community of life and love between man and woman. As the Second Vatican Council explains, marriage „is not instituted solely for procreation.“ Even in the childless marriage the „mutual love of the spouses“ retains its proper place (*Gaudium et spes*, 50). Incidentally, it is unhistorical to reproach the older theology with not having understood marriage as a community of love, but exclusively as an institution for the generation of children. Four hundred years ago under commission by the Council of Trent, the Roman Catechism was published; this states that the main reason that a man and woman join together is „the community between the two sexes.“ No other friendship is so deep as conjugal love which, as an image of the covenant of Christ with the Church, unites „man and woman with one another in the most intimate love and affection thinkable.“ „The conjugal gift especially“ consists in the fact that the woman loves „her husband most intimately, next to God, of all other people.“⁵⁰ In modern society, the married couple will usually not take the marriage vows for the sake of children first of all. The longing for a mental and physical community of life and love, for completion, happiness and fulfillment, for desiring and giving love brings them together. Even Holy Scripture mentions this unification first: „The man said 'This one, at last, is bone of my bones and flesh of my flesh. ..That is why a man leaves his father and mother and clings to his wife, and the two of them become one body“ (Gen 1:23-24). Christ too took up this saying: „Have you not read that at the beginning the Creator made them male and female and declared 'For this reason a man shall leave his father and mother and cling to his wife, and the two shall become as one? Thus they are no longer two but one flesh (Mt 19,4-5). St Paul also describes marriage as a community of love: „Husbands, love your wives, as Christ loved the Church. He gave himself up for her“ (Eph 5:25). The awakening of new life, the child, is not explicitly mentioned in these passages. Rather, the longing for mental and physical union is placed in the centre as the force bringing the two sexes together. It is in this sense that the often quoted words of the encyclical on marriage, *Casti connubii* of December 31, 1930, are to be understood: „This mutual inward moulding of husband and wife, this determined effort to perfect each other can even in a very real sense, as the Roman Catechism teaches, be said to be the chief reason and purpose of matrimony, provided matrimony to be looked at not in the restricted sense as instituted for the proper conception and education of the child, but more widely as the blending of life as a whole and the mutual interchange and sharing thereof“ (n.24).

Couples with healthy sensibilities will, of course, also include a strong desire for children in their bond of love. Here one must consider that the meanings are closely intertwined, since personal happiness, fulfillment, and development are realized precisely in giving life and rearing children. In this sense, children are of inestimable importance for the community of life and love of the spouses. It must therefore fill one with deep concern when many Christian couples refuse to have any children and when young mothers who are expecting their third child are exposed to offensive remarks or receive anonymous letters of ridicule. This is not to

⁴⁸ Cf N Rocholl, *Die Ehe als geweihtes Leben* (Dülmén, 1935), 61

⁴⁹ Cf Jakob David, *Neue Aspekte der kirchlichen Ehelehre*, 2nd ed (Bergen-Enkheim bei Frankfurt am Main, 1966)

⁵⁰ *Catechismus Romanus. Das Religionsbuch der Kirche* (1566) (Innsbruck, 1934), pt II, nn 14, 15, 27

trivialize the serious problem of 'responsible parenthood'. The Second Vatican Council assured married couples in an understanding way that it is aware of their needs and difficulties. „Certain modern conditions often keep couples from arranging their married lives harmoniously; they find themselves in circumstances where at least temporarily the size of their families should not be increased.“ On the question of the number of children, the Council remarks: „The parents themselves should ultimately make this judgment, in the sight of God.“ In doing so, of course, they may not „proceed arbitrarily; they must always be governed according to a conscience dutifully conformed to the divine law itself, and should be submissive toward the Church's teaching office, which authentically interprets that law in the light of the gospel.“ The married couple should be aware that „a true contradiction cannot exist between the divine laws pertaining to the transmission of life and those pertaining to the fostering of authentic conjugal love“ (Gaudium et spes, 50-51). The Council forewent „proposing concrete solutions“ concerning particular methods of birth control. It did add, however, that „sons of the Church may not undertake methods of regulating procreation which are found blameworthy by the teaching authority of the Church in its unfolding of the divine law“ (Gaudium et spes, 51). The conjugal gift, Pope Paul VI teaches, must remain open for the transmission of life, which does not mean that it is forbidden to the married couple „for grave motives and with due respect for the moral law, to avoid for the time being, or even for an intermediate period, a new birth.“⁵¹ Pope John Paul II also adjures spouses not to tear apart arbitrarily the two meanings of the conjugal gift, i.e. loving union and the awakening of new life. For then „they act as 'arbiters' of the divine plan and they 'manipulate' and degrade human sexuality - and with it themselves and their married partner - by altering its value of 'total' self-giving, which leads to an „objectively contradictory language.“

The Pope exhorts pastors to come to a „unity of moral and pastoral judgments“ and professors to a „unified effort by theologians in this regard, inspired by a convinced adherence to the Magisterium, which is the one authentic guide of the People of God.“ The Pope continues: „When, instead, by means of recourse to periods of infertility, the couple respect the inseparable connection between the unitive and procreative meanings of human sexuality, they are acting as 'ministers' of God's plan and they 'benefit from' their sexuality according to the original dynamism of 'total' self-giving, without manipulation or alteration.“⁵² The popes are standing up for the protection of the dignity of man which is threatened today in a terrible way by ideological, journalistic, pedagogical, chemical, and medical forms of manipulation. At bottom, the 'anti-baby' pill is a form of manipulation whose consequences for the coming generation no scientist is able to foretell with certainty. It should also alarm us that manipulation, of which there was hardly any talk at the time the encyclical Humanae vitae was published (1968), has spread in recent discussions to sterilization, abortion, and the killing of invalids.

§ 8 Marriage as a Contract

I. „Each individual marriage“, it says in the encyclical Casti connubii, „in as much as it is a conjugal union of a particular man and woman, arises only from the free consent of each of the spouses.“ The only question in this union of wills, which „cannot be supplied by any human power,“ is „whether the contracting parties really wish to enter upon matrimony or to marry this particular person.“ On the other hand, the essential form of marriage is „entirely independent“ of the arbitrariness of the married couple (n. 6). Whereas other contracts are

⁵¹ Humanae vitae, of July 25, 1968, n 10. Cf the *Wort der deutschen Bischofe zur seelsorglichen Lage nach dem Erscheinen der Enzyklika Humanae Vitae*, of August 8, 1968; Joseph Höffner, Zur Würdigung der Enzyklika 'Humanae Vitae' in Reden und Aufsätze, 11:280-293.

⁵² Familiaris consortio, 31-34.

subject to the free agreement of the contractual partners, the content of the marriage contract has been predetermined by God himself.

The contracting of marriage in the form of a binding contract before God and the entire public is not only a demand of the social order, but at the same time an expression of conjugal love which, by a holy oath, wills to profess unity, exclusivity, and indissolubility. In this sense, the marriage contract is „the juridical translation of the concept of love“ (Rene Savatier).⁵³

At the same time, a great risk lies in the consent to marriage, since with both spouses not only are beauty, age, and health subject to change, but affection and fidelity can also disappear. Only love is able to take the risk upon itself by trusting in God's grace.

2. Three essential features of marriage clearly emerge which must be recognized through the consent in every marriage contract if it is to be valid: the ordination to the awakening of new life, fidelity to one's spouse, and indissolubility. The words of St. John Chrysostom hold for the Christian in case the state laws should determine something else: „Do not quote the laws to me which are enacted by those who are outside...God will not judge you on that day according to these laws, but according to those which he himself has enacted.“⁵⁴ In the industrial society, numerous people place their individual and subjective desire for happiness above the divinely appointed order. The indissolubility of marriage especially has become a vexation for many. But divorce, from which a „mitigation of marital suffering“ had been hoped, has „on the contrary unmasked itself as an increase of this suffering.“ For every divorce is a „painful bankruptcy of an entire capital of passionately loved dreams“ (Rene Savatier).⁵⁵ Withdrawal leaves „those involved no longer as full-blooded people, but as used up possessions.“⁵⁶ Divorce is not a carefree departure, but a serious life catastrophe. To shipwreck in marriage is personally more tragic than to fail in one's profession. After the divorce curve of the post-war years, which had risen excessively because of the war conditions (87593 divorces in 1948), had sunk considerably at the beginning of the nineteen-fifties in the Federal Republic of Germany, it has been rising again since 1962. In the year 1981, the previous record of 1976 was exceeded with 109528 divorces. In the years 1964 to 1981, a total of 1.411.318 marriages ended in divorce.⁵⁷ The staggering increase of the divorce rate is a barometer of destabilized normal behavior. The confusion of moral norms does not allow us to expect a change of direc-

⁵³ In J Viollet, Vom Wesen und Geheimnis der Familie (Salzburg [n d]), 52.

⁵⁴ Exposition of 1 Cor 17:39f.

⁵⁵ In J Viollet, op cit. 56f.

⁵⁶ J Bernhart, De Profundis (Leipzig, 1935), 99.

Year	Marriages	Divorces	Births	Deaths
1964	506,182	55,698	1,065,437	644,128
1965	492,128	58,718	1,044,328	677,628
1966	484,562	58,730	1,050,345	686,321
1967	483,101	62,835	1,019,459	687,349
1968	444,150	65,264	969,825	734,048
1969	446,586	72,300	903,456	744,360
1970	444,510	76,520	810,808	734,843
1971	432,030	80,444	778,526	730,670
1972	415,132	86,614	701,214	731,264
1973	394,544	90,164	635,634	731,032
1974	377,265	98,584	626,373	727,511
1975	386,681	106,829	600,512	749,260
1976	365,728	108,258	602,851	733,140
1977	358,487	74,658*	582,344	704,922
1978	328,215	32,462	576,468	723,218
1979	344,823	79,490	581,984	711,732
1980	362,408	96,222	620,657	714,117
1981	359,658	109,528	624,557	722,192

* 1977-1978: The drop in numbers was because of the Law for the Reform of Marriage and Family Right of June 14, 1976.

tion towards a decrease in the divorce rate. In addition, there is the manifold harm that is inflicted on the children of a divorce by their parents. In total, the catastrophe of divorce befell over two million children in a single generation. That is not to say that earlier everything was ideal and now everything is bad. In the seventeenth and eighteenth centuries, many princes openly kept their mistresses with their own princely household. One can ask what is morally worse: the coexistence at that time of relationships similar to marriage or the succession of civil marriages today caused by the caesura of divorce. One must also consider that, with the average life expectancy of seventy-two years, marriage today is exposed to a longer period of trial than 150 years ago, since on the average people reached only their thirty-fifth year. The length of marriage, which at the present amounts to an average of thirty-four years, corresponds to the entire life expectancy of that time.

It would be disastrous if one were to capitulate before the behavior of a large part of the population and, in a false sociologic reaction, elevate the change of opinions and conditions to the ultimate form. The Federal High Court of Germany designated as false a judicial decision „for which social reality serves as a guiding principle without any standard of evaluation.

That results in a situation where the action of man does not have to conform itself to the norm, but the action determines the content of the norm. In the end, that means a negation of the norm.“ The precepts „that fundamentally order the coexistence of the sexes and their sexual relationships and which thereby simultaneously establish and guarantee the proper order of marriage and family (and in a remoter sense that of the nation also)“ are „norms of the moral law“ and not merely „conventional rules delivered up to the changing caprice of social groups.“⁵⁸ For several years, of course, these principles have been rejected as obsolete, and 'liberalization' has been praised as progress. But the decay of marriage and family is far more disastrous than the breakdown of the energy supply. In the United States, and increasingly in Europe also, expensive surveys focusing on 'private life' are often conducted today, not only to learn about opinions and factual behavior in the sexual realm, but also to establish through the popularization of the survey results new moral norms of 'they think' and 'they do,' as it were, based on sociologic relativism. The Christian faith teaches that there is sin, i.e. a falling away from the moral orders, and that the individual is deceived who claims to be without sin (I In 1:8). From this point of view, it seems grotesque when it is announced as an amazing novelty that many people, particularly in the sexual realm, do not adhere to moral norms, and the attempt is even more grotesque to want to elevate the cross section of sinful behavior discovered through a survey to a new norm of morality.

§ 9 Marriage as Institution

I. It would be an excessive demand to want to found the conjugal community of life and love on personal affection alone. If it is not to be shattered, it must betaken up into that order which we call the institution of marriage. Liberalistic individualism has since the end of the eighteenth century begun to protest vehemently against the conviction, alive among all peoples at all times, that marriage is an institution with an essential form withdrawn from man's free disposal. In 1783, the Enlightenment 'Dictionnaire Philosophique' founded by Voltaire called marriage „a simple civil contract“ that can be dissolved at any time „without there being required any further motive than the insistent will of the two spouses.“⁵⁹

The Decree of the French Revolution of September 20, 1792 also interprets marriage in an individualistic way: an „indissoluble tie“ annihilates „individual freedom“; therefore every spouse is entitled to having divorce pronounced by merely pointing to the lack of harmony between personalities. For a long time people tried to dismiss the French-Revolutionary Law

⁵⁸ BGHSt 6, 51, 53

⁵⁹ Cf H Conrad, Die Grundlegung der modernen Zivilehe durch die Französische Revolution. in Zeitschrift der Savignystiftung für Rechtsgeschichte 67 (1950):339.

of the years 1789 to 1804 as a short-lived 'transitional law'; but its consequences are clearly perceptible up until the present, and not least in marriage law. Thus, for example, that 1792 principle concerning the break-up of marriages found its way into the 1938 German (National Socialist) marriage law.

Although liberalistic individualism, at least in its consistent ideology, had undermined the institution of marriage, its adherents nevertheless had soon to admit that one cannot entrust the relations between man and woman to caprice. This explains why the state, which the individualistic conception of society opposes as an unlimited power to the individual, claimed the drafting of marriage law for itself and subjected the institution of marriage to its laws. It is characteristic that under the influence of the Enlightenment Joseph II declared in his marriage decree of January 16, 1783 that marriage receives „its essence, force, and definition solely and entirely from our sovereign laws,“ a conception that has gained ground steadily in the nineteenth and twentieth centuries.⁶⁰

2. Today, every institution is considered suspect and rejected by man as a source of restriction, an obligation opposed by the system, and a fetter. Hostility towards institutions is connected with the ideology of unbridled emancipation. But whoever destroys the institution delivers marriage and family to the 'administrative' apparatus. The rule of functionaries, in whose hands the apparatus is a supple tool, then takes the place of the personal love and authority of the parents. Exaggerated emancipation leads to manipulation. In the face of all attempts to relativize marriage and entrust it to caprice, the Christian faith holds fast to the essential form of this institution. „No human law“ it says in the encyclical *Rerum-novarum*, „can take away the original natural right of a man to marry or in any way impose limits of the principle purpose of marriage ordained by God's authority from the beginning.“ Marriage is „older than the state; one therefore which must have its own rights and duties which depend not at all upon the state“ (n. 10).

§ 10 Marriage as Sacrament

1. In marriage a mystery of the divine work of salvation shines forth. God has saved and sanctified people, „not merely as individuals without any mutual bonds,“ but has made a covenant with them and made them „a single people“ (*Lumen gentium*, 9). In order to express his utmost love for us, God calls his covenant a marriage covenant: „On that day, says the Lord, she shall call me 'My husband'... I will espouse you to me forever“ (*Hos 2:18*). „I swore an oath to you and entered into a covenant with you; you became mine, says the Lord God“ (*Ez 16:8*). „For he who has become your husband is your maker“ (*Is 54:5*).

Already in the Old Covenant, marriage was a symbol of the love of God for the people espoused to him. Jesus Christ elevated marriage to a sacrament of the New Covenant, i.e. made it an effective sign of grace, so that among the baptized there can be no true marriage that is not sacramental. Bride and groom administer the sacrament to one another by contracting marriage with one another. In the sacrament of marriage, the Easter mystery of the love of the Lord for his bride, the Church, becomes manifest: „This is a great foreshadowing,“ writes St. Paul, „I mean that it refers to Christ and the Church“ (*Eph. 5:32*). In his love for his wife, the husband should emulate Christ. In her love for her husband, on the other hand, the wife represents the Church which loves the Lord. In their marriage, husband and wife encounter Christ, the bridegroom of the Church, who remains with them in the sacrament of marriage „so that, just as he loved the Church and handed Himself over on her behalf, the spouses may love each other with perpetual fidelity through mutual self-bestowal“ (*Gaudium et spes*, 48). As the Bride of Christ, the Church stands under the symbol of the woman.⁶¹

⁶⁰ *Ibid.* 348f.

⁶¹ In rendering present the sacrifice of the cross in the Holy Mass. the priest acts in the person of Christ. If we treat the mysterious relationship 'Christ - Bride of Christ' with seriousness ecclesiologically, we shall realize that

Christian marriage and family are deeply grounded in the trinitarian God. For God is, as Pope John Paul II said in Mexico, „in his innermost mystery not loneliness, but family.“⁶² As unity and difference, the trinity is in an analogous sense the source of marriage and family for which unity and difference are also characteristic.

2. The unity of the Logos with humanity in the Incarnation, the self -surrender of Christ on the cross and in the Eucharist, and the covenant of Christ with his Bride, the Church, do not merely find themselves reflected in marriage. Christian marriage is rather the participation in this divine love and its becoming present in the world. Not only does the testing, proving, and self-interpretation of the spouses take place in marriage, but also their sanctification.

The sacrament does not abrogate the natural form of marriage, but takes it into the sacramental mystery. That is not the case with other sacraments. Birth is not baptism. Supper is not the Lord's Supper. But the marriage of Christians is the sacrament of marriage. Conjugal love is enriched and sanctified „by Christ's redeeming power“ (Gaudium et spes, 48). Whoever marries enters into Christ. He or she marries „in the Lord“ (I Co 7:39).

The essential characteristics of fidelity and indissolubility which are proper to marriage by nature receive a new content and splendor through the sacrament. As an image of the never ending love between the one Christ and the one Church, the sacramental, consummated marriage can only exist as an indissoluble bond between a man and a woman. Since it is the „representation of the consummated union of Christ with the Church,“ marriage can „be nothing other than indissoluble and permanent.“ Grace fulfils the yearning of nature and gives it the strength „to be that for which its better knowledge and will strive.“ „Thus, the indissolubility of marriage is only the fulfillment of that towards which the pure and untainted heart, the naturally Christian soul ,presses and which only finds its end in death“ (Pius XII).⁶³ Love without fidelity is deception. 'Marriage on trial' or 'marriage for a time' are not marriages, but life lies.

Christian marriage lives out of the expectation of the eternal marriage feast which it prefigures. It bears an eschatological character. For „when people rise from the dead, they neither marry nor are given in marriage but live like angels in heaven“ (Mt 22:30) „In that stronger bond of love that joins hearts to God and to one another,“ the love of married couples will, according to the words of Pius XII, continue to exist „in the next life also, just as the souls will also remain those in which they have dwelt here below.“⁶⁴

CHAPTER TWO: THE FAMILY

The family is a natural community of life of the parents with their children (societas naturalis parentalis) developing out of the marriage on which God has poured out his blessings on fertility and it is, at the same time, the cell of human society. Whereas the theology of marriage has fortunately been deepened in recent decades, the theology of the family is still in its fancy, which is partially explained by the fact that only marriage and not the family is a sacrament. Nevertheless, the development of the theology of the family is urgently necessary. For it would be no minor shortcoming if, as often happens, one would see only the conjugal relationship of the spouses with its sexual problems but leave the family almost out of consideration, since the family is exceedingly important particularly for man as threatened by the impersonal forms of organization of the industrial age. Here it has to be remembered that the timelessly valid structure of the family is realized in the prevailing social and economic con-

the priestly ministry as an 'acting-in-the-person-of-Christ' is the ministry of a man. The wide realm of the Marian ministry of the Church as the Bride of Christ is open to women.

⁶² Pope John Paul II. Homily in Puebla. January 28. 1979 (AAS 71 [1979]:184).

⁶³ Text in *Summe Pius' XII.* ed. by F. Utz and J. F. Groner (Freiburg, Switzerland, 1954), 1:717, 919.

⁶⁴ Ibid, n 920.

ditions. The family's outward form is therefore subject to historical change, and, without a doubt, this change has assumed enormous proportions since the beginning of the industrial age.

§ 1 The Family as a Community of Life of the Parents with their Children

That parents live together with their children belongs so much to the essence of the family that all attempts to destroy the family usually begin here. This trait shows itself clearly in the communistic social utopias which, with their strange intermingling of phantasy and reason, of secularized eschatology and collectivistic actuality, are more subtle than it would seem at first sight. In the fifth book of the Republic, Plato designed that ideal state in which for the sake of guardian class every 'mine' and 'yours' becomes taboo, so that „no one has anything of his own except his body.“ „The guardians may possess neither houses, nor lands nor any other good.“ Even women and children are common, „so that neither does a father know his child, nor a child his or her father.“ Immediately after birth, children are brought to the nursery, which the mothers may enter only for a short time for feeding, and the nurses „are to prevent in every conceivable way that any mother recognize her child.“⁶⁵ Under the influence of Plato, Thomas Campanella designed a social order without families at the beginning of the seventeenth century in his 'City of the sun'. Men and women are housed in barracks in this communistic dictatorship and sleep in separate halls. On the basis of medical and astrological considerations, the couples are brought together to mate by the authorities, so that parents and children do not know of each other.⁶⁶ In the year 1949, George Orwell described in a very drastic way the spectre of the communistic society of the future without families: „A world of fear and treachery and torment, world of trampling and being trampled upon, a world which will grow not less but more merciless as it refines itself...We have cut the links between child and parent, and between man and man, and between man and woman. No one dares trust a wife or a child or a friend any longer. But in the future there will be no wives and no friends. Children will be taken from their mothers at birth, as one takes eggs from a hen. The sex instinct will be eradicated. Procreation will be an annual formality like the renewal of a ration card. ..If you want a picture of the future, imagine a boot stamping on a human face - forever.“⁶⁷ After the epigonic revival of socialistic utopias in recent decades, anti-family ideologies are again spreading. The family has allegedly generated „that specifically authoritarian behaviour on which the existence of the bourgeois society depends to a large degree“ (Max Horkheimer). It is the „vassal factory of authoritarian societies“ and a presupposition of capitalism. Collectivities such as 'communes' and 'elective clans' must take the place of the family.⁶⁸ Only then will man be emancipated. It was an outrageous impertinence that these neo-Marxist phrases were taken up in the Report of the State of the Family published by the German federal government in 1975.⁶⁹ The totalitarian educational practice of the family, which is founded on late capitalistic production relationships and power structures, must, according to this report, be overcome by a family policy „oriented towards socialization.“ The education of children is a „task of the whole society“ the performance of which society entrusts to „families and extrafamilial pedagogical institutions.“ This monstrous thesis, which contradicts Article 6, Paragraph 2 of the Basic Constitutional Law, overlooks the fact that society cannot entrust what it does not possess. The task of education belongs originally and inalienably to

⁶⁵ Republic 457d-464d

⁶⁶ Civitas Solis. German translation by J E Wessely (Munich. 1900)

⁶⁷ George Orwell. Nineteen eighty-/our. (New York: Harcourt, Brace and Company, 1949), 270-271.

⁶⁸ Cf Max Horkheimer, Traditionelle und kritische Theorie (Frankfurt am Main, 1970); E Fromm, „Autorität und Familie“, in Marxismus, Psychoanalyse, Sexpol 1 (Frankfurt am Main, 1971); W Reich, Die sexuelle Revolution (Frankfurt am Main, 1971); D Cooper, Der Tod der Familie (Reinbek, 1972). 4a Deutscher Bundestag, Drucksache 7/3502, April 15, 1975

⁶⁹ Deutscher Bundestag 7/3502 April 15, 1975

the family. Its origin is not of the state or society. Against these anti-family utopias Christian social teaching posits the family as an unrenounceable community of life that has two tasks to fulfil: care for physical needs and cultivation of spiritual, moral, and religious values. In daily family life, the two tasks can hardly be separated from each other, since the organization of the household has simultaneous educational consequences.

1. The Family's Care for Physical Needs

The family naturally grants the child a capital of life and security; it protects him or her from anxiety and gives him or her leeway, so that he or she can grow in a carefree manner. The sheltering, protecting, caring, and providing function of the family is of a threefold kind:

a) The common home

The family gives man a house, a dwelling, a home. Since most people perform their professional work in factories, administrative organizations, offices, and stores they have an especial need nowadays of a home to return to at the end of the day which offers them peace and privacy. The architectural structure of the dwelling unit should give genuine expression to the meaning of the home, though unfortunately this is frequently not the case. In many dwellings the rooms go off from an often ugly entrance hall, which thus becomes the centre of the dwelling, so that, sociologically speaking, the family is broken down into its individual members, each of whom leads his or her own life. Instead of this, the 'nuclear meaning' of the dwelling must be recognized again and considered in project planning; this will lead to clusterings of space „that are ordered in horizontal and vertical extension around a central, communal space.“ In this way, the family is understood as a whole which possesses in its living room „the meaningful focus of its gathering and development, without hindering the growth of the individual“ (R. Gieselmann) ⁷⁰

The dwelling may fulfill its function as a home in the form of an occupier owned home as in the form of a rented dwelling. Whereas for the affluent citizens of the nineteenth century it was almost disgraceful to start a family before one owned a home, today a certain rhythm of living has become common. Young married couples usually move into a minimum-sized apartment; when they are ready to give life to more children, they seek a larger dwelling, often doing so several times. In old age, when their children are married, the parents again retire into a smaller dwelling, so that five household arrangements follow one another: the household of the married couple, the household with small children, the household of the mature family, the household of the elderly couple, and the final household. Nevertheless, the importance of a home of one's own for the rootedness and inner cohesion of the family should not be underestimated. Man is more integrated into the landscape, homeland, community, and neighborhood through a home of his own than through a rented dwelling. Pius XII emphasized that „of all the goods that can be private property“ nothing corresponds to nature more «than the soil, the plot of land, on which the family dwells and from whose fruits it lives wholly or at least in part.“ The desire for a home of one's own is fortunately strong in all social strata, even among workers, so that one can speak of a continually expanding movement to own one's own home, which has nothing to do with social romanticism, but is connected with the change in awareness of life in the working population and represents an important step in the social and economic integration process of wage-earners.

b) The common table

The living community of parents with their children finds a particularly intimate expression in the common table. At the family table, an apportionment is made in a selfless way to each one according to his or her needs. The small child who does not yet 'bring in' or 'earn' anything receives everything he or she needs for healthy growth. In this way an understanding is awak-

⁷⁰ In Werk 41 (1954):8ff.

ened in the soul of the child of what it means to be loved by God undeservedly. It will be difficult for one who has never experienced the selfless love of a father and mother to believe in the eternal love of God during the hardships of life. Over the family table there hovers, as it were, the spirit of the primitive Jerusalem community: they were «of one heart and one mind...everything was held in common...(it was) distributed to everyone according to his need» (Acts 4:32-35). The deep and holy meaning that inheres naturally in the common meal already shines forth in a new light in the order of salvation. We celebrate the Eucharist as the «Lord's Supper» (I Co II :20), the symbol of love for one another and at the same time the sign and guarantee of heavenly beatitude, since we shall take our place „at the feast in the kingdom of God“ (Lk 13:29).

The natural sharing of food at the family table takes place in the hope of God's goodness. For this reason, saying grace belongs to the family meal, whereby the family is aware that the request for bread does not stand in the middle of the Our Father because it is the centre and principal concern, but because one puts that which most needs protecting in the centre. God's holy name, God's kingdom, God's will stand above the request for bread. Holy Scripture calls earthly goods an additional gift of God: «Seek first his kingship over you, his way of holiness, and all these things will be given you besides» (Mt 6:33). When the understanding of bread as an additional gift is lacking, the family slips into the danger of falling prey to consumer egotism and of seeing something spell-binding in material goods.

In the modern family, the table is not only the site of the common meal, but also the place of common conversation, of play, of entertainment. Previously, people sat at the fireside for conversation. In modern homes, the family table has taken the place of the hearth, which has been 'objectivised' as the gas or electric stove in the kitchenette and can no longer serve as a site of conversation. Unfortunately, however, a questionable silence has come over many families which no longer allows cordial, personal talk to arise as it did in the time of engagement or in the first years of marriage. For weeks on end a family might talk in a matter-of-fact business-like way about household expenses, for instance. It is a tension-filled muteness, not that silence of which Romano Guardini says: „Nothing brings together so much as being silent together.“ They are mute next to one another and against one another, whether the tension exists between the father and the mother, or between the parents and the grown children, or between the children themselves.

c) The common housekeeping

A common home and a common table involve common housekeeping, which brings in a third important function of the family in its care for physical sustenance. In the modern family, common housekeeping is limited to the upkeep of the dwelling and clothing and also to the preparation of meals. The family household is no longer a production site since the highly industrialized economic life based on the division of labor has led to a state where most families shop for almost everything they need and where the father, and often the mother and grown children also, earn an income for the maintenance of the family through professional work outside the home. Family home and work place are usually separated from one another, often by many miles, so that mother and children are not familiar with the work place of the father. The professional position in social and economic life and the regular wage and salary income secured on the basis of gainful employment have become for workers (blue and white collar) today what property formerly meant for securing the existence of the family. A technically good professional training has replaced, as it were, the property that was necessary in the pre-industrial age for the existence of the family. In itself, this development does not represent a contradiction to the essential image of the family, since in the economic realm the family need not necessarily be a self-sufficient unit of production.

Since the man is usually employed outside the home, the family household stands under the woman's control, even if more and more men are ready for cooperation, so that one often

speaks of a new „metropolitan matriarchy“ or of a „female rule“ as part of the „modem metropolitan form of life.“⁷¹ The management of the family household places great demands on the woman, so that it has been said in jest that a man whose wife suddenly got lost would have to publish the following advertisement: „I am looking for a woman to do my housekeeping. Fifteen to seventeen hour working day including Sundays and holidays. Training or good experience in cooking, sewing, and other household chores as well as book-keeping, health and child-care, and garden work. Must be healthy, cheerful, independent, flexible, and willing to work. No right to payor vacation.“⁷² On June 8, 1982, the Federal High Court of Germany established that a housewife works sixty hours a week.

If in the course of the years a family succeeds in saving enough for a home of its own, that is due in large part to the capable and provident management by the woman. If, however, a woman fails in housekeeping, then, in spite of the good income of her husband, a 'secondary poverty' comes over the family, i.e. that poverty arises not from the income of the man being too small, but from its poor administration. 'Secondary poverty' arises above all when the housewife man- ages affairs according to the principle that „a living standard in accordance with our social standing amounts to twenty per cent more than the income of my husband.“

The Family in the Service of Spiritual, Moral, and Religious Values

The family is the most important and formative community for human society. Because love and affection are the vital principle of the family, an educational and personality forming power issue from it that is without equal. Here the different functions of the parents, siblings, and grandparents respectively can be distinguished.

„The first and fundamental structure for 'human ecology. is the family, in which man receives his formative ideas about truth and goodness. and learns what it means to love and to be loved, and thus what it actually means to be a person, ... in which children become aware of their dignity and prepare to face their unique and individual destiny“ (Centesimus annus 39,1)

a) The task of the parents

According to Thomas Aquinas, we owe our parents three things: they gave us life, they raised us, and they educated us (11-11, 102, I). The goal of education, as Thomas adds, is to lead one to human perfection. The family is, as it were, the second, the spiritual womb in which the child born of the mother should mature to moral personality (continetur sub parentum cura, sicut sub quodam spirituali utero, 11-11, 10, 12). Without the loving 'address', the child threatens to atrophy psychically in spite of the best physical care, as one not seldom sees with institutionalized children (the danger of 'institutionalization'). Therefore the gainful employment of the mother outside the home represents a serious harm especially for the small child whose mental aptitude must be awakened by the loving 'Thou' of the mother: „When the mother smiles at her infant, the sec- ret invitation to smile back lies therein. From that day on, when this first hap- pens, the mother knows that she is understood by her child emotionally“ (August Vetter).

Education requires a common effort on the part of the father and the mother. However, in modem society, the man is especially threatened by the danger of becoming alienated from his fatherly status and of paying the 'role of the outsider' in his own family, partly because he must spend the better part of the day outside the family professionally, partly because he withdraws himself from the family, partly because his figure and authority are obscured by an all too mechanical interpretation and application of the principle of equal rights, as if there

⁷¹ W Brephol, Der Aufbau des Ruhrvolkes im Zuge der Ost- West- Wanderung (Recklinghausen, 1948), 220.

⁷² Ruth Dirx, Welt der Arbeit, November 15, 1957.

could be a society made only of equal brothers without fathers. It should make us ponder when Holy Scripture refers to 'being at home' as 'being with the father,' in, for example, the parable of the prodigal son, where the mother is not explicitly named, but is naturally thought of as being present also. It is worse when the father has 'no time' for the family than when he has 'no money' for it. The original authority conferred on parents by God and the educational commission contained therein meet with considerable difficulties in modern society since children and young people fall very early into the sphere of extrafamilial forces. A further complicating circumstance is that the extrafamilial milieu of the industrial society -the professional milieu as well as the leisure milieu, but more and more the school milieu also -is ideologically torn, so that the young person finds himself or herself facing difficulties which are simply insoluble. In the face of this situation the parents have a double role and a double obligation: it is not only their 'natural right' and their urgent duty to educate their children and give their education a religious orientation, but the parents are furthermore entitled to the extrafamilial realm of the pluralistic society to determine those institutions in which their children shall receive extrafamilial education and training. In doing so, the parents will naturally prefer those institutions that correspond to their faith and offer the guarantee that the education begun in the home will be continued in the same spirit. It would be a gross violation of the law according to which the pluralistic society arose if in the realm of education one wished to establish compulsory uniform institutions for all children and young people; for there is no religiously neutral education. Incidentally, in the face of the widespread decline of moral value notions, it will be ever more difficult for the extrafamilial pedagogical institutions of the public authorities to fulfill an educational commission. This explains the fact that the pressure for free schools under Catholic sponsorship is mounting from year to year.

When one speaks of the parents as educators, one should not overlook the fact that rejuvenating and educational effects on the parents also issue from the children. At the same time, a new bond is forged between the spouses; their relatedness is not only that of husband to wife, but also that of father to mother. The new name with which the husband addresses his wife is not seldom an expression of this new relationship; he often calls her 'mother' without this name having an immature tie to the wife. The children long to the parents' love for them; but they also have a right to the father and mother loving one another.

The best education is a happy and harmonious family life: in common joy in the beautiful, in loving consideration of one another, in standing together faithfully, in the common bearing of joy and suffering, in an intimate and living religious life. „When you come home,“ says John Chrysostom in a sermon towards the end of the fourth century, „do not set the earthly table only, but also the spiritual one...and thus your home will become a church!“ The next day Chrysostom returned to this matter: „When I said yesterday that each one should make his or her home a church, you called to me with a loud voice and manifested your joy over these words. Whoever accepts a proposal so joyfully shows thereby that he or she is ready to carry it out. For that reason, I have come to preach much more gladly today.“⁷³

b) The task of the siblings

The siblings also educate one another. In spite of their differences of age, sex, and temperament, siblings make up a living community that forms them in the most lasting way. The relationship of brother to brother, sister to sister, and especially of brother to sister is able to offer a valuable enrichment. „The best thing that can be bestowed on a young man is to have a sister who is close to him in age and mentality ...One can even ask whether the way in which brother and sister stand side by side in the family circle is not the most perfect

⁷³ In Gen., sermo 6, 2 and 7, 1 Cf Joseph Höffner, Die Familie als Hauskirche (Cologne: Presseamt des Erzbistums, 1977); idem, Chance für Kirche und Gesellschaft, in Zivilisation der Liebe: Perspektiven der Moral, ed. by K M Becker, Sinn und Sendung, vol12 (Cologne, 1981), 55-98.

schooling for conjugal love. It is not natural to cultivate only erotic relationships to the other gender. It is the circle of the family, where femininity appears in the form of sisterliness, it presents itself in an intimate, constant, and pure manner.⁷⁴

c) The task of the grandparents

Even if living with the grandparents does not belong essentially to the form of the family, it nevertheless means a unique enrichment of family life. According to the Christian understanding, old age is not the collapse of life, but its peak and fulfillment. The elderly person is rooted, as it were, in the history of the family, the community, and the people. He or she is more composed and more reflective and probably inwardly closer to the religious and eternal also than the youth or the one standing in his or her prime. Certainly there is also a sham wisdom and a foolishness of age, and many face old age in a dishonest, cowardly, embittered, isolated, and inwardly impoverished way. At times the danger also threatens that the grandparents will spoil the grandchildren, especially if the mother is employed outside the home, and will be 'too soft' in raising them contrary to the educational methods of the parents. The acceptance of elderly parents into the household of grown and married children also has its problems no doubt. But most of the time the elderly parents dissolve their own household and move in with the children only when the young marriage, which needs to be in its own especially in its first years, has already existed for a number of years and firmly established itself.⁷⁵

§ 2 The Family as the Cell of Human Society

1. The Family as a Cell of Human Society in a Biological and Moral Respect

An ancient tradition sees in the family the origin of all socialization. That has frequently been misunderstood in such a way that the larger and more comprehensive social structures are „present in germ in the family, as the oak tree is hidden in the acorn,“ so that there would be a gradation of social development beginning with the family and ascending rectilinearly over clan and tribe up to the nation and state.⁷⁶ Christian social teaching rejects this view as erroneous. The richly articulated social life is in no way contained in miniature in the family. Villages, cities, business, associations, universities, states, and so on cannot be brought into a single line and are neither developments of the family nor formations with a family-like structure. According to the Christian understanding, the family is rather the 'cell' of society in a biological and moral respect, where the expression 'cell' is, of course, meant only figuratively in the sense of the organism analogy. „In the family,“ Pius XII explains, „the nation finds the natural, fruitful root for its greatness and power“; for biologically it is the „primordial cell“ and the „mother cell“ of society. For this reason, a nation „in which marriage and family decay is sooner or later doomed to perish,“⁷⁷ The family is rightly called a cell of society in a moral respect also. When the family is no longer „the foundation of society, the first place of education and culture,“ depersonalization and loss of individuality is the result (Pius XII).⁷⁸ Man acquires those social virtues without which a society cannot exist in the family: love of neighbor, consideration of others, compatibility, justice, solidarity, piety, and the ability to obey and to command.

⁷⁴ J Guitton, Die Familienbeziehungen, in J Viollet, Vom Wesen und Geheimnis der Familie (Salzburg [n d]), 188.

⁷⁵ Cf Joseph Höffner, Die christliche Botschaft vom Sinn des Alters, 6th ed (Cologne: Presseamt des Erzbistums, 1975) (Sonderdrucke n 29).

⁷⁶ W H Riehl, Die Naturgeschichte des Volkes, 9th ed. (Stuttgart, 1882), III: 121

⁷⁷ Ansprachen Pius' XII, June 1, 1941; December 24, 1942; September 18, 1951; July 24, 1949.

⁷⁸ Ansprache Pius' XII, March 19, 1953.

The encyclical "Laborem exercens", furthermore describes the family as "a community made possible by work and the first school of work, within the home, for every person." It therefore „constitutes one of the most important terms of reference for shaping the social and ethical order of human work“ (10,1). This is clearly not the picture of a family splitting up into different individuals and merely held together by external purposes but the perception, which is almost a matter of course among ordinary people in particular; that all members of the family support one another and together build up their existence.

2. The Law of Dispatch

As a cell of human society, the family stands under the law of dispatch. Upon the joy of leading one's own child to maturity, to independence, and to fitness for life there follows the sorrowful knowledge of the near departure of the children, which results from the nature of the family. Indissolubility holds only for marriage, not for the family. The modern family of industrial society in particular has something very ephemeral about it. Whereas agrarian families often stay for centuries on the same farmstead, so that the family household continues to exist without interruption from generation to generation, the modern urban family is founded in order to pass away again after a few decades. The clan no longer has a permanent home-stead, which is, no doubt, a loss.

That the children gradually outgrow the family should not lead to emotional alienation. Nor should it be a carefree sliding part from another, but a sending off that is neither selfish nor jealous. St. Augustine therefore calls the family a „nursery of society“.⁷⁹ God has gifted the family with fruitfulness not only that the deceased may have successors, but also that the living may have companions. Understandably, it not infrequently happens that the father as well as the mother resist the children's becoming independent. In the father's case, patriarchal motives may now and then play a part here even today. On the mother's side, the danger of wanting to tie her child to herself in an exaggerated way is particularly great when he or she is an only child and when the father is lacking, as is the case with unmarried mothers and with the divorced or widowed woman. Such overly strong ties often have unfavorable consequences in the later marriages of these children, since unconscious impediments stand in the way of emotional devotion to their spouses. In other cases, the parents seek to keep their grown children with them for economic reasons such as cheap labor. In surveys, farm daughters make resigned comments such as: I had to „help at home“, „was indispensable on my parents' farm,“ and now lie professionally „on the reject pile.“ It is wrong to deny a solid professional training in agrarian families to the departing heirs, including the daughters. All the more should the conscience of the children not be coerced when it is a question of choosing a spouse or of a vocation to the priesthood or religious life. An Arabian proverb says: „You are the bow from which your children are shot as living arrows.“

§ 3 The Family's Loss and Change of Function in the Industrial Society

1.. The Loss of Function.

It has become customary to make troubled complaints about the crisis and the decay of the family in the industrial society: The number of divorces in the last fifty years has more than quintupled. In the same time, the birth rate has sunk to a third. A terrible loss of function has undermined the family. No wonder husband, wife, and children live mutely and unhappily along- side each other and would like most of all to run away. This generalization is false. In the midst of all threats and with all necessary adaptation to new conditions, most families have remained true to their essential form, as if from a mysterious inner power. In a factual evaluation of the loss of function, two things are to be distinguished:

⁷⁹ De Civitate Dei, Lib. 15, c. 16 (II, 95).

a) In primitive social relations, for instance, cattle-breeding nomads, the extended family (to which, under the patriarchal direction of the father, married sons with their wives and children as well as their male and female servants belonged) possessed many functions that are foreign in the modern family. The paterfamilias administered justice, celebrated the religious cultus, and waged war. A state federation, courts, schools, or organized religious communities did not yet exist. The picture changed as soon as state, law, economy, religion, science, and art became specialized as particular cultural domains and achieved their autonomy. This process did not represent any real loss of familial function, since the family had to give up tasks that it had thus far fulfilled in a substitutional capacity. In the pre-industrial age, the family remained as richly functional as ever. It was economically self-sufficient to a large extent, since it produced what it used and consumed what it produced. Instruction and professional training essentially took place in the family also. It is unmistakable that industrial development has limited many of these functions or transferred them to extrafamilial institutions. The family ceased long ago to be a production site, since the modern economy has taken over this function almost entirely in the complete division of labor. Most repairs are also made today by specialized craftsmen. Schooling and professional training set such high demands that only extrafamilial institutions can do justice to them. Whereas it was considered natural in the pre-industrial age that the sick, the disabled, and the elderly would find support and attention (even if in a very deficient way in the case of pestilence, hunger, and war, for example) in the caring and providing community of the family and from the family's means, today the large-scale organizations of social security have taken over these tasks. But even the results of this loss of function should not be exaggerated. It is not essential for the family that it spin and weave, that a domestic slaughtering take place, or that a flickering hearth fire bum instead of a gas or electric stove. Freedom from having to assist in the work of production as well as time-saving devices give the mother, on the contrary, the opportunity to dedicate herself more intensively to the education of the children and to the care of the home and of the table. b) Loss of function in the true sense is only present when the nuclear functions of the family are encroached upon, such as providing for the home, the table, the household, and caring for spiritual, moral, and religious values. In many families, the table fellowship has in fact been almost resolved, since the father and the working mother eat in the company cafeteria and the children in the kindergarten or in the day nursery. In many cases the final remains of the worship community have also disappeared, since the family no longer prays together and the Christian feasts no longer count for much in the family. Many families have ceased to enjoy any social life at home, since parents and children have shifted the focal point of their lives towards the outside and consider the family home only as sleeping accommodation. The educational function is, of course, almost paralyzed in this process.

2. The Change of function.

The conditions of industrialized society have indeed caused a loss of the family's functions to a large extent, but in other realms, however, have only brought about a change of function. There is indeed no longer any production in the family, but all the more care is given, even in the families of workers, to the equipping of the home, to the preparation of meals, and to the education and instruction of the children, particularly in the form of collaboration with the school. What W.F. Ogburn writes of the United States holds also for Germany: despite the incursions technology has succeeded in making in the household, the modern family spends a considerable part of its time in cooking meals, taking care of the house, washing, sowing, and mending.⁸⁰ Family members plan, save, and purchase together as partners and companions. The change of function of the modern family shows itself in an especially clear way in the leisure functions that are continually gaining importance and that in many cases are the ex-

⁸⁰ Cf W F Ogburn, *The Family and its Functions* (New York, 1934), 671.

pression of a refined family culture; working in the garden, tinkering as a hobby, music and social life, as well as family celebrations are all examples.

3. Employment of Married Women Outside the Home

This is connected with the loss of function of the family, partly as its effect, partly as its cause. Even in the pre-industrial age, the woman in no way stood only under the model of wife and mother. Rather, she also collaborated in the agricultural, handcrafting, or commercial family business (cf. Prov 31:10-31). Today equality of rights between the genders in the school and the professional training system and the liberation of man from heavy physical drudgery brought about by technical progress, as well as the continual increase of jobs suited especially for women in the 'tertiary realm' of services, has led to the fact that the incorporation of women and girls into professional and working life is almost taken for granted. Even if many things indicate that in the professional life of women outside the home two centers of gravity seem to be developing -one before marriage, the other after age forty-five -numerous married women are still gainfully employed in the actual years of motherhood also (from age twenty-two to age forty). From the United States it is reported that it was once the custom to give up one's position upon marrying. Today the boss asks: „Are you taking a honeymoon, or will you be here again on Monday?“ In 1972, there were 15.5 million married women of fifteen years of age or more in the Federal Republic of Germany. Of these, 2.6 million without children were gainfully employed, and the number of married women with children under eighteen years of age who were gainfully employed came to 3.1 million. Although comparable numbers of married women had changed only slightly by 1981 and remained at the same order, the number of married women without children who were gainfully employed rose to 2.9 million and those with children to 3.2 million. The fact that in the year 1981, 1.4 million married women who were gainfully employed and living together with their families worked forty hours a week and more is not without harmful consequence. The wife is very much overtaxed when her work place is far away from the family residence and she is put under time pressure because of her duties as housewife and mother. In numerous families, the married woman who is gainfully employed performs an amount of work, particularly if she has to take care of children, that far exceeds the exertion of husbands on behalf of profession and family.

The most recent investigations make clear that even today many married women, particularly younger ones, who have to contribute to the family income for the procurement (contribution to the building cost) and furnishing of a home, go to work out of necessity. Others do so for a variety of reasons: because they wish to complete the dowry and to make the home more comfortable, because the car has been costing too much money, because they want to do more in the holidays they have together, because they like their job, because they got used to earning their own money before they were married, and because those women who are not employed but raise their children as housewives ruin their old-age pension by doing so. On October 21, 1945, Pope Pius XII warned that, when the mother goes to work, the home, which was „perhaps already dark and cramped in itself... becomes perhaps even more miserable through the lack of care.“ The family is not together for meals nor for common prayer. „What is left of family life here? And what appeal can it still have for the children?“ How can the wish come alive in a growing daughter „to become someday herself a lady of the house, i.e. a housewife in a happy, blooming, and worthy family?“

Pope John Paul II declared: „The true advancement of women requires that clear recognition be given to the value of their maternal and family role, by comparison with all other public roles and all other professions.“ The Church will therefore tirelessly demand „that the work of women in the home be recognized and respected by all in its irreplaceable value.“ The opinion that „honors women more for their work outside the home than for their work within the

family“ is false. „While it must be recognized that women have the same right as men to perform various public functions, society must be structured in such a way that wives and mothers are not in practice compelled to work outside the home, and that their families can live and prosper in a dignified way even when they themselves devote their full time to their own family.“⁸¹

§ 4 Requirements of a Family Policy in Modern Society

1. The Economic Instability of the Family

As the most important unit of production and consumption, family business in agriculture and handicraft gave the society of the pre-industrial age a special character. The family, the home was an economic, moral, and religious stronghold, a place where people lived and provided for themselves, prayed and worked in common, and found care and support in illness and old age. The position of the family within feudal society was strong and respected, and every paterfamilias participated, as it were, in the dignity and authority of the monarch. A great number of children was considered an honor and at times may well have been a welcome help for the family farm, although one must be careful with such statements. In speaking of the heavy burden of his mother, Albrecht Dürer places a large number of children next to the plague. The yield of the farmsteads frequently did not suffice for generations with many children that were spared war and plague, so that in order to remedy need one had to seek assistance by clearing lands and in Eastern settlements.

Even in the industrial age, the family is of irreplaceable value as a 'cell' of society; but its economic situation has become very unstable. The family is no longer a production site; since in the commercialized society only the individual 'earns', and the family appears not as an income-earner, but only as a consumer. The result of this is that a greater number of children only means an economic burden. Whereas in pre-industrial society a true family-policy was unknown, it is today a socio-political requirement.

„The burdens in ushering in the new generation, without which no nation and no culture can preserve and pass on its values, must be justly distributed, so that the nation does not endanger its existence through a wrong distribution of these burdens.“⁸²

2. The Decrease in the Birth Rate

Up until the beginning of the industrial age, the Western population remained more or less constant in spite of many births as a consequence of the high mortality rate. Then, however, medicine and hygiene began to overcome infant mortality and epidemic diseases. Birth control was still almost unknown, so that the population of Europe rose in the first half of the nineteenth century from 266 to 400 million. Towards the end of the nineteenth century, a new phase began which must be termed typical for the first half of the twentieth century. Whereas the mortality rate remained low and continued to sink, the birth rate began to decrease also. Numerous causes of this phenomenon of an economic, social, cultural, intellectual, moral, and religious nature can be enumerated: the wage system directed towards the individual and not to the family, the increase of women's work, the housing shortage, the loss of social prestige among families with many children, the incursion of rationalism into marriage, the thinking in terms of living-standard, religious uprooting, and the effort to make upward social mobility possible for one's children. A correct appraisal of the drop in the birth rate will have to take into consideration the excess of women over men, the rise in the number of the elderly, and the frequent miscarriages. Nevertheless, with all these things it should not be overlooked that not even the person in the so-called affluent society can do without the pristine and unspoiled

⁸¹ Familiaris Consortio, n 23.

⁸² G Mackenroth, Die Reform der Sozialpolitik durch einen deutschen Sozialplan (Berlin, 1952), 57

nature of the child. The company of children means happiness and joy for married couples in their ample free time.

The rearing of children has also been made considerably easier through the modern finished goods industry. It is all the more alarming that more and more people seem to have a disturbed relation to life, which leads to more coffins than cribs. The number of viable births per 1000 inhabitants, which in Germany amounted to 35.6 in 1900, sank to 15.5 by the year 1953 and to 10.1 in 1980.

The period of natural population growth came to an end in 1972. The excess of deaths over births -and there are no signs of change in view -will dominate the scene for a long time. In 1975 the excess of deaths over births reached its highest postwar figure with 12.1 deaths per 1000 inhabitants compared with 9.7 viable births leaving the excess of deaths over births at 148748.

In the year 1981, there were 97.635 more deaths in the Federal Republic of Germany than viable births. During this period unborn life was destroyed 87.535 times through pregnancy terminations in the territory of the Federal Republic. In 65466 cases, i.e. 74.8% of all recorded pregnancy terminations the pregnant women had terminations exempt from penalty, authorized because of a serious social state of need.

3. Two consequences:

a) The present situation leads to a loss of social position for families with many children. The social standard of life, insofar as it is common among strata of population of equal rank, is determined by households and families that have either no children under eighteen years of age or at the most one or two. In the Federal Republic of Germany, 85.3% of all households fall into this category. The consequences for families with more children are obvious: worse living conditions, although it is precisely families with many children that need a larger and well furnished home (with bath etc.), worse clothing, worse nutrition, worse educational opportunities, and so on. One cannot object that children indeed mean an economic burden for the parents in the early years but that with increasing age they become economically useful. That is hardly true now even for the farmstead and for handicraft and merchant families. For the families of workers and employees, however, children have become 'pure cost factors' since factory work by children is illegal and children set up a household of their own as soon as they earn enough money. Since children are usually born today within the first ten years of marriage, younger families in particular are affected by the drop in the living standard. In the Federal Republic of Germany, 36.9% of women in childless marriages are gainfully employed today, so that a double income is available. But in families that have two or more small children, married women must in most cases give up their job outside the home. Although family needs rise with children, family income sinks. Need and income run counter each other.

b) If this shrinking process of the family continues, the danger threatens that in a few decades *the necessary social product* will no longer be able to be mustered. Already today families with three or four children supply more than two thirds of the next generation, and families with two or more children 90% of the next generation. Many object that the falling birth rate is offset by higher investments and progressive automation. It is indeed correct that, with the relative decrease in the number of persons employed, efficiency and automation can make possible a growing provision of industrial bulk goods, though this does not hold true for services.

Even if family policy is not limited to economic measures and, for example, should carefully ward off external influences hostile to the family, it will nevertheless have to see its principal task in the economic security of the family. One may then hope that the integration of the family into the industrial society will be more and more successful. Of course, the equalization of family burdens will not as such be a motive for giving life to even a single child for parents who know the meaning of marriage and family.

Abstracting from so-called 'asocial persons', the Yes or No to a child will not be determined by monetary allowances, but ultimately by the image that the spouses have of marriage and family. The equalization of family burdens can and should mean only the realizing of social justice in the industrial society. Economic aid to families has been introduced today in almost all nations. Whereas the family allowance in some countries such as France, Belgium, and Luxemburg is quite high, in the Federal Republic of Germany it has been kept within moderate limits. In addition it is partially neutralized again by the sales tax. In view of the threatening drop in the birth rate, additional aid to the family is urgently necessary through, for instance, legal protection against summary dismissal for employees with more than two children or a lowering of contributions to social security according to the number of children.

§ 5 Marriage and Virginity

1. Just as it is disturbing to the Christian to speak of the advantages of private property without mentioning Christian poverty, so it would be even more suspect to praise marriage and family without mentioning virginity for the sake of Christ. Here two contradictory errors are to be rejected which affect the woman's life above all. First, one says that the married woman cannot find her fulfillment in 'monotonous and mindless housework' and needs professional activity outside the home for the development of her personality. Then it is said again that the unmarried person is useless and 'half a person' .
2. Anyone who knows about the Christian ideal of marriage and family will not take the first objection seriously. The community of home, table, and household as well as the cultivation of spiritual, moral, and religious values in the family present the spouse and mother with such great and noble tasks that she can find in them the fulfillment of her life in the most beautiful way.
3. The second thesis is equally erroneous. For marriage and physical mother-hood are not the only way to the fulfillment of the woman's personality. On September 15, 1952, Pius XII complained of „all the priests and laymen, preachers, orators,“ who „no longer have any word of praise for virginity dedicated to Christ, who for years have in principle placed marriage above virginity in spite of the warnings of the Church and contrary to her conception of things, who even go so far as to present marriage as the only means to the full development of the human personality and to its natural perfection.“

Virginity for the sake of Christ is not an individualistic mastery of instinct, but a participation in the virginity of the Church for which Christ gave himself up (Eph 5:25-27). The virgin is closer to the definitive form of human being than the married person; for the institution of marriage belongs to this age, and after the coming of the Lord thy will neither „marry“ nor be „given in marriage,“ but „become like angels“ and no longer be „liable to death. Sons of the resurrection, they are sons of God“ (Lk 20:35-36). It is a mark of the human personality that he or she is able to decide definitively and irrevocably for Christ, whether in marriage or in the single state.

However, not all who remain single are called to virginity for the sake of Christ; for „of that voluntary renunciation out of love for the kingdom of God the Lord has said:‘ This saying is not for everyone, but only those to whom it is given“ (Pius XII, October 29, 1951). Many women live for years in the hope of marriage until they are forced to realize, that the love of a man and the happiness of a family of their own will be denied to them. A „ruthless, anxious, relentless scrutiny“ often begins then to see „whether one can discover in one's own face the feature that alienates other people, holds them at a distance, perhaps disappoints them, and

repels them.⁸³ In difficult struggles these women will have to fight their way through to the trust that God as goodness and love stand behind even this fate.

'The young Christian woman,' said Pius XII on October 21, 1945, „who remains unmarried against her intentions, but who firmly believes in the providence of the heavenly Father, recognizes the voice of her Master amidst the vicissitudes of life: 'The Master is here and calls you.' „Instead of convincing herself that she is condemned to a „useless, pointless life,“ she enters courageously into public life and takes over „various combative tasks“ that many women „who are taken up with the affairs of their families and the education of their children or are subject to the holy yoke of religious observance would be incapable of fulfilling.“ In earlier centuries it was believed that a woman needed the protection of a 'man or convent wall' (aut maritus aut murus), so that she could choose between only two forms of life, the family led by her husband or the convent surrounded by walls. Today her ever more consciously awakened independence has led the woman out into the world. She no longer allows herself to be forced into the domains of kitchen, children, convent and Church previously assigned to her. The age of industrialism does in fact require not only the familial and cloistered, but also the public work of women for its recovery. With a world population in the year 1980 of 4336 million people, 2515 million persons fell into the employable bracket between fifteen and sixty-five years of age.

According to a communication of the FAG in Rome, 1815 million were gainfully employed. Even if these figures are only very rough estimates, the 72% employment ratio worldwide calculable on this basis should nevertheless give a certain overview of participation in working life.

SECTION TWO: WORK AND PROFESSION

Human coexistence is decisively determined by the prevailing working and occupational conditions. For social history teaches that the governmental and social system, such as slavery in Antiquity, and the order established by the ruling estates in the Middle Ages (with serfdom and villeinage), as well as the wage system of the industrial age, essentially represent forms of organizing human work which determine at the same time the distribution of the economic returns of work. It is no wonder that social revolutions are usually ignited by working conditions that are considered exploitative. The task of this section is first to interpret the Christian meaning of work and profession and then to apply the findings gained to the working conditions of the industrial age.

CHAPTER ONE: THE CHRISTIAN MEANING OF WORK AND PROFESSION

§ 1 Concept and Definition

1. Work is the conscious, serious, object-related activation of the intellectual or bodily faculties of man for the appropriate realization of values that serve the divinely appointed fulfillment of man himself (his 'self-performance') as well as human society and, ultimately, the honor of God. As a consciously active process, work is a privilege of man, whereas the 'doing' of animals is an instinctive action, so that one can speak of the 'work' of animals and machines only in a figurative sense insofar as man takes animals and machines into his service. The orientation to a value that is taken seriously, which does not lie in the experience of doing itself, but is to be reached or realized transitively and objectively in a way that leads beyond

⁸³ Ida Görres, Von Ehe und Einsamkeit (Donauwörth, 1949), 41.

the doing, separates work from play, sport, and pastime. The relatedness of work to a work-piece produced is expressed in Greek by *érgon* and in Latin by *opus*, whereas *pónos*, *kóros*, and labor - similarly to the French *travailler*, the Russian *robotat*, and the German *arbeiten* - have something of the toilsome, onerous, and burdensome about them. Nevertheless, the toilsome and burdensome do not belong to the concept of work per se, since even for fallen man not all work has to be hard and burdensome, although most work does stand under the law of the toilsome. The common distinction between intellectual and physical work should not be carried to extremes, since as a body-soul being, man is active intellectually and physically in everything he does. A predominantly intellectual or physical work is thus what is meant. Pope John Paul II understands work in a comprehensive way: as work in agriculture, in mines, in blast furnaces, in the building trade, but also as being active „at an intellectual workbench,“ as the work of doctors and nurses, as the service of wives and mothers, as well as the work of scientists and management.⁸⁴

2. An activity that more or less fills the life of a person is a lifework or lifetime position, which we usually call a profession, and with which the earning of a living is usually connected (a paid profession). According to its original meaning, a profession is not a private affair, but a social service, which, of course, must be seen by man as a personal lifework.

§ 2 The Meaning of Work and Profession

1. Work as Necessity.

Through his body man belongs to the household of nature. His unique insertion into the surrounding world of things, plants, and animals forces man to work. „With underdeveloped senses, defenseless, naked, embryonic in his entire character, unsure of his instincts, he is a being existentially dependent on action.“⁸⁵ Without work, self-preservation, the preservation of the species, and the development of cultural life are not possible. Scripture says: „Make it a point of honor to...work with your hands as we directed you to do, so that you will give good example to outsiders and want for nothing“ (I Thes 4: II).

2. Work as the Way to the Self-Development of Man.

Although work is object- oriented, it nevertheless appears as an expression of human life. He becomes „more a human being.“⁸⁶ God is the fullness of life, infinite activity. As God's likeness, man is also destined to be active. God does not create everything alone; he also leaves space for secondary causes, especially humans, on whom he has bestowed the faculties of knowing, willing, and creative production. Thomas Aquinas rejects the view that the powers bestowed upon creatures are not able to effect anything, „for instance, that it is not fire, that gives heat, but God in the fire“, as „impossible,“ for then, not only the operative powers of creatures, but the creatures themselves would be „purposeless“ (I, 105,5). Thomas counts the idle sloth that abhors doing anything among the seven capital sins (11-11, 35,1). Man „weaves his history“ (Paul VI). „You have made him little less than the angles, and crowned him with glory and honor. You have given him rule over the works of your hands, putting all things under his feet“ (Ps 8:6-7).

3. Work as Shaping and Mastering the Earth.

God has not only bestowed manifold faculties for being active on man. but has also left him space in the cosmos for operation. „Fill the earth and subdue it“ (Gen 1 :28). By imposing

⁸⁴ John Paul II, the encyclical *Laborem exercens* on human work of September 14, 1982, nn. 9, 14, 19.

⁸⁵ A Gehlen, *Die Seele im technischen Zeitalter* (Hamburg, 1957),8.

⁸⁶ *Laborem exercens*, n 9.

order on things, man exercises a type of „lower providence“ and becomes a „partner of God.“⁸⁷

According to the Christian understanding, man possesses a dominum naturale over all of material creation, and does so -according to a very apt formulation of Domingo de Soto from the year 1556 -not only over the gifts of the earth (*fructus terrae*), but also over the microcosm of the elementa and over the macrocosm of the universe (*orbes caelestes*).⁸⁸ Not seldom it is said that the notion of God in Christianity has inhibited scientific and technical progress. Connections in the history of ideas point in another direction. Is it not very striking that certain scientific and technological beginnings in Antiquity, such as those in pre-Socratic natural philosophy or in the architecture of Babylon, Egypt, and Rome, did not lead to a breakthrough and to the scientific and technological mastery of the world? The reasons for this probably lie in four conceptions of pre-Christian thought. First, sublime, antimaterial speculations suspected the material world as being evil and ungodly. Second, the cosmos was seen as 'finished', so that man could only seek to consider it in passive contemplation; creative intervention counted as destruction, not as perfection of the cosmos. Third, the view that populated the cosmos with demons and jealous gods who prevented any penetration into its mysteries must also have had inhibitory consequences. Prometheus was bound to the rocks by Zeus because of his hubristic deed, and Icarus plummeted in his attempt to conquer the air through the envy of the gods. Fourth, there is the additional fact that in Antiquity physical work was to a large extent held in contempt as slave labor.

Christianity overcame these views. The world is not the haunt of demons, but the work of the Divine Father who has given men a working space in the world. Henri de Lubac rightly says: „Our God is a jealous God; but his jealousy distinguishes itself greatly from the jealousy of the gods of mythology. God begrudges his creatures neither fire nor any later invention. ..Man acts rightly when he wills to escape from every cosmic and social form of servitude. ..There can also be, if we may dare the paradox, a Christian Prometheus.“⁸⁹ By working on things, we encounter God who has called things into being through creation and pre-serves them in being through the *creatio continua*. „At the beginning of man's work“ writes John Paul II, „is the mystery of creation.“⁹⁰

Cardinal Robert Bellarmin, who in the discussion about Galileo adopted a benevolent attitude towards the scholar, correctly indicated the methodological delimitation of natural science from theology when he wrote: „If it is truly proved that...the sun does not revolve around the earth, but the earth around the sun, one must proceed very cautiously in interpreting the scriptural texts that

appear to contradict it and rather be willing to say that we do not understand them than to say that what has been proved is false.“⁹¹

4. Work and Profession as Service.

According to the Christian interpretation, work is being with one another and for one another in a serving way. It is service of neighbor, family, and nation and would therefore be noble even if it hardly contained any element of creative production. Johannes Tauler († 1361) tells about a farmer whom he calls the „highest friend of God“: „He has been a ploughman all his days, for more than forty years, and still is such. He once asked our Lord whether he wished him to betake himself to go sit in the Church. He answered: No, he should not; he should earn his bread by his sweat to the honor of his dear, noble blood.“ Tauler adds: „One can spin, another can make shoes...If I were not a priest and were in a community, I should consider it a

⁸⁷ Thomas Aquinas, *Summa Contra Gentiles* m:21, 64, 113.

⁸⁸ Domingo de Soto, *De Justitia et Jure* (Venice, 1608), Lib IV, qu 2, art 1.

⁸⁹ H de Lubac, *Der Mensch in marxistischer und christlicher Schau* (Offenburg, 1949), 59.

⁹⁰ *Laborem exercens*, n 12.

⁹¹ Cited in *Sint unum* (Rome: Pontificia Universitas Gregoriana, 1930), 72.

great thing if I could make shoes. ..Everyone should have his office. ..⁹²8 The manifold tasks to be fulfilled in society require a great number of services (professions) that can be classified into four groups according to the different realms of value:

- a) *The intellectually active person* serves the holy (priest, religious), the true (scholar, researcher), the good (educator, teacher), and the beautiful (artist). Many of these services are frequently united in the same person and in the same profession, even if a certain focal point is recognizable.
- b) *The helping person* stands in the service of the physical and mental health of people (doctors, nurses, attendants). In modern society, those serving professions that attend to people in a nursing and caring way, such as service in the household or service of the sick, are not very popular. That may be conditioned in part by the public opinion influencing the young person that usually connects service in the household and in the hospital with the concepts 'overwork', 'lack of free time', 'constant social control', and the like. But secret connections are also hidden here. Whereas -particularly among young people -there is a great interest in those service professions that are more practically and objectively oriented and clearly circumscribed in their functions (e.g. in the office), selfless personal service does not rank very high. And that is a disturbing phenomenon. It would be disastrous if hospitals were indeed furnished with the best and most modern equipment, but the people whose duty it was to care for the sick were lacking or would see in their activity only a paid profession, as in other service occupations.
- c) *The ordering person* operates professionally in the realm of the political in the classical sense. He or she serves the social order in government, administration, justice, military affairs, police, self-government etc.
- d) *The person managing economic affairs* makes material consumer goods available. Although the economy forms the lowest storey, as it were, in the hierarchy of values, most people nevertheless exercise their paid profession in this realm where three sectors can be distinguished. One usually designates labor-intensive primary production in agriculture and mining as the *primary sector*. Whereas in the pre-industrial age more than four-fifths of the population earned their living in the primary sector, farmers form a minority in the developed industrial society. The number of those occupied in mining did indeed rise considerably with the beginning of industrial development, but nevertheless constitutes only a small percentage of the gainfully employed in the modern industrial states. Characteristic of the secondary sector -as the realm of handicraft and industrial manufacture proper - is the astounding increase of productivity effected by mechanization, modernization, and automation. Although almost half of the gainfully employed are occupied in the secondary sector, the economic centre of gravity is shifting more and more in the developed industrial society to the *tertiary sector* of services. Here it is a question of those services that are related to the planning, the design, and the sale of the material goods produced in the primary and secondary sectors and that are delivered in drawing rooms, in advertising departments, in shops and department stores, in the transport of the goods, in banks and insurance agencies etc. Those services that do not belong to the realm of 'economic affairs', but to that of 'intellectually active', 'helping', and 'ordering' people, are to be distinguished from these economic ones.

5. Work as Penance.

All peoples and times have been familiar with the drudgery of work felt by the intellectually and physically active, the employer and the employee. An old Russian proverb says: „Work

⁹² Text in F Vetter, Die Predigten Taulers (Berlin, 1910), 179.

does not make you rich, but hunchbacked.“ The Christian will therefore not give himself up to any utopia such as Lenin prophesied on May 11, 1920, when he said that in the communist society of the future happy people would perform their work „without norms, without counting on pay, without a wage agreement, fully selflessly and out of love for society“ and the „need for a healthy organism.“⁹³ Over against this secularized messianism Leo XIII already in 1891 emphasized that: „Even in the state of innocence men would not have been wholly idle; but what they would then have chosen freely for the pleasure it gave them became, after the Fall, something to which necessity compelled them to submit, in painful atonement for their sin... Anyone who claims to be able to rid the common people to all pain and sorrow and to bring them peace and life of never-ending pleasure lies outrageously. He sets out a false prospectus which can lead only to an eruption of evils even greater than those men suffer now“ (Rerum novarum, 15).

6. Work as Expiation.

The Christian teaching on work as penance does not pronounce a curse on work. It was a curse, when the forced labor of slavery and of concentration camps degraded people and enslaved them. But these abuses had men, not God, as their cause. It is misleading to read a curse on work into the third chapter of Genesis, and „misleading to such a high degree“ that one „should avoid this manner of speaking“,⁹⁴ for the curse fell not upon work, but upon the soil. The drudgery of work is not a curse, but expiation. Whoever bears the hardships in a Christian way may repeat the words of Paul: „Even now I find joy in the suffering I endure for you. In my own flesh I fill up what is lacking in the sufferings of Christ for the sake of his body, the church“ (Coll:24).

Pope John Paul II puts the „sweat and toil, which work necessarily involves in the present condition of the human race“ in the light of the Pascal mystery: „By enduring the toil of work in union with Christ crucified for us, man in a way collaborates with the Son of God for the redemption of humanity .“ For work has its place „not only in *earthly progress* but also in the development of the Kingdom of God.“⁹⁵

7. Work as the Glorification of God

Work as the glorification of God and as preparation for the future „Freedom of the Children of God.“ Work is a commission from God and a participation in his work of creation. At the same time it is related to the salvation; for man's work is also redeemed with him. By shaping the world „made subject to futility“ by his sin, man establishes a sign of what is to come. He hears the groaning of creatures suffering with him, but also knows that at the return of the Lord creation „will be freed from its slavery to corruption to and share in the glorious freedom of the children of God“ (Rom 8:21-22). Whoever works with this attitude glorifies the Lord, however difficult his or her work may be. The harshness and inexorability of social and economic conditions entail the fact that not everybody will find a profession that corresponds to his or her inclinations and abilities in every way. Many will have to put up with a so-called compulsory profession. For the Christian, however, who believes in God's loving providence, every profession is a call of God, whether it is an important or a subordinate one, whether it corresponds to our inclinations or lies upon us like a cross. God calls man not only through what he gives him (dispositions, aptitudes, abilities, inclinations), but also through what he sends him (sickness, the consequences of war, adverse economic and social conditions etc.) „Whatever you do, whether in speech or in action, do it in the name of the Lord Jesus. Give thanks to God the Father through him“ (Col 3: 17).

⁹³ Lenin, Ausgewählte Werke (Moscow, 1947),11:667.

⁹⁴ O von Ne11-Breuning, Wörterbuch der Politik (Freiburg im Breisgau, 1949), m:121

⁹⁵ Laborem exercens, 27.

§ 3 Work and Leisure

1. The Problem of Free Time.

Industrial development has not only provided people ever more richly with goods and services, but has constantly shortened working time simultaneously, so that one often speaks of the 'coming age of free time'. Both the daily and weekly working time and the length of one's entire working life have become shorter. Nevertheless, free time is not without its problems.

a) More Free Time or more Consumption ?

If placed before the dilemma 'more free time or more consumption', many will wish both at the same time. The modern economy's increased productivity does in fact render it possible for both to be attained simultaneously in a certain measure. Others will resolve to forego an increase of free time in order to be able by this means to raise their living standard even more (i.e. disproportionately) - a disturbing approach that springs from an overvaluation of the living standard. Seldom in history have people worked so much and so doggedly as in the age of industrialism, an attitude that would have been considered insane in other periods. In the pre-industrial West, there were for centuries around fifty holidays besides Sundays, so that the 'five day week' was operative, since on the average a holiday fell in almost every week. As is generally known, this was one of the most serious objections raised against the Church in the work-crazed nineteenth century, to which it must still be added that the religious character of the holidays led people to use their leisure in a meaningful way. Today, the over-emphasis on living standards closes off access to meaningful free time for many people. The widespread readiness to work overtime and on Sundays points in the same direction. Not a few seek to shift the focal point of their lives to a constantly increasing free time devoted to amusement, but complain at the same time that the pursuit of pleasure leads, not to joy, but to disgust in the long run, in accord with the cynical and shocking words of Charles Baudelaire: „One has to work, if not from a taste for it, then out of despair. For, in the final analysis, work is less boring than having fun.“⁹⁶ The ethos of work and the ethos of free time condition one another.

b) The Free Time Powers

Also fraught with problems is the growing influence of the so-called 'free time powers' to which the entertainment industry and the 'culture consumption industry' especially belong. Their advocates point to the fact that they are dependent on the taste and will of the 'masses' as the new Maecenas and that they must 'go along' with mass taste purely for reasons of profitability. The moviegoer, for example, does not want to see any exalted work of art, but to flee from everyday life into the dream and magic of the white screen where he or she can laugh and cry, love and hate, and satisfy his or her curiosity at the same time. The free time milieu has become an important new market. Many people are susceptible to the suggestive methods of the modern free time powers, so that the inner freedom of free time is being threatened. Even if it is wrong to generalize what is most conspicuous on the streets and to present it as the way of life of the whole, free time has nevertheless become an important social problem in the developed industrial society.

2. Free Time as Task.

Even if all of man's time, his work time and his free time, must be characterized by freedom, leisure is nevertheless related to freedom in a particular way. For in leisure there lies a double freedom: first of all, freedom from work in the narrower sense. Man needs the break, the evening, the Sunday, the holidays, the vacation. There is also a second one: resting is supposed to give man the resilience to use the remaining free time as life-enhancing leisure, i.e. as leisure

⁹⁶ Baudelaires intime Tagebücher; Bildnisse und Zeichnungen (Munich, 1920), 42.

in the true sense. For most people, their paid work is not creative deed and undisturbed joy, but much trouble and hardship. Leisure should especially bestow on these people the freedom to develop all their personality values including those that lie more or less fallow in their professional lives. Man is more than work, earning money, and consumption. Relaxed freedom, festivity and celebration, play and sport, also belong to man. Play is creative joy of life. In play man is able to find himself. To what extent leisure is able to enrich man becomes manifest when we place it into man's four realms of relation: his inner world, the surrounding or environmental world, the human world, and the world beyond.

a) Inner enrichment

Leisure should bestow the time upon man to become inwardly rich. Of course, man also requires silence and recollection for this. Unfortunately, many people can no longer stand being with themselves; they flee into stupor, noise, and the pursuit of pleasure. Here leisure can have a healing effect by helping man to find his way back to himself, for instance, with philosophical questions, poetry, art, or music. Intellectual activity knows no unemployment.

b) Experience of the Surrounding World

In addition man should use his free time to experience his environment. The relation of many people to nature has become empty, flat, and superficial. In spite of all scientific progress, the mysteries of nature remain closed for many. Leisure hours give man the chance to experience the environment of nature contemplatively and creatively. Contemplatively: wandering and traveling can bestow a rich gain on free days. However, it should not be the rush-through-the-country type of outings, which is only the continuation of the mechanical work style in free time. Rather, it is necessary to open one's eyes and heart to the beauty of nature and to discover the historical richness of the region. In his leisure, man can further attempt to fashion the environment creatively (handicraft, gardening, carpentry). It doesn't matter if one remains a dilettante in these things; for 'dilettante' is derived from the Italian dilettare (to delight), and such hobbies bestow joy and enhance one's self-reliance.

c) Experience of Human Environment

In his leisure hours, man should devote himself to the human world, especially to his family. Insofar as possible, the experience of leisure must be embedded in the family, especially today, since work site and home are usually separate. The father has to fulfill not only his paid profession, but also his paternal vocation in the family. For this reason alone, modern man needs more free time than, for instance, the farD1er of the eighteenth century for whom the identity of home and work still existed, so that he could raise his children through their common work. Setting out from the family, man will be able to experience his leisure meaningfully in broader circles also, especially among relatives, in the neighborhood, and in the circle of the like-minded.

Sports also occupy a large space here. Many experience community and comradeship in sports. They learn to fit in and play together, to be modest in victory and composed in failure. Sports knows no boundaries between poor and rich, high and low. It overcomes the opposition of classes and states. For this reason it should not fall between the political powerblocs.

d) Leisure and the Worship of God and the Preparation of the Future

It would, of course, be a vain undertaking to want to give content and meaning to leisure in terms of the mere idea of humanity. Without an anchoring in the religious, genuine personality development and true spiritual culture is not possible. Leisure thus finds its most beautiful fulfillment in the glorification of God by man. The history of religion teaches that rest from work was originally of a religious character.

At all times, people have singled out a sacred precinct as a temple or house of God from the space in which they lived, that blessings might flow from the house of God upon their dwell-

ings, fields and work sites. In a similar way, people have also excepted certain days from the time bestowed upon them and given them back to God, as it were, by honoring God on these cultic days and asking for his blessing for the remaining times of work and trouble. In ancient Babylon, the seventh, fourteenth, and twenty-first days of the lunar month were cultically celebrated. The Romans recognized 132 holy days.

Both in the Old Covenant and for the new People of God the rhythm of the week is determined by the *Lord's* day. Weekday work, family life and life in society are ordered by the pulse beat, as it were, of the Lord's day. Sunday rest from work pushes weekday work in the vertical direction and places it before the face of God. Only from rest and silence before God does work receive its ultimate interpretation. *Ora et labora* means: work out of prayerful silence before God. It follows from these considerations that in the rhythm of the week a certain day must be established as a workfree day for the whole society. It would be an expression of individualistic thought if one wanted to leave it up to the individual to select any day of the week as his or her private leisure day. Without Sunday, common worship of God with solemn liturgy and proclamation of the Word of God to the community is not possible. A free Sunday in common is also indispensable for family life, for the cultivation of relationships with relatives and friends as well as for participation in the cultural life of one's people.

The dominant centre of the Christian Sunday is the Eucharistic sacrifice. From the cross and the altar, the grace of Christ flows into our lives and into the world. The cross and the altar are the pledge of the resurrection and of eternal life. It is from these that Sunday receives its eschatological character.⁹⁷ The Sunday rest from work is not an end in itself, but ordered to the service of higher values. The two Sunday commandments of celebrating the holy sacrifice and resting from work are therefore not on a par with one another. As a cultic rest, rest from work should create instead the proper atmosphere for the cultic worship of God. It thus becomes understandable why the first state and Church laws that were enacted after the persecution of the Christians for the protection of Sundays forbade in a particularly emphatic way eccentric, noisy, and publicly disturbing events such as circus performance, animal fights, and noisy markets. Furthermore, the opus servile, the so-called 'servile work' is forbidden on Sunday. It has been pointed out that the expression 'servile work' stemming from the Old Testament holy day (non-Sabbath) legislation is today misleading and difficult to interpret. What is meant is the laborious professional work of every day life such as takes place in factories, stores, offices, and administrative centers. One must consider here, of course, that in accordance with the freedom of the children of God, the Christian Sunday commandment is far from all formalism and rigorism, which should affect the judgment of so-called 'contrasting relaxation' in a particular way today. Earlier, people were probably too strict here. Today it is rightly explained that, for example, light „garden work is permitted for a civil servant or miner on Sunday (after having fulfilled the Mass obligation) as a contrasting relaxation, but not for a professional gardener," insofar it can take place without scandal.⁹⁸ At all times, certain dispensations were from the commandment of Sunday rest were allowed which usually developed by customary law. It is understood that these exceptions are different today from those obtaining in the Middle Ages. The modern economy is a complicated technical and organizational apparatus which one cannot completely shut down on Sunday without serious damage. New dispensations have been added. Traditional dispensations could perhaps fall to the wayside, such as the opening of stores on Sunday, which was often common in the country, because getting to a village with a church required a great deal of time, but can be achieved today in a short time by car or bicycle. Today, there are five kinds of dispensation which are important. Normal house and farm work do not come under the commandment of Sunday rest; this was the most important reason for dispensation in the pre-industrial age. Second, Sunday work is allowed if an emergency (fire, flood, car accident etc.) has to be dealt

⁹⁷ Cf Joseph Höffner. Der Tag des Herrn (Cologne: Presseamt des Erzbistums. 1974).

⁹⁸ F Pettirsch, in Zeitschrift für katholische Theologie 69 (1947):257ff. 124

with. Third, one may work on Sunday to prevent an emergency that would otherwise arise, as, for example, in vitally important public utility companies, where renunciation of Sunday rest may be necessary out of love of neighbor, for whom a failing supply of water, gas or electricity would cause a hardship. Fourth, the individual may work on Sunday to avert serious material damage (harvest work during sustained adverse weather). Fifth, Sunday work is permitted if it is unambiguously required by the technical necessities of the process of production, for example, if through the interruption of work on Sunday the materials used in the manufacturing process would spoil. Nevertheless, there are not sufficient grounds for Sunday work if a higher income or a better exploitation of invested capital is cited as a reason. Efforts to introduce the so-called 'flexible working week' are to be judged from this point of view. For those affected by the flexible working week Sunday would lose its character as determining the rhythm of work, family, and social life and become a regular day of work on an equal footing with every other workday; this would come disastrously close to the acceptance of the trend towards supplanting the Lord's day with just any 'free time'.

CHAPTER TWO: WORKING AND PROFESSIONAL CONDITIONS IN INDUSTRIAL SOCIETY AND CHRISTIAN ETHICS

§ 1 Characteristic Features of the Modern Working and Professional World

1. Work and Profession as self-evident Activity

When Columbus discovered America in 1492, he found a small population living carefree in a luxuriant tropical climate on the Greater Antilles who did not even have a word for 'work'. Only when the Indians were forced by the Spaniards into the plantations did they form the concept 'work' by placing the prefix 'almost' before the word 'dying'. To people of the industrial age this attitude is incomprehensible since taking up a paid profession seems natural to everyone, even the young girl. Professional position determines not only a person's social prestige, but, in general, the level of his or her income also. Success in life and professional success are almost identical. This is so, although professional work occupies only about a quarter of man's time as a result of the reduction of working hours, and although many have no deep-seated attachment to their profession, but are accustomed to changing their activity according to opportunity and wage offer.

Like the self-employed, the civil servants, and the office workers, the laborers do not form a homogenous group. We distinguish between unskilled workers, semi-skilled workers, skilled workers, foremen, and master craftsmen.

2. Tensions and Conflicts in the Modern Working and Industrial World

The sober matter-of-factness with which modern people consider work and profession should not blind us to the fact that the working and professional world of the industrial age is full of strong tensions, for which three reasons can be adduced.

a) The wage system

In the advanced industrial society more than eighty per cent of the gainfully employed in dependent positions practice their professions as wage and salary earners. The encyclical *Quadragesimo anno* calls this system the capitalistic economy, i.e. one in which „some provide capital while others provide labor for a joint economic activity“ (*Quadragesimo anno*, 100). Even if the wage system does not seize the whole man and violate his freedom of conscience, his political freedom, and his economic freedom, i.e. the free choice of profession and workplace, nevertheless, as experience teaches, certain crises threaten us here as well. Will not the suspicion come upon the employee that the wages paid do not correspond to his or her performance? Will the economy not be shaken again and again by serious wage disputes? Can

the wage system bear inspection by the Christian conscience? It is remarkable that the Christian social movement posed these questions more than a hundred years ago. The worker, Bishop Ketteler (1811-1877) explained, invests his or her „flesh and blood“ and works away „a piece of his or her life, as it were, everyday.“ Here it would be fair to make him a 'partner' and a 'co-owner' and to overcome the wage system in this way.¹ Baron von Vogelsang (1818-1890) also advocated assigning workers „an entire gamut of participation rights,“ so that in the end one „could hardly distinguish whether the entrepreneur was the owner of the establishment.“² In France, writing in 1945, the Dominican Antonin Gilbert Sertillanges counted the wage-relation -at a considerable distance, of course -as part of „the system of villeinage and slavery“; for what they have in common is that in every case one „more or less buys one's man,“ granted „with his more or less free consent in the wage system... but without any participation in the management and the profits.“³ Marx's thesis of the self-alienation of the worker is well known:“ The worker thus feels present to himself only outside work and outside himself at work. He is at home when he is not working, and when he is working he is not at home. His work is thus not free, but coerced, a compulsory work...its foreignness emerges in the fact that, as soon as no physical or other coercion exists, he flees from work like a plague...it belongs to another, it is the loss of himself (Marx, 1854).⁴

b) Technicalizing and rationalizing work

Manifold engines and machine tools efficiently attuned to one another determine the work process of the modern factory. The accumulation of these machines and the extremely efficient production process lead, on the one hand, to the extensive division of human labor into individual maneuvers and, on the other hand, to the combination and incorporation of these individual actions into the integrated manufacturing process. Serious doubts are raised against this technicalizing of work. Man is allegedly considered only as a function and a factor of production within the impersonal framework of technical equipment. Through drill and discipline one tries to make him 'tough' in order to get as much out of him as possible. Technicalizing has condemned man to mindless, monotonous, nerve-racking, mechanical work and tuned him in to the forced rhythm of the conveyor belt.

Handicraft has been replaced by the lever, which so exhausts the senses that they only react to strong stimuli in the evening. Friedrich Georg Ltinger says technology is „of a demonic and titanic character“ since it transfers the law of rigid mechanics to man and has thereby led to the „atrophy of the mind“ and to „dullness of work and working life.“⁵ Similarly, Hans Sedelmayer says that technology has shifted the focal point of human work „into the enormous realm of the inorganic“ and has thereby made man himself «inorganic and amorphous“ as the servant of his creature, the machine, which is itself to be understood in turn only as the creation of a mind turned towards the inorganic with every fibre of his being.⁶ Constantin Virgil Gheorgiu has made the objections against technology culminate in the charge that modern man has become the slave of his technological slaves: „Every patron learns something from the language and the manner of his servants. ..We learn the laws and language of our slaves -thus of our technological bondsman -in order to be able to command them. We dehumanize ourselves by making the way of life of technological slaves our own. ..The collision of two realities -technology and humanity -has taken place. The technological slaves are the fu-

¹ Kettelers Schriften, ed by J Mumbauer (1911), 1II:56ff. Cf Joseph Höffner, Die deutschen Katholiken und die soziale Frage im 19. Jhd., in idem, Gesellschaftspolitik aus christlicher Weltverantwortung (Münster in Westphalia, 1966), 159-182.

² Wiard von Klopp, Die Sozialen Lehren des Frh v Vogelsang (St. Polten, 1894), 463, 469.

³ In Economie et Humanisme (September--October, 1945). German translation in Dokumente 10 (1946) n5

⁴ K Marx, Die Frühschriften (Stuttgart, 1953), 289, 127

⁵ F G Junger, Die Perfektion der Technik, 2nd ed (Frankfurt am Main, 1949), 19,23, 122.

⁶ Verlust der Mitte (Salzburg, 1948), 139ff.

ture victors. ..1 believe that we have entered into the darkest period of our history.^{“⁷}

In addition, technological and industrial development is reproached with having ruined the biosphere through destructive exploitation, waste, and pollution and thereby having seriously damaged the physical bases of life on earth. Technical progress at any cost has sacrificed the future for the present. Developing countries in particular are indignant that, after having attained their independence, they find an environment that has suffered almost irreparable damage through pollution of the seas, rivers, and air. An uninhibited development in the realms of nuclear energy will have simply catastrophic consequences. I am here not only thinking of a nuclear war, but also of the dangers that are connected with the establishment of nuclear power plants as an energy supply. It is conjectured, for example, that the 'breakdown' of atomic waste will take 20.000 years. Pope Pius XII warned again and again against the „immeasurable immediate damage“ and against the „biological consequences, especially those of an hereditary nature.“⁸ C.G. Jung writes: „Let one only amass the suitable materials, and the demonic will infallibly take possession of man and run away with him.“⁹

c) The basic power structure of the business enterprise

The mechanized manufacturing process can only work with the most precise co-ordination of all those involved. From this it follows that the modern factory (something similar holds for offices, stores, and administrative centers) must by inner necessity have a basic power structure with functional authority reposed in the factory hierarchy and corresponding subordination of the employees. Arnold Gehlen is of the opinion that „such a hierarchy meets with practically no resentment among the subordinates“ since it is evident to all „that a factory without such graduated control centers would not work.“ Nevertheless, there is considerable matter for dispute here since in no way are all superiors equal to the demands made on them. The lower authorities of the factory hierarchy especially can be reproached with exercising their power in a vexatious and intrusive way.

§ 2 Conclusions from the Viewpoint of Christian Work and Professional Ethics

With respect to the three tensions and matters of dispute mentioned above, which are founded in the characteristic features of the working and professional world, the following is to be noted from the viewpoint of Christian social teaching.

1. The Compatibility of the Wage Contract with the Christian Image of Man

According to the Christian understanding, the wage system cannot be designated as immoral and contrary to human dignity. The assertion that the wage contract is „unjust of its own nature“ is, according to *Quadragesimo anno*, not only „certainly in error“, but also gravely misrepresents Leo XIII who in the encyclical *Rerum novarum* „not only accepts working for wages or salaries but deals with some length with its regulation in accordance with the rules of justice“ (*Quadragesimo anno*, 64; *Rerum novarum*, 44 f). „One would not remain in the truth“, Pius XII explained on May 7, 1949,“ if one wished to assert that every private enterprise was a society by nature.“ The wage earner is „indisputably a subject and not an object of the national economy in the same way as the employer“; the wage contract contains nothing „that would contradict this fundamental equality“ (Pius XII, June 3, 1950). In the wage contract, man makes his work available in exchange for a just remuneration, which is no contradiction to the Christian image of man. Leo XIII did, however, reject the widespread conception of that time (1891) that the employer has fulfilled his obligation when he has paid the

⁷ 25 Uhr, 3rd ed (Stuttgart, 1951), 62ff.

⁸ Cf the addresses of Pius XII of February 21, 1943; February 8, 1948; April 10, 1955; April 24, 1955; April 1, 1956; April 14, 1957.

⁹ C G Jung, Mensch und Seele, selections by J Jacobi (Freiburg im Breisgau, 1971), 225. 128

agreed wage. Above and beyond every wage agreement there stands the natural law that the wage must cover „those things which are needed to sustain life.“

If, driven by necessity, a worker agrees to a starvation wage, he is only yielding to force, and the whole affair is nothing more than a crying injustice (*Rerum novarum*, 45). Pope John Paul II also declares that the wage system is compatible with the human dignity of the employee if the employer does not possess the means of production „*against labor*“ and „*for possession's sake*.“¹⁰

For the preservation of their rights employees will band together in a solidary way and, as the Second Vatican Council makes clear, freely found organizations (labor unions) which will „be truly able to represent the workers and to contribute to the proper arrangement of economic life,“ which denominates one of „the basic rights of the human person.“ „Even in present day circumstances. .. the strike can still be a necessary, though ultimate, means for the defense of the workers' own rights and the fulfillment of their just demands. As soon as possible, however, ways should be sought to resume negotiations and the discussion of reconciliation“ (*Gaudium et spes*, 68). The task of the labor unions, Pope John Paul II says, is to advocate the well-being of their members, which is not, however, permitted to be „a struggle 'against' others“ or a „group or class 'egoism'.“ The labor unions should neither become political parties themselves nor „have too close links with them,“ because otherwise „they easily lose contact with their specific role, which is to secure the just rights of workers within the framework of the common good of the whole of society.“¹¹ Through difficult and protracted struggles, employees have been able to strengthen and secure their position in the economy and in society. It cannot be denied that in spite of these successes a certain discontent with the wage relationship has remained in Catholic social teaching and in the Catholic social movement.

Even if there is no 'inner necessity' to transform the wage contract into a deed of partnership, all measures are nevertheless welcomed „which in different ways have already been taken in this direction to the mutual advantage of the workers and of the owners“ (Pius XII, June 3, 1950). John XXIII took up again the concern for the reunification of capital and labor advocated by the Christian social movement for over a hundred years and demanded that it be made possible „that workers gradually come to share in the ownership of their company.“ The economic conditions of many countries allow large and medium size firms the system of self-financing. „Because these companies are financing replacement and plant expansion out of their own profits, they grow at a very rapid rate. In such cases we believe that the workers should be allocated shares in the firms for which they work“ (*Mater et magistra* 75, 77). The approximation of the wage contract to the deed of partnership will render it easier for modern man to experience the Christian meaning of work and to develop personally in work and profession.

It has been said that in his encyclical *Laborem exercens* Pope John Paul II subscribes to *laborism*, i.e. that system in which it is not capital that employs workers through the wage contract, but, conversely, the employees who lease the enterprise from the owners and run it on their own responsibility. This thesis does not do justice to the encyclical which presupposes private ownership of the means of production as well as labor unions and workers' associations. No way has been found up to the present for laborism to be successfully realized.

2. Mechanization, Rationalization, Automation and the Christian Image of Man

In the face of massive objections that have been raised against the technicalization of modern working life, Christian social teaching first of all points out that it is untenable to call technology as such demonic. Rather, the commission to develop technology is included in God's

¹⁰ *Laborem exercens*, n 14.

¹¹ *Laborem exercens*, n 20

commandment to man to subdue the earth. Man may and should investigate the hidden laws of nature with the superior strength of his mind and through technology and technological civilization take the forces of matter into his service and thus rule over the earth and the universe, over the present and the future (through probability calculations and long-range planning). Every conquest in the realm of the material is a victory of the spirit over matter. Pope John Paul II calls technology „man's ally.“ He refers to „highly perfected machinery“, the „electronics and microprocessor technology“, „miniaturization“, „communications“ and „telecommunications“, but also warns against the dangers of an uncontrolled technological development which would „cease to be man's ally and become almost his enemy.“¹²

In the modern economy, modernization and technological progress are necessary in the interest of competitiveness and thus also in the interest of the employee. Here, however, it should not be overlooked that factories, offices, and administrative centers are places where people perform their daily work. Even for technological rationalization man is the „apple of God's eye“ with an inviolable „extraneous dignity“ and not an expensive and, at that, refractory production factor. An organization of the work place that shows consideration for man will therefore strive to adapt the work space, the work time, and the *things connected with work* (machines, tools, raw materials etc) to man in a suitable way.

Pope Paul VI warns: „The reign of technology -technocracy, as it is called -can cause as much harm to the world of tomorrow as liberalism did to the world of yesterday“ (*Populorum progressio*, 34). This exhortation also holds with respect to environmental protection. In 1971, the Roman Bishops' Synod rightly called it a presumption of the rich nations so „to increase their material demands. ...that the danger of destroying the very physical foundations of life on earth is precipitated“ (Synodal document Proclaiming Justice and Peace III:7).

According to the Christian understanding, man should indeed subdue the earth, but do so with wisdom, discipline, and calculation, while preserving the hierarchy of values. The technological industrial age has recklessly accelerated economic progress and let it proliferate like a cancerous ulcer. In the Middle Ages the Benedictine and Cistercian Orders cultivated the land with an entirely different attitude. „Subdue the earth“ means „Make the earth a living space worthy of man.“ The objection that Christianity has taught people to subdue the earth and thereby opened the door for modern technology, which has led to the pollution of the environment, is untenable.

Man should not do everything he can do.¹³ This becomes apparent particularly in the realm of nuclear energy. Pope Pius XII adjured those responsible in science, economics, and politics „to support with all their strength the efforts aimed at harnessing these energies to a degree adapted to human needs“ (April 4, 1957). Without the courage of renunciation, this goal cannot be realized.

The effects of automation, which is gaining importance in the production process as well as in offices and administrative centers, are noticeable in a particular way in their impact on working people. The only working procedures naturally suitable for automation are those which are repeatable in constant uniformity and which can be programmed by tables and formulas. Electronic steerings and controls are made use of here above all which automatically supervise the individual working procedures as well as the volume and quality of production. In this way, automatic islands of production have arisen in many industrial plants, i.e. self-steering assembly lines manned no longer by people but by machines and operated by machines. A reversal seems to be at hand precisely through automation such as could not be

¹² Laborem exercens, 5

¹³ Cf Joseph Höffner, Der technische Fortschritt und das Nein des Menschen, in Gesellschaftspolitik aus christlicher Verantwortung (Münster in Westphalia, 1966), 139-158; idem, Sittliche Probleme der Automation, ibid, 193-200; idem, Mensch und Natur im technischen Zeitalter, in Zukunft der Schöpfung -Zukunft der Menschheit (Bonn: German Bishops' Conference, 1980)

foreseen a few decades ago. For automation is able to create certain preconditions that make it easier for the working person to struggle upwards to a work ethics and professional ethics in the advanced industrial society. Through automation, work is becoming more animated, so that there is talk of its 'requalification'; the monotonous manipulations, namely, can be performed by the automatic machines themselves from now on. Marx's prophecy that the automatic factory will fully eliminate the skilled worker has proved false. We need, on the contrary, skilled workers for the manufacture of complicated automatic machines, for setting up production, for jigmaking, for the supervision and maintenance of the automatic machines, and not least for their repair. Human work is shifting more and more from the realm of production to that of the preparation for production and its control. In addition, man no longer sees his enemy in machines and apparatuses, as was often the case a hundred years ago. he has become accustomed to dealing with technology from childhood and faces it with a certain casualness, which does not mean carelessness. Technology seems neither eerie nor cumbersome, particularly when the machines and automatic devices are perfect in their kind and truly modern. Nevertheless, those responsible in government and economics should observe and steer developments in the realm of micro-electronics which, as the 'Club of Rome' feared in its report For Better or for Worse, lead not only to the taking over of dirty and heavy work by micro-electronic apparatuses, but would in time supplant all human activity, so that an age of 'total' free time and thus of an unfulfilled, boring life would come about.

3. Basic Power Structures and Personal Management

In economic enterprises, it is not invested capital, as the Second Vatican Council teaches, but man that stands in the foreground: „In economic enterprises it is persons who work together, that is, free and independent human beings created to the image of God“ (*Gaudium et spes*, 68). Here the principle holds that „the social order and its development must unceasingly work to the benefit of the human person if the disposition of affairs is to be subordinated to the personal realm and not contrariwise“ (ibid. 26). From this it follows that „without prejudice to the necessary unity of operations“, „the active participation of everyone in the running of an enterprise“ should be fostered, where the concrete forms of co-determination must be defined „in appropriately determined ways“ (ibid. 68). Whereas the encyclical *Quadragesimo anno* cautiously hinted at the right of co-determination (n.65) and Pius XII was reserved (the addresses of May 7, 1949 and June 3, 1950), the counciliar popes John XXIII (*Mater et magistra*, 91-92) and Paul VI¹⁴ as well as the Council itself spoke unequivocally for the employees' right of co-determination in the individual enterprises and on a level above and beyond the company in question. It is noteworthy that in the authentic Latin text the same expression is used for the „active participation“ (*actuosa participatio*) of employees in co-administration which in the Constitution of Sacred Liturgy designates the „active participation“ of the faithful in the divine services (art. 27). Pope John Paul II also declares that a labor system resting on the primacy of man over capital must overcome „the opposition between labor and capital“ „in its very basis.“ The Pope specifies not only a just wage, but also co-determination, profit sharing, and co-ownership. In this way, the worker becomes aware „that he is working for himself (*Laborem exercens*, 13-15).

Institutional and organizational measures are not able of themselves to make an enterprise an association of free people. What is decisive is rather the personal relationship between the leaders of the enterprise and the employees. The importance of the right personnel management in the working and professional life of the industrial society can hardly be overestimated. Personnel management (as guidance of people that are in any way subordinate to superiors) and education (as the awakening and development of the valuable aptitudes of man) are not contradictory, but ordered to one another. Properly understood, both serve the great task of forming people, i.e. helping them to find the shape of their humanity. All personnel

¹⁴ Address of June 8, 1964: AAS (1964): 574ff.

management worthy of the name must rest on two spiritual foundations: the recognition of human dignity and authority.

a) Human dignity as the guideline for personnel management

Personnel management possesses its model in human dignity, a realization that entails considerable consequences. As is well known, considerations of profitability and cost efficiency led to a concern for people in the modern factories. The exhortations given to entrepreneurs in the first half of the nineteenth century by English manufacturer and socio-political thinker Robert Owen is characteristic: „Experience has certainly shown you the difference that exists between a polished, shining, mechanical piece of equipment and another that is dirty, out of order, shows unnecessary wear, and becomes inoperable again and again. If, then, the effort expended upon machines produces such advantageous results, why should one not expect the same from the care that one takes with people, whose structure is much more admirable? ... Is this not natural, when one comes to the conclusion that these much more complicated and delicate machines will gain in power and effectiveness...if one keeps them clean and treats them in a friendly manner, if one spares them unnecessary mental wear and tear, and if one

gives them a sufficient amount of food?“¹⁵

Since the beginning of the twentieth century, occupational psychology, occupational physiology, and industrial psychology have proved scientifically that it pays to be concerned about personnel management and to take the physical and psychical characteristics of man into consideration in the factory and the office. Today, however, a turnaround seems to be at hand that has been called „truly Copernican“ (O. v. Nell-Breuning). Just as in the laboratories of large-scale chemical enterprises a transition was made from limited research for particular purposes to disinterested basic research, so also leading men in factories and administrations are beginning to profess disinterested personnel management, i.e. to see from the start their fellow human being and neighbor in every co-worker and to take all measures from this purer point of view. The basic idea determining personnel management is thus not profitability in the sense of intelligent egoism, but human dignity. And, incidentally, it will be shown that, in the long run, the prosperous development of enterprises can be assured only by this attitude.

In „Centesimus annus“ John Paul II postulates the model of a „society of free work, of enterprise and of participation“ (35,2) and notes in this context: „The Church acknowledges the legitimate role of profit as an indication that a business is functioning well...But profitability is not the only indicator of a firm's condition. It is possible for the financial accounts to be in order; and yet for the people - who make up the firm's most valuable asset - to be humiliated and their dignity offended. Besides being morally inadmissible, this will eventually have negative repercussions on the firm's economic efficiency. In fact, the purpose of a business firm is not simply to make a profit, but is to be found in its very existence as a community of persons, who in various ways are endeavoring to satisfy their basic needs, and who form a particular group at the service of the whole of society.“ (35,3)

The recognition of human dignity presupposes, not indiscriminate leveling, but equality of value. The superior will therefore not deal with his or her co-workers from above in a patriarchal condescension, but will be just and noble for all. Workers possess a keen sense of this. For example, a female worker asks to have a talk with the director. During the talk, the director turns a little metal disk with- in his visitor's field of vision „Make it short.“ The worker thought afterwards: „I can understand that the director does not have very much time. But the man should say that because a human being is sitting before him. He should not use a metal disk for that.“

¹⁵ Cited in Gide-Rist, Geschichte der volkswirtschaftlichen Lehreinungen (Jena, 1921), 257

b) Personnel management and authority

Disinterested personnel management is neither sentimentality nor weakness; it presupposes, rather, the recognition of authority. That does not mean that „those employees who spend their days in service with the firm (be treated) as though they were mere cogs in the machinery, denying them any opportunity of expressing their wishes or bringing their experience to bear on the work in hand“ (*Mater et magistra*, 92). „If the whole structure or organization of an economic system is such as to compromise human dignity, to lessen a man's sense of responsibility or rob him of opportunity to exercise personal initiative, then such a system, we maintain, is altogether unjust -no matter how much wealth it produces, or how justly and equitably such wealth is distributed“ (*Mater et magistra*, 83) The worker should not be present in the factory merely physically as manpower directed towards piece-work pay; his personal presence, rather, is decisive. „This demands that the relations between management and employees reflect understanding, appreciation and good will on both sides“ (*Mater et magistra*, 92).

On the other hand, the obedience of the subordinates corresponds to the authority of the superiors. To integrate and subordinate oneself by free decision is no contradiction of the image of man and does not affect man's position as a subject in the factory. In a factory whose human and moral climate is healthy, workers whose personal lives are perhaps in great disorder are able to experience the necessity and stability of a just and continuous order. One can in fact observe „that the entrance into a clearly, meaningfully, and justly ordered factory often means the beginning of a development through which a human being gradually succeeds in being freed from his or her loss of individuality.“¹⁶ However, that is only possible if a prudent, determined personnel management oriented by the correct image of man creates a clean social climate in the factory. In this case, intentional (i.e. consciously willed) and personal management is complemented by a functional personnel management that sets out from a good social climate in the factory.

Here it is to be noted that it is not only the formal organization of the factory by the management with its departments and work teams that is important for the social climate, but especially the informal group structure that is often inspired and steered by external forces that are difficult to control, such as political or ideological movements, and which rules almost despotically what 'they judge', 'they think' and 'they do' within the work force. In this case, there are not infrequently only a few people who are able to mould the factory environment according to their own mind, people who exude a mysterious aura, so that they are 'born leaders', as it were. If these people have a negative attitude, they have destructive effects and form the most dangerous opponents to those men who, perhaps with the best will, strive to manage the personnel.

In modern industrial society, personnel management is to a large extent entrusted to the *executive officers* whose sociological position is disputed. Some emphasize the arbitrariness of the executives, particularly of their top group, by speaking derogatorily of 'managers' who, without being owners themselves, have arrogated to themselves control over whole complexes of enterprises. Others think, on the other hand, that the executives are placed in the unsatisfactory and handicapping dilemma of being neither autonomous nor independent and still having to lead and manage people. In particular, it is not seldom objected to the German large-scale company that it „has taken its internal personnel system from the state, from bureaucracy, and from the army.“ This explains why for a long time there was a lack of the understanding necessary for a „relaxation of the operational system“ which would give „each individual as much self-responsibility for the whole as the management could assume respon-

¹⁶ K Abraham, Der Betrieb als Erziehungs faktor (Cologne, 1953), 95.

sibility for.“ Even today many entrepreneurs see in the executives a group that is compliant and resigned anyway.¹⁷

Over against this outdated conception it is to be emphasized that the law of uniform management must be complemented by the law of the meaningful division of realms of responsibility (subsidiarity). Large-scale enterprises not only bear the traits of anonymous ownership; they have also been depersonalized to a large extent in interpersonal relationships. For this reason it is precisely the executives who frequently face the employees as their immediate superiors, who are entrusted with cultivating human and personal values and contacts.

c) The Social Function of the Entrepreneur

In stock corporations, the executives exercise entrepreneurial functions as directors and general managers. It is surprising that the social disputes were conducted for such a long time in Germany, as though there existed only the two functions of capital and labor. A good part of the reason for the neglect of the entrepreneurial function, which includes the power of creative thinking, realistic imagination, a sense for promising developments, talent in coordinating, and independent action, lies in the fact that the Marxist class struggle begins with the dualism of capital and labor and 'brackets out' the entrepreneurial function. But even the classical political economy which puts the 'free market' in the centre has mistaken the entrepreneurial function. It is no wonder that Catholic social teaching has occupied itself relatively seldom with what is typically entrepreneurial. Where the entrepreneurial was addressed, it was usually with an undisguised mistrust. In the meantime, a change has taken place that the Second Vatican Council has explicitly recognized (cf Gaudium et spes, 64). The social function of the entrepreneur consists not only in producing „more and better“¹⁸ 16, to increase „production and productive efficiency“¹⁹; it is also incumbent upon him or her to cultivate interpersonal relationships so that the factories do not become sites of authority conflict.

4. Job Security

Pope John Paul II remarks in his encyclical On Human Work that material prosperity in the developed industrial states will „very probably“ decrease or grow more slowly, whereas millions of impoverished people in the Third World can hope for alleviation.²⁰ There are, in fact, many indications that a historical turn of events has been taking place in the industrial states since 1975. The affluent state, which is more and more becoming an indebted tax state, is running up against its limits. Unemployment is threatening to become a permanent condition, the fate of the nineteen-eighties. Being unemployed is a double hardship. First, the unemployed experience a very drastic reduction of their income. They have to economize on all sides. In addition, there is a second hardship: being unoccupied. One's feeling of self-value suffers because of this, particularly when the unemployment continues for a longer period of time. It is no wonder that many of the unemployed become sullen and dissatisfied. Unemployment, which Pope John Paul II calls an 'evil', hits young people particularly hard who „see their sincere wish to work and their readiness to take on their own responsibility for the economic and social development of the community sadly frustrated.“ The „unemployment of intellectuals“ and of the disabled, who should not be „cut off from the working world,“ also poses a difficult problem, according to the Pope.²¹

a) Overcoming unemployment presupposes a knowledge of its causes. Recall the dependency of the export-intensive German industry on foreign markets. Momentous changes have taken

¹⁷ F Hellwig, Die soziale Funktion des Unternehmers, in Industrie-Anzeiger 16117 (February 26, 1954).

¹⁸ Populorum progressio 48

¹⁹ Mater et Magistra, n 168.

²⁰ Laborem exercens, n 1.2

²¹ Laborem exercens. nn 8, 18, 22

place here: the price of raw materials and energy costs have risen considerably. Dynamically developing new industrial states are causing German foreign trade great difficulties in numerous branches of the economy: in the automobile, textile, optical instrument, camera, electronic, ship- building markets, and others. The countries of the Third World are also building up their own industry more and more. Thus, for example, India is already in the seventh place of industrial states of the world. One can also point to causes within society that have unfavorable consequences for the employment situation: high interest rates, the disruption of the equilibrium between the wage system and the social expenditure system, the lack of confidence in a favorable economic development on the part of many entrepreneurs, the tensions between the modernization necessitated by reasons of competition and the decrease of jobs occasioned thereby, and so on.

- b) The investigation of the causes of unemployment and the adoption of measures concerning economic policy, business cycle policy, and monetary policy for the elimination of unemployment is a matter for those responsible, i.e. the parties to collective wage agreements, parliaments, governments, political parties, and competent scientists. The Church appeals to the conscience of those responsible. Since the beginning of the industrial age, economic crises have broken out again and again which have plunged millions of workers and their families into hardship, even though the need for goods was great and there was no lack of people willing to work. To take a stance on concrete proposals -for instance, on the proposal to increase the school-leaving age, to shorten working hours, to set an earlier retirement age, to eliminate overtime, to raise or lower taxes -is not the Church's business. That is the concern of specialists and those responsible.
- c) The so-called 'indirect employer', i.e. „all the agents at the national and inter-national level that are responsible for the whole orientation of labor policy“, are of great importance for the preservation of jobs. Pope John Paul II calls for an „overall planning“ transcending the boundaries of states, so that unemployment can be overcome. The so-called social question seems to be shifting more and more from the tension between capital and labor to the tension between those who have work and those who are unemployed.²²
- d) In the face of unemployment, the following tasks are incumbent upon the Church in virtue of the commission proper to it: it will advocate that the unemployed be not labeled either openly or secretly as unwilling to work. The unemployed do not need sympathy, but understanding assistance. Many withdraw and avoid contact, so that all the worries and all the disappointments in the families of the unemployed pile up and these can often lead to dangerous crises. Parish churches and Catholic social organizations should determine the number of the unemployed in the parish, analyze the situation, and make themselves aware of emergency cases. They should be helpful to the unemployed in dealing with the authorities, give information about the local and regional job market, point out measures for continued professional training, and establish connections between the unemployed and companies in which jobs are still to be found. Some groups of the unemployed require particular assistance and help: young people, foreigners, disabled persons, people whose health is impaired, elderly people, unskilled people, those unemployed for longer periods of time, and similar groups. Parish churches and organizations should offer opportunities in their youthcentres and parish halls for meaningful employment of their imposed free time. It is not easy to achieve and permanently secure the four great goals of a healthy national economy: full employment, stable prices, economic growth, and foreign trade balance. All are called to common responsibility and to action under obligation to the common good.

²² Laborem exercens, 18

5. Foreign workers

a) In the last twenty years, millions of foreigners have been recruited and summoned to the Federal Republic of Germany because the German economy needed the manpower. Foreign workers have contributed to the increase of our prosperity. Today (1982), some 4.700.000 foreigners live among us. Of these, around two million are employed and 240.000 unemployed. 1.096.000 are children and young people under fifteen years of age. The high number of German and foreign unemployed shows that the economic situation has worsened. This is probably the reason why in many circles of the German population a certain change of mood with respect to foreign employees and their families is recognizable, which expresses itself in xenophobia and at time even in hostility to foreigners. Worries about the economic future are projected on the 'foreigners'. One should guard, of course, against exaggerations. The majority of the German people wish to live peacefully together with foreigners. In particular, there is hardly any hostility against foreigners in factories. Love of the German people and of German culture can be fostered only by accepting one another, not by marking themselves off from foreigners. It would also have unfavorable consequences on German exports if the impression were to arise abroad that a negative attitude towards foreigners was spreading in Germany.

b) According to the principles of Catholic social teaching, two tasks follow:

First, an attitude of mutual understanding and approach between Germans and foreigners must be awakened and fostered. Second, appropriate institutions are to be created in the realm of the school and educational system. The foreigners living among us should not become a Fourth Estate who stand on the lowest tier of the social pyramid and whose children cannot become doctors, teachers, jurists, engineers or priests. It is a Christian duty to prevent that with all one's strength.

There is talk of the 'integration' of foreigners. This descriptive concept can mean three things: *First*, one can call a foreigner 'integrated' when he or she masters the language, has found an occupation and a dwelling, and is able to manage among us, but apart from that has the intention of returning to his or her native land.

Second, another form of 'integration' is present when a foreigner who has mastered our language ~d has found a source of income among us has acquired German citizenship, but apart from that adheres to the culture and customs of his or her nation. In Brazil, many German immigrants have behaved in this way.

Third, 'integration' is most advanced when a foreigner not only acquires citizenship, but also accepts the language and the culture of his or her new home- land. This is the case with most German immigrants to the United States in the last century.

The foreigners who live in Germany are protected by the basic rights of our constitution. It contradicts this right, to name but one example, if a foreign worker who has married during a vacation in his native land is only allowed to bring his wife to Germany after three or four years. Parents also have a right to rear their children, and the children have a claim to live in the family of their parents. That holds not only for children under six years of age, but also for growing children. These rights may not be curtailed for economic or political reasons.

6. The Total Human Integration of the Worker

Three periods can be distinguished in the fate and life awareness of the working class in the industrial age: the period of long-suffering proletarization (first half of the nineteenth century), the period of class-struggle solidarity (from the middle of the nineteenth century), and the period of beginning integration into a society molded essentially by working people. The integration is not finished. It can only be understood as a process of the whole society, one encompassing all realms of life: integration in the social, political, cultural, professional, and

economic realm; integration in the realm of marriage and family, in the realm of free time, and not least in the religious realm.²³

SECTION THREE: THE ECONOMY

Preliminary Remarks

By *economy* we understand the totality of institutions and procedures for the planned, permanent, and assured supplying of human needs with material goods and services, which render possible their divinely appointed development for individuals and social groups. Christian social teaching occupies itself with the economy, in which most people practice their profession, in both an ontological and a deontological (normative) respect. Of the ontological disciplines that concern themselves with the ontic states of affairs in the realm of the economy, neither economic geography (production geography, trade geography, geography of communications, etc.), which deals with the terrestrial and spatial restrictions on the economy; nor economic statistics, which grasps and evaluates numerically the scope of production, consumption, trade, commerce, and finance; nor economic history, which investigates the historical change of economic forms and economic systems; nor economic psychology, which applies the findings of psychology to certain phenomena of economic life (consumer psychology, advertising psychology, etc.); nor theoretical economics, which, as pure theory, researches the essential relations and connections of the economic process, belongs to the true field of duties of Christian social teaching. Christian social teaching will indeed consult the established findings of all these disciplines, but pushes into the foreground that question which touches upon the concerns of the philosophy and also the theology of economics, namely: What is the ultimate meaning of the economy as such?

Of the deontological (normative) disciplines, economic ethics as the science of the moral behavior of economically active man belongs to Christian social teaching in the narrower sense, whereas economic policy and economic pedagogy per se lie outside its realm. An attempt has been made to juxtapose economy and morality in an unrelated way. „Economic progress,“ thought Werner Sombart, for example, has priority over „moral oughtness.“ All „moral impulses“ and all „feelings of justice“ have to come to terms with the progress of the economy. The production capacity of the economy is decisive; then one can be „moral or whatever else“-a thesis with fateful consequences. Even though economics and moral science, as Quadragesimo anno teaches, „employs each its own principles in its own sphere,“ and even if the Church does not pass judgment on so-called „economic laws,“ which only say something about the relation of means and ends and thus indicate what human effort „can attain in the economic field and by what means“, it is, nevertheless, an error to say that the economic and moral orders are so distinct from and alien to each other that the former in no way depends on the latter“ (Quadragesimo anno, 42). There is no abstract economy severed from man and his conscience. All economic activity involves human decision and is thus subject to the moral law. Christian ethics is certainly not the domain of economics, but is nevertheless its norm. Three complexes of problems touch in a particular way upon the ontological and deontological concerns of Christian social teaching: the material end of the economy, the order of the economy, and the distribution process of the economy.

²³ Cf Joseph Höffner, Die Entwicklungen im Schicksal und Lebensgefühl der Arbeiterschaft und der Wandel der sozialpolitischen Leitbilder, in idem, Gesellschaftspolitik aus christlicher Weltverantwortung (Münster in Westphalia, 1966), 273-289; idem, Die Verantwortung der Kirche für die Arbeitswelt (Cologne, 1983)

CHAPTER ONE: THE MATERIAL OBJECTIVE OF THE ECONOMY

§ 1 Determining the Material Objective of the Economy

The meaning immanent in the cultural realm economy (the „material objective“ of the economy) results from the relationship of man to the world of material goods, which has four particular characteristics:

1. The Sovereign Position of Man with Respect to the World of Material Goods.

Man stands in the centre of creation as „horizon and common boundary between the spiritual and corporeal nature“ (Thomas Aquinas, In 3 Sent., Prol.). God has „given him being with the stones, vegetative life with the trees, sensitive life with the animals, and spiritual life with the angels“ (Augustine, City of God, V:II). Because as a spiritual being man stands on a higher level than things, plants, and animals, he possesses a dominium naturale over the entire material creation, a sovereign right that God has explicitly confirmed: „Fill the earth and subdue it“ (Gen 1:28). As God’s likeness, man is entitled to rule over creation and to make the earth a living space worthy of himself. In doing so, of course, he may not fall prey to the three fundamental appetites that tempt him: the desires to enjoy, to have, and to rule. Against these Scripture warns: „Nothing that the world affords comes from the Father. Carnal allurements, enticements for the eye, the life of empty show - all these are from the world“ (1 Jn 2:16). Today, man is threatened not only by practical materialism, but by the danger of misusing the power over the forces of the cosmos - and thus over man himself - placed in his hands by a highly developed technology. Above all, that eerie gap disguising the immediacy of human responsibility, which, in many cases (e.g., with atomic bombs and intercontinental missiles), lies between the seemingly harmless activation of the equipment and the terrible consequences appearing perhaps in another continent, could increase the temptation to irresponsible action. It is necessary for man, who exercises power over nature, to gain mastery of himself as well, so that he may employ those dangerous forces that have been awakened from the dark depths of nature in a God-fearing and conscientious way. The Christian will see in earthly things a gift of God - and indeed, compared with redemption and grace, only a small something „given besides“ (Mt 6:33) - and oppose to the temptations threatening here the threefold defense that is recommended in the Book of Tobit: prayer, fasting, and almsgiving (Cf. Tob 12:8) - prayer against the „desire to rule and to be important“, fasting against „the desire to enjoy“, and almsgiving against the „desire to have“ (Cf. Gaudium et spes, 37).

Also to be seen in this context is John Paul's II impressive description of „the phenomenon of consumerism.“ In order to avoid it one „one must be guided by a comprehensive picture of man which respects all the dimensions of his being and which subordinates his material and instinctive dimensions to his interior and spiritual ones“ (Centesimus annus, 36.2) Hence criticism is directed „not so much against an economic system as against an ethical and cultural system“ „If economic life is absolutized, if production and consumption of goods become the centre of social life and society's only value...the reason is to be found not so much in the economic system itself as in the fact that the entire socio-cultural system, by ignoring the ethical and religious dimension has failed“ (39.4). „Thus a great deal of educational and cultural work is urgently needed, including the education of consumers in the responsible use of their power of choice, the formation of a strong sense of responsibility among producers and among people in the mass media in particular; as well as the necessary intervention by public authorities.“ (36,2).

Originally, God destined earthly goods „for the entire family of mankind“ (*Quadragesimo anno*, 45) and thus did not assign them to particular people as he did to each one his or her

body. For that reason, if man wishes to realize his dominion over the material world, he must appropriate certain goods to himself, „alight on them,“ as it were, and „take them into possession.“ On the other hand, no system of private property may „be severed from every original right of usufruct,“ since man’s claim to the goods necessary for his own development and preservation is an inalienable natural right which stands „in the most intimate relation to the personal dignity and the personal rights of man“ (Pius XII) and to which „all other rights, whatever they may be, including the rights of property and free trade“ are subordinate (*Populorum progressio*, 22). If a person is in extreme need, the superordinate claim of natural right prevails over every opposing system of ownership: „In cases of need, all things are common property“ (Thomas Aquinas, II-II, 66, 7) - a daring proposition which places high demands on the purity of one’s convictions, but which can also have a liberating effect in times of catastrophe. Pius XII applied these considerations to the community of nations also by declaring it to be an injustice when rich countries „aim at such an appropriation of economic resources and raw materials that the nations less favored by nature would be excluded from them“ (Cf. *Gaudium et spes*, 69 also). When Pope Paul VI renewed and strongly emphasized the traditional teaching on property in the encyclical *Populorum progressio* (22-23), the effect was almost sensational, a sign of how little known Christian social teaching is.

2. Man’s Dependence on Material Goods.

In order to be able to live, we must extend our selves, as it were, into the material world. As bodily beings, we are dependent on material goods and services, and not only for the elementary preservation of our existence or our species (food, clothing, shelter), but also for the development of an ennobled cultural life. Every culture presupposes provision with material goods to a considerable extent: in the realm of health care, of education, of research and science, of art and religious worship. The definition of the economy as the „cultural function that takes care of subsistence“ (Werner Sombart) is therefore too narrow; it serves not only subsistence, but all the realms of value in human life, so that it may not be disparaged as „materialistic“ per se. Its goal is the development of „a full-bodied humanism“ which is „open to the values of the spirit and to God who is their source“, which „points the way towards God“ and strives after „the fulfillment of the whole man and of every man (*Populorum progressio*, 42). The more civilization and culture develop, the greater become the claims of man and of the social structure on the world of goods. Prehistoric man was exposed to greater affliction and danger in the satisfaction of his primitive and elementary needs than is modern man who has gained mastery over nature through natural science and technology. „Early man must have suffered dreadful privations and hardships as well as unimaginable anxieties confronted with the forces of nature which he did not understand and which were charged with demonic terror as a result of his great but unenlightened power of religious experience. Many threatening things in the depths of our unconsciousness stem from that dark time.“¹

The advanced industrial states today enjoy a preferential position in the supply of material goods. A third of the earth’s population disposes of eighty per cent of the goods produced in the world, whereas two-thirds of humanity must make do with the remaining twenty per cent.

3. Scarcity and the Need to be Economical.

Experience teaches that most essential commodities are not available in unrestricted fullness, as is air, for instance, but only in a limited way; compared with human needs, they are scarce. They are also subject to attrition and consumption, so that man must make efforts again and again to procure them. In addition, man’s claim on the material world is not physiologically conditioned as it is with the animal, but, because of his spirituality, must be designated as unlimited and illimitable. In the United States, fifty per cent of the gainfully employed are occupied with the production and sale of goods which were not even known by name in 1914.

¹ Romano Guardini, *Der unvollständige Mensch* (Düsseldorf, 1955), I.

There was never a golden age such as that which Don Quixote describes in his famous speech to the goatherds: „O happy age, happy century, to which the ancients added the epithet ‘golden’...because the children of those blissful days did not yet know the two words ‘mine’ and ‘yours’. Everything in that holy age was a common good and no one needed to do more work for the sustenance of his or her natural life than to raise a hand and to pick it from the sturdy oak trees which offered it with generous hospitality in its sweet, ripe fruits.“²

Man’s normal response to the tension arising from having needs which must be met from a limited supply of goods is this: he seeks to deal sparingly and economically with scarce goods, i.e., to conserve them, in order to obtain the greatest possible use from those that are available.

In the industrial age, people have dealt in an almost prodigal way with many economic goods such as the sources of energy. In the future, energy sources (coal, crude oil, natural gas, wood, water power, nuclear fuel) must be used sparingly and prudently. Economic growth must take place in an ordered and controlled way.

4. Collaboration and Division of Labor.

Since man, left to himself, would be impotent against the forces of nature and could scarcely cover in the most primitive way his elementary need for vital goods, he banded together with other people for this purpose from the very beginning. The essential orientation of man to the interpersonal other and to society reveals itself not least in the realm of the economy. Today, the common character of economic activity encompasses the whole earth. Through an amazing co-operation between the different branches of the economy, peoples, and continents, a co-operation based on the division of labor, people are seeking to exploit the treasures and forces of the earth ever more completely, so that it has been possible to raise the material standard of life in a way unimaginable in earlier times. At the beginning of the industrial development (1776), Adam Smith vividly described to what degree the production of goods is increased through the division of labor: by himself, an unskilled worker „could scarce, perhaps, with his utmost industry, make one pin in a day, and certainly could not make twenty.“ But now „one man draws out the wire, another straightens it, a third cuts it, a fourth points it, a fifth grinds it at the top for receiving a head,“ and so on. „I have seen a small manufactory of this kind where ten men only were employed; they could, when they exerted themselves....make among them upwards of forty-eight thousand pins in a day.“³

The division of labor and the exchange of goods presuppose the monetary system as an indispensable means of buying and selling, of measuring value and of credit transactions, which must be ordered through a monetary policy to the common good in such a way that the stability of prices, incomes, and occupations remains guaranteed.

§ 2 Consequences for the Material Objective of the Economy

From the foregoing considerations, two consequences follow:

1. „Man is the source, the centre, and the purpose of all socio-economic life“ (Gaudium et spes, 63). The meaning of the economy does not lie - speaking purely formally - in mere action according to rational economic principles, or in technocracy, or in mere profitability, or in the highest possible material happiness of the greatest possible number of people. It would also be erroneous to define the economy as the satisfaction of demand through the allocation of a corresponding supply; for then the construction of a concentration-camp torture chamber would correspond to the material objective of the economy because a corresponding demand would be present on the part of an oppressor. The material end of the economy consists rather in the permanent and secured creation of those material preconditions that render possible a

² M. de Cervantes Saavedra, Don Quijote (Madrid, 1927) I:326.

³ A. Smith, The Wealth of Nations, bk. 1, chap. 1.

development worthy of man, for the individual and the social structures. The encyclical Quadragesimo anno remarks in this regard: „These goods ought indeed to be enough to meet the demands of necessity and decent comfort and to advance people to that happier and fuller condition of life which, when it is wisely cared for, is not only no hindrance of virtue but helps it greatly“ (Quadragesimo anno, 75). Human reason is able „clearly“ to show, the encyclical adds, „on the basis of the individual and social nature of things and of men, the purpose which God ordained for all economic life“ (Quadragesimo anno, 42). Christian social teaching stands here in sharp contradiction to many modern scientists who - as Max Weber, for example - declare that we cannot „ask reason for advice“ in the question of „good and bad,“ since it stands „before a mystery in this respect,“ and „an insoluble one for it“ at that.⁴

2. The economy is neither the only nor the highest end; rather, it must take its proper place in the „universal order of purposes“ (Quadragesimo anno, 43). The dignity and freedom of man, marriage and family, religion and morality, cultural values and „the final end of all things, that is God, stand higher (Quadragesimo anno, 43). The attempt to upset this harmony and to make higher values objects of economic process would be technocracy and a degradation of man (Cf. Gaudium et spes, 64). The goal is not a ceaselessly growing provision of goods, but service to total human values, especially the social ones. In recent decades, succeeding new goods have been offered to people which they had not asked for because they could not know that their manufacture was possible. A new development is gradually coming about: man and society are making demands on the economy, as, for example, with respect to environmental protection (the construction of ecologically beneficial motor cars and machines and the like). „It pains us“, writes John XXIII, to observe „so many people“ by whom who „spiritual values are ignored, forgotten or denied“ and who instead overestimate the fruits of material prosperity in such a way „as though material well-being were the be-all and end-all of life.“ Even if a blossoming science, technology, and economy imply great progress for culture and civilization, it must still be borne in mind that „they are essentially instrumental in character. They are not supreme values in themselves“ (Mater et Magistra, 175-176).

CHAPTER TWO: THE ORDER OF THE ECONOMY

The realization that the economy possesses an immanent factual end leads to the question of what order is to be given to the economy so that it can reach this end. It is advisable first to describe briefly the models of the economic order proposed by Liberalism and Marxism, and then to put forward the thoughts of Christian social teaching on the economic order.

§ 1 The Economic Order According to the Ideas of Liberalism

1. The economic Liberalism (Paleoliberalism)

The economic Liberalism founded by Adam Smith (1723-1790) summarized its profound ideas about the order of the economy in five theses:

a) There is a ‘natural’ order of the economy.

Under the influence of the deistic philosophy of the Enlightenment, Paleoliberalism believed in ‘natural’ man, ‘natural’ forces, and a ‘natural’ order of society and the economy. Just as the cosmos is permeated by order and harmony, so also the economy possesses a natural, pre-given order, a ‘pre-established harmony’, in which everything runs correctly if one allows the natural forces to develop. Man may not intervene in this system through economic planning; otherwise, everything would fall into disorder. Concern for the general happiness of all ra-

⁴ Max Weber, Jugendbriefe (n.d.), 260ff. Cited in H. Schoeck, Soziologie (Freiburg, Munich, 1952), 262.

tional and feeling beings is, according to Adam Smith, God's business and not man's.⁵ Jean-Baptiste Say (1767-1832), who sought to spread Smith's teaching in France, asserted that the laws of the economy are not „the work of man“, but „result as certainly from the nature of things as the laws of the physical world“; one does not invent them, one discovers them.⁶ Frédéric Bastiat (1801-1850) embraced the same optimism. He compared the mécanique céleste of the starry heavens with the mécanique sociale of the natural economic order, which tells of the wisdom of God.⁷

b) The ‘natural’ order of the economy is discernible by our reason.

Faith in the order of the economy given by nature was complemented by trust in reason, which was able to know that order correctly. The physiocrat Paul-Pierre Le Mercier de La Revière († 1801) had already taught that knowledge of natural laws is easy for man because nature has given each one „a sufficient portion of the light of reason.“⁸

c) The basic principle of the natural economic order is the individualistic idea of freedom.

The bonds of the guild system and of landlordism were broken. The freedom of man and his property, of contract and competition, of trade and industry were proclaimed. The state, Adam Smith demanded in 1776, should „completely take away...all systems either of preference or restraint.“ Then „the obvious and simple system of natural liberty“ will be established on its own. The tasks of the state are limited to protection of the country from external enemies, the creation of legal security at home, and the establishment of unprofitable, but indispensable public institutions (e.g., schools and streets). In the economy, however, state management and planning have harmful consequences. There are no two characters that are less compatible with one another than the character of a merchant and that of a prince; for governments are „always and without exception the most wasteful spenders“ because they spend other people's money. The slogan laissez faire, laissez passer was an expression of the demand for total economic freedom.⁹

d) The natural motive force in the economy is self-interest.

We have never experienced, thought Adam Smith, „much good done by those who affected to trade for the public good.“ But if everyone follows „his own interest,“ he „frequently promotes that of the society more effectually than when he really intends to promote it.“ Only the work of free, self-interested people brings prosperity. For the „experience of all ages and nations“ agrees that, although it only requires payment of living expenses, work done by slaves „is in the end the dearest of any“; for „a person who can acquire no property, can have no other interest but to eat as much, and to labor as little as possible.“¹⁰

The teaching of Adam Smith on the altruism of egoism had the effect of a revelation on many of his contemporaries. Frédéric Bastiat praised this law as the „most sublime revelation of the impartial providence of God with respect to all his creatures.“¹¹ The brilliant Hermann Heinrich Gossen (1810-1858), however, thought that, as God has brought „order into his worlds“ through gravity, so has he created „order among his people“ through self-interest. Self-interest holds human society together. It is „the bond that is twined around all men and forces them in mutual exchange to further the well-being of their fellow man at the same time as their own well-being.“ Unfortunately, self-interest has been so mistaken that it has been denounced as „pleasure-seeking“: „Man can go this far astray if he leaves unnoticed the reve-

⁵ A. Smith, op. cit., bk. 2, chap. 3 and bk. 4, chap. 9.

⁶ *Trait, d'Economie politique*, 12f.

⁷ *Oeuvres complètes* (Paris, 1855), VI:10f.

⁸ *L'Ordre naturel et essentiel des sociétés politiques* (Paris, 1767), 81.

⁹ Op. cit., bk. 3, ch. 2.

¹⁰ *Ibid.*, bk. 4, chap. 2; bk. 3, chap. 2.

¹¹ Op cit., 327.

lations of the Creator as he manifests them eternally and immutably and uninterruptedly in his creation and if in their place he takes human regulations as his guiding rule.“¹²

The notion that the natural interests and inclinations of man agree most exactly with the interests of the community as a whole (Adam Smith) springs from the Enlightenment theology of deism. The individual, wrote Adam Smith, „intends only his own gain, and he is in this...led by an invisible hand to promote an end which was no part of his intention“; it can therefore be said of us that we are co-workers of the divinity and that, insofar as it lies in our power, we bring the plans of providence closer to their realization.¹³ Along the same lines, Johann Heinrich von Thünen (1783-1850) thought in the nineteenth century that, while he fancies „he is only pursuing his own advantage,“ man is „a tool in the hand of a higher power“ and is working, „often unbeknown to him, on a great and artificial edifice.“¹⁴

e) Competition is what steers the order of the economy.

The numinous „invisible hand of God“ avails itself of a simple means, competition, in the transformation of egoism into altruism. Just as self-interest is the motive force of the economy, so competition is what steers its order and leads the manifold individual interests to harmony and the common good. „Every man,“ we read in Adam Smith, „as long as he does not violate the laws of justice, is left perfectly free to pursue his own interest in his competition with those of any other man.“ Since competition is the guarantor of the common good, the lust for subsidies on the part of many merchants who run after the state in order to obtain monopoly privileges must be combated. The exclusion of competition does indeed bring advantages to the interested parties, but is nevertheless always against the interests of the community as a whole.¹⁵

2. Capitalistic Reality.

The intellectual fathers of economic liberalism were anything but unscrupulous exploiters. Seldom have such great, almost pseudo-theological hopes been placed on the economy as at the beginning of the industrial age. With touching optimism, the old liberals believed that, after the unfettering of free competition, a happy age marked by universal prosperity and brotherhood would now begin for all strata of the population. The pre-established harmony of the market would automatically lead to the realization of social justice. The industrial age has in fact achieved tremendous things in the field of economics. The market and competition have their dynamics. Supported by the natural sciences and enticed by the new possibilities of free competition, man has systematically laid hold of the forces of nature, which had lain hidden thus far. He has exorcised them into physical, chemical, and biological technology, which, in a tempestuous development, has become the foundation of the modern economy and the skeleton of our civilization. One invention and discovery followed upon another. The average life expectancy of people rose from thirty-five to seventy years of age. And the living standard of even the lower strata of the population increased considerably.

Nevertheless, the era of economic liberalism led to a dangerous social discontent and provoked the ‘social question’. The propertyless and, at first, unionized workers could employ no property, but only their manpower in the competition. „Possession is nine-tenths of the law,“ says the proverb. It is surprising that Adam Smith himself clearly referred to this initial inequality in a stirring passage of his main work. Of the struggle between workers and entrepreneurs, he writes: „It is not, however, difficult to foresee which of the two parties must, upon all ordinary occasions, have the advantage in the dispute, and force the other into a compliance with their terms....In all such disputes the masters can hold out much longer....Though

¹² Entwicklung der Gesetze des menschlichen Verkehrs (Berlin, 1889), 3f and 277.

¹³ Op. cit., bk. 4, chap. 2.

¹⁴ Der isolierte Staat, I:327.

¹⁵ Op. cit., bk. 4, chap. 7.

they did not employ a single workman, (they) could generally live a year or two upon the stocks which they have already acquired. Many workmen could not subsist a week, few could subsist a month, and scarcely any a year without employment.“¹⁶

In defiance of all optimistic expectations, unspeakable misery fell upon the working classes precisely in the first half of the nineteenth century. „One of the ancient titans,“ wrote the Historisch-Politische Blätter in 1847, „has secretly arisen and, stepping softly, revisited the disarray of this present time.., the proletarian.“¹⁷ An „early capitalism“ which forces man to conform „to the whole complex of the material means of production“ and treats him „like an instrument“ contradicts, as Pope John Paul II says, the dignity of man. For this reason, the „great burst of solidarity“ which arose in the nineteenth century „against the degradation of man and against the unheard-of accompanying exploitation in the field of wages, working conditions and social security for the worker“ was „justified from the point of view of social morality“ (Laborem exercens, 7-8). A correct evaluation of the fate of the proletariat of that time does not allow, however, a shifting of the blame to free competition alone, but must also bring into consideration that, in view of the ceaselessly increasing population , the social product did not suffice to allow everyone a commodity supply fit for a human being. At that time Louis Auguste Blanqui thought: „Although the earth is quite large and still uncultivated in many cases, we are nevertheless hurrying all too numerously to the banquet of life.“¹⁸

But it is precisely here that an alarming failure of the old economic liberalism becomes manifest: although the demand for goods of all kinds was great, and although there was no lack of hands willing to work, endogenously and not exogenously conditioned economic crises broke out with almost fatal regularity and plunged millions of workers together with their families into hardship. Since the beginning of the industrial age, three great economic waves can be distinguished. The first long-wave cycle, which lasted from 1787 to 1842 and experienced the rise of economic development, was shaken six times by economic crises. The second long-wave cycle, which was defined by the construction of railways and spreading industrial expansion, lasted from 1843 to 1897 and was again interrupted by crises at intervals of eight to ten years. The third long-wave cycle, of which, according to Schumpeter, electricity, motors, and chemistry are characteristic, stretched from 1898 to the great worldwide economic crisis of the years 1929-31 and was again disturbed by crises. Towards the end of the nineteen-twenties, the concentration and escalation of the economy as well as the ruinous competition had assumed such proportions that the automatic competitive processes were no longer able to establish equilibrium. Chronic mass unemployment reigned almost everywhere, and not for exogenous political reasons, but for endogenous liberal-economic ones. The era of active state economic policy began. At the same time, the worldwide economic crisis of the years 1929-31 marked the birth, in terms of the history of ideas, of neoliberalism, even if the erection of the neoliberal system took place only in later years.

3. Neoliberalism

Neoliberalism openly recognizes the aberrations of the old liberalism and seeks to distance itself from it more or less. Thus, for example, Alexander Rüstow speaks of the „serious pathological degeneration“ of the market economy of the nineteenth and twentieth centuries, which was destroyed from within by the „overgrowth of domineering, monopolizing tendencies that were foreign and inimical to the market economy.“¹⁹ In order to correct these deficiencies, one must set out from four essential presuppositions in the reordering of economic life:

¹⁶ Op. cit., bk. 1, chap. 8.

¹⁷ 19 (1987):522f.

¹⁸ A. Blanqui, Histoire de l'Economie Politique en Europe (1837), cited in P. Reichensperger, Die Agrarfrage (Trier, 1847), 257.

¹⁹ A. Rüstow, „Zwischen Kapitalismus und Kommunismus,“ in Ordo 2 (1949):103, 154

a) The market economy and free competition are not the same thing.

The old liberalism demanded freedom of contract and freedom of competition, but in doing so overlooked the fact that freedom of competition can be eliminated with the help of freedom of contract by the formation of monopolies. Only in the case where there is mutual and full production competition will self-interest serve the common good. Therefore, the escalation of the market through monopolies, partial monopolies, oligopolies, cartels, syndicates, combines, and the like must be prohibited. Inevitable monopolies, however, must be placed under public control.

b) Production competition does not arise of itself;

Rather, it must be organized by the state. According to the neoliberal understanding, the state is not merely a night watchman; rather, it must give the economy a constitution that affords free competition development possibilities : through the recognition of private property and of free price setting, through the opening up of markets, and through the control or prohibition of monopolies. This constitutive and regulative intervention of the state in the economy must conform to market conditions, i.e., it may not eliminate price mechanisms and the self-regulation of the market, which these effect. Subsidies, foreign exchange control, price freezes, investment prohibitions, and the like are therefore rejected as measures not conforming to market conditions. According to the neoliberal conception, free production competition, which is to be secured by a constitutive and regulative economic policy, is the regulative principle of the economy, the ‘third way’ between capitalism and collectivism. Nor does Christianity, „even in its so well-organized Catholic form,“ know any better solution with respect to the economic order; for the „renowned but much unappreciated“ encyclical, Quadragesimo anno, comes at bottom to the „same result.“²⁰ There is „no true opposition“ between neoliberalism and Christian social teaching.²¹

c) The „Non-Productive“

There are „a great number of things that are inaccessible to the market mechanism, but nevertheless of the greatest importance for human concerns.“ One cannot „refer non-productive people to the market“ since they are not capable, „for whatever reasons, of fending for themselves in a way corresponding to market conditions, whether because they are sick, because they are weak, or because they are old.“²² The Paleoliberalism of the ‘political right’ assumed „that the stomach of the market economy would react with cramps and nausea to every political fact, whereas the left considered this stomach of the market economy absolutely robust and believed that it could cope with every sort of mistreatment and digest every foreign body“ (Franz Böhm).

d) A critical Evaluation of Neoliberalism

Neoliberalism dismisses as offensive the objection that it subordinates human concerns to the market mechanism. The market has „merely an ancillary function“; it is „not an end in itself,“ but should lead „to the most favorable provision possible for people.“²³ Nor can one hold neoliberalism responsible for the fact that many adherents of the old liberalism usually call themselves ‘neoliberals’ today.

Compared with Paleoliberalism, the neoliberal theory no doubt represents a certain approximation to the principles of Christian social teaching. Nevertheless, the interpretation and the evaluation of the market mechanism allow deep oppositions to be recognized now as before.

²⁰ W. Röpke, „Gedanken eines Neoliberalen zur Enzyklika ‘Quadragesimo anno,’“ in Dokumente 7 (1947):427f.

²¹ A. Müller-Armack, Soziale Irenik (Cologne, 1948), 7.

²² A. Rüstow, in Junge Wirtschaft 2 (1960):5.

²³ Ibid., 5.

According to the neoliberal conception, the „supra-empirical regularity of the market,“ which, „with its compelling power,“ stands closer „to a metaphysical concept of order“ than that „which people deem good,“ is the regulative principle of the economy (Otto Veit).²⁴ In opposition to this, Christian social teaching holds fast to the conviction that neither the atomic market constitution nor monopolizing domination are able to realize the objective end of the economy. The theory that the economy possesses „in the market, i.e., in the free struggle of competitors...a principle of self-direction which governs it much more perfectly than would the intervention of any created intellect“ be able to do, mistakes „the social and moral character of economic life“ (Quadragesimo anno, 88). The market is not an automatic machine, but a cultural process to be organized by the ordered and ordering will of man and not least of the state. Urgent tasks set today with respect to the objective goal of the economy and the common good cannot be mastered by the mere regularity of the market: the broad dissemination of wealth, the continuous growth of the economy undisturbed by economic crises, the prevention of mass unemployment, and the like. Where „the good offices of the State are lacking or deficient“, which fosters, stimulates, regulates, closes gaps, and guarantees completeness, „incurable disorder ensues: in particular, the unscrupulous exploitation of the weak by the strong. For men of this stamp are always in evidence, and, like cockle among the wheat, thrive in every land“ (Mater et Magistra, 58). On the other hand, in an economy oriented towards the common good, certainly competition is „justified and useful“ (Quadragesimo anno, 88). For „where personal initiative is lacking, political tyranny ensues and, in addition, economic stagnation in the production of a wide range of consumer goods and services of the material and spiritual order - those, namely, which are in a great measure dependent upon the exercise and stimulus of individual creative talent“ (Mater et Magistra, 57). Even if the economy is capable of control and in need of it, it is nevertheless not a function of the state; rather, as a cultural domain, it belongs to the social realm between the individual person and the state. For this reason, subsidiarity demands „that the numerous intermediary bodies and corporate enterprises - which are, so to say, the main vehicle of this social growth - be really autonomous“, where, of course, loyal collaboration „in pursuit of their own specific interests and those of the common good“ must be preserved (Mater et magistra, 65).

„Centesimus annus“ takes us significantly further than the previous teaching of the Church concerning economic systems. It overcomes once and for all Karl Marx's biased argument that there can be only a „socialist“ or a „capitalist“ society. It does so with reference to two major turning points in history, 1945 and 1989. The Pope is at first pleased to note „in some countries and under certain aspects a positive effort to rebuild a democratic society inspired by social justice, so as to deprive Communism of the revolutionary potential.“ He continues: „In general, such attempts endeavor to preserve free market mechanisms“ (19,2). One might have expected the term „social market economy“, but the Pope avoids this specifically German expression, although he describes in detail its ethical foundations and economic consequences: He uses ‘freedom’ and ‘social justice’ to show the ethical basis, and „market mechanism“ and „public control“ as the two fundamental regulatory elements. And his references to „abundant work opportunities“ and a „solid system of social and vocational security“ and the removal of the „commodity character“ of labor by means of legislation to safeguard its“ dignity „express the principal objectives of a social market economy.

The second point in time as the occasion for discussing the subject of the economic system is 1989: The Pope asks: „Can it perhaps be said that, after the failure of Communism, Capitalism is the victorious social system, and that Capitalism J7' should be the goal of the countries now making efforts to rebuild their economy c , and society ? Is this the model which ought to be proposed to the countries of the Third World which are searching for the path to true eco-

²⁴ Ordo II (1959):363.

nomic and civil progress?“ (42,1) The encyclical replies: „If by 'Capitalism' is meant an economic system which recognizes the fundamental and positive role of business, private property and the resulting responsibility for the means of production, as well as free human creativity in the economic sector; then the answer is certainly in the affirmative“ (42,2) The Pope has therefore not only given a good definition of a free economy but, in the next sentence, clearly shown that it cannot in his view simply be called 'Capitalism': „ It would perhaps be more appropriate to speak of a 'business economy' or 'market economy' or simply 'free economy‘, But then comes the second part of the answer which shows that 'Capitalism' can be understood to mean something quite different: „ But if by 'Capitalism' is meant a system in which freedom in the economic sector is not circumscribed within a strong juridical framework which places it at the service of human freedom in its totality, and which sees it as a particular aspect of that freedom, the core of which is ethical and religious, then the reply is certainly negative.“ (42,2)

Thus the Pope rejects the idea of a market economy growing wild as it were, an economy without a regulatory framework and not based on accepted values. He also makes distinctions as regards „the role of the State in the economic sector“, first stating the principle: „Economic activity, especially the activity of a market economy, cannot be conducted in an institutional, juridical or political vacuum. On the contrary, it presupposes sure guarantees of individual freedom and as well as a stable currency and efficient public services.“ This is the „principle task of the State.“ (48,1) Apart from the above classical objectives of a social market economy, the Pope insists that the state has the additional task to ensure the ecological compatibility of all economic actions and the ethical acceptability of the global exchange of goods for all peoples: „It is the task of the State to provide for the defense and preservation of common goods such as the natural and human environments, which cannot be safeguarded simply by market forces. Just as in the time of primitive Capitalism the State had the duty of defending the basic rights of the workers, so now, with the new Capitalism, the State and all of society have the duty of defending those collective goods which, among others, constitute the essential framework for the legitimate pursuit of personal goals on the part of each individual.“ (40,1)

It is precisely here, he says, that we come up against „a new limit on the market: there are collective and qualitative needs which cannot be satisfied by market mechanisms. There are important human needs, which escape its logic. There are goods, which by their very nature cannot and must not be bought or sold. Certainly, the mechanisms of the market offer secure advantages: they help to utilize resources better; they promote the exchange of products; above all, they give central place to the person's desires and preferences, which, in contrast, meet the desires and preferences of another person. Nevertheless, these mechanisms carry the risk of an 'idolatry' of the market, which ignores the existence of goods which by their nature are not and cannot be mere commodities.“ (40,2) With these extremely important distinctions the Pope has deepened considerably the theory of a socially oriented market economy as regards its anthropological rationale and the extent of its application. This is the most significant clarification of the Church's „social teaching“ concerning economic systems since the explanations provided by Pius XI in the encyclical „Quadragesimo anno“ (1931).

§ 2 The Economic Order According to the Ideas of Socialism

Just as Paleoliberalism judged the economic order differently from neoliberalism, so the concept which the communist-collectivist socialism of the Eastern world has concerning the meaning and function of the economic order are essentially distinct from those of the free democratic neosocialism of the Western world.

1. Communist-Collectivist Socialism

Two focal points can be distinguished in the teaching on the economic order as presented by communist-collectivist socialism:

a) Historico-Sociological Materialism

Under the spell of the historico-sociological materialism founded by Karl Marx, communist-collectivist socialism advances the thesis that, on the one hand, every economic order is determined by the current stage of the technological mastery of natural forces and that, on the other hand, it conditions the ‘ideological superstructure’ (law, philosophy, art, religion, etc.). The following passage, which has been described as ‘classical’, from the preface to Marx’s work, *Zur Kritik der politischen Ökonomie* (1859), is famous: „In the social production of their lives, people enter into certain necessary relations independently of their wills—production relations that correspond to a given stage of the development of their material productive forces. The totality of production relations forms the economic structure of society, the real basis on which a juristic and political superstructure rises up, and to which given forms of social consciousness correspond. The mode of production of material life conditions the social, political, and spiritual life process in general.“²⁵ Marx thus asserts that the current technological procedures of production (the ‘productive forces’) create the economic and social order appropriate to them (the ‘production relations’). He ventures the proposition: „With the acquisition of new production forces, people change their mode of production and with the change in the mode of production (the way of earning their livelihood) they change all their social relations. The hand mill results in a society with feudal lords, the steam-powered mill in a society with industrial capitalists.“²⁶ One is even more amazed when Marx then continues: „But the same people who organize the social relations according to their material mode of production also organize principles, ideas, and categories according to their social relations.“²⁷ An importance is thereby attributed by dialectical materialism to the current economic and social order as in no other system; for Marx affirms that the „juristic, political, religious, artistic, or philosophical“ contents of the so-called „ideological superstructure“ are „conditioned“, „determined“, „ultimately determined“, „posited in the world“, „transposed“, „translated“, „revolutionized“, and „produced“ by economic relations. The spiritual, according to Marx and Engels, „flows“ from the economic; it is the „etherealized form“ of social relations which are its „cause.“

Like the theses of dialectical materialism in general, all these formulations are unclear, one-sided, and highly contestable oversimplifications. Did the hand mill and feudal system of the Middle Ages put the *Summa Theologica* of St. Thomas Aquinas „in the world“? Are Christ, Paul, Augustine, Benedict, Francis of Assisi, Luther, and so on to be understood only in terms of the economic?²⁸ Compelled by criticism, Marx and Engels had to reformulate and limit their thesis several times: the spiritual is indeed „posited in the world“ through economic facts, but then nevertheless retroacts „upon its environment and even upon its own causes,“ so that there results an „interaction on the basis of the ultimately prevailing economic necessity“ (Friedrich Engels).²⁹ If a certain, although relative importance is already accorded in this proposition to the „ideological superstructure,“ Bolshevism turns the greatest attention to the ideological. Continuing in the line of Ivan Pavlov’s dog experiments, which could provoke states of anxiety through garbled signals, permanent brain washing was carried out by it; and here the method of garbled signals has for several years also been extended to the world not

²⁵ K. Marx, *Zur Kritik der politischen Ökonomie* (Berlin, 1947), 13f.

²⁶ K. Marx, „La misère de la philosophie,“ in *Frühschriften* (Stuttgart, 1953), 497f.

²⁷ Ibid., 498.

²⁸ Cf. Joseph Höffner, *Die Religion im dialektischen Materialismus*, 4th ed. (Cologne: Presseamt des Erzbistums, 1973) (Reprint n. 4).

²⁹ Cited in G. A. Wetter, *Der dialektische Materialismus* (Freiburg, 1952), 55.

subject to Soviet imperialism. Through the rapid alternation of brutal threat and ‘soft’ ingratiation, a state of perplexity and uncertainty was supposed to be created among the nations of the free world. As in every error, a certain grain of truth lies in the Marxist pars-pro-toto thesis. Because man is by essence ordered to the interpersonal other and to the community, he is responsive to the social in both good and evil, which has been discussed for centuries in the traditional theology under the headings ‘good example’, ‘bad example’, ‘good company’, ‘bad company’, ‘this world’ (1 Jn 2:15), and so on. Yet what are ultimately determinative in world history are not economic processes, but spiritual decisions.

b) The Communist Society of the Future.

Even more disputable than the doctrine of the determination of the whole of human history by production relations is the Marxist thesis of the economic order of *the communist society of the future*. In the Marxist pseudo-eschatology, world history forms the period of suffering, unredeemed man until the victory of communism. The ‘Fall’, which lies in the introduction of private property, has led, according to Marx, to the exploitation of man by man in the three historically successive forms of slavery, villeinage, and the capitalist wage system. The whole of world history thus far has been a history of class struggles. But redemption is imminent since capitalism is the „final antagonistic“ system of exploitation: „With this societal form the prehistory of human society comes to a close.“³⁰ The more technology and industry developed in a country, the more „the mass of misery, of oppression, of servitude, of degeneration, of exploitation, but also the indignation...of the working class“ necessarily grew. The „capitalistic hull“ must be „broken.“ According to this Marxian prophecy, the dialectical leap from capitalism to Marxist socialism should have first taken place in the highly developed industrial states, England, the United States, and Germany. In reality, however, Marxism came to power in the agrarian countries, Russia and China, though not through dialectics, but through the force of arms. The „redeemer“ who will lead humanity into the socialist paradise is the proletariat, to whom Marx assigns a pseudo-Christian salvific mission. He presents us with the proletariat as the secularized „servant of God“ (Is 53:1-12) and Ecce-Homo: a class with „radical chains“ that possesses „a universal character through its universal sufferings,“ against whom „no particular injustice, but injustice purely and simply“ has been committed, a class that „cannot emancipate itself“ without „emancipating“ all other strata of society, a class that „represents the full loss of man and that can thus recover itself only through the recovery of man.“³¹

The communist paradise does not, of course, begin immediately after the overthrow of capitalism. Rather, the development takes place in two stages.

First there follows an era that stands in a strange twilight: „Between the capitalist and communist society there lies the period of the revolutionary transformation of the one into the other. To this there also corresponds a political transitional period, the government of which can be no other than the revolutionary dictatorship of the proletariat.“³² This „interim socialist stage“ prior to the communist paradise exhibits two peculiarities:

First, it is striking that the elimination of the private ownership of the means of production has led to a total bureaucratic interventionism (a centrally administered economy): „The transformation of the whole state economic mechanism into a single great machine, into an economic organism, that works in such a way that hundreds of millions of people can be steered by a single plan is the gigantic organizational task that has devolved upon us.“³³ Nevertheless, just as in capitalism, everyone receives his or her wage according to his or her work, so that „the one receives more than the other in fact,“ an abuse that is presented by Marx as „unavoidable“

³⁰ K. Marx, *Zur Kritik der politischen Ökonomie* (Berlin, 1947), 14.

³¹ „Zur Kritik der Hegelschen Rechtsphilosophie,“ in *Frühschriften* (Stuttgart, 1953), 222f.

³² K. Marx, *Kritik des Gothaer Programms* (1875) (Berlin, 1946), 29.

³³ Lenin, *Ausgewählte Werke* (Moscow, 1947), II:333.

„in its first stage.“ Lenin defined the law of the interim socialist stage in a very drastic way: „In one place...a half dozen workers who shirk their work...will be thrown into prison. In another place, they will be made to clean the lavatories. In a third place, they will be handed yellow tickets-of-leave after having completed a term of imprisonment so that the entire population might keep an eye on them as harmful elements until the time of their reformation. In a fourth place, one out of ten who is guilty of laziness will be shot on the spot. In a fifth place, one will devise a combination of different means.“³⁴ A typical figure in this shady „interim socialist stage,“ which was vicious even to its own adherents, was Stalin, of whom it is said in the official biography published by the Marx-Engels-Lenin Institute that „with an iron hand“ he hunted down the „bankrupt creatures of Trotsky.“ He was „tireless in exposing the enemies of Leninism“ and „liquidated“ these „monsters,“ this „scum of humanity.“ The „Soviet courts of justice uncovered their crimes and condemned the Trotskyist monsters to be shot.“ The entire people, however, „hung on the words of their wise and brilliant leader...,“ approved the annihilation of the Trotskyist band, and went on with the order of the day.³⁵ When Khrushchev exposed Stalin’s crimes at the twentieth congress of the Communist Party of the Soviet Union and pointed out „that Stalin had killed ninety-eight of the 139 members of the Central Committee elected at the seventeenth party congress,“ „commotion, unrest, and dismay“ arose among the delegates. The protest of numerous scientists and poets of the Soviet Union is an outcry of conscience against the „rule of violence“ which, as Alexander Solzhenitsyn writes, „abuses the masses as dung for the prosperity of small minorities, and in the end only of the final skimmings“ (NZZ, June 4, 1974), and which has led to a new villeinage of entire peoples. Impressed by the revelations of Solzhenitsyn and other eyewitnesses, numerous young intellectuals in France coming from the radical left have for several years been passionately attacking the Marxist ideology, especially André Glucksmann, Bernard-Henri Levy, Jean-Marie Benoist, Philippe Nemo, Christian Jambet, Guy Landreau, Michel Guérin, and Edgar Morin (the’ new philosophers’).

André Glucksmann calls the Soviet Union „capitalist and fascist“; Lenin has created „an incredible apologia for a party equipped with an infallible doctrine.“(32a) Karl Marx, writes Bernard-Henri Levy, is „the Machiavelli of this century“ and his system „an opium for the people.“³⁶

Second, it is characteristic for the ‘interim socialist stage’ that the dictatorship of the proletariat arm itself for war against the non-Bolshevist countries. At the second conference of the Friends of Peace in Moscow, it was declared: „We must never become tired of unmasking these warmongers, these preachers of death, these werewolves...A curse on the American nuclear cannibals! A curse on these demons!“ Lenin, however, left this legacy to Soviet imperialism: „The fact that socialism is victorious in one land in no way excludes all wars at a single stroke. On the contrary, it presupposes such wars.“ „Only after we have overthrown the bourgeoisie throughout the entire world and not only in one land, completely defeated and expropriated it, will wars become impossible.“³⁷ Neither Marx nor Lenin dreamed that the socialist states could threaten one another with war. The Peoples’ Republic of China reproaches the Soviet Union with a „diabolical social imperialism“ and calls the occupation of the Czechoslovakian Socialist Republic (August 20-21, 1968) the „most shameless revelation“ of power politics of the „Soviet revisionist social imperialists“ (Neue Zürcher Zeitung, August 22, 1973). „Their political power comes from their rifle barrels,“ said Mao. In the meantime, a further split in the communist camp is taking place: Eurocommunism which alleges that it is striving for power, not by oppressing the majority, but by „convincing the majority.“(33a) is only after the total victory over the capitalist states that there begins in the Marxist pseudo

³⁴ Ibid., 297.

³⁵ Joseph Stalin (Berlin, 1945), passim.

³⁶ Cf. Manfred Spieker, Neomarxismus und Christentum (Munich-Paderborn-Vienna, 1974), 48.

³⁷ Lenin, Ausgewählte Werke (Moscow, 1946), I:878.

doctrine of historical epochs the final phase, the communist paradise. Marx himself was very reserved in the more detailed depiction of the final stage. He calls this state „the true realm of freedom.“ „Co-operation and common possession of the earth“ will make mankind into a „union of free men.“ Then society will be able „to inscribe on its banners: From each according to his abilities, to each according to his needs.“³⁸ The state will then die out or--as Engels thought--“be transferred into the antique museum alongside the spinning wheel and the bronze axe.“ A new age has begun. It will now be possible for each person „to do this today, that tomorrow, to hunt in the morning, to fish in the afternoon, to breed cattle in the evening, or even to criticize the food...just as one pleases.“³⁹ Lenin also professed this secularized messianism: „Then the door leading from the first phase to the second phase will be opened wide“; the bourgeois scholars can only „grin“ at this doctrine and make it appear as „pure utopianism“ that every citizen would receive „without any control of his work as many truffles, automobiles, and pianos as he wants, and whatever else.“⁴⁰ In fact, however, this utopian messianism was putting an ever more dangerous strain on Marxism, as the lively discussions in the Soviet Union about the final communist stage showed. On October 18, 1961, Khrushchev dared the prophecy that the communist society, with its „bowl always filled to the brim with surplus,“ would be built up „in its basic features“ in the next twenty years. The Slovenian author Zarko Petan writes: „All socialist fairy tales begin thus: Once upon a time it will be...“ But people cannot be put off forever and sacrificed to the Moloch of an earthly paradise that never comes - apart from the fact that it is shockingly naive to see the happiness of man in truffles, automobiles, pianos, and the bowl always filled to the brim with surplus. The communist paradise is like a horizon: it withdraws as one approaches.

The Marxist doctrine of the last days is a promise of innerwordly salvation. Karl Marx secularized the fate of the Jewish people (the slavery in Egypt and the journey to the promised land) as well as the Old Testament expectation of messianic salvation and transposed it to our time, the time after Jesus Christ - a bewildering reduction and imitation of the salvation bestowed on mankind in Jesus Christ. Marxism is a countergospel: „His own evil shadow grins at Western man from the other side of the Iron Curtain,“ writes C. G. Jung. The promises of Marxism have not been confirmed where it attained to power, but only refuted.

Pope John Paul II sharply condemns Marxist collectivism which issues the call to the class struggle it has proclaimed, wishes to establish the dictatorship of the proletariat, and to introduce the communist system into the whole world, but is not in the position to realize „the primacy of man over the capital instrument.“ For „in dialectical materialism too man is not first and foremost the subject of work,“ but „a kind of ‘resultant’ of the economic or production relations prevailing at a given period.“ Capital falls under „direct control of another group of people“ who „from the fact of exercising power in society“ dispose of the whole economy.⁴¹

2. Liberal-Democratic Neo-Socialism

The notion of the economic order of Western free democratic neosocialism is of an essentially different nature. Neosocialism does indeed go back to Marx, but diverges from him in important points, not least in the doctrine of the process of economic and social development, although without having thus far broken through to a unified basic outlook. The true weakness of neosocialism lies in its liberalistic conception of society which becomes manifest again and again in cultural, educational, and school policy.⁴² In economic policy, two conceptions are characteristic for neosocialism:

³⁸ K. Marx, Kritik des Gothaer Programms, 19ff.

³⁹ K. Marx, Frühschriften, 361.

⁴⁰ Lenin, Ausgewählte Werke, II:232.

⁴¹ „Laborem exercens,“ 13-14.

⁴² Cf. Wilhelm Weber, Christlicher Sozialismus?, Kirche und Gesellschaft, vol. 7, ed. by the Katholische Sozialwissenschaftliche Zentralstelle (Mönchengladbach, 1974).

a) The recognition of Private Ownership

Private ownership, even of the means of production, is accepted, and it is specially emphasized that free socialism is neither „partial or modified collectivism“ nor does it aim at a „controlled economy,“ but wishes to help those strata of the population achieve ownership „for which the social order has thus far made the acquisition of property almost impossible.“⁴³

b) The Danger in a Welfare State

Neosocialism is, in general, favorably disposed to the transference of certain branches of the economy (particularly the basic materials industry) into ‘common ownership’, to economic co-determination by employees, to regulatory intervention by the state in the economic process, as well as to the extension of the ‘welfare state’, although opinions are here in no way undivided. As a result, there may arise opposition to Christian social teaching of the kind envisioned in the exhortation delivered by Pius XII on May 5, 1949, when he warned against making „socialization the norm for the public organization of the economy“, even if otherwise in the realm of the economy (though less in that of cultural policy) „it cannot be denied that its (socialism’s) demands at times come very near those that Christian reformers of society justly insist upon“ (Quadragesimo anno, ll3).

3. The Relapse into Utopian Communism

For several years, an amazing relapse into the doctrine of salvation propounded by utopian communism has been taking place in the Western world. The New Left, a very heterogeneous group, is probably united only in the negation of the existing order. Based on a mixture of pseudoscience and emotion, it sees in Marxism a new church of salvation. The ‘ruling system’ - from kindergarten to the university, from theology to theatre - should be overcome through infiltration. How the new social and economic order which is to redeem the man of the future from all ‘alienation’ is to look remains hidden. The future is utopian.⁴⁴ Even Eurocommunism, which is grounded ideologically in an atheistic and antireligious philosophy of the Marxist type, as, for instance, that worked out for Italian communism by Antonio Gramsci, does not cease to be communism. As long as it has not yet come to power, it pretends to be ‘social’ and ‘democratic’. Only after its accession to power will it show its true face and realize the dictatorship of the collective.

§ 3 Private Ownership as the Foundation of the Economic Order in Christian Social Teaching

1. Three Theses

Christian social teaching responds with three considerations to the Marxist-Bolshevist utopia and the theory that the „true reign of freedom“ will only begin when, after the abolition of private ownership, the entire economic process (i.e., the site of production, investments, the scope and kind of production of consumer goods, as well as their distribution) is determined by a central planning agency:

a) The Community of Goods in Paradise

A number of Church Fathers and theologians such as Gregory of Nyssa, Basil, John Chrysostom, Ambrose, and Thomas Aquinas considered it possible that without the Fall a commu-

⁴³ G. Weisser, in Handbuch sozialdemokratischer Politik (Mannheim, 1953), 64.

⁴⁴ Cf. Wolfgang Fikentscher, Zur politischen Kritik an Marxismus und Neomarxismus als ideologischen Grundlagen der Studentenunruhen 1965-1969 (Tübingen, 1971); Heinz Schimmelbusch, Kritik an Commutopia (Tübingen, 1971).

nist community of goods might have been realized in paradise, since in paradise the negative spirit of discord and greed would have been lacking. Man in paradise would not have contented himself with the so-called ‘negative community of goods’, i.e., with grasshoppers and wild honey, but would have subdued the earth through common planning to an extent that we can scarcely imagine. This opinion, which others such as Francisco Suarez have controverted, cannot be dismissed as utopian, since the essence of utopianism lies in the invention of social and economic orders that are impossible in the fallen age; those theologians, however, presupposed the paradisiacal state. At all events, compared with the order of private ownership, they no doubt considered the community of goods as the more perfect order in itself.

b) The Community of Goods in Families and Monasteries

After the Fall, the community of goods can only be realized without pernicious results in families and in the cenobitic communities of monasteries which are an „image of the holy community“ and whose property represents a holy „commune“ (Basil the Great). In the monastic rule of St. Benedict it says: „Everything is common to everyone...and no one should call anything his own...One should hold to what is written: it was distributed to each according to his need...Let him who uses less thank God...let whoever needs more humble himself because of his weakness...Thus all members shall remain at peace.“ Families and monasteries are communities of limited size held together through the bonds of blood, piety, and devotion to Christ, which are led by fatherly or motherly authority so that abuse of power and exploitation are less to be feared. From time to time the question is raised whether larger communities such as Christian parishes could also live in a community of goods. In a sermon at Constantinople, John Chrysostom, for example, said: „If all men and women were to hand over all their money and to transfer all their fields, possessions, and houses, I reckon that a million pounds of gold would be raised and perhaps even two or three times that much...Would God then not bestow a superabundance of his grace upon us a thousand fold? Would we not make the earth into a heaven?“ (in Act Ap. Hom. XI:3). In general, however, such plans were rejected or discussed with caution and reservation, even by Chrysostom, who remarks in his sermon: „I mean this only rhetorically; therefore no one needs to get excited, neither the rich nor the poor.“

c) The Necessity of the System of Private Property for the Economic Order

In the present era - i.e., after the Fall - there can only be a question of a system of private ownership for the entire economic order. By ‘private ownership’ one here understands not only the legally recognized and exclusive power of disposal of a natural or legal person or body of persons (co-ownership, joint ownership) over things (chattels and real estate), but also the obligatory rights which are gaining ever greater importance in the modern economy (membership rights such as stocks and bonds, etc.) and the limited rights in rem such as copyrights, in short, everything that qualifies as ‘property.’ Furthermore, it is to be noted that, under the system of private ownership, corporations, institutions, and foundations possess property on a considerable scale. It is estimated that in the Federal Republic of Germany about a third of the nation’s wealth belongs to the state as things in public use (streets, parks, etc.), as administrative properties (office buildings, schools, etc.), and as financial operations that should serve to generate revenues (railways, post offices, public lands, industrial plants in the hands of the federal government or the Länder, factories owned by the municipality, etc.). On the other hand, „common goods“ (air, sunshine, etc.) are not property at all because they cannot be particularized, whereas the equivocal concept ‘common property’ implies either what is public property by law or, as in the social utopias, a community of goods.

2. Reasons for the System of Private Property

The reasons advanced by Christian social teaching for the system of private ownership go back in part to Aristotle and Thomas Aquinas and in no way stem, as has been asserted,⁴⁵ from the Enlightenment. They have been explained and expanded upon by recent popes, especially Leo XIII, Pius XI, and Pius XII, and can be divided into two groups. Whereas the five arguments in the first group emphasize the advantages of private ownership, the five arguments of the second group begin with the pernicious effects of the abolition of private property.

a) The five ‘positive’ reasons:

First, private ownership corresponds to a well-ordered self-love. It grants man independence, freedom of disposal, and self-sufficiency and thus stands „in the closest relation to the personal dignity and the personal rights of man“ (Pius XII, June 6, 1941). „Private ownership or some other kind of dominion over material goods provides everyone with a wholly necessary area of independence, and should be regarded as an extension of human freedom. Finally, since it adds incentives for carrying on one’s function and duty, it constitutes a kind of prerequisite for civil liberties“ (Gaudium et spes, 71).

Second, private ownership serves the clear division and delimitation of jurisdictions and realms of responsibility within the economy. It enables man „to fill out that realm of permanent obligations and decisions in legitimate freedom for which he is immediately responsible before his Creator“ (Pius XII, June 1, 1941; Cf. also Gaudium et spes, 71).

Third, private ownership meets man’s need to be secure and to make provision for himself, which is especially important for the family. A „most sacred law of nature“ obligates the father of the family to secure the subsistence of those who are his by being provident in a consciously responsible way (Rerum novarum, 11), so that one can call private property the „foundation of the family’s existence“ (Pius XII, June 13, 1943).

Fourth, an active economic exchange is proper to the system of private ownership and connects branches of the economy and peoples with one another peacefully and voluntarily and not through the official intervention of functionaries. The Christian tradition has pointed again and again to the fact that God’s providence has distributed wealth and natural resources unequally among the peoples in order to tie a band of love around the people of different lands and races (Theodoret of Cyrrhus, Henry of Langenstein, Johannes Mayor). Merchants should not be ambassadors of greed, but of understanding among peoples.

Fifth, private property gives people the possibility of doing good through their selfless helping of others. „Where then would the possibility be of sharing with others, if no one possessed anything any longer?...How then can one ask and receive and borrow, if there is no one who has and gives and lends?“ (Clement of Alexandria). State welfare is cold and impersonal.

b) The five ‘negative’ reasons:

Compared with the foregoing arguments putting forward the advantages of the system of private ownership, the five ‘negative’ reasons, which point to the dangerous consequences of its abolition, are even more compelling. Incidentally, it is to be observed that all ten reasons are internally connected and have their full effect only as a whole.

First, the community of goods leads to laziness and disinclination to work, since each seeks to shift his or her work on to others (Thomas Aquinas, II-II, 66, 2). Under such conditions, „all incentive for individuals to exercise their ingenuity and skill would be removed and the very founts of wealth dry up“ (Rerum novarum, 13). The collective must then have recourse to forced labor or introduce elements of the private ownership system such as wages, premiums,

⁴⁵ Léon de Sousberghe, „Propriété de droit naturel. Thèse néoscholastique et Tradition scholastique,“ Nouvelle Revue de Théologie 82 (1950):580ff.

piece-work bonuses, and the like. Lenin had to admit that the Bolshevik man was „still far, very far“ from that Bolshevik work ethic that „springs from the habit of working for the common good“ and moves people to act selflessly for the community as a whole „without norms, without counting on pay, without a wage agreement.“ For that reason, one has to force people to work: „Down...with that one who thinks to shirk his or her work...! Long live the discipline of work and the zeal for work!...Eternal fame to those who carry along millions of working persons with them!“⁴⁶

Second, whereas private ownership serves the clear division and delimitation of jurisdictions and realms of responsibility within the economy, a community of goods leads to disorder and uncleanness, since each one would concern himself or herself indiscriminately about everything possible belonging to the community and want to deal with it according to his or her own fancy. In order to avoid this confusion (Thomas Aquinas speaks of confusio), a central administration must be introduced which requires an enormous bureaucratic machinery. Such a system, thought Thomas Aquinas (Pol. II, 4), could best be implemented if one were to make the workers into slaves whom one could place under a central control at will.

Third, a community of goods is the root of social unrest. In reference to Aristotle, Thomas Aquinas points to the fact that in the collective economy the working people would, in their murmuring, protest to the functionaries (*murmurantes de majoribus*, Pol. II, 4) that they, the workers, had to slave for meager portions, whereas the functionaries lived in ease and took the lion's share of the profits. A former president of the Presidium of the Supreme Soviet, Michail Ivanovich Kalinin, unintentionally reported an example of this murmuring of workers on the collective against the functionaries. During a visit to his native village, a kholhoz, Kalinin was walking out to the fields „in the company of six or seven of the leading village functionaries.“ „As we approached, one of the working women cried out, pointing to my companions: ‘Michail Ivanovich, just look how many men you have brought to stroll around the field, while we women have to work!...’ Well, why don't you get them to work,’ I asked. ‘That's easier said than done’ the women explained. I then turned to my companions (the president and the secretary of the village soviet, the president of the collective, the Comsomol and training functionaries, etc.) and told them that they could easily mow two hectares of flax, since the people were all in the fields anyway and there was therefore nothing to do in the village. This decision provoked lively enthusiasm among the women.“⁴⁷

Fourth, a community of goods implies - especially with the tremendous production machinery of the modern economy - an enormous concentration of power which, since man „lies in wickedness,“ must provoke simply irresistible temptations to the misuse of that power. Whoever possesses total economic power also has at his or her disposal power over politics, the military, propaganda, social policy, and the police.

Fifth, a centrally administered community of goods threatens the freedom and dignity of man, an argument that was specially emphasized by Pius XII. Private property is not only „an element of the social order, a necessary presupposition for the spirit of enterprise,“ but one of the strongest guarantees „for the freedom and dignity of man created in the likeness of God,“ so that „the right to private ownership must stand fast as the unshakeable foundation for every rightful economic and social order“ (Pius XII, September, 1, 1944). The immense socio-political importance of private ownership lies in this effect on the social order. The economic dependence of the collective entails a lack of political, cultural, and religious freedom. When the state becomes the only employer, the preservation „of its rightful life and liberty“ is threatened so that „detestation of political society would quickly take the place of desire for it“ (Rerum novarum, 11). Alexander Rüstow, however, calls the dishonest phrase that all the means of production belong to the entire people „Lesson Two of the Child's Primer.“ Alexander Solzhenitsyn remarks that the Russian people have indeed liberated themselves from

⁴⁶ Lenin, Ausgewählte Werke, II:646, 666f.

⁴⁷ M. I. Kalinin, Die Macht des Sowjetstaates (Berlin, 1946), 15.

the rule of the Czars, but have returned to a new „rule of power,“ a new villeinage (NZZ, June 4, 1974). During a visit to a communist state, someone once said to me: „Communism is the miserable self-administration of self-made misery.“

§ 4 The Natural-Law Character of Private Ownership

1. The Issue at Question.

The natural-law character of private ownership has stood in the centre of lively discussions for the last few decades. In 1929, Alexander Horvàth, O.P. thought that it was not the natural law, which „leaves the subject of the right of ownership undetermined,“ but the *jus gentium* that authorizes man „to take possession of earthly goods through work and to administer them personally.“⁴⁸ In 1950, however, Léon de Sousberghe, S.J. advanced the thesis that the Catholic teaching on the natural-law character of private ownership first arose „in the middle of the nineteenth century.“⁴⁹ The scholastic tradition was allegedly interrupted by the Enlightenment of the seventeenth and eighteenth centuries and gradually „rediscovered and brought to life“ by the Neo-Scholasticism of the nineteenth century, whereby the traditional teaching on property had been transformed in a number of important points. For, whereas the private ownership of the old scholasticism had been grounded in the *jus gentium* and not in the *jus naturae*, Luigi Taparelli d’Azeglio (1793-1862) was, in 1840, the first to teach that private ownership stems „from natural law.“ Following this, the thesis of the natural-law character of private ownership „found its solemn and definitive entry into neoscholastic literature and into the social teaching of the Church.“ In 1955, Hans Lutz also asserted that „modern Catholic social teaching“ has „followed paths that do not do justice to the teaching of Thomas.“⁵⁰ The encyclical *Rerum novarum*, which designates private ownership „as a natural right“ cannot „appeal to Thomas.“ Why, then, does one shy from „giving up Leo’s natural-law foundation?“

2. The Correct Interpretation of the Traditional Teaching

The natural-law character of private ownership ultimately follows from the weight of the reasons advanced by Christian social teaching Concerning the discussion whether it is a question of the *jus naturae* or the *jus gentium*, the following is to be observed:

a) Luigi Taparelli introduced no innovation when, in 1840, he grounded private ownership in natural law. In the middle of the age of Enlightenment, Alphonsus Maria di Liguori (1696-1787) wrote point-blank that property is acquired „on the basis of the natural law or of the *jus gentium*,“ whereby the equivalence of *jus naturae* and *jus gentium* is to be noted.⁵¹ In the seventeenth century, Juan de Lugo (1583-1660) taught that in this age--i.e., since the Fall--“the natural law itself, independently of any human law,“ has made the introduction of private ownership obligatory.⁵² Along the same lines, Luis de Molina (1535-1600) had declared a generation earlier that the „obligation“ to introduce the system of private ownership „could be derived from natural law,“ not always, of course,“ but only when serious evils would follow from the failure to introduce it, and only among those among whom these evils would appear.“⁵³ Here Molina must have been alluding to the distinction that was common in the traditional social teaching between the paradisiacal state and the state of fallen humanity in which - if one excepts the family and the monastery -the system of private ownership is necessary. As proof of the natural-law obligation, which is especially binding upon the leader of the state

⁴⁸ A. Horvàth, *Das Eigentumsrecht nach dem hl. Thomas von Aquin* (Graz, 1929), 135f.

⁴⁹ Op. cit., 580ff.

⁵⁰ In *Gewerkschaftliche Monatshefte* (1955): 413ff.

⁵¹ *Theologia moralis*, Lib. IV, Tr. 5, n. 493.

⁵² *Disputatio de Justitia et Jure*, I, disp. 6, sect. 1, n. 4.

⁵³ *De Justitia et Jure*, Tr. II, disp. 20, n. 7.

(the rector multitudinis), of realizing a system of private ownership, Molina adduces the reasons already named by Thomas and generally adopted by the later social teaching: in the case of man tainted by original sin, the introduction of a community of goods would lead to laziness, disinclination to work, disorder, discord, oppression, and general economic misery. Whereas Molina anchors in natural law the obligation to introduce a system of private ownership in this way, he ascribes the „actual distribution of goods“ to positive law, and in so doing expresses an insight that is important to the teaching on ownership. For if one comprehends the „actual distribution of goods“ (*actualis rerum divisio*) as the current, historically conditioned and historically variable structure of ownership of a given society, one will have to agree with Molina that the concrete distribution of property in no way possesses the sanction of natural law.⁵⁴ It is from this perspective that the at first surprising opinion, already held by the Dominican theologian Domingo Bañez (1528-1604) and adopted by Molina, becomes intelligible that the complete elimination of the distribution of goods in itself would be valid as a ‘fact’, even if such a measure would be seriously sinful on account of the evil consequences for the common good, and even if - we may correspondingly add - in this case the natural-law obligation existed to introduce the system of private ownership again with a different distribution structure, if necessary.⁵⁵ Long before Molina, Juan de Medina (1490-1546) professed the view „that the distribution of goods is grounded in natural law,“ if one understands natural law in the broad sense.⁵⁶

All these witnesses prove that the natural-law foundation of private ownership - including the employment of the term *jus naturae* - in no way stem from Taparelli. Nor was the scholastic tradition broken off in the nineteenth century. When, for example, Wilhelm Emmanuel von Ketteler preached his famous sermon on property on November 19, 1848, in the Mainz Cathedral, he appealed neither to Taparelli nor to the Enlightenment philosophy, but interpreted in detail the pertinent texts of the *Summa Theologica* of Thomas Aquinas (II-II, 66, 1-2).⁵⁷

b) The foregoing remarks are not meant to dispute the fact that in general the scholastic tradition grounded private ownership, not in the *jus naturae*, but in the *jus gentium*. Historically, the *jus gentium* arose from Roman alien law, which was in force for foreigners, whereas Roman citizens adhered among themselves to the national *jus proprium*. In terms of the philosophy of right, it was the Stoics, especially Cicero, who developed the *jus gentium* doctrine. For Cicero, the *jus gentium* is, as it were, the concrete form of the *jus naturale*. For, since natural law is innate in all persons, it must be found among all peoples as the *jus gentium*. The *jus gentium* is therefore not identical with the law of nations which regulates legal transactions between co-ordinate states. One could term it, rather, a „universal law of nations“ (*Allvölkerrecht*) with J. Kleinhappl, an „international cultural law“ (*völker-gemeinsames Kulturrecht*) with A. Mitterer, „common human law“ (*gemeinmenschliches Recht*) with R. Sohm, or a „vessel of the growing heritage of applied natural-law principles“ with J. Messner.

It was a retrogression when Domitius Ulpianus (1228) and the later Roman professors of law wanted to trace the *jus naturale* back to a natural instinct and limited it to those realms of life that are common to man and animals, whereas the *jus gentium*, as the rational and human natural law, was supposed to encompass those principles „that natural reason engenders in all people.“ It was called the *jus gentium* „because all people made use of this law.“⁵⁸

The Christian teaching on law, which was worked out by Ambrose and Augustine, but especially by Thomas Aquinas, did indeed refer to the Stoics, but also carried it further. Natural law contains the fundamental norms of human communal life which are grounded in the natu-

⁵⁴ Op. cit., disp. 20, n. 5.

⁵⁵ Ibid., n. 9.

⁵⁶ De Poenitentia, Restitutione et Contractibus, Tom. II, qu. 1. II.

⁵⁷ Kettelers Schriften (Kempten-Munich, 1911), II:215ff.

⁵⁸ Dig. I, 1, 1 § 3, CJCiv., ed. Krueger, I:29.

ral order of being and thus ultimately in God, the Creator, and can be recognized by human reason. If one applies natural-law principles to the fallen state of man in this age, there follow certain juridical propositions which form the scholastic *jus gentium*. The *jus gentium* is thus a deduction from natural-law principles performed by human reason in view of the state of human nature in the fallen age - a deduction that is „not very remote from its principles,“ so that it itself bears a natural-law character and can in some way be called „natural to man“ (Thomas Aquinas, I-II, 95, 4).

c) A typical case of such a „deduction“ is the right of ownership which, according to Thomas Aquinas, is therefore grounded in the *jus gentium*. Thomas here distinguishes the use or using-up of goods, thus the realm of consumption (*usus*), from the realm of procuring and dispensing goods (*potestas procurandi et dispensandi*). With respect to the realm of consumption, man should consider earthly goods „not as his own, but as common, so that, to wit, he is ready to communicate them to others in their need.“ For the realm of procuring and dispensing, Thomas makes two statements: man is first of all justified in taking earthly goods into his possession in order to procure and dispense them

- a right which man would have possessed even in the paradisiacal state. Second, in the fallen age, that right becomes a necessity and an obligation because otherwise the disinclination to work, disorder, and unrest would frustrate the attainment of the material end of the economy (II-II, 66, 2).

d) The content of the scholastic *jus gentium* is substantially identical with the content of the ‘secondary natural law’ as understood in Catholic social philosophy in the nineteenth and twentieth centuries. There is thus no question of a break in the Catholic teaching on property, but of a change of terminology for the same matter. Nevertheless, some of the great theologians of the sixteenth century did loosen the inner bond of the *jus gentium* with natural-law principles, which is probably connected with the fact that towards the end of the sixteenth century, especially with Francisco Suarez, the concept of *jus gentium* was narrowed down to the concept of the law of nations in the modern sense, which explains in turn why the term ‘secondary natural law’ or natural law was later chosen to designate what *jus gentium* had formerly meant. It thus becomes intelligible why, without mentioning the traditional *jus gentium* teaching, the encyclical *Rerum novarum* designates man’s right „to own property privately“ as a right that „is fully in accordance with nature „(n.8) „Nature

rather the Creator Himself,“ says the encyclical *Quadragesimo anno* „has given man the right to private ownership“ (n.45). Pius XII, however, declared that the Church has „at all times recognized the natural right to property“ (September, 1, 1944). The encyclical *Mater et Magistra* summarizes the traditional teaching by saying: „The right of private ownership of goods, including productive goods, has permanent validity. It is part of the natural order“ (n. 109).

§ 5 The Twofold Aspect of Ownership (Its Individual and Social Function)

1. The Liberalist Thesis of the „Unrestrictedness“ of Property as a Matter of Principle

In the nineteenth century, the liberalist thesis of the ‘unrestrictedness of property as a matter of principle’ gained a great deal of influence⁵⁹. The manifestation of absolute, limitless private autonomy was seen in the „inviolable and sacred right“ of property. Property as such is allegedly „limitless,“ the „negation of limitation.“⁶⁰ It is an „egoistically oriented force tending

⁵⁹ Cf. Art. 544 Code Civil, § 903 BGB

⁶⁰ Pendekten I:857f.

towards absolutism“ (Georges Ripert).⁶¹ Since property arises from greater or less thrift and industry, it gravitates automatically, as it were, towards the ‘best innkeeper’ in the competitive process. Limitations are not immanent within the right of ownership, but are prescriptions of morality or of positive law added from without.

These theses were rejected even in the liberal nineteenth century by numerous critics as an expression of the „basest, most wanton egoism“ (Rudolf v. Ihering),⁶² of a „one-sided, romantic jurisprudence as well as of an individualistic philosophy“ (Gustav Schmoller),⁶³ and as a „fundamentally individualistic, capitalistic, antisocial view“ (Otto v. Gierke),⁶⁴ with the observation that the social bond is „immanent to ownership“ and belongs „to the definition of ownership“ (Martin Wolff).⁶⁵

2. Individual and Social Function

The twofold aspect of ownership, i.e., its individual and social function, results, according to the Christian understanding, from the reasons adduced for the system of private ownership (see above, pp. ?). „Social function“ (in Quadragesimo anno ratio socialis, indoles socialis) does not mean a „social mortgage“ on property which is in itself individualistic, but the inner social relatedness of property as such. Whereas the individual function of consumer goods consists in the meeting of daily needs and that of durable goods in the development of personal initiative as well as in providing for the future of a man and his family, the social function demands that all strata of the population have a livelihood worthy of a human being and the „concrete possibility“ of acquiring ownership of capital goods (a home, the means of production, and the like) (Pius XII). In the service of these goals, the state can not only regulate the use of property through ordering „restricted use“ (Pius XII), for instance, but also circumscribe the right to ownership more narrowly. As the „other elements of social life“ so too the right of ownership „is not absolutely unchanging.“ What divers forms has property had, from that primitive form among rude and savage peoples...to the form of possession in the patriarchal age; and so further to the various forms under tyranny...then through the feudal and monarchial forms down to the various types which are to be found in more recent times“ (Quadragesimo anno, 49). In the encyclical „Populorum Progressio,“ Pope Paul VI gives this summary explanation: „The right to property is not absolute and unconditional. No one may appropriate surplus goods solely for his own private use when others lack the bare necessities of life. In short, as the fathers of the Church and other eminent theologians tell us, the right of private property may never be exercised to the detriment of the common good.‘ When ‘private gain and basic community needs conflict with one another’, it is for the public authorities ‘to seek a solution to these questions, with the active involvement of individual citizens and social groups’.“ (n.23)

§ 6 The Crisis of the Economic Function of Private Ownership in Modern Society

I. The Fourfold Crisis of the Function of Private Ownership.

Since it is proper to Christian social teaching to be a binding theory, it must apply its principles to current conditions. In the light of the natural-law foundation of private ownership, four functional crises of ownership can be discerned in modern society:

⁶¹ Cf. H. Peter, Wandlung der Eigentumsordnung und der Eigentumslehre seit dem 19. Jh. (Aarau, 1949), 103.

⁶² Ibid., 40.

⁶³ Ibid., 49.

⁶⁴ Ibid., 51.

⁶⁵ Ibid., 12.

a) Lack of Property and the Lack of Self-Reliance

In the advanced industrial society, about eighty per cent of those working as laborers, office-workers, and civil servants are not self-employed. Since these strata of the population scarcely possess any wealth, property has to a considerable degree lost its function of awakening and strengthening personal initiative and self-reliance. In order to eliminate this unfortunate state of affairs, leading men of the Catholic social movement have advocated for over a hundred years the participation of broad strata of employees in capital formation. In 1847, Peter Franz Reichensperger thought that in this way factory workers would become aware „of working well or poorly, not merely for a third party, but also for themselves.“ A share of the capital would also „restore to them all those virtues and habits that distinguish those who possess property from the propertyless“ (Die Agrarfrage, 253ff).

b) Lack of Property and the Lack of Economic Security

In modern society, the economic security of more or less propertyless employees does not rest on private property. The complaint of the encyclical *Quadragesimo anno*, that the „immense multitude of the non-owning workers on the one hand and the enormous riches of certain very wealthy men on the other establish an unanswerable argument that the riches which are so abundantly produced in our age of ‘industrialism’, as it is called, are not rightly distributed“ (n. 60), is sharpened by Alexander Rüstow, an adherent of neoliberalism, when he writes: „That the distribution of wealth and income in our plutocratic economic order should have anything to do with social justice is something that probably no one today would seriously assert.“ In Germany, complaint is made above all that the considerable increase of wealth since the Second World War has, in spite of the ‘social market economy’, benefited the non-self-employed in a limited measure only, but rather has accrued to the state and to a relatively narrow strata of the self-employed. The result is that the employee without capital expects his or her economic security, not from private property, but from income and the system of social security.

c) The Separation of Property and the Power of Disposal

In wide realms of the modern economy, ownership of the means of production hardly means power of disposal and responsibility for the owner himself or herself. Exaggerating, Oswald von Nell-Breuning says: „The great and influential entrepreneur of today is no longer the man who brings forth a large capital and considerable means of production and employs them in an entrepreneurial way, but a man who assumes and in many cases usurps control of the production apparatus, factories, and whole complexes of enterprises which are not his own.“ If by „ownership“ one understands „the legal right of an owner to dispose of that which he calls his or her own,“ then one must say that „ownership thus understood has been defunctionalized in the most far-reaching manner.“⁶⁶

d) Ownership of the Means of Production

Against the thesis that private property is the guarantor of man’s freedom it is objected that in the industrial society ownership of the means of production confers social power and thus forces the employees into dependency on capital.

2. Six Forms of Ownership in Modern Society.

A comparison of the great importance for the political order that attaches to private ownership under the actual conditions of ownership leads to the question of the manner in which idea and reality can be approximated to one another. The distribution of wealth is sound only when

⁶⁶ O. v. Nell-Breuning, „Eigentum und Verfügungsgewalt in der modernen Gesellschaft,“ *Gesellschaftspolitische Kommentare* 3/17 (1956):4ff.

broad strata of the population possess so much that they do not fall into economic dependency either on other strata or on the state. That in no way means an indiscriminate leveling of persons or possessions, since greater or less personal initiative and thrift - along with many other factors - will always lead to differences of wealth. Here it is to be noted that in the industrial society property is in no way identical with capital assets, but appears in a sixfold form:

a) Wage and Salary

The employee most clearly experiences what it means 'to have something as his or her own' through wages or salary. Although this form of property is not very permanent, since for the most part it is spent in a short period of time for daily subsistence, it nevertheless forms the most important source for the employee from which all other forms of property must arise.

b) Furniture, Household Equipment etc.

The second kind of property is more permanent, namely, everything that people possess in their homes in the way of furniture, household equipment, and the like. Today a desire to save up in order to purchase these goods is discernible, and this target saving is in any case to be welcomed as opposed to the immediate expenditure of one's entire income in the direct consumption of food and drink. Since the monetary reform, considerable property assets of this kind have been accumulated in German households.

c) Savings

Now as ever, savings in the narrower sense, be it a question of a savings account, a building and loan association, or the taking out of a life insurance policy, are also of importance. Nevertheless, money saving is more widespread among the middle class than among the working class. Thus, in the Federal Republic of Germany, for example, the savings quota of recipients of an average net income amounts to only three per cent compared with a savings quota of 8.5 per cent for all households together. Further, in the industrial society, money saving is mostly not a saving for times of need, but voluntary target saving for larger purchases and thus a postponement of consumption rather than a renunciation of consumption. Moreover, the devaluation of money weakens the desire to save.

d) Legal Claim to Social Insurance

Saving for times of need, which was a typical attitude of the nineteenth century, has become less important today because modern man depends on the system of 'social security' in sickness, unemployment, and disability, as well as old age, and this represents a fourth form of property or wealth in modern society, namely, the legal claim to social insurance. Since the benefits paid by social insurance are determined in a decisive way by prior contributions, claims to social insurance belong from a sociological point of view to the honestly acquired wealth of modern man insofar as they are conditioned by advance payments - a conception that the German Federal Social Court has upheld repeatedly.

e) Housing Property

The powerful secondary system of 'social security' should not, however, blind us to the fact that man can only gain a personal relation to property when he resolves to save through a decision of free will. The acquisition of one's own home occupies a prominent place here, and thus we encounter a fifth form of property of extreme socio-political importance. Because of its long period of use, a middle position between genuine consumer goods and commercial investment goods attaches, as it were, to a home of one's own.

f) Stocks and Bonds

Finally, among the different forms of property, there is participation in capital formation. Here one may well observe that, in general, none of the steps in the series should be skipped

over. With the ownership of capital, the strata of the population previously without property would be able to gain, not only greater economic security, but a formative influence on economic affairs at the same time, so that co-determination and co-responsibility would automatically exist. One should not, however, overestimate the consequences of a broad distribution of wealth in the capital sector. In the industrial society, wages and salary will form the most important source of income now as before. Nor will the system of 'social security' become superfluous even with a broad distribution of wealth, although it may be limited to a certain degree.

Incidentally, one should not give one-sided preference to any of the six forms of property, but foster property formation in all realms in accordance with the current conditions and needs. In Germany, however, participation in capital formation has stood in the centre of discussion for years, especially because a process of wealth formation of unusual proportions has taken place in various businesses since 1948. The self-financing of businesses was possible because, with the considerable backlog demand of German households and with the willingness to spend, the demand for wares of all kinds was exceedingly strong so that high prices and good profits resulted. To this was added the fact that, thanks to particular tax measures such as special write-offs, high degressive write-offs, and other allowances, reinvested profits were not swallowed up by taxes. Businesses usually took out short-term bank loans which, with the high profits made, could be paid back in a short period of time, which allowed businesses to become owners of their own plant and machinery. Thus, saving on the part of businesses has to a large extent taken the place of individual saving. No one will deny that, in the years after the monetary reform, it was urgently necessary politically and economically to make extraordinary investments. It was only in this way that economic growth and full employment could be attained. Nevertheless, one will have to ask whether it was politically and socio-ethically correct for this wealth formation on the part of businesses, which was to a large extent conditioned by the whole national economy, to have been concentrated among relatively few owners so that the trusteeship of capital assets fell, as it were, to businesses along with the state.

3. Renewing and Strengthening the Functions of Private Property.

Broad circles of the middle class, but particularly the Socialist Workers' Movement, looked for a long time upon the broad dissemination of property, especially of capital assets, with disapproval. In the meantime, a change of views has taken place such as could not have been foreseen a few decades ago. Theory and praxis both meet substantial difficulties in the question of how the participation of broad strata of the population in capital formation can be carried out, since, on the one hand, it is a question of more or less anonymous forms of ownership and, on the other, the different proposals must be thoroughly examined with respect to their effects on the national and industrial economy. Fundamentally, two methods of disseminating ownership in the capital sector can be distinguished: the redistribution of present wealth and the participation of broad strata of the population in the new, annual increase.

a) Redistribution of Existing Wealth

One will rightly have to raise doubts about the redistribution of the wealth of private enterprises that has arisen since the monetary reform, since a dangerous paralysis of business initiative and thus a disastrous effect upon the whole national economy would be a risk to be feared. The privatization of state capital is to be judged otherwise. This form of wealth, which reached a total value of 835 billion marks in 1979 (in 1970 prices), does indeed consist for the most part of railway and post office facilities, of streets, schools, and universities, and of the reserve funds of social insurance. Only about four to six billion marks of the profit-generating capital of the state is suitable for privatization. For the rest, the participation of broad strata of the population in capital formation can only be reached through new investments.

b) Dissemination of wealth through new investments

Three possibilities for sparking the dissemination of wealth through new investments can be distinguished: businesses themselves could voluntarily introduce suitable forms for their employees to reinvest their share of the profits. Further, the reinvestment of shared profits could be arranged through a wage contract between employers' associations and labor unions. Finally, the state could favor or even prescribe the reinvestment of shared profits by law. All three possibilities are the subject of lively discussion today without a given solution having been generally accepted thus far. In the encyclical *Mater et magistra* it says, that there is a „rapid economic development of an increasing number of states. It will not be difficult for the body politic, by the adoption of various techniques of proved efficiency, to pursue an economic and social policy which facilitates the widest possible distribution of private property...This policy is in fact being pursued with considerable success by several of the socially and economically advanced nations“ (n.115)

Three considerations

Three considerations serve here as a point of departure:

1. The Circle of Beneficiaries

First, it is not infrequently said that only the employees are entitled to participation in capital formation because, together with capital, they have created the increase of wealth. But here it is necessary to see the interconnectedness of the national economy. The considerable amount of self-financing since the Second World War is a matter involving a process of wealth formation resulting from general economic conditions, which is not due exclusively to the particular efforts of entrepreneurs, investors, and employees, but was rendered possible by the shifting of costs on to prices and by tax privileges. Insofar as the higher productivity of a business rests upon the outstanding performances of the employees working there, they are of course entitled to a corresponding share in the profits also. If, however, only the workers were to receive the higher profits of a business resulting from general economic conditions, they would be drawing an unearned income. Here it is to be observed that, for the most part, it would be a question of the personnel of large-scale enterprises, to which only 15% of the non-self-employed working in the Federal Republic of Germany belong.

2. The Danger of the Anonymous Concentration of Power

Second, the effects on social and economic policy of a broad dissemination of capital assets would be frustrated if capital formation were to be placed, not in the hands of individual people, but in those of anonymous institutions. Nevertheless, a widely disseminated ownership of the means of production will only gain a formative influence on the economy when it is not isolated in the smallest shares among individual owners, thus remaining ineffectual, but when it is concentrated in some form such as investment funds. What is decisive here is that the power connected with these combined capital assets be not unscrupulously made to serve special interests, but be aware that it is obligated to the common good.

3. The Abilities and Willingness to Save

Third, the broad dissemination of ownership is tied to two indispensable presuppositions: the ability and the willingness to save. An employee is considered able to save when his income is so high that, after having met the needs of his or her family in a reasonable and moderate way, something remains which he or she can save and make available for investments. The ability to save must be combined with the willingness not to convert the surplus portions of one's income into additional consumption, but to utilize them for investments. Without the readiness to assume the rights, duties, and risks connected with ownership in the realm of

capital assets also, a broad dissemination of wealth in the capital sector cannot be attained. Broad strata within the population only conceive of property in terms of consumption; they lack the insight that capital assets are a particular form of property which should not be converted into consumption, since they represent one's own workplace or that of one's neighbor.

The more broadly ownership is disseminated the more the functional crises of ownership in modern society can be overcome or mitigated. Personal responsibility will be strengthened, and the trend towards the welfare state will be checked. The number of the self-employed will also rise. In the interest of a broad dissemination of economic responsibility, one may support the demand that large-scale enterprises not be created for tasks that can be mastered in small and medium-sized enterprises in an economically profitable way, even if it is to be assumed as a matter of course that, in many realms, the modern economy cannot dispense with large-scale enterprises. Incidentally, one should not pass an exclusively negative judgment on the separation of ownership functions from entrepreneurial functions as is common in large-scale enterprises. For since the exercise of entrepreneurial functions is no longer an exclusive right of owners, the way to leading positions in the economy stands open for a much larger circle of entrepreneurially gifted people, which may raise the average level of entrepreneurial performance to the advantage of the whole national economy. Nevertheless, directors and managers are and remain the deputies and representatives of owners in spite of the separation of functions. It would be dangerous to embrace an enterprise institutionalism that would see in the enterprise a structure fully independent of the owners. The objection often raised in this connection that ownership of enterprises is connected with social power over the employees was to a large extent justified at the beginning of the industrial development. Today, in the advanced industrial society, the so-called 'free labor contract' is removed from the agreement of the individual employer with the individual employee and „predetermined as to its contents“ through, for example, legal protection of youth and women, through the prohibition of child labor, through social security in the case of sickness, disability, unemployment, and old age, through the assurance of free time and vacation, through the establishment of works councils, through the guarantee of the right to co-determination, through the establishment of labor courts, and so on.

Pope John Paul II speaks in this connection of the „indirect employer“ who „substantially determines one or the other facet of the labor relationship“ and thus conditions „the conduct of the direct employer when the latter determines in concrete terms the actual work contract and labor relations.“⁶⁷

CHAPTER THREE: THE DISTRIBUTION OF THE SOCIAL PRODUCT

Preliminary Remarks

1. As the history of economic ethics teaches, the Christian conscience did not occupy itself so much in earlier centuries with questions about the meaningfulness and the structure of the economic order, but did protest since the time of the Church Fathers in an often passionate way against usury, deception, exploitation, and overcharging in the process of economic distribution. The treatise, *On Just Prices*, occupies a large space in the economic ethicists of those centuries.

2. Just as one calls the economically significant earnings, minus expenses, of a natural or juridical person one's 'individual income' or simply 'income', so one designates the economic

⁶⁷ *Laborem Exercens* n.17.

net profit of a national economy the national income as it accrues in the course of a year in the form of newly generated material goods (in agriculture, handicraft, and industry), of services (e.g., in trade and transport), and of the use of existing durable goods (e.g., as the use of a home). To the national income as the sum of all income from earnings and property there is opposed the net national product at factor costs as the equivalent value in goods produced (production goods) . The national income is in this case the sum of all gross income from wages and salaries as well as from entrepreneurial activity and property income that benefits the citizens of a nation. The gross national product at factor costs corresponds to the national income.(1a)

3. In the market economy, income formation (i.e., the distribution of the social product) takes place in the immediate exchange of and return services. Only the one who as owner of capital or landed property, or as entrepreneur or employee, invests economically significant amounts earns an equivalent income in the market economy. In the market economy system, large population groups are factored out, as it were, because, as non-productive, they are unable to invest any economically significant amounts. Here we can mention children first of all, who are not yet able to work, and who are supported within the caring and providing bond of the family by the income of their parents. Thus, if the market economy is to function, it presupposes the family. Further, pensioners, the disabled, the sick, the unemployed, and war victims belong to non-productive. In order that these millions may be able to live, a redistribution of the original market-economy income formation must take place through social insurance and taxation. In modern society, this redistribution has assumed an enormous scope.

According to the principles of Christian social teaching, the original market-economy income distribution and the new distribution resulting from the implementation of ‘social security’ are not of the same rank. Rather, the former should at the same time meet social needs to the greatest possible extent. This sets the task of evaluating the distribution process of the market economy in the light of Christian social teaching. Four factors are to be distinguished: ground rent, interest, earned income, and business profits.

§ 1 Ground Rent

1. Ground rent is that return on real estate that is not reducible to capital expenditure or to labor output. Whereas François Quesnay († 1774) and Adam Smith († 1790) saw the root of ground rent in the productive forces of the land and thus in a superfluity, David Ricardo († 1823) sought to explain ground rent in terms of the deficient fruitfulness of the land: prices for agricultural products are determined by the production costs necessitated by inferior lands; consequently, owners of better lands obtain a higher net profit which cannot be attributed to labor and capital expenditure, but results from the difference in yield between good and poor land. Concerning this theory, it is to be observed that, with a growing population, the demand for agricultural products and land usually increases and thus the price of land does also, and that the tillage of poorer lands and the more intensive cultivation of all lands work against this price increase. The causal connection is thus the opposite of that found in Ricardo. The cause of ground rent is the scarcity and difference of lands. Ground rent does not therefore presuppose price formation, but intrinsically belongs to the factors determining it. Its economic function lies in leading to a more sparing and economical use of the land. When there is a change of ownership, the ground rent is capitalized in the price of the land, i.e., it is most of the time converted into interest payment on the assumable mortgage.

2. Today the fruitfulness rent that consists in the difference in yield between good and poor lands is less a matter of dispute than the location rent on the building market. In cities and industrial areas, but more and more in villages also, the prices of building sites have risen continuously and considerably since the monetary reform, in some cases more than a hundred

times the unit value, so that an increment of assets often results for the owners of favorably located building plots that is felt to be outrageously high. Since land, capital expenditure, and work always produce the yield together, the conceptual analysis of the three profit factors is indeed possible, but not the numerical calculation of each one's share in producing the profit, so that the demand of many land reformers for a 'total abolition' of ground rent is not feasible. But even apart from this, a public right to the total abolition of ground rent cannot be substantiated, since a ground rent that is not forced up by land speculation, land monopoly, or a lack of land laws exercises an economically important function. That does not exclude the fact that ground rent can be a suitable tax object for those to whom it in fact accrues. Incidentally, it is the task of the legislator to forbid by suitable measures a usurious price formation in building markets.

§ 2 Interest

1. Interest is the price paid for the saving that is urgently necessary in the dynamic economy of the industrial age, which is based on investment and productivity increase. In the United States, Richard M. McKeon, S.J. has even advanced the thesis that, as recipients of middle wage and salary incomes, sixty percent of the American employed are in a position to save by investment and that there is consequently a moral „obligation to buy industrial stock.“ Since, as an incentive to saving, interest fulfills an economically important function, it is morally unobjectionable (Cf. Can. l543 CJC). Today, interest has disappeared in many lands as a result of the depreciation of money (inflation). What is paid as so-called 'interest' by the banks is, economically speaking, not interest at all, but, with an annual depreciation of money of seven per cent and more, an often only partial compensation for the loss of buying power. The whole affair is an expropriation of the saver to the advantage of the owner of material goods (entrepreneurs, home and land owners, etc.) and of the state (tax progression).⁶⁸ The inflation of recent years is a crisis phenomenon of late capitalism.

2. Since in the pre-industrial age there was not always and everywhere the possibility of investing money in an economically fruitful way, but many loans were purely for emergencies and immediate consumption, starting from the Synod of Aachen of Charlemagne of March 23, 789, the laws forbade the charging of interest on the basis of a mere loan contract. Interest income was considered justified only when the capital investment could be proved, for instance, in the form of a partnership contract or of an annuity purchase. Medieval ethics attempted to analyze these connections and deduced moral requirements from them in a highly differentiated manner. For example, Antonius of Florence († 1459) teaches that, for the merchant, money possesses the „character of capital“ (rationem capitalis); prices are therefore lower with cash payments than with credit transactions because merchants like „immediately to reinvest“ cash (cito reinvestirent) by manufacturing textiles several times a year. In these cases, theologians accepted interest as justified.⁶⁹

3. Whereas the economics of the nineteenth centuries fully mistook the medieval teaching on interest, leading political economists, especially in England and the United States, point with emphasis to the „honest, intellectual effort“ of the scholastic economic ethicists to distinguish between merely lending money and the yield of active investments, i.e., „to keep separate what the classical theory has inextricably confused.“ „I was brought up to believe that the attitude of the Medieval Church to the rate of interest was inherently absurd,“ but now it seems to be clear „that the disquisitions of the schoolmen were directed towards the elucidation of a question which did not exist.“

⁶⁸ Cf. Emil Küng, Inflation als soziales Unrecht, Kirche und Gesellschaft, vol. 3, (Mönchengladbach: Katholische-Sozial-wissenschaftliche Zentralstelle, 1973).

⁶⁹ IIa Pars totius Summae Maioris, Tit. I c. 7, □ 15, and IIIa Pars, tit. 8.

tion of a formula which should allow the schedule of the marginal efficiency of capital to be high, whilst using rule and custom and the moral law to keep down the rate of interest.^{“⁷⁰} This shows that the foundations of the theoretical economics of the scholastics „were sounder than was much subsequent work, in the sense that a considerable part of the economics of the later nineteenth century might have been developed from these bases more quickly and with less trouble than it actually cost to develop it.“⁷¹

§ 3 Earned Income

1. Two Erroneous Theses

„Human labor which is expended in the production and exchange of goods or in the performance of economic services is superior to the other elements of economic life. For the latter have only the nature of tools“; work, however, „comes immediately from the person“ (Gaudium et spes, 67). This important statement of the Second Vatican Council gives to work its proper place in the process of economic distribution. Even in terms of scope and function, wage and salary income is more important than ground rent and interest. In the advanced industrial states, more than eighty per cent of those working are non-self-employed. The share of gross incomes from wage and salary-earning work in the national income rose in the Federal Republic of Germany from 60.4% in the year 1960 to 65.6% in the year 1965 and climbed to 67.8% in the year 1970, to 72.3% in the year 1975, and, after a small temporary decrease, reached 72.4% in the year 1980. The highest share of gross income from wage and salary-earning work in the national economy was reached in the year 1981 with 73.6%. In forming a judgment on earned income, two erroneous theses must first be rejected.

a) It has been asserted that only work - thus neither ground rent nor interest on capital nor business profit - has a morally justified claim to income and property formation. Christian social teaching rejects this thesis and also recognizes, along with the aforementioned claims, the legitimate „occupancy of a thing not owned by anyone“ (Quadragesimo anno, 52), which plays a role in the appropriation of immense quantities of air for nitrogen production in the chemical industry, for example, and which could perhaps acquire a new importance with the conquering of space.

b) The thesis that in every case man becomes by his work the owner of the goods produced is also erroneous. It does indeed say in the encyclical Rerum novarum that „as effects follow their cause, so it is right for the fruit of labor to belong to those who have given their labor.“ (Rerum novarum, 9). But this proposition holds only for the work that an individual performs in his or her own name and on his or her own piece of work, and thus for the „individual product,“ but not for the work that takes place with the co-operation of many in the modern economy with its division of labor, and thus not for the „social product.“ In modern factories, „the labor of one person and the property of another must be associated, for neither can produce anything without the other“, from which it follows that „it is wholly false to ascribe to property alone or to labor alone whatever has been obtained through the combined effort of both, and it is wholly unjust for either, denying the efficacy of the other, to arrogate to itself whatever has been produced“ (Quadragesimo anno, 53.)

2. The Complexity of the Wage Problem

Today, the wage problem must be seen in its many aspects; one then recognizes that the question about the right or just wage is posed on four different levels:

⁷⁰ J. M. Keynes († 1946), The General Theory of Employment Interest and Money, The Collected Writings of John Maynard Keynes, vol. 7 (London: The Macmillan Press, Ltd., 1973), 351-352.

⁷¹ Joseph Alois Schumpeter († 1950), History of Economic Analysis, 2nd ed. (London, 1955), 97.

a) Finding a Company Wage

Since every company is in competition, one must hold fast on the company level to the principle of equal pay for equal work. The individual outputs of individual workers, however, as well as the demands and difficulties of different kinds of work are in no way equal. Those employed are also very distinct in terms of training, position, and responsibility. There are unskilled, semi-skilled, and skilled workers, foremen and masters, middle and upper management, and so on. These differences must be considered in arriving at a commercial wage. The forms of wages common today, however, strive not only for a recompense commensurate with the work, but also for a labor output as favorable as possible to the company in question. Along with the time wage still prevalent today in the Federal Republic of Germany, the amount of which results from the classification into wage groups according to the agreed wage scale, incentive pay is gaining an ever greater importance (piece-work wages according to the Refa system and bonus wages). Even if, from the standpoint of wage justice, one cannot advance any objections in principle against reasonable forms of incentive pay, the dangers of the new methods of compensation must nevertheless be considered. Investigations have shown that, above all, difficulties in the calculation of wages, the greater burden owing to scientifically established piece-work rates, and the incentives lying in the Refa System often lead to personal discontent on the part of the workers, especially among women, as well as to social tensions even among the employees themselves with respect to the ‘overachievers’, for example, or between time-workers and piece-workers.

b) Distribution between Capital and Labor

Arriving at a wage within a given company already presupposes a macroeconomic distribution between capital and labor. The attempt to attribute to both factors fixed shares in the social product on the basis of their performances is doomed to failure, since it is impossible to separate out the shares of the contributing factors by causal analysis. It is not the causal, but the final mode of consideration that leads to the goal. Here it is to be noted that, on the one hand, wages mean buying power, which renders possible the marketing of goods produced by the entrepreneurs, but that, on the other hand, wages also represent expenses for the entrepreneurs. In this connection, the encyclical Quadragesimo anno emphasized in 1931 that „it would be unjust to demand excessive wages which a business cannot stand without its ruin and consequent calamity to the workers“ (n.72).

On the other hand, the encyclical Mater et magistra calls attention to „the system of self-financing adopted in many countries by large, or comparatively large firms. Because these companies are financing replacement and plant expansion out of their own profits, they grow at a very rapid rate. In such cases we believe that the workers should be allocated shares in the firms for which they work, especially when they are paid no more than the minimum wage“ (n.75). In spite of rising labor costs and social contributions and in spite of high taxes, entrepreneurs in the Federal Republic of Germany have, since the monetary reform, actually had considerable profits left over.

Even if wage rates in the advanced industrial states are slowly rising, the distribution of the social product between capital and labor can nevertheless not be considered as satisfactory. The share in the social product that falls to the non-self-employed can only be substantially raised when employees are prepared to see in their income, not only spending money, but also a source of capital formation.

c) Distribution between the Three Sectors

The conditions in the developed industrial societies show ever more clearly that the question about the right wage concerns not only capital and labor, but is gaining increasing importance for the three sectors of modern economic society also. The balance between the labor-

intensive primary sector of agricultural and mining production, the secondary sector of handicraft and industrial manufacture, and the tertiary sector of services is obviously disrupted, so that the tensions „between agriculture on the one hand and industry and the services on the other“ are becoming problematic in an increasing number of states (*Mater et magistra*, 48), which also has consequences for wage policy. Agriculture and mining are very labor-intensive. Productivity can increase in handicraft and industry faster than in other economic sectors, which renders it easier, particularly in periods of full-employment, to offer wage and salary increases, which, of course, does not remain without effect for agriculture, mining, and service industries. The advanced industrial society is more and more tending towards „a leveling-off of the affluent society“ in which all strata of the population are striving for an „even“ living standard. The responsible parties must therefore consider together whether and to what extent wage increases are possible without harmful effects on price levels and how a disadvantage for other branches of the economy with less advanced productivity and higher labor costs can be avoided. The encyclical *Quadragesimo anno* rightly demands that wage determination do justice to „the public economic good“; it is an offence against social justice when „without regard for the common good, wages and salaries are excessively lowered or raised“ (n. 74).

In the Federal Republic of Germany, which, like numerous other industrial countries of the Western world, professes autonomy in negotiating wage rates to a large extent, the obligation just mentioned binding first of all upon the social partners who must consider in their wage policy the effects on the level of employment (the danger of unemployment), on investments, and on the price structure (endangering the stability of the value of money). From this point of view, the strike, which is accepted by Christian social teaching as morally permissible in principle when used as the last resort in a labor dispute, should be considered as contrary to the system and out of date. The wage problems existing between the three sectors of the modern economic society suggest, rather, that recourse be had to a widely misunderstood teaching of the encyclical *Quadragesimo anno*, which also finds a resonance in *Mater et magistra*. These encyclicals recommend the creation of „various intermediary bodies“ which are „really autonomous“ (*Mater et magistra*, 65), in which the main emphasis must lie on the „common“ interests, the „most important“ of which is to co-operate „for the sake of the common good of the country“ (*Quadragesimo anno*, 85). The salary level, the wage-price spiral, differing productivity rates, different labor costs, and so on are matters first of all for those immediately concerned; there is no necessity of thinking immediately of legal measures by the state.

d) The Just Family Wage

The level of wages depends fourthly on what portion of the national income is earmarked for ‘social security’. In this connection, the question about a just family wage plays a great role. One could raise the demand that the fixed wage must be generally so high that it suffice for the maintenance of a healthy family, i.e., one with many children. Pope Leo XIII did in fact demand a wage in the encyclical *Rerum novarum* that would be able to maintain“ the worker as well as „his wife and his children“ (n. 47). In the marriage encyclical *Casti connubii* (December 31, 1930), Pius XI took up this thought and demanded that „such economic and social methods should be adopted as will enable every head of a family to earn as much as, according to his station in life, is necessary for himself, his wife, and for the rearing of his children“ (n. 117). Finally, it says in *Quadragesimo anno* (1931) that every effort must be made to ensure that the worker „be paid a wage sufficient to support him and of his family,“ and that a salary of this level must be guaranteed for „every adult workingman.“ That, because of the father’s insufficient wage, mothers should have to neglect „their proper cares and duties, especially the training of children“ in order „to engage in gainful occupations outside the home“ is „an intolerable abuse“ (n. 71).

The *absolute* family wage demanded in the papal encyclicals presupposes - leaving out of account the economic possibility- that either the average family has many children or that married couples with no children or only a few children, if they predominate numerically, adapt themselves in their consumer habits to families with many children. Neither is correct today. Granting that for all adult employees, including those with many children, wages could be raised in such a way that they would correspond to the usual socio-cultural standard of living, the living standard of families with many children would nevertheless, after a brief period of time, again lie below the new socio-cultural standard, which would be formed by the higher demands of the unmarried and those with few children. It thus turns out that a mere fixed wage is inimical to the family's interests. An equalization of family burdens in the sense of a relative family wage that would be graduated through family allowances according to family size is the requirement of the hour. Nevertheless, the demand for the payment of a relative family wage may not be made on the individual company, since in this case fathers with many children would be exposed to the danger of unemployment because, in order to save expenses, companies could be tempted to give preference to single employees or those without children. Forms of equalization must therefore be found that transcend the individual company. The equalization between those with no children or only a few children, on the one hand, and those with many children, on the other, is most clearly realized when it takes place between the two groups themselves, which is quite possible within individual branches of the economy and professional groups, in spite of violent resistance from special interest groups.

§ 4 Business Profits

1. Three Factors

Business profits, which can be reduced neither to interest on invested capital, nor reckoned to be the earnings from the labor output of the self-employed businessman, but represent a residual income, have been of extraordinary importance in the economic development of modern industrial states. The great industrial fortunes arose neither from ground rent, nor from interest on capital, nor from earned income, but from business profits. Business profits can be conditioned by three factors:

a) Pioneer Profit

The creative initiative of exceptionally gifted entrepreneurs can, through a „new combination of productive forces“, make possible an advantageous lowering of costs and increase of returns, which gives rise to a pioneer profit in relation to other entrepreneurs, this was not infrequently the case, particularly in the nineteenth century.⁷²

b) Monopoly Profit

Business profits can be made possible through the formation of monopolies and cartels.

c) Marketing Profit

Through high growth rates of the economy, marketing profits can arise when there are small rates of saving among broad strata of the population and when there is a tax policy that favors self-financing, which has taken place to a great extent in the Federal Republic of Germany since its monetary reform.

2. The Judgment of Christian Social Teaching

Christian social teaching advances five statements for judging business profits:

⁷² J. Schumpeter, Theorie der wirtschaftlichen Entwicklung (Munich-Leipzig, 1926), 287f.

a) No Objection to Pioneer Profits

No objections are to be raised against the so-called ‘pioneer profit’, which ultimately stands in the service of the consumer, provided that this profit is invested in an economically meaningful way. Here one can refer to *Quadragesimo anno*, where it says that „expending larger incomes so that opportunity for gainful work may be abundant...ought to be considered...an outstanding exemplification of the virtue of munificence and one particularly suited to the needs of the times“^(n.51) The emphatic affirmation given by the Second Vatican Council to the dynamic economy and to business initiative drew much attention: with an aim „at making provision for the growth of a people and at meeting the rising expectations of the human race...technical progress must be fostered, along with a spirit of initiative, an eagerness to create and expand enterprises, the adaptation of methods of production, and the strenuous efforts of all who engage in production - in a word, all the elements making for such development“ (*Gaudium et spes*, 64).

b) Rejection of Monopoly profits

Monopoly profits have been rejected by Christian social teaching for centuries as usurious. In the fifteenth, sixteenth, and seventeenth centuries, the expression ‘monopoly’, , must have had an emotionally charged ring similar to that of the word ‘capitalism’ in the last hundred years. Monopolists are „usurpers“ since they illegally make themselves the authors of prices (Franciscus Sylvius, † 1649); they undertake an „attack upon public freedom“, since people „are forced by monopoly to pay a higher price“ than would be the case without the monopoly (Cajetan, † 1534). One should drive monopolists out of the country, since they are more harmful „than crop failures and locusts“ (Juan de Medina, † 1546).⁷³

c) Marketing Profit and Distribution of Wealth

Inasmuch as market profits have accrued to entrepreneurs on the basis of the economic policy set by the government since the monetary reform, the conscience of the individual entrepreneur should not be disturbed on account of these profits. As presented above, however, it is urgently necessary to take appropriate measures without delay that will render possible a broad dissemination of wealth in the capital sector.

d) Business Profits and the Sense of Service

Business profits must be purified and ennobled by a sense of service to the community as a whole. If this willingness to serve is disregarded, there remains, according to Thomas Aquinas, the mere pursuit of profit, which „has a certain debasement attaching to it“ (II-II, 77, 4), and which, as Domingo de Soto († 1560) writes, provokes an „unquenchable thirst“ and makes the entrepreneur like the „gambler.“⁷⁴

e) The Ethos of Advertising

In order to increase sales and profits, businessmen make use of advertising, which should give factual information to the buyer, as is common among businesses themselves, for example, when purchasing machine tools. The broad stratum of ultimate consumers, however, is not informed in the correct manner, but, especially in illustrated sex magazines, confused and befogged by constant exposure to suggestive stimuli. Consumers seem to be happy about this; they have the advertising they deserve and pay for. Businessmen are obligated in conscience to advertise factually and truthfully and to exclude destructive publications as advertising vehicles.

⁷³ Cf. Joseph Höffner, *Wirtschaftsethik und Monopole im 15. u. 16. Jh.*, 2nd ed. (Darmstadt, 1969), 135f.

⁷⁴ Ibid., 106.

§ 5 The Adjustment of the Original Income Formation through the System of Social Security

1. The Extent of Redistribution.

The original distribution of the social product, which takes place in the economic process in the form of ground rent, interest on capital, earned income, and business profits, is adjusted to an extraordinary extent through taxes and social contributions in the modern industrial states. The gross national product of the Federal Republic of Germany, which in the year 1975 amounted in absolute values to 1,035 billion DM and by 1980 climbed up to 1,492 billion DM, was faced in the same year with a tax burden of social contributions in the amount of 247 billion DM, or 37.2% of the gross national product.

In 1975, a total of 347.9 billion DM was spent on social security in the Federal Republic of Germany. In the years since, considerably more has been paid in the further expansion of social services. Thus, expenditures for social security increased by 41.5% by the year 1981 and were estimated at 492.4 billion DM. Different causes probably brought about or favored this development: two periods of inflation annihilated private savings, so that the opinion entrenched itself ever more firmly that only social institutions were able to guarantee social security. The institutions created for the implementation of the social insurance required by law in the last seventy years have, in virtue of the inertial tendency of everything institutional, become solidified and have thereby favored the expansion of the system. Finally, it is to be noted that the First, but particularly the Second World War, plunged millions of people into hardship, which was caused neither by personal fault nor belongs to the so-called normal crises of modern society. In order to satisfy the claims of these population groups (war victims, refugees, those bombed out, victims of Nazi persecution, etc.) to a fair sharing of burdens, reparation, and indemnification, new and comprehensive institutions of social security had to be created.

What is typical for social insurance is, on the one hand, the compulsory insurance introduced in order to encompass without exception all the people to be protected as well as to prevent the departure from one system of low-risk individuals, i.e. those likely to contribute much more than they would draw.

2. Objections

Strong objections are being raised today against compulsory insurance as well as against social equalization. Employees, it is said, attained a position of equality in the industrial society long ago. Compulsory social insurance treats the employee like a helpless pauper who is not able „freely to dispose of about a third of his or her earned income.“ The central question is whether to have „greater social services and a greater determination by others of the utilization of income or greater personal freedom of decision“ in the sense of consumer freedom.⁷⁵ The question must also be posed whether the legislator is authorized to hold „half the duty-bound, so to speak, to charity towards the other half.“ It is not evident why those who earn less, who are also expected „to pay the same price for bread, meat, vegetables, clothing, and cinema as do the recipients of higher incomes,“ cannot be expected to make a contribution proportional to the risk.⁷⁶ German social insurance is not insurance at all, but a „modernized form of poor relief,“ since social equalization is an alms, no matter what form one gives it“ (Heddy Neumeister).

⁷⁵ E. Liefmann-Keil, „Wirtschaftliche Grenzen für Sozialleistungen?“ Betriebskrankenkasse 19 (1958).

⁷⁶ W. Schreiber, in the Rheinische Merkur, October 10, 1956

3. Critical Evaluation

Christian social teaching sets out from the following principles in the *critical evaluation of the system of social security*:

- a) It is „a man's right and duty to be primarily responsible for his own upkeep and that of his family“ (*Mater et magistra*, 55).
- b) The smallest community which should bestow on man a sense of social secureness is the family. Even if the family has lost many functions in the industrial age so that it is no longer able to guarantee the whole of social security, the family household still offers today a high measure of security.
- c) Of great importance for social security, particularly for the self-employed, are self-help measures by co-operatives which offer a formation in solidary thinking and action and achieve with united forces things that the individual is unable to accomplish.
- d) Conditions in the industrial society entail the fact that social security can no longer be guaranteed by individuals, families, and co-operatives alone without the assistance of nation-wide institutions. The system of social security can only be understood against the background of the violent upheavals that have come upon people through the technological and industrial revolution. To a large extent, it is a question of adapting the mode of existence and the way of life of modern man to the changed social and economic conditions of the industrial society. From this point of view, the general presentation of the system of social security as a phenomenon of degeneration and as a sign of the loss of individuality and of deficient self-reliance is untenable. Compulsory insurance and social equalization are indeed being relaxed owing to the broad dissemination of wealth, but cannot be fully eliminated. Here certain normal risks can be distinguished according to the three *stages in the life of man: childhood and youth, the prime of life, and old age*:

Children and youth enter into the field of vision of social security in three cases: when there is a failure of the family (a family deficit), when training for and incorporation into a profession become difficult in consequence of adverse social conditions (a social deficit), and in view of a loss of social position which threatens families which have many children.

For the prime of life, four normal risks are typical: early disability, sickness, unemployment, and widowhood. Great importance attaches to prevention and rehabilitation (therapeutic treatment, professional retraining, etc.) for this stage of life in particular. Such 'helping others to help themselves' strives to put 'social investment' in the place of social redistribution with the intention of leading people, insofar as possible, to personal responsibility for earning their livelihood.

Special care is to be devoted in modern society to the *social security of elderly people*. It must be designated as an important step forward that in different countries since the Second World War, but especially in the Federal Republic of Germany, the dynamics of economic development have been taken into consideration in designing the old-age insurance required by law. The rise in productivity and the growth of the social product are causing the cost of living to rise continually where the population remains constant or increases only slightly, from which it follows that a standard of living corresponding to the current state of economic productivity can be assured for elderly pensioners only if pensions are adapted to the increase of productivity.

- e) These considerations, however, should not blind society to the danger that lies in the trend towards the welfare state, which considers itself primarily and solely responsible for the social security of all citizens and therefore supplants the insurance principle which rests on the correspondence between contribution and benefit with the welfare principle which grants legal

claims on the basis of statutory provisions without the payment of contributions having been made. This trend is encouraged by the fact that today broad circles in all strata of the population are filled with the conspicuous desire for state welfare. The application of the welfare principle is justified with respect to those who have fallen into hardship, not through the consequences of industrial development, but through political catastrophes. Objections are to be raised, however, against the application of this principle to normal risks (sickness, old age, etc.). If, as in 1895, a fifth of the population was liable to disability insurance, a reapportionment of income, which was socio-politically justified at that time, could take place to the benefit of pensioners and to the burden of the remaining four-fifths of the population. However, the higher the number of those entitled to expect funds rises with respect to the entire population, and the more the liability to insurance is extended, the less do contributions from general tax monies represent assistance on the part of the whole for a socially weaker minority, and the more are monies raised by the insured themselves, not least through indirect taxation. This is not meant to dispute the fact that even today a vertical equalization between rich and poor as well as a horizontal equalization between the socially weaker and the socially stronger within the community of the insured is still possible through state subsidies from tax monies. This is an equalization that can be justified if it remains within bounds and does not lead to a general leveling. The fact that the immense redistribution process is more and more determining the state economically is not, however, without harm, for this implies a constriction of the meaning of the state.

The immense extent of the redistribution of the national income in the Federal Republic of Germany is hardly noticed by the neo-Marxist system critics. If, in the year 1981, of a gross national product of 1,552 billion DM, 631 billion DM were collected in taxes and social contributions, and if 492 billion DM were to be raised for social services, and if, further, the living standard of the working person was considerably higher than that in communist states, only malice could assert that the social market economy of the Federal Republic of Germany was capitalistic exploitation.

What Pope John Paul II points out certainly applies to the conditions in the Federal Republic of Germany: „Worker solidarity, together with a clearer and more committed realization by others of workers' rights, has in many cases brought about profound changes...Workers can often share in running businesses and in controlling their productivity...(and)...exercise influence over conditions of work and pay, and also over social legislation“ (Laborem exercens,8).

4. Towards a Societal Policy

In advanced industrial societies, structural changes have taken place in a gradual development which allow a transition to be recognized from a social policy (Sozialpolitik) of the older style to a societal policy (Gesellschaftspolitik). Urgent soci-political tasks are the broad dissemination of wealth, the creation and securing of a sufficient number of jobs, the formulation of family and health policies, the fostering of a system of education, training, and continued education as well as environmental protection, and the modern area planning policy.

SECTION FOUR: THE STATE

Preliminary Remarks

The religious and cultural philosopher, Ernst Troeltsch (1865-1923), reported the deep impression that the lectures of the high-spirited Heinrich von Treitschke (1834-1896) had made upon him and the other students in Berlin. Politics, Treitschke explained, occupies itself, not with morality, but with the „mysteries of the art of creating power, consolidating it, and extending it.“ „How our hearts beat as young students when Heinrich von Treitschke described the state to us thus with his glowing rhetoric; he did not mind what derision he poured upon the ethical

and juridical doctrinarians!“⁷⁷ In the year 1943, Munich students, the Scholl siblings and their circle, and two of their professors were executed because they had demonstrated against the National Socialist totalitarian state.

The relationship of man to the state as the embodiment of power has always been filled with tension. It thus seems understandable that the question about the state and its meaning should have played an important role in Christian thought from the beginning. The word ‘„state’ did indeed first appear at the beginning of the sixteenth century in the Renaissance states of upper Italy to designate the political commonwealth, but later became established in all European languages. The term ‘nation’, which means the people rooted in the inherited traditions as bearer of a particular cultural idea, is older. In the thirteenth century, Thomas Aquinas called Western Christianity a *grandis natio* (*Opusculum* 57). ‘Fatherland’ signifies a common homeland, descent, language, culture, and history. Love of one’s fatherland was shamefully abused by National Socialism and has fallen into disrepute. For decades it was almost taboo to speak of the fatherland. To a large extent, chiding of fatherland took the place of love of fatherland. The time has probably come to reflect anew on the Christian message concerning the relationship of man to the fatherland. The Second Vatican Council summons us to a „generous and loyal devotion“ to our fatherland (*Gaudium et spes*, 75). Love of fatherland is not a mere feeling, and even less chauvinism. It is more than obedience and loyalty. It is lively participation in the weal and woe of the people and is embedded in love for all peoples, which means being open to the „whole human family“ „without any narrowing of mind“ (*Gaudium et spes*, 75). Led by the goal of grounding the moral idea of the state, Christian social teaching discusses questions concerning the origin and tasks of the state, governmental authority and forms of the state, as well as the particular relationship of the Christian and the Church to the state.

⁷⁷ E. Troeltsch, *Politische Ethik und Christentum* (Berlin, 1904), 5f.

CHAPTER ONE: ORIGIN AND MEANING OF THE STATE

§ 1 The Multiplicity of Interpretations

1. Theocracy

The Origin and Meaning of the State according to the Theocratic Interpretation. The majestic power of the state has led again and again, as history teaches, to seeing something divine in the state. Here two forms of theocratic thought about the state can be distinguished:

a) Ruler worship saw in the king as the representative of the state the bodily appearance of God on earth. After the Syrian King Antiochus had himself glorified as ‘savior’ (soter) and ‘manifestation of God’ (epiphanes) two centuries before Christ, state and emperor worship became widespread in the ancient world. In the Asia Minor city of Priene, an inscription from the ninth century A.D. was found in which it says that the Emperor Augustus has proclaimed the ‘gospel’ and brought ‘salvation’ to man. Since the death of Augustus, the deceased Roman emperors were declared divine by decree of the senate. Domitian, Aurelian, and Diocletian had themselves called ‘lord and god’ (dominus et deus) even in their own lifetimes. According to the concepts of Incan state worship, the emperor of the Incan Empire too was not only the supreme political and military leader, but also the sun god who had become man and appeared on earth. His death meant a return home „to the house of his father, the sun.“

b) Whereas ruler worship fetched God from Heaven, as it were, and had him assume visible form in the person of the king, a second direction, which is usually called theocracy in a narrower sense, took governmental authority away from the state and bore it up to Heaven, as it were, which had as its consequence that only priests as the representatives of God were allowed to exercise governmental authority. Thus, for example, the Zealot party at the time of Christ rejected all independent political and governmental power. God alone exercised political and theocratic rule in Israel through the temple priesthood of Jerusalem. Whoever paid the phoros, the tax coin, to the Romans was tolerating mortal rulers next to God and thus betraying the God of Israel. A similar ideology was held by some jurists and theologians in the Middle Ages. Thus, for example, Aegidius Romanus († 1316) taught that „after the passion of Christ, there can no longer be any true state in which Christ does not reign as founder and ruler.“¹ Ultimately, all political power rests in the hands of the pope, who, of course, allows the affairs of government to be exercised by laymen, since otherwise the laymen would feel „completely discriminated against.“ In the works of Thomas Aquinas and the other leading theologians of the Middle Ages one will search in vain for such views. In the sixteenth century, Francisco de Vitoria poured derision upon the adherents of the theocratic theory: this is all sophistry (omnino est sophisticum); it was not God who gave the pope alleged rule of the world, but the Curial jurists, although the latter were „quite poor in property and mind.“²

2. The Ideology of Power.

In the modern era, the theocratic theory has been supplanted by power ideology as an interpretation of the state which sets out from the principle that the right of the stronger is the ‘oldest of all laws’.

a) In terms of the history of ideas, it was the Florentine Niccolò Machiavelli (1469-1527) who exercised the most lasting influence. Behind his theory there stands a fundamentally pessimistic image of man: „In general, one can say that people are ungrateful, inconstant, and hypocritical, filled with fear of danger and greed for gain.“ Only a powerful prince is able to force self-seeking people to order. The prince must therefore exercise his power unscrupulously

¹ Aegidius Romanus, De ecclesiastica potestate (Weimar, 1929), 73.

² Relectio prior de potestate Ecclesiae, ed. Getino (Madrid, 1934), II:66

without any thought as to whether it is „just or unjust, mild or cruel, praiseworthy or blame-worthy.“ The principle of „reason of state“ (ragione di stato) demands that everything that serves power must be carried through to its logical conclusion. The more a prince is able to play the sly fox, i.e., the better he masters the art „of presenting himself ‘as if’ and presenting himself ‘as if not’, the more his means will be considered by all to be honorable and praiseworthy“; for only appearance and success impress the rabble, „and in the world there is only rabble.“³

b) The ‘ideology of power’ has been taken up by modern sociologists. Thus, for example, Franz Oppenheimer (*Der Staat*, 1923), explains that to the two primal forces which impel all life onwards and upwards, hunger (self-preservation) and love (preservation of the species), a third was added in the earliest social structures: the drive for recognition and power. Man then realized that power presupposes wealth and that one can acquire earthly goods in two ways: either through one’s own work and thus through an economical means of acquisition, or through the violent appropriation of another’s work, i.e., through a political means of acquisition. The farming tribes that lived in the fruitful lowlands availed themselves of their own work for their sustenance; the warlike herdsman dwelling on the pasture lands, however, preferred to make use of the ‘political means’ by descending upon the indigenous farmers, robbing them, and killing them. „The mainspring of all history“ and the „originating cause of all states“ is the „opposition between farmers and herdsman, between workers and robbers, between lowlands and pasture lands.“ The first stage is robbery and murder: „The smaller, but tight and mobile force (of the herdsman) is almost always victorious over the larger, splintered mass (of the farmers), as is the panther over the buffalo.“ But it soon begins to dawn upon the wild herdsman that a slain farmer can no longer plow and sow. They then allow him to live and even defend him against other nomadic tribes: „From the two original ethnic groups, who are different in blood and often enough different in language and different in race“, there comes to be „one people with one language, one set of mores, and one national feeling.“ The two groups „penetrate each other, mix with one another, and fuse in customs and mores, language and worship, into a single unity.“ That is the development „of the formation of the state in every sense.“

c) Leopold von Wiese sets out from similar considerations. Following Vojtech Tuka, he distinguishes the „carnine“ (Latin: caro) and the „domine“ (Latin: domus) social systems. At the early stage of „carninity,“ blood relation was an „adequate cement within the clan and tribe.“ The „possibility of a longer existence for a system approaching the pure type of the carnine order“ was, however, only slight, since this system could maintain itself only „in spatial isolation and with slight population increase.“ War must be designated as the „most important disintegrating factor“: „robbery, conquest, fighting on all sides.“ At first, the victors exterminated the vanquished, but soon recognized that it is more advantageous to force the defeated into their service. From this kind of warfare there arose ‘the office of chieftain’, the kingship, and thus the state. The ruler bestowed plots of land upon his followers at arms, and in this way „the firmly established house of stone or wood“ become the centre of the „domine“ social system.⁴

d) The Marxist-Bolshevist theory of the state rests upon a power-ideology interpretation mixed with historical materialism. After the period of primitive communism, it is explained, the state arose simultaneously with private property as the instrument of suppression and exploitation of the oppressed classes. After the victory of socialism, the state will at first continue to exist as the „dictatorship of the proletariat,“ which, according to Lenin, „is an iron

³ Il Principe, chap. 18.

⁴ L. v. Wiese, *Gesellschaftliche Stände und Klassen* (Munich, 1950), 12ff.

power that acts with revolutionary boldness and speed and is merciless in the oppression of both the exploiters and the ‘rowdies’. Only with the beginning of the final communist stage will the state disappear: „The administration of things and the management of production processes will take the place of government over persons. The state will not be abolished; it will die out.“⁵

3. The Enlightenment Individualist Interpretation of the State.

The Enlightenment philosophy of the seventeenth and eighteenth centuries, which pushed the autonomous individual into the centre, saw in the state, as in other social structures, a merely utilitarian organization. People put an end, so it was taught, to their original stateless condition through a state-founding contract out of considerations of utility. Two interpretive attempts, which stem from Enlightenment individualism, but, of course, are very different in their results and conclusions, should be high-lighted:

a) Thomas Hobbes

The doctrine of the state in Thomas Hobbes (1588-1679) is grounded in his individualist anthropology. To the doctrine of Western social philosophy, which he rejects as „certainly false,“ that man is by nature a „social being,“ Hobbes opposes the proposition that the „natural state“ of man is the „war of all against all“ (*bellum omnium in omnes*). Hobbes takes up the saying of the Roman comedy-writer Titus Maccius Plautus († 184 B.C.) and calls man „a wolf to man“ (*homo homini lupus*). He was allegedly permitted in the natural state „to do what he wanted and against whom he wanted.“ Nevertheless, reason demanded the end of this state, which could only lead to the demise of all, through a pact of union (*pactum unionis*) which every individual had to conclude with every other individual. At the same time, each one renounced his or her freedom with respect to every other and vested it in a third party who thus became the absolute ruler: „The essence of the state consists in this union or subjection“; for „the state arises when people voluntarily come together and the individuals enter upon contractual obligations with one another to the effect that all shall obey the one on whom the majority confers by its resolve the right of representation of all“ (*pactum subiec-tionis*). Hobbes consequently opposes the Catholic faith which requires „obedience to still others“ (the pope and bishops): „For this reason, I hereby grant the highest governmental authority the right to decide whether certain doctrines are incompatible with the obedience of citizens or not, and in the affirmative case to forbid their dissemination.“

Leviathan, in which Hobbes presented his doctrine of the state, became the Magna Carta of princely absolutism. At the time of the National Socialist dictatorship, Carl Schmitt called „across the centuries“ to Hobbes: Non jam frustra doces, Thomas Hobbes. (You have not taught in vain, Thomas Hobbes“) Leviathan is „a great sign of the restoration of vital force and of political unity“; it „opposed the rational unity of an unambiguous power capable of effective protection to the medieval pluralism and the claims to power of the churches and other indirect authorities.“⁶ On February 20, 1946, however, Pius XII asked whether the state had come so far as „to renounce its mission as the protector of right in order to become the Leviathan of the Old Testament which rules everything because it wants to seize virtually everything for itself?“

b) Jean Jacques Rousseau

Jean Jacques Rousseau (1712-1778), from whom the French Revolution took its models and slogans, sets out from the thesis, similarly to Hobbes, that people concluded a state-founding contract in order to escape from the general insecurity of the original state: „Since no one had power over his fellows by nature and since might does not make right, nothing remains except

⁵ F. Engels, Die Entwicklung des Sozialismus von der Utopie zur Wissenschaft (Berlin, 1946), 42.

⁶ C. Schmitt, Der Leviathan in der Staatslehre des Thomas Hobbes (Hamburg, 1938), 132.

an agreement; every lawful power is also founded upon this.“ The status of man was, of course, changed thereby, since civil freedom took the place of natural freedom. With the state-founding contract, Rousseau thinks, there emerged a general will of the people (*volonté générale*) which is to be distinguished both from the subjective aims of individual people and from the sum of individual wills and, as a pure moral consciousness, represents the „better self“ that shows itself when the passions are silent.

The effect of Rousseau was enormous. He not only pointed the way to the French Revolution, but also contributed decisively to the founding of the Western type of free democracy. Although the historical consequences of the doctrines of the state advanced by Hobbes on the one hand and by Rousseau on the other were very different, the systems of both thinkers are nevertheless ultimately rooted in the individualist philosophy of the Enlightenment.

§ 2 Origin and Meaning of the State According to Christian Social Teaching

The statements of Christian social teaching on the state are of both a socio-theological and a socio-philosophical nature.

1. The Socio-Theological Interpretation

This interpretation can be summarized in six propositions:

a) *The state is not the ‘presence of God’.* The intention of Holy Scripture is emphatic in applying the divinizing terms of ruler worship (*soter* and *epiphanes*) to Christ. It is not the emperor who is the savior and the appearance of God among us, but Christ: we are called to salvation „through the appearance (epiphany) of our savior“ Christ Jesus (2 Tim 1:10). The faithful are exhorted to pray for the kings, not to them: „Prayer of this kind is good, and God our savior is pleased with it“ (1 Tim 2:3).

b) *The theocratic interpretation of the state contradicts Scripture.* The words of the Lord, „Give to Caesar what is Caesar’s, but give to God what is God’s“ (Mk 12:17), express neither contempt for the state, to which, „for all I care,“ one can give what it demands, nor the theocratic subordination of the state to the ecclesiastical hierarchy. The question of the Pharisees was: Who is right, the Hellenistic pagans who deify the state or the Zealot party which delivers up the state to the temple priesthood? The neither-nor of Christ’s answer rejects deification of the state as well as theocracy and recognizes state autonomy.

c) The power of coercion vested in the state belongs to the age between the Fall and the return of the Lord. In the coming kingdom of God, the state will exist just as little as the natural-law institutions of marriage and property.

d) The origin of the state’s power of coercion and penal authority has its foundation in sin insofar as fallen humanity requires the order of the state against lawbreakers and malicious persons: „Rulers cause no fear when a man does what is right but only when his conduct is evil. Do you wish to be free from the fear of authority? Do what is right and you will gain its approval, for the ruler is God’s servant to work for your good. Only if you do wrong ought you to be afraid. It is not without purpose that the ruler carries the sword; he is God’s servant, to inflict his avenging wrath upon the wrongdoer“ (Rom 13:3-4).

e) Even if the state’s power of coercion is conditioned by sin, the state does not have its origin in Satan, the prince of sin, but in God: „Let everyone obey the authorities that are over him, for there is no authority except from God, and all authority that exists is established by God. As a consequence, the man who opposes authority rebels against the ordinance of God; those who resist thus shall draw condemnation down upon themselves“ (Rom 13:1-2).

f) Even if Scripture does recognize the importance and dignity of the state, it points out with great earnestness that the state can degenerate into an ungodly power. At the end of time, the „false prophet,“ the „beast come up out of the earth,“ will abuse political power for the purpose of terror: „It forced all men, small and great, rich and poor, slave and free, to accept a stamped image on their right hand or their forehead. Moreover, it did not allow a man to buy or sell anything unless he was first marked with the name of the beast or with the number that stood for its name“ (Rev 13:16-17). The idolization of the state is a real possibility in the absolute state; its biblical attribute is the „mouth for uttering proud boasts and blasphemies“ (Rev 13:5).

Protestant social teaching, which, in contradistinction to the Catholic conception, understands itself exclusively as social theology and therefore rejects social philosophy, has in the course of history been very full of tensions and non-uniform in its statements. This fact is explained by the differences in starting point: Luther's doctrine of the two kingdoms, Calvin's Christocracy, the old-Lutheran doctrine of government, the doctrine of the orders of preservation, and so on. Whereas Protestant social ethics today sees a temporally conditioned expedient in Luther's doctrine of the supreme ecclesiastical authority of the regional sovereign, which must be considered antiquated in modern secularized society, it recognizes two things in Luther's doctrine of the state that are still important for our times: first, the interpretation of the state as a divine order of preservation („to work for your good“ [Rom 13:4]); second, the doctrine that state authorities are „officials of God“ and „masks of God“ behind which „God secretly rules the world.“ By asserting these doctrines, Protestants do not overlook, however, that the governmental authority can become an accessory to evil instead of preventing evil.

2. The Socio-Philosophical Interpretation

From a socio-philosophical point of view, the state is the highest social form of a people, grounded in natural law, serving the perfection of its earthly well-being, and resting on might and right. For a more detailed interpretation of this statement, Christian social teaching sets out from the following considerations:

a) By his own power, man cannot „fully cultivate and develop all his faculties unto the praise and glory of his Creator“ (Quadragesimo anno, ll8). And since it is not self-sufficient, the family can in no way master all the necessities of life either. Numerous other communities are also necessary. We are therefore faced with a sheerly incalculable number of closely connected individuals - families, communities, companies, cultural institutions, and so on - whose multiple relations must be permeated by law, order, and security. For the fulfillment of this task, there is required at the top a secular social structure which, based on might and right, guarantees earthly well-being as the supreme expression and highest guardian of the common good in the best possible way. As this supreme social structure, the state should create the totality of presuppositions for a fruitful development of the individual, of smaller social circles, and of the entire society. State and society are thus not separate, but distinct. The dualism of state and society guarantees the freedom of man and the development of cultural domains. It protects us from the totalitarian power of the collective.

b) As soon as the consciousness of political solidarity unites the people living in a given area (for instance, in a newly settled country), they form the corpus mysticum of the state, whereas an unordered mass of people „without physical and moral unity“ is not yet a corpus politicum.⁷ This consciousness of solidarity is indeed a spiritual and not a blind biological drive, but does not presuppose an explicit contract in order for the state to emerge. In this sense, the state is not a „human work,“ but „nature.“⁸ It is here that the essential difference between the

⁷ F. Suarez, De Legibus, III, c. 2, n. 4.

⁸ F. de Vitoria, De potestate civili (Getino), II:179

Christian philosophy of the state, as presented particularly by the great Spanish theologians of the sixteenth century, and the individualist contract theory of a Hobbes or Rousseau shows itself.

c) When a social structure fulfils the conditions that must be set for a supreme guardian of the common good, this will depend to a large extent on the prevailing social, political, and economic conditions. The mere name does not constitute a state. In ancient Greece, the polis may have been a ‘state’ in the full sense. Today it is a legitimate question whether the traditional national states of Europe are still able to exercise the functions of the supreme guarantor of the common good by their own power. Economically, politically, and militarily, these states are so dependent on each other, not least as the result of technological and worldpolitical developments, that the highest and most vitally important matters of the common good can only be dealt with in common.

The decisive question is which spiritual forces will determine the face of a federally united Europe. A purely technocratic Europe would have no permanence. The culture of Europe, into which Greek, Roman, Germanic, Celtic, and Slavic elements have been integrated through Christianity, is grounded in respect for the dignity of man as well as in the recognition of personal freedom of decision and creation. Christianity must remain the soul of Europe in the future also.

d) Citizens are, on the one hand, bearers of the life of the state and, on the other hand, ‘subjects’. As a consequence of the high population figure and the great population density, and as a consequence of the growing social intertwining this produces, institutionalization is expanding more and more in large modern states, so that many people experience the state almost exclusively as an institution and power association, but hardly at all as an association of persons. Christian social teaching emphasizes both features of the state, but lays decisive weight upon the citizens’ consciousness of responsibility.

e) Since the state has its foundation in human nature, it ultimately has its origin in God, the creator of nature: „That which unites men so that they live in society is the law of nature, or more correctly, the Will of God, the author of nature“⁹.

CHAPTER TWO: GOVERNMENTAL AUTHORITY

§ 1 The Natural-Law Character of Governmental Authority

1. According to the Christian understanding, governmental authority accompanies the state by nature „even against the will of the citizens.“¹⁰ Without a centralized state authority ordering things towards the common good, the realization of the end of the state is impossible, „since individuals always pursue their own private advantage, which often stands in contradiction to the common good.“¹¹

2. Since the state is the highest guardian of the common good, its authority must be centralized, comprehensive, sovereign, and coercive. It is, of course, contradictory to Christian thought to see in the state a power that is fully unlimited both intrinsically and extrinsically and even illimitable. According to the Christian understanding, there is - outside Hell - no ‘totally closed’ society. The state may not fall prey to that intolerant exclusivity leading to terror and war which knows neither God, nor neighbor, nor human dignity. It must rather be

⁹ Leo XIII, *Diuturnum illud*

¹⁰ Francisco de Vitoria, op. cit. (*Getino*), II:188

¹¹ Francisco Suárez, *De Legibus*, III, c. 3, n. 4.

„open“ for the way of life of individual people and smaller social circles, for the right to life of other nations, and especially for that order which stands above all states because it is given by God.

For years, a dangerous confusion in convictions about moral value has been spreading in many states. There is, of course, a legitimate pluralism in, for example, the realm of foreign policy, economic policy, and social policy. Social groups and political parties will frequently be of different opinions here without the common profession of the fundamental moral values being thereby shaken. A state, however, that recognizes no fundamental moral values, but is willing to content itself with a merely functional external order, would collapse.

§ 2 Holder of Governmental Authority

1. The Nation as Original Holder of Governmental Authority

According to the Christian understanding, God is the author of all power and authority, from which it follows that the Christian doctrine of the state is far from in any way casting suspicion on governmental authority, as, for instance, was the case with the *égalité*-slogan of the French Revolution, which imagined a society of equal brothers without a father. Many would like to draw the conclusion from this basic authority-affirming attitude that Christian social teaching embraces an obstinate, right-wing conservatism and sees only in a monarchy resting on God's grace the form of government appropriate to it. This assumption is erroneous, since political freedom in the Catholic doctrine of the state occupies a surprisingly large place. This can be seen especially in the teaching on the original holder of governmental authority, which can be summarized in two statements:

- a) According to the Catholic conception, as held by the great sixteenth-century Spanish professors of natural law in particular, governmental authority originally rests in the nation as a whole, i.e., not in individual people *per se*, nor in the masses, but in the politically unified nation as a state.
- b) Since governmental authority cannot be exercised well „by the multitude itself“, its administration must be conferred on „one or more“, from which the different forms of government result.¹² The government thus receives its authority immediately from the nation as a whole; for, as Francisco de Vitoria explains, the national community transfers „not some other power, but its own authority to the king.“¹³ „The authority that the prince holds,“ Domingo Bañez explains, „comes entirely from the people...And therein it distinguishes itself from spiritual authority such as the pope possesses; for the spiritual authority of the pope is immediately from God, whereas the temporal power of princes is immediately from the nation as a whole...and that is the unanimous teaching of the students of St. Thomas. From this it follows in turn that the prince does not have a greater power than the nation as a whole, but one that is the same; for the latter transfers its authority to him.“¹⁴ Theologians add that, when it is transferred to princes, governmental authority remains rooted in the nation as a whole as the original holder. If the prince degenerates into a tyrant, the people are thereby justified in taking the governmental authority back to themselves and in deposing the prince. On October 2, 1945, Pius XII also professed this liberal and fundamentally democratic conception of the state which „prominent Christian thinkers at all times“ have held.

¹² Francisco de Vitoria, op. cit. (Getino), II:183f.

¹³ Ibid., 187.

¹⁴ D. Bañez, Scholastica Commentaria in IIa IIae (Duaci, 1915), III:524.

2. Objection to the Doctrine of the Nation as Original Holder of Governmental Authority

Otto von Gierke reproached the Spanish theologians of the sixteenth century with having worked as „the most zealous opponents of the Reformation...with all the weapons of the spirit to put a purely worldly construction on the state and the right to rule.“¹⁵ They thereby took from the state, Wilhelm Windelband adds, „its higher authority and, to a certain extent, its metaphysical roots.“¹⁶ In reality, the Catholic doctrine of the state clearly distinguishes between the natural and supernatural order and seeks at the same time to protect the freedom of man from every pseudoreligious and mystical veil enshrouding the state and its authority. Incidentally, the conception of the great Spanish theologians is essentially different from the contract theory of the Enlightenment, since, according to the Christian understanding, governmental authority does not rest on arbitrary human agreements, but is grounded in natural law: „Thus, just as we say that the authority of the people as a state is anchored in God and the natural law, so we must say exactly the same of royal authority,“ which is ultimately a work of God and not a work of man (Francisco de Vitoria).¹⁷

It was asserted a few decades ago, especially by Heinrich Schrörs, that the teaching of the Spanish theologians concerning the origin of governmental power was condemned by Leo XIII; Leo allegedly declared that the princes received their authority directly and not indirectly from God. This objection is not justified. Leo XIII was objecting to Rousseau and did not employ the terms ‘directly’ and ‘indirectly’ at all.

3. The Historical Conditionedness of the Form of Government

It follows from the foregoing considerations that the Christian doctrine of the state is not tied to any given form of government. Of course, every form of government stands under the law of the common good. Which form of government merits preference at a given time and under given conditions is to a large extent historically conditioned. Democracy seems to correspond best to the awareness of life and way of thinking of modern man, although a life worthy of man is also possible under other forms of government, for example, a monarchy. It would, however, be disastrous to distort the democratic principle as a utopian, pseudoreligious messianism, instead of applying it in an objective, sober manner. In this question, the exhortation of Leo XIII should be taken to heart as a matter of principle: „In matters purely political, as for instance, the best form of government, and this or that system of administration, a difference of opinion is lawful. People therefore cannot be accounted as bad men because they disagree as to the subjects We have mentioned; and still graver wrong will be done them, if - as We have more than once perceived with regret - they are accused of violating, or of wavering in, the Catholic faith“¹⁸.

Experience with the totalitarian ideologies of Fascism, National Socialism and Marxist Socialism has increasingly led the Church to advocate constitutional democracy. This was already manifest in various speeches by Pius XII during the Second World War and emerged fully in the encyclical „Pacem in terris“ (1963) or the Pastoral Constitution of the Second Vatican Council „Gaudium et spes“ (1964). Based on the principle that it is always the individual who is to be regarded as the „source, the centre, and the purpose of all economic and social life“ (63.1), more recent Church teachings on social ethics clearly opt for a political system based on freedom and the rule of law¹⁹.

¹⁵ O. v. Gierke, Joh. Althusius und die Entwicklung der naturrechtlichen Staatstheorien, 3rd ed. (Breslau, 1913), 65.

¹⁶ Lehrbuch der Geschichte der Philosophie, 13th ed. (Tübingen, 1935), 359.

¹⁷ Op. cit., (Getino), II:187.

¹⁸ Encyclical Immortale Dei; Cf. also Gaudium et spes, 43, 75, 92

¹⁹ Cf. in particular „Pacem in terris“ 60-79; „Gaudium et spes“ 31.3; 73-75

The subject of Church and democracy had already received the most extensive treatment in Paul VI's apostolic letter „Octogesima adveniens“ (1971) before „Sollicitudo rei socialis“ and „Centesimus annus“; the Church's social teaching „does not intervene to authenticate a given structure or to propose a ready-made model, it does not thereby limit itself to recalling general principles“ (42). This general statement is explained in the light of the Church's position on I democracy; „Octogesima adveniens“ speaks of „the aspiration to equality and the aspiration to participation „(22) as „two forms of man's dignity.“ It draws the conclusion; „The two aspirations, to equality and to participation, seek to promote a democratic type of society. Various models are proposed, some are tried out, none of them gives complete satisfaction, and the search goes on between ideological and pragmatic tendencies.“(24)

The direction is thus clear; Though there are different possibilities for different democratic systems to ensure equality and participation in keeping with the Church's concept of human dignity, the system sought should definitely be a democratic one.

All of these postulations contain the qualification that whatever system of government is chosen it must „take account of the prevailing circumstances and the condition of the people; and these are things which vary in different places and at different times“ (Pacem in terris 68, see also Gaudium et spes 31.2; 74.5) This qualification takes account of specific historical obstacles on the road to democracy, albeit without losing sight of the objective. Thus it offers no alibi for the slow progress towards democracy in some developing countries, or for a transitional period in which to legitimize 'development dictatorships'. In „Sollicitudo rei socialis“ and „Centesimus annus“ John Paul I thoroughly denounces such justifications. He perceives in the lack of democratic conditions one of the main reasons for underdevelopment and therefore declares that certain countries „need to reform certain unjust structures and in particular their political institutions, in order to replace corrupt, dictatorial and authoritarian forms of government by democratic and participatory ones „, to be more specific, „the participation of all citizens in public affairs „, „the rule of law „, and“ respect for and promotion of human rights“; all this is, he said, „the necessary condition and sure guarantee for the development of 'the whole individual and of all people' „ („Sollicitudo rei socialis“, 44,4).

To sum it up in the words of „Centesimus annus“; „The Church values the democratic system inasmuch as it ensures the participation of citizens in making political choices, guarantees to the governed the possibility of both of electing and holding accountable those who govern them, and of replacing them through peaceful means when appropriate. Thus she cannot encourage the formation of narrow ruling groups which usurp the power of the State for individual interests or for ideological ends“ (46.1).

This of course does not apply to everything that is called 'democracy' but only to the „authentic democracy“ which „is possible only in a State ruled by law, and on the basis of a correct conception of the human person.“ This means that the Church dissociates itself from the assertion that „agnosticism and skeptical relativism are the philosophy and the basic attitude which correspond to democratic forms of political life“ (46,2). For „freedom attains its full development only by accepting the truth. In a world without truth, freedom loses its foundation and man is exposed to the violence of passion and to manipulation, both open and hidden (46.4) The 'authentic' democracy and thus one approved by the Church is only possible on the basis of hyperpositive, pre-state and inalienable „human rights .“ Therefore it is „necessary for peoples. ..to give democracy an authentic and solid foundation through the explicit recognition of those rights“(47.1)

§ 3 Rights and Duties of Governmental Authority

The field of the governmental authority's duties in legislation, administration, and dispensation of justice is defined by the end of the state, which consists in the creation of the presuppositions for a prosperous development of the individual, smaller social circles, and society as a whole. The following belong to the essential tasks of the governmental authority: external defense and, in general, an honest and just foreign policy; the construction and preservation of a legal system, which must take shape in the state constitution, in the economic constitution, in private law, in penal law, and so on; a just administration and dispensation of justice, as well as care for the public welfare. With respect to the lattermost, it must be emphasized that not only must material welfare be fostered through economic and social policy, but that immaterial welfare is to be cared for also, the characteristics which are above all the realization of social justice, a popular education building on moral values, a superior culture and science, a model health system, as well as the preservation of the freedoms of conscience and religion. Today, terrorism, which fights against the 'prevailing system' with fanatical zeal, threatens the security of states. It ruthlessly seeks to realize the ideology of a 'new society'. But it is easier to say how things should not be in a social order than to say how they should be.

In the following, three important problems are to be treated which are the subject of lively discussion today: the right of the state to levy taxes, the right of the state to impose the death penalty, and the right of the state to wage war.

1. The right to levy taxes,

Concerning *the right to levy taxes*, Christian social teaching advances three principles:

a) The right of the state to impose taxes is grounded in the common good, which cannot be realized without the citizens' willingness to sacrifice. The closely intertwined nature of modern society and the critical development of social and political conditions since the beginning of the industrial age have caused the financial needs of the state to increase enormously. Different theories have been advanced on the highest limit of taxation permissible. Some take the view that the only justified tax rate is the biblical tithe; others assert that a tax rate of fourteen per cent such as was in force in Italy before the First World War is „almost excessive“ (Arthur Vermeersch, S.J.); still others declare that the limit of an economically bearable tax burden lies at twenty-five per cent of the social product (Colin Clark). All these statements are disputable, since it is impossible to fix a maximum figure for taxes *a priori*. According to the principles of social justice, the extent of the tax burden is determined by the current requirements of the common good. The effects of very high taxes must, of course, be taken into consideration in the process. Confiscatory taxes which seize all rewards of business initiative have a paralyzing effect, inhibit capital formation, and discourage foreign capital. Demoralization also becomes a threat, since very high taxes lead to falsifications and lies (tax evasion).

b) The tax burden is to be distributed according to the citizens' ability to pay. It corresponds to the principle of distributive justice that the tax rate increase in a greater proportion than the increasing value of the taxable object in accordance with the principle of tax progression. But care must be taken here that personal initiative is not undermined. However, experience teaches that, in view of the complicated market conditions in modern society, it is not easy to realize the principle of distributive justice in the tax system. On the one hand, the different strata of the population are not taxable in the same way; it is easier, for example, to collect taxes from real estate property and from wage and salary earners than from the self-employed. On the other hand, the intended burden is more or less frustrated through the passing on of taxes. For whether taxes are passed on depends not only on the legislator, but also on those who currently hold positions of power in the markets. There are, of course, taxes which, in

accordance with the will of the legislator, are supposed to be passed on to the consumers such as the tobacco tax. For other taxes, however, such as the income tax, immediate aid, and the equalization of burdens, this does not hold. Here tax theory and tax policy have the task of examining concrete conditions and eliminating insofar as possible any abuses that have arisen.

c) Tax laws are binding in conscience. The high amount of taxes, their anonymity, the lack of an obvious return, the complicated procedures of tax shifting, and not least the spread of that attitude that is usually called „marginal morality“ have caused tax morality to sink considerably. Tax evasion, many say, has become so universal that the one who does not join in is in danger of succumbing in the competitive struggle. In opposition to this attitude, Christian social teaching emphasizes that the duty to pay taxes is a duty of conscience: „Pay each one his due: taxes to whom taxes are due; toll to whom toll is due; respect and honor to everyone who deserves them“ (Rom 13:7). The opinion held by many theologians as probable that tax laws are mere penal laws which are not binding in conscience is untenable. The one who evades excise taxes collected from the buyer is also liable to pay compensation. The liability to pay compensation is likewise given whenever the evasion of just taxes leads to an even greater burden for others. If the citizens consider the tax laws to be in need of improvement, the solution does not lie in tax evasion, but in a tax reform to be striven for in a democratic way. The citizen should also consider that high taxes are conditioned by the urgent tasks of the state and that the state may possibly be confronted with the dilemma of either imposing high taxes or pursuing an inflationary policy, and the latter course would without a doubt be much more ruinous for the common good. Therefore, the Second Vatican Council rightly calls tax evasion fraud (Cf. *Gaudium et spes*, 30).

2. The Right to impose the Death Penalty

The right of the governmental authority to execute a criminal through the enforcement of a non-appealable sentence was, apart from a few Church Fathers and the Waldensians, undisputed in the West up until the Enlightenment. Today, the discussion about the death penalty is exceedingly lively. Some passionately reject the death penalty. The arguments advanced include the following: No human institution has the right to dispose of a human life, which God has reserved for himself. Nor should any judge arrogate to himself the decision whether someone has incurred a guilt deserving of death. Crimes are frequently conditioned by social conditions, so that a good social policy is the best criminal policy. As a remnant of medieval corporal and capital punishment, the death penalty contradicts the modern idea of humanity and must be rejected in consideration of possible judicial murders. The frequently advanced opinion that the threat of the death penalty acts as a deterrent to crime is refuted by experience. For the rest, lifelong imprisonment can protect society from the further encroachments of criminals.

Others consider the death penalty necessary in modern society also: Holy Scripture and the theological tradition have unambiguously taught that the governmental authority is entitled to use the executioner's sword. Through the death penalty, the sanctity of the divine order, which criminals have violated in the most grievous way, is forcibly and effectively recognized and restored. Elimination of the death penalty also poses a threat to the lives of the prison guards, since the murder of a guard cannot bring an increased sentence to one condemned for life, but may bring the possibility of escape. Incidentally, many criminals have converted in the face of death, whereas a long penitentiary life wears people down and is in no way a favorable ‘time of salvation’.

Christian social teaching advances three principles concerning the governmental authority's right of the sword:

a) *The state and only the state is lawfully entitled to pass and execute the death sentence as a punishment for serious crimes.* The teaching of Holy Scripture is unambiguous: „If anyone

sheds the blood of man, by man shall his blood be shed“ (Gen 9:6). „It is not without purpose that the ruler carries the sword; he is God’s servant, to inflict his avenging wrath upon the wrongdoer“ (Rom 13:4). The Church’s Magisterium has indeed fought against blood vengeance, but nevertheless recognized the governmental authority’s right of the sword. Pope Innocent III (1198-1216) prescribed the following declaration to the Waldensians: „We declare that the governmental authority can impose the death penalty without serious sin, presupposing that this penalty is imposed, not out of hate, but on the basis of judgment, not arbitrarily, but after mature reflection.“ On September 13, 1952, Pius XII declared that it is reserved to the public authority „to deprive the condemned of their lives as reparation for their crimes after they have already forfeited their right to life through their crimes.“

b) *The state’s right of the sword is a forceful recognition of the inviolability of the highest human goods, particularly of human life.* The sanctity of the divine order is proved ‘mighty’ even in this age by the death penalty. The death penalty is an act of self-defense on the part of the state. Its justification is ultimately grounded in the fact that the common good cannot be preserved in any other way.

c) The right of the state to impose the death penalty does not imply that the state is not allowed to renounce the exercise of this right. Whether the state can renounce the imposition of the death penalty depends on the prevailing conditions, i.e., on the needs of the common good as occasioned by these conditions. Since the modern state generally disposes of a ready police force and safe prisons, there are more reasons today for the renunciation of the death penalty than in the Middle Ages. But here, of course, it must be considered that dangerous criminals are not infrequently freed by their accomplices through kidnapping and the seizure of hostages and then continue their evil deeds.

3. War and Peace.

The teaching of the Catholic theological tradition on war is fundamentally a doctrine of peace.

a) Christian tradition on war and peace

In terms of the history of ideas, the most influential compilation of medieval teaching on war and peace is found in Gratian’s Decree (1139-1142). Here one finds the discussion of the Old Testament ethics of war. Here the relevant passages of the New Testament are cited. Here the Church Fathers and the popes find a hearing. Here one perceives above all what a dominating influence Augustine exercised on the doctrine of war and peace. Gratian adduces these words of Augustine: „Were Christian doctrine to place all wars under sin, the gospel would have answered those soldiers who asked for counsel concerning the salvation of their souls that they should throw away their weapons and withdraw entirely from active duty. But it was said to them: ‘Practice violence and deceit on no one, and be content with your pay.’“²⁰

For Gratian, the words of Augustine are the decisive statement on just war: those wars are just „that avenge injustice.“²¹ As in the case of the death penalty, it is ultimately a question of self-defense.

Thomas Aquinas took up the ethics of war from the Gratian Decree and brought it into a systematic order. Three conditions, he writes, must be fulfilled in order for a war to be just. First, only the rightful governmental authority is entitled to wage war. Private wars, i.e., wars between intranational groups, are not allowed. Second, there must be a just cause for war, namely, the unjust conduct of the opponent. Third, a war may only be waged with the right attitude, namely, intending „the advancement of good, or the avoidance of evil.“ As St. Augustine correctly explained: „The passion for inflicting harm, the cruel thirst for venge-

²⁰ Decretum Gratiani (Venice, 1615), Pars II, Causa XXIII, qu. 1, c. 2 „Paratus,“ pag. 1209.

²¹ Ibid., Causa XXIII, qu. 2, c. 2 „Dominus noster,“ pag. 1208.

ance, an unpacific and relentless spirit, the fever of revolt, the lust for power, and such like things, all these are rightly condemned in war.“ Whoever wages war with such an intention incurs serious guilt, even if the war was begun with a just cause.²²

It is a testimony to the authority of St. Thomas Aquinas that his three conditions for a just war were taken over by the theologians of later centuries. Theologians point out explicitly that a war „for the expansion of the kingdom“ and „for the glory of the prince,“ thus an imperialistic war of conquest, is a crime.²³

Whoever abuses the property or life of his citizens in order to become famous is, according to Francisco de Vitoria († 1546), not a king, but a tyrant.²⁴

Theologians were, of course, aware that the wars waged at that time were frequently, or usually, a violation of the Christian message of peace. With relish they tell a story that Augustine quoted in his *City of God from Cicero*²⁵ A pirate was once brought before Alexander the Great. „Alexander asked him why he was making the seas unsafe with his plundering. He answered with obstinate candor that he was doing it for the same reasons that Alexander was pursuing the whole world. ‘But,’ he continued, ‘because I do it with a small ship, they call me a robber. Because you, however, do the same thing with a mighty fleet, that is, with a multitude of nations, you are called Emperor. For there is no other difference between you and me except that I am compelled by need and you by limitless greed.’ Finally, Alexander died and was plunged into Hell with his plunder.“²⁶ „Who could count up all the evils,“ writes the Florentine Archbishop Antonym in the fifteenth century, „that wars entail! Plunder without end among friend and foe. So many rapes, adulteries, ravishments, and fornications!“²⁷ In the sixteenth century, Bartholomé de Las Casas designated the colonial war in America as „robbing, giving scandal, dragging men off to prison, tearing them to pieces, depopulating kingdoms, and making the Christian faith and the Christian religion a stinking refuse among the peaceful heathen.“²⁸

The traditional teaching on war and peace sought not to open the door to war, but to set limits to war. Jörg Fisch has demonstrated that the conclusion of a peace treaty in the Middle Ages was determined by the notions „guilt - repentance - forgiveness,“ which were expressed by words like ‘forgiveness’ and ‘pardon’. In the modern period, secularized terms such as „cancellation,“ „forgetting,“ and „amnesty“ have taken their place.²⁹ Another spirit speaks from the Christian tradition on war and peace than from the words of Heinrich Rogge that war is „a habit of the collective struggle which man has in common with some other (!) social animals.“³⁰

Carl Ph. G. von Clausewitz also erred when he thought at that time that the wars of modern, educated peoples are „much less cruel and destructive than the wars of earlier times.“³¹ The proclivity towards unscrupulous, extreme violence is inherent in war as such. The more ‘distant from God’ mankind becomes, the more cruel will be the forms that wars assume.

²² Thomas Aquinas, II-II, 40, 1, c.

²³ Cf., for instance, Francisco de Vitoria, *Relectio „De jure belli“* (Getino), II:398; and Luis de Molina, *De justitia et jure*, Tract. II, disp. 102, n. 2

²⁴ Op. cit., 399.

²⁵ The passage is found in Cicero, *De republica*, Lib. 3, and in Augustine, *De Civitas Dei*, Lib. 4, c. 4.

²⁶ The text is found in Antonin of Florence, *Summa theologiae*, Pars II, Tit. 1, c. 12, § 3.

²⁷ Ibid., Pars II, Tit. 7, c. 7, § 3.

²⁸ Bartholomé de Las Casas, *Disputatio Controversia con G. de Sepulveda*, Resp. ad obj. 4, p. 100.

²⁹ Jörg Fisch, *Krieg und Frieden im Friedensvertrag. Eine universalgeschichtliche Studie über Grundlagen und Formelemente des Friedensschlusses* (Stuttgart, 1981).

³⁰ Heinrich Rogge, *Nationale Friedenspolitik* (Berlin, 1934), 537.

³¹ Carl Ph. G. von Clausewitz, *Vom Kriege*, 9th ed. (Berlin-Leipzig, 1915), 4 (1st ed. 1832-1834). Lenin recommended that all party functionaries „thoroughly study“ this work.

b). War and Peace in the Nuclear Age

The stockpiles of nuclear, biological, and chemical weapons are continually increasing. Even if only a small circle of specialists are informed about the details, it is nevertheless certain that the weapons stored thus far are of an enormous number and destructive force. A normal atomic bomb with a one megaton explosive force, the experts say, tears open a crater ninety meters deep and 1,000 meters in diameter on sandy soil. Shock waves, heat waves, and radioactive radiation combine into an orgy of annihilation and lead through burns, organ lesions, and radioactive damage to the terrible death of innumerable people. Whereas the shock wave of a medium-sized atomic bomb has destructive effects within a radius of ten kilometers, the shock waves and heat waves of neutron weapons, which are manufactured, not as bombs, but as grenades or rockets, is relatively small. But the neutron radiation from these short-range weapons is all the stronger, inflicting an agonizing death, the throes of which last from one to fourteen days, upon people within a radius of a kilometer.

This threat is growing to unimaginable proportions, since more and more states are coming into possession of nuclear weapons. It is not only carefully considered and well prepared plans of attack that could lead to the outbreak of war, but also misunderstandings and irrational action. Further, one can think only with horror that unscrupulous despots, such as have appeared again and again in the course of history and have fascinated the masses, could take possession of nuclear weapons. „Let one only amass the suitable materials, and the demonic will infallibly take possession of man and run away with him,“ writes C. G. Jung³²

Nuclear ordnance depots are on the surface an expression of elemental political, economic, and ideological oppositions and interests; at bottom, however, they are a sign that the order of moral values has been shaken. Peace, said Pope John Paul II in Ireland on September 29, 1979, is the result of the observance „of ethical principles.“³³ In his message to the World Day of Peace 1981, the Pope sketched a sinister panorama of violations of the moral order: the stronger nations outrage the weaker ones. They make them politically, economically, and financially dependent. A given class or party arrogates the power to itself and oppresses the others. Terrorists lie in ambush to commit murder and spread fear and panic. Certain mass media seek to force people into psychological conformity. Wars arise, the Pope continues, through invasions, through ideological imperialism, through economic exploitation, and through other forms of injustice.³⁴ All these things generate deep mistrust among nations and fear of one another. The arms race does not end.

c) Three Disputable Theses

Recent discussions about war and peace have strayed in directions that do not lead to the desired end.

First, it does not serve peace if there is no objective grappling with the question under consideration, but instead a mere arousal of feelings. Such slogans whipping up emotions are: „Peace at any price!“ „Better red than dead!“ „Destroy whatever destroys you!“ „Create peace without weapons!“ „Unilateral disarmament!“

On December 8, 1967, Pope Paul VI said in his peace message: „One cannot establish peace on an empty flood of words, which may indeed meet with approval because it addresses a deep and genuine longing of man, but which can also serve, and unfortunately often has served, to hide the lack of a genuine spirit of peace and true intentions of peace or even to mask subversive intentions and actions or partisan interests.“ The Pope warns against the

³² C. G. Jung, Mensch und Seele, selections by J. Jacobi (Freiburg im Breisgau, 1971), 255.

³³ Dienst am Frieden, 214.

³⁴ The text of the peace message in the official gazette of the Archdiocese of Cologne, January 15, 1981, n. 18, pp. 21ff.

„guile of a purely tactical pacifism which narcotizes the opponent one wishes to overcome and kills the sense of justice, duty, and sacrifice in people’s minds.“³⁵

Second, it does not serve peace if the Sermon on the Mount is misinterpreted. The message of the Sermon on the Mount „left the people spellbound“ (Mt 7:28) even at that time. We too should be spellbound when we hear the words of Jesus: „Offer no resistance to injury. When a person strikes you on the right cheek, turn and offer him the other...Love your enemies, pray for your persecutors“ (Mt 5:39, 44).

Christian love „does not put on airs.“ „It is not self-seeking, it is not prone to anger; neither does it brood over injuries“ (1 Co 13:4-5). It does not avenge itself through reprisals, but is ready to renounce its own right and to tolerate injustice for the sake of reconciliation. Every Christian should be filled with this attitude; one should also urge it upon one’s neighbor. I am therefore not able to agree with Johann Baptist Metz when he says that the Christian „is not allowed to encourage the one who has been struck on the right cheek to hold out the left.“³⁶ The exhortation to reconciliation and to the renunciation of retaliation holds, not only for the individual Christian, but also for states. St. Augustine pointed out that „cruel vindictiveness“ and an „irreconcilable attitude“ are culpable even in war.³⁷ The case can arise where a state must renounce its legal claims for the sake of peace.

Jesus’ summons to reconciliation and to the renunciation of revenge does not, however, mean that law and order are abrogated. The individual person as well as the state can renounce this or that right, but may never deliver right itself and truth itself up to injustice and lies. When Jesus was struck on the face by the court attendant, he did not offer him his left cheek, but answered: „If I said anything wrong produce the evidence, but if I spoke the truth why hit me?“ (Jn 18:23). Another time „he made a (kind of) whip of cords“ and drove the traders „out of the temple area“ (Jn 2:15). That was no contradiction to the Sermon on the Mount. The governmental authority, which assures the common life of people through the order of law, is „established by God...It is not without purpose that the ruler carries the sword; he is God’s servant, to inflict his avenging wrath upon the wrongdoer“ (Rom 13:1, 4). The government is obligated to defend the life and freedom of its citizens against unjust aggressors. The Sermon on the Mount does not forbid that. Had the state of Israel been in existence during the last world war, and had the National Socialist army advanced against that country, Jewish soldiers would have had to defend the lives of their women and children and should have done so.

Third, it does not serve peace if the use of violence is recommended to revolutionary movements. Warlike acts of violence on the part of revolutionary movements have increased considerably in recent decades, especially in the Near East, in Ireland, in Latin America, and in Africa. Even if no new world war has broken out, local acts of war have nevertheless been so frequent that in the years 1945 to 1980 there were only sixty days on which there was no war in the world.³⁸

The demand of the traditional teaching, which does stand in the service of peace, that intranational authorities and movements, such as cities and provinces,³⁹ not wage war is being undermined.

³⁵ „Botschaft Papst Pauls VI. an alle Menschen guten Willens vom 8. Dezember 1967 mit der Aufforderung, künftig den 1. Januar auf der ganzen Welt als Tag des Friedens zu begehen,“ in: Dienst am Frieden, pp. 85, 87.

³⁶ Johann Baptist Metz, „Laudatio auf Ernesto Cardenal,“ in Hinweise für Öffentlichkeitsarbeit (Bundesministerium der Verteidigung, January 12, 1981), 12.

³⁷ Augustine, *Contra Faustum*, Lib. 22, c. 74.

³⁸ Cf. the French commission, *Justice et Paix*, „Le Monde entre deux Eres,“ in Überlegungen über Krieg und Frieden in der gegenwärtigen Zeit, February 20, 1980, p. 2.

³⁹ Cf., for instance, Luis de Molina, *De justitia et jure*, Tr. II, disp. 100, n. 14; Francisco Suárez, *Tractatus de Caritate*, III, 13, sect. 2, n. 2.

d). Ten Guiding Principles

The First Guiding Principle. War is not a „suitable and appropriate means of resolving international controversies.“ Just as little are „prestige“ and „national honor“ a just cause for war.⁴⁰ It contradicts the Christian message of peace to interpret war as a „proving of freedom and greatness“, as the „original means of getting things going and clearing out stagnation“,⁴¹ or as the „wonderful trinity“ of blind hate, ill-tempered twists of fate, and political calculation, „without there being any other barriers than those of the intrinsic counterweights.“⁴²

The Second Guiding Principle. „Peace is not merely the absence of war.“ It is rather the fruit of that order stemming from God „and actualized by men as they thirst after ever greater justice.“ And even more, it is „the fruit of love, which goes beyond what justice can provide.“⁴³ This understanding of peace presupposes a change of consciousness that will lead to a change of conditions. Recent history shows that this is possible. Obsessive belief in witches, slavery, and colonial rule have been progressively eliminated in the same way.

The way to a change of consciousness must be concrete. Here are a few indications: From childhood on, man must personally experience and become practiced in *being reconciled*, making peace, conciliating, and forgiving, and do so in the family, at play, in sports, and so on. The great peace in the world begins with the small peace at home.

We must speak the language of peace. The power of words and images in the formation of public opinion and thus on the attitude to peace can hardly be overestimated today. History teaches that agitation and hate propaganda have not infrequently driven a people to war. Pope John Paul II warned in his peace message of December 8, 1978 against the „seduction of language.“ If one expresses everything through the concepts of „power relations, group and class wars, and friend-foe schemata“, one is stirring up hate.⁴⁴

Of great importance for the creation of a consciousness of peace is the abandonment of every form of violence and terror among people. Violence and terror create a consciousness of war. Terrorism is nothing new. In the second half of the nineteenth century, a dangerous power threatened the order of states. Czar Alexander II of Russia, King Umberto of Italy, King Charles of Portugal, Empress Elisabeth of Austria, two Spanish prime ministers, and a French prime minister fell victim to it. In 1869, Bakunin and Netshajev published a Revolutionary Catechism in which it says: „The revolutionary is a consecrated man. He is merciless against the state in general and the whole civilized class of society, and he should expect just as little grace for himself. Between him and society, there reigns a life and death battle, whether open or hidden, but without end or reconciliation. He must become accustomed to torture.“⁴⁵

A general consciousness of peace will arise only when the rights of all nations „to existence, to freedom, to independence, to their own culture, and to a genuine development“ are assured and when misery and hunger have everywhere been overcome.⁴⁶ The starving nations of the Third World expect a sign from Christians above all. If this sign fails to appear, the danger threatens that, as Pope Paul VI said, „would-be saviors“ will incite the masses through „alluring and deceitful promises“ and deliver them up to „totalitarian ideologies.“⁴⁷

⁴⁰ Pope Pius XII, Christmas address of December 24, 1948.

⁴¹ Herman Stegemann, *Der Krieg. Sein Wesen und Seine Wandlung* (Stuttgart-Berlin, 1939), I:3.

⁴² Carl von Clausewitz, *Vom Kriege*, 4, 20f.

⁴³ „Gaudium et spes,“ 78.

⁴⁴ Dienst am Frieden, 191.

⁴⁵ Theodor Schieder, *Propyläengeschichte Europas. Staatsystem als Vormacht der Welt 1848 bis 1918* (Frankfurt-Berlin-Vienna, 1977), 206.

⁴⁶ Pope John Paul II in his homily at the mass at the Birkenau concentration camp on June 7, 1979, in *Dienst am Frieden*, 211.

⁴⁷ Pope Paul VI, „Populorum progressio,“ 11.

The Third Guiding Principle. There are goods „which the divine order of peace absolutely obligates one to respect and to guarantee“, goods such that an offence against them by an aggressor state is „an attack on the majesty of God.“ These goods are „of such importance for human social life that their defense against unjust attack is without doubt fully justified.“⁴⁸ It is not a question here of just any kind of goods such as territorial claims, but of the highest goods of a nation’s life: the right to life, to justice, to freedom of conscience and of religion, and the like.

The Fourth Guiding Principle. If a nation is invaded by another state and (perhaps on the basis of dictatorial ideologies) deprived of its highest goods such as the right to life, the freedom of conscience, and the freedom of religion, then, as Pope Pius XII said on December 24, 1948, this calls for „the solidarity of the family of nations“, not to play the „simple observer“ in „insensible neutrality,“ but to come to the aid of the threatened nation. Sanctions should be remembered here as one possibility.

The Fifth Guiding Principle. „As long as man continues to be that weak, inconstant, and even evil being he often shows himself to be, defensive weapons will unfortunately be necessary.“⁴⁹ The Second Vatican Council declared: „As long as the danger of war remains and there is no competent and sufficiently powerful authority at the international level, governments cannot be denied the right to legitimate defense once every means of peaceful settlement has been exhausted.“⁵⁰

It is a serious threat to peace to present wars waged in the service of certain ideologies as justified. „For our part,“ said Lenin, a war is „legitimate and just,“ if it is waged „for socialism, for the liberation of other nations from the bourgeoisie.“ It would be a great service to peace if the states of the Marxist world would declare that this legacy of Lenin is no longer valid today. Nor is the cause of peace served when military science is introduced to school children, a measure that once again dates back to Lenin. The communist mother, he declared, will say to her son: „You will soon be big, and you will be given a gun. Take it and learn the military art well.“ Disarmament is a „fundamental error“, for the socialists could „never oppose revolutionary wars.“⁵¹

The Sixth Guiding Principle. Even if many consider the accumulation of weapons as „the most effective way by which peace of a sort can be maintained between nations“, the arms race is nevertheless an extraordinarily serious danger for mankind and, in the face of the enormous sums it devours, an intolerable loss for the poor.⁵² Pope John XXIII therefore called „for a cessation to the arms race. The stockpiles of armaments which have been built up in various countries must be reduced all round and simultaneously by the parties concerned. Nuclear weapons must be banned. A general agreement must be reached on a suitable disarmament program.“⁵³

In spite of these exhortations and warnings, the arms race continues. All states speak of peace, and all states arm themselves. „Until recently,“ Pope John Paul II declared before the UNESCO in Paris on June 2, 1980, „it was still asserted that nuclear weapons were a means of deterrence that prevents the outbreak of a greater war, and that is probably correct.“ Then, however, the Pope continued: „But one can ask if that will always remain the case. Nuclear weapons of whatever kind and size are becoming more perfect year by year. They are also becoming an arms component in more and more lands. How, then, can one still be sure that

⁴⁸ Pope Pius XII in his addresses of December 24, 1948; October 3, 1953; October 19, 1953.

⁴⁹ Address of Pope Paul VI before the Full Assembly of the United Nations in New York on October 8, 1965, in Dienst am Frieden, 57.

⁵⁰ „Gaudium et spes,“ 79.

⁵¹ Lenin, Ausgewählte Werke (Moscow, 1946), I:876, 878, 881.

⁵² „Gaudium et spes,“ 81.

⁵³ „Pacem in terris,“ 112.

the employment of nuclear weapons, even as a means of national defense or in limited warfare, will not lead to an unavoidable escalation and thus on a scale of destruction that mankind cannot imagine or consent to either?⁵⁴ The balance of fear is in fact dangerous and the so-called crisis-stability fragile.

The Seventh Guiding Principle. Even if complete disarmament does not seem feasible at the time, every attempt must still be made gradually to limit arms everywhere and simultaneously by international treaties and to dismantle stockpiles of weapons. Herwig Büchele considers „equally balanced and simultaneous disarmament“ impossible and suggests instead „advance unilateral concessions“, in the case of which an aggressor state would still have to reckon with the fact that „upon its first strike the second strike would also follow.“ Thus, an advance unilateral concession does not exclude the „worst case“ of nuclear war. The dilemma remains.⁵⁵ The goal must be to exclude the first strike which would annihilate millions of human lives. The demand for universal disarmament stands in an elemental tension to the necessity of self-defense. It is necessary to recognize and endure this tension. Experience teaches that aggressors usually attack when they consider the risk to be slight. That holds for the outbreak of the Second World War as well as for the Soviet invasion of Afghanistan. One can pose the hypothetical question whether forty years ago an equalization of arms would not have prevented the Second World War and thus the death of millions. The Church does not grow tired of employing its moral authority in public for a comprehensive guarantee of peace in the world. It adjures governments to manifest the will to peace through a universal and simultaneous disarmament. It cannot, of course, force governments to do so.

The Eighth Guiding Principle. In the realm of guaranteeing peace, there are questions in which Christians can come „with equal sincerity“ to different judgments.⁵⁶ Rearmament and the export of weapons belong to these questions. The Second Vatican Council expresses the warning that „no one is allowed in the aforementioned situations to appropriate the Church's authority for his opinion. They should always try to enlighten one another through honest discussion, preserving mutual charity and caring above all for the common good.“⁵⁷ It is unjust to defame those who reject unilateral disarmament. The objection that soldiers do not act out of morally motivated insight also contradicts the Second Vatican Council, which has declared: „Those who are pledged to the service of their country as members of its armed forces should regard themselves as agents of security and freedom on behalf of their people. As long as they fulfill this role properly, they are making a genuine contribution to the establishment of peace.“⁵⁸ In view of the complicated nature of the modern problem of war, it is, of course, possible that Christians come to the conviction that they must „for reasons of conscience refuse to bear arms.“ The state should give legal recognition to this morally motivated conscientious objection out of respect for the freedom of conscience.⁵⁹

The Ninth Guiding Principle. Since a war that is waged with modern scientific weapons (CBR war) releases „massive and indiscriminate destruction far exceeding the bounds of legitimate defense,“ the question of war must be approached with „an entirely new attitude.“ By making its own „the condemnations of total war already pronounced by recent Popes“, the Second Vatican Council therefore declared: „Any act of war aimed indiscriminately at the destruction of entire cities or of extensive areas along with their population is a crime against God and man himself. It merits unequivocal and unhesitating condemnation.“⁶⁰ Pope Paul VI repeated

⁵⁴ Text in Dienst am Frieden, 241-242.

⁵⁵ Herwig Büchele, S. J., „Bergpredigt und Gewaltfreiheit,“ in Stimmen der Zeit 199/106 (1981):638ff.

⁵⁶ „Gaudium et spes,“ 43.

⁵⁷ Ibid.

⁵⁸ Ibid., 79.

⁵⁹ Ibid.

⁶⁰ Ibid., 80.

this teaching in his message to the disarmament conference of the United Nations on May 20, 1978: „The question about war and peace,“ the Pope said, „is posed today under new terms. Not that the principles have changed. The aggression of one state against another was just as unlawful yesterday as it is today.“ A war in the past, the Second Vatican Council declared, that aimed at the „destruction of entire cities or of extensive areas“ was a „crime against God and man himself“ as well (*Gaudium et spes*, 80). Today, on the other hand, war has means at its disposal that increase, according to the judgment of the Council, „its horror and its reprehensibility to an immeasurable degree.“⁶¹ This holds not only for neutron weapons, but for all CBR weapons.

Many, of course, are protesting vehemently against neutron weapons: they are not only terrible in themselves, but spur on the arms race to an immeasurable degree. The suggestion that there could be a limited deployment of neutron weapons towards specific targets such as masses of approaching tanks is highly suspect. For whoever makes first use of neutron weapons prepares the way for total nuclear war.

Others say that nuclear SS 20 Rockets and 40,000 tanks are terrible as well. In addition, neutron weapons are not offensive, but defensive weapons. They will have a deterrent effect on states with numerous tanks at their disposal and in this way prevent a war of aggression.

The question is thus posed whether, in view of the present threat, a state may possess CBR weapons for the maintenance of the ‘balance of fear’, i.e., for the prevention of a war of aggression.⁶² Even if after the foregoing considerations one may not deny this right to the state, we find ourselves in a situation that is untenable in the long run. For „even if the balance of fear helped to avoid the worst and could continue doing so for some time, it would nevertheless be a tragic illusion to think that the arms race could continue infinitely without provoking a catastrophe.“⁶³ An escape from this tragedy is probably only possible on the worldwide level, concerning which a tenth guiding principle applies:

The Tenth Guiding Principle. There must be an „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.“⁶⁴ „This general authority,“ it says in the encyclical *Pacem in terris*, „cannot be imposed by force. It must be set up with the consent of all nations.“ It must also have world-wide power.⁶⁵

Of course, one may not overlook the fact that a military intervention by the world authority against a powerful aggressor state could assume a warlike character. Violence and war will always threaten mankind. In this age, there are no conditions that are ideal in every respect, but we must still champion peace with all our strength.⁶⁶

§ 4 Limits of Governmental Authority and the People’s Right to Resist

I. Divine and natural law set firm limits to governmental authority. Above all, the personal dignity of man and the essential order of marriage and the family are inviolable. In most states, the limits of governmental authority are more closely defined through the constitution which guarantees, for example, the freedom of conscience and the freedom of speech, the

⁶¹ Dienst am Frieden, 177-178.

⁶² Peter Gosztony, *Die Rote Armee. Geschichte und Aufbau der Sowjetischen Streitkräfte seit 1917* (Vienna-Munich-Zurich-New York, 1980) points out that the Red Army has undertaken ten campaigns, usually offensive campaigns, and has armed itself to an enormous degree. On September 17, 1939, Poland was invaded by the Red Army. Eastern Poland was incorporated into the Soviet Union.

⁶³ Pope Paul VI, Message to the Disarmament Conference of the United Nations of May 24, 1978, in *Dienst am Frieden*, 178.

⁶⁴ „Gaudium et spes,“ 82.

⁶⁵ John XIII, „*Pacem in terris*,“ 138.

⁶⁶ See below also, pp. ?.

freedom of association, the freedom to choose a profession and a place of work, and the protection of private property. Since people of different religions and philosophies of life live together in modern society, particular importance attaches to the problem of toleration, not only in religion, but also in education, training, science, and other realms of cultural life. Setting out from the principle that no one should be forced to sacrifice his or her principles, Christian social teaching advocates respect for toleration in both the public and the social realms. If, for example, in an ideologically pluralistic society the state were to carry out genuinely educational tasks through its public authorities, religious and ideological oppression would be inevitable. Georg Heppes would indeed like to attribute to the state the right „to provide education in its own realm with its own resources.“ But when Heppes then explains that education is to serve „the true, the good, the beautiful, the noble, and the holy“, one will have to ask in amazement by what norms the state is to determine in a pluralistic society what is true, good, beautiful, noble, and holy.⁶⁷ For the assumption that there is an education and training transcending all religious confessions and world views is a belated phenomenon from the period of National Liberalism.

Toleration is probably less threatened today by the state than by certain forces and currents within society such as those trends which see the so-called value-free, positivistic science as the highest norm binding on all other realms of spiritual life and which more or less openly hold to the thesis that a scholar who accepts philosophical and religious truths does not belong in a university chair. Apart from the fact that every science rests on philosophical presuppositions (e.g., on epistemological ones), the catchword ‘religious dogmatism’ must be designated as insulting and defamatory.

Further, the tendency to limit toleration to the individual conscience and to refuse it to communities and their institutions such as Catholic kindergartens or hospitals is not without its danger. In a pluralistic society, a community must also have the right to live according to its beliefs and to create institutions that correspond to these beliefs (enterprises with specific commitments).

2. Even if Holy Scripture designates governmental authority as ‘ordered by God’, every state and every government will nevertheless bear within itself the insufficiency of everything earthly and created. With greater or less justification, one will find one thing or another to criticize in all laws and in all governmental measures. More alarming is the fact that states and governments exhibit not only one defect or another, as experience teaches, but can degenerate altogether into criminal tyrannies. Since Aristotle, it has been customary to distinguish two kinds of tyrants: the usurper or invader who has unlawfully arrogated the governmental authority to himself, but then perhaps rules properly, and the tyrannus regiminis who abuses his rule - even if he has entered upon it rightfully - for the destruction of the common good by enslaving consciences, by murdering at home or - through the instigation of wars - abroad, and by plundering and by piling crime upon crime. Here it is usually a question, not of individual tyrants, as in Antiquity, but of movements or parties which establish a tyrannical régime with fear and terror. Every conscientious citizen will suffer under such a system, and not only when he or she is immediately affected, but because he or she must witness the injustice that is inflicted on others, above all on people of other nations, in the name of the state to which he or she belongs. In such a situation, Christian social teaching distinguishes between two kinds of behavior:

a) The most obvious and, without a doubt, morally unobjectionable means of defense is passive resistance: one does not carry out criminal laws , but acts expressly against the tendency of unjust governmental measures. One refuses obedience to criminal commands by, to take a non-fictional example, refusing to shoot Jewish children and is ready to assume the conse-

⁶⁷ G. Heppes, Die Grenzen des Elternrechts (Darmstadt, 1955), 101ff.

quences. Man can come into situations in which there lies no comfortable middle way between heroism on the one hand and crime on the other. Passive resistance can, however, count on political success only when such a great portion of the population stands apart in boycott that the government has to give in. In the case of modern totalitarian systems of tyranny with their clever methods of propaganda and the close-meshed net of state-police surveillance, there exists the danger that passive resistance would begin in a timorous and sporadic manner and remain ineffectual.

b) Thus, the question is posed whether, in the face of a tyrannical system of government, active resistance is not also possible. Two forms of active resistance can be distinguished:

First, there is public protest against criminal measures by the government. Cardinal Galen of Münster made heroic use of this means. One should further remember the joint pastoral letter of the German Bishops of October, 1943, which reproached the ruling powers of that time with their infringements: „No earthly power may wantonly injure or destroy the life of an innocent person. Whoever attacks such a life attacks God himself. The killing (of innocents) is evil in itself, even if it is allegedly committed in the interest of the common good. This holds for the killing of innocent and defenseless persons who are feeble-minded or mentally ill, of the terminally ill and mortally wounded, of the congenitally diseased and unviable newborns, of innocent hostages and disarmed prisoners of war and convicts, and of people of foreign races and origins.“

Second, the true problem lies in the other form of active resistance, the overthrow of the criminal government. In 1899, Friedrich Paulsen thought that the „absolutist conception of the state was right“ in principle, since „the governmental authority could not be conceived as limited by the rights of individuals, nor the end of the state as limited to mere right.“ For this reason, the violent change of the state constitution could never „be construed as a right.“ The right to resistance and revolution has „the sovereignty of the individual and thus the negation of the state as its presupposition.“ Revolution is „unjust under any circumstance.“ This, however, does not mean that a revolution „could not perhaps be historically necessary and morally justified.“ A „bold act“ that would do away with a criminal prince could „without a doubt be morally possible and creditable.“

Such is then the case „when the preservation of the nation and the implementation of its vital interests is not possible in any other way.“⁶⁸

Christian social teaching does indeed recognize a distinction, but not an opposition, between morality and law. The common good as the supreme norm for state and government is a moral as well as a legal category. Along these lines, Thomas Aquinas declares that the violent liberation from a régime destroying the common good is not a rebellion; the tyrant himself is rather a rebel against the common good (II-II, 42, 2).

In particular, the following principles are advanced by Catholic political ethics concerning the active resistance of a nation in overthrowing a criminal government: It must be certain that the government has in fact degenerated into a criminal tyranny, that the appeal to a higher authority such as the United Nations is impossible or hopeless, and that the new conditions aimed at by the overthrow correspond to the common good. The possibility must therefore be excluded that political adventurers will create a completely uncertain state of affairs and perhaps establish a tyranny that would be worse than the one cast off.

Only so much violence may be employed as is necessary for the overthrow of the tyranny; all constitutional options must be exhausted. And everything must be done to save the very complicated institutions that are vitally necessary especially in modern society. Public order and safety must also be preserved insofar as possible. Otherwise, it could happen that, as Thomas Aquinas writes, a nation suffers more harm through the revolution than through the tyranny (II-II, 42, 2). In itself, therefore, gradual evolution is to be preferred to revolution, particularly

⁶⁸ F. Paulsen, System der Ethik, 11th and 12th eds. (Berlin, 1921), II:585.

when it is a question, not of a political, but of a social revolution. As it says in the encyclical *Populorum progressio*: „Revolutionary uprisings - except where there is manifest, long-standing tyranny which would do great damage to fundamental personal rights and dangerous harm to the common good of the country - engender new injustices, introduce new inequities and bring new disasters“ (n.31).

The use of violence should not result „from the private presumption of some, but from public authority“ (Thomas Aquinas: *non privata praesumptione aliquorum, sed auctoritate publica procedendum*, *De Reg. Princ.*). If the right to kill tyrants were bestowed on everyone, the nation, as Thomas Aquinas says, would lose its good rulers through assassination more frequently than it would be freed from tyranny. The use of violence must therefore proceed from those who may legitimately act in the name of the community as a whole. In earlier centuries, political ethicists referred here to the so-called indirect feudal powers. Today, one could think of a parliament as long as it has not been eliminated or forced into conformity long ago by the dictator. Powerful associations would perhaps have greater chances of success (e.g., general strikes of labor unions). It would also be conceivable that a conspiracy would have the greater part of the nation behind it and would act as an initial spark, as it were.

Finally, there must be a reasonable probability that an uprising would be successful. A failure would increase the rage of the tyrant and worsen the oppression. In the case where a successful overthrow is excluded, nothing remains but to endure the tyranny and „to take refuge in God, the king of all“ (Thomas Aquinas, *De Reg. Princ.*). The Second Vatican Council expressed itself with reservation: „Where public authority oversteps its competence and oppresses the people, these people should nevertheless obey to the extent that the objective common good demands. Still it is lawful for them to defend their own rights and those of their fellow citizens against any abuse of this authority, provided that in so doing they observe the limits imposed by natural law and the gospel“ (*Gaudium et spes*, 74). As one can see, the concern that stands behind the modern catchword ‘theology of revolution’ is nothing new. It is only regrettable that some representatives of the ‘theology of revolution’ and of the ‘theology of liberation’ equate the changing of social conditions with evangelization and limit the salvation bestowed upon us in Christ to purely this-worldly dimensions.

A strong barrier to the abuse of governmental power is the clear distinction between state and society. If the boundaries are blurred and political or economic interest groups identify themselves with the common good of the state, the state as the one ultimately responsible for the common good will be dethroned and abused by these tyrannical special interest groups.

It has even more disastrous consequences, particularly for world peace, when innerworldly promises of salvation are translated into political power and foment class struggle and revolution everywhere. The affirmation of violence is a legacy of Lenin. He declared: „Whoever accepts the class struggle cannot help accepting civil wars“, which are a “natural development and intensification of the class struggle... To deny or to forget civil wars would mean falling into the most extreme opportunism.“⁶⁹

Today, even Christian authors seem to overlook the fact that acts of revolutionary violence foster the spirit of war and threaten peace. It is indeed „bad,“ thought Giulio Girardi, a former professor of the Salesian University in Rome, that „having to kill out of love“ is sometimes unavoidable; but „recourse to violence“ is allowed if „no other way“ is open.⁷⁰

At the conferral of the Peace Prize of the German Booktrade on Ernesto Cardenal, Johann Baptist Metz also defended the fact that this priest took the „side of violent resistance“: the unity of the love of God and of neighbor is indeed „unbreakable“; but „non-violence“ can also

⁶⁹ Lenin, *Ausgewählte Werke* (Moscow, 1946), I:877.

⁷⁰ Giulio Girardi, *Revolutionäre Gewalt aus christlicher Verantwortung* (Mainz, 1971), 66-67.

be „veiled cowardice“ because it can bear „the features of opportunism.“ In this sense, „the countenance of love“ is not unambiguously marked by nonviolence, but love can „assume the sinister face of violence, never willingly, but always under pressure, as an expression of its despair.“⁷¹

In 1981, the bishops of El Salvador spoke a Yes to peace and a No to violence in a moving pastoral letter. They oppose an „atheism of the right“ which exploits people as well as the ideological counterfeit of the gospel by leftist revolutionaries. Violence is the „poisoned fruit of the bastard interests of domination and power.“ Its seed is „destruction and hunger.“⁷² It is un-Christian to say that shooting people is good on the left and evil on the right or vice-versa.

CHAPTER THREE: MORAL RESPONSIBILITY FOR THE STATE

Christian social teaching sees in the state a divinely willed institution to which man is morally obligated. In modern society, moral responsibility for the state must take effect in two ways: positively in the fulfillment of civic duties and negatively in the rejection of that attitude which would like to see in the state a plaything of interest groups.

§ 1 The Fulfillment of Civic Duties

1. It is not infrequently said today that modern man gives an emphatic affirmation to his family, but that this heightened togetherness in the realm of personal family life has led to a conspicuous lack of involvement with the claims of society as a whole. It is from this standpoint that the general indifference towards the demands of the social whole can be explained as well as the progressive depolitization of the German person. Even if one should not generalize this judgment, it is nevertheless unmistakable that the readiness to feel responsible for the state has atrophied among many.

2. In modern society, two kinds of civic duties are to be distinguished:

- a) Man experiences the so-called duties of the ‘subject’ most frequently and most impressively (e.g., liability to taxation, compulsory military service, and the like--see above. Unfortunately, the state is more and more becoming an exacting and distributing state.
- b) The modern citizen, however, is summoned not only to obedience, but also to share in political direction. In a democracy, all are responsible for the common good on the municipal, provincial, and federal levels. The „right and duty to vote freely“ (*Gaudium et spes*, 75) and collaboration in self-government should be remembered here, but also the right to criticism and control (through public opinion).

§ 2 Interest Groups and the Common Good

1. The Importance of Interest Groups

Interest groups in society have mushroomed. They are organized associations not provided for by the constitution which unite the parallel economic interests of their members and seek to exercise influence and pressure towards the realization of these interests upon public opinion, political parties, parliaments, governments, and the administration and judiciary, as well as upon opposing interest groups. Pressure groups therefore seek to gain and exercise power in society, even if this sort of power is not provided for in the prevailing state and economic

⁷¹ Johann Baptist Metz, „Laudatio auf Ernesto Cardenal anlässlich der Verleihung des Friedenspreises des deutschen Buchhandels, op. cit., 12.

⁷² The Spanish text in Docla 56 (January/February): 1981; the French text in *La Documentation Catholique* 5 (July, 1981):656-663.

constitution. Pressure groups distinguish themselves through their confinement to the particular interests of their association from political parties which - at least in principle - are supposed to represent the interest of the entire nation.

The spread of pressure groups is something that is happening in all industrial states of the Western world. The Federal Republic of Germany, in which employers' associations, labor unions, and the Grüne Front are prominent as interest groups, has been called a 'federation of united associations, churches, and local and municipal republics', a 'group market' with political 'group trade' and with 'associated dukedoms', some of which claim the „electorate“ for themselves.⁷³ There is talk of the 'decay of public life', " of the „re-establishment of the indirect powers," of the „perversion of the true principles and institutions of the free democratic state“, and so on.

Political parties, it is said, are especially exposed to the manifold attacks of interest groups. Pressure groups seek to elect delegates from the political parties, which easily succeeds, since, on the one hand, the block votes of the associations stand behind these election candidates and, on the other hand, these delegates are valuable to their parties because of their expertise. The result is a many-sided intertwining of the associations with the political parties, so that one can speak of the „motley coloring“ of parties by associations. Donations, election funds, services, and real contributions accorded to the parties by the interest groups also play a great role here.

It is further explained that pressure groups seek to prevail upon parliament, the government, and the administration also. At the seat of parliament and the government, numerous lobby offices of pressure groups are to be found which have usurped preliminary legislative proceedings and deprived parliament of power to a large extent. Modern laws are armistice agreements between interest groups.

Furthermore, it is complained, pressure groups have succeeded in placing their people in decisive positions in the ministries and administration. They have even won influence upon the judiciary by fostering and financing the publication of legal commentaries favorable to them.

2. The Moral Responsibility of Interest Groups

Christian social teaching places the common good of the state above the special interests of associations and appeals to the consciousness of moral responsibility on the part of association officials. In doing so, it proceeds from three considerations:

a) The formation of interest groups is in a certain respect an expression of modern man's need for protection against the ever expanding power of the state. „How helplessly we should be delivered up to the state if there did not exist the numerous forces of religion, the economy, social groups, and the political parties more or less borne along by them, all fighting against one another within it and alongside it.“⁷⁴ Nor is advance and formation of political and economic tendencies and demands which the associations undertake to be judged in entirely negative terms. It is further to be recognized that in some pressure groups welcome forms of self-administration have developed. It appears, for example, that employers' associations and trade unions not only come to agreements about contractual wages, but that more and more the regulation of working time is passing from the competence of the state to that of the parties to the wage agreement. In this way, sensible adaptations, transitional solutions, and, if need be, even experiments are easier than under rigid legal regulations.

b) The so-called economic councils represent attempts by public law to bring interest groups into regular contact with parliament and government such as have been created in France, Belgium, Luxemburg, Italy, and the Netherlands. An integration of associations has, however, not yet succeeded anywhere, so that Goetz Briefs rightly remarks that the pluralistic era pos-

⁷³ Th. Eschenburg, Herrschaft der Verbände ? (Stuttgart, 1955), 49, 64f, 87.

⁷⁴ Hans Peters Die Gewaltentrennung in moderner Sicht (Cologne-Opladen, 1954), 32f

sesses „no autonomous structural and functional principle for economy and society.“ In view of this situation, the concern of the „corporate order,“ as it was described in *Quadragesimo anno* and is also heard in *Mater et magistra*, is gaining a new and topical importance, namely, the formation of „well-ordered members of the social organism,“ which can be designated as a „natural furnishing“ of society.

c) Whether the integration of interest groups within the developed industrial society succeeds depends decisively on those men who exercise power in the associations. In earlier centuries, it was usual to give the individual states and professions Christian models in, for example, the princes' code, the artisans' code, the farmers' code, and the merchants' code. Today, credible models of the industrial worker, the entrepreneur, the member of parliament, and not least the association official are lacking to a large extent. An essential feature in the model of the association official must be that attitude which recognizes the common good of the whole nation as the supreme norm in program and praxis while representing particular interests.

CHAPTER FOUR: CHURCH AND STATE

§ 1 Distinctness and Autonomy of Church and State

1. „The Almighty...has appointed the charge of the human race between two powers, the ecclesiastical and the civil, the one being set over divine, and the other over human, things. Each in its kind is supreme, each has fixed limits within which it is contained, limits which are defined by the nature and special object of the province of each“ (*Leo XIII, Immortale Dei*). *State and Church are distinct in origin, end, and constitution.* Whereas the state is a natural-law institution, the Church belongs to the supernatural order: „The divine Redeemer began to build the mystical temple of his Church when he was preaching and giving his commandments; he completed it when he hung in glory upon the Cross; he manifested and promulgated it by the visible mission of the Paraclete, the Holy Spirit, upon his disciples“ (*Mystici Corporis*, 26). The end of the state is the realization of the earthly common good; the end of the Church is the supernatural salvation of man. The state constitution and form of government are subject to historical change; a hierarchical constitution has, however, been established by divine right for the Church.

2. *Church and state are each autonomous in their own realm* and not subordinate to one another, neither the Church to the state, nor the state to the Church. As the Church „through God's will and grace possesses in and through herself the means necessary to her integrity and activity“ („*Immortale Dei*“), so the state is also autonomous in the ordering of its affairs, so that, as Francisco de Vitoria writes, one „must obey governmental authority more than ecclesiastical authority in those things that belong to the common good of the state.“ „The Church,“ it also says in the encyclical *Quadragesimo anno*, „holds that it is unlawful for her to mix without cause in these temporal concerns“ (n.41). It is not „bound to any political system“ (*Gaudium et spes*, 76).

§ 2 The Relatedness of Church and State

1. In spite of all distinctness, Church and state are related to one another in manifold ways, so that it would be erroneous to deny „every bond between the two societies“ and to see „the cool and separating atmosphere of mutual ignorance and indifference“ as the normal relation between Church and state (*Pius XII, October 29, 1947*). A threefold relatedness can be distinguished:

a) Church and state go back „to the same origin, namely, God“ (Pius XII, October 29, 1947). In consequence of the Christocentrism of all creation, all natural-law orders are also related to Christ.

b) Church and state occupy themselves „with the same man, with his personal, natural or supernatural, dignity“ (Pius XII, October 29, 1947). In many questions such as the sequence of holy days, marriage law, and the school system, the field of duties of Church and state touch upon one another („mixed concerns“). „Inasmuch as each of these two powers has authority over the same subjects--related differently, but still remaining one and the same thing...the course of each“ must be „in right correlation with the other“ (*Immortale Dei*).

c) The form of relatedness between Church and state that results from the commission of the Church to be the guardian and preacher of the moral order is particularly full of tension. On November 9, 1903, Pius X declared that he foresaw „that some will take offence when we declare“ that we are obligated to protect „the principles of order, authority, justice, and fairness,“ and to do so „in private and public life,“ and also „in the social and political realms.“ Along the same lines, Pius XII says: „It belongs to the indisputable jurisdiction of the Church to determine in those concerns of social life which approach or already touch the realm of morality whether the foundations of the current social order agree with the eternally valid order that God, the creator and redeemer, has made manifest through natural law and revelation“ (June 1, 1941).

2. Historically, the relation between Church and State has assumed very different forms:

a) In the system of Church states, such as the ecclesiastical principalities before the French Revolution and the Papal States, the same person was the holder of spiritual and secular power. Considerable objections are to be raised against this combination which stems from German thought, since this system leads to a blurring of the boundaries between the two realms, and since difficulties and errors in the management of the state threaten to undermine confidence in the pope and bishops.

b) The system of theocracy (hierocracy) is untenable, since the autonomy of the state is here mistaken or denied.

c) The state-church system (e.g., Gallicanism, Josephinism) is incompatible with the essence of the Church, since it violates the autonomy of the Church.

d) The anticlerical separation of Church and state, which often appears in the form of Church persecution (the pagan Roman Empire, the Bolshevik states), as well as the ‘neutral separation’, in which Church and state live alongside each other in an almost unrelated fashion (USA), mistakes the fact that Church and state are essentially related to each other. In an ideologically pluralistic society, however, the ‘neutral separation’ can be appropriate under certain circumstances.

e) In countries in which Church and state have been closely intertwined for centuries, a partial or ‘lame’ separation (U. Stutz) has developed, which does indeed recognize the independence and autonomy of Church and state, but institutionally connects both realms through, for example, the recognition of the Church as an official, legal corporation, through the recognition of the Church’s right to levy taxes, through the establishment of denominational schools, theological faculties, and so on. This system has been realized in the Federal Republic of Germany, even if many would like to describe this as a ‘free Church in a free state’ rather than of a ‘lame’ separation. Incidentally, in a certain sense, the public commission of the

Church as guardian and preacher of the moral order is also recognized in that the Church is called „the incorruptible conscience of the state and the economy“: „not ancilla, not domina, but conscientia rei publicae et rerum publicarum“ (Minister Adolf Grimme at the investiture of the Landesbischof, Hanns Lilje, 1947).

f) The ideal case (harmonious collaboration of Church and state while preserving their mutual autonomy) has probably been realized only seldom historically. Incidentally, the transition to the ‘lame’ separation will probably be a fluid one, since in general the concrete configuration of the relation between Church and state covers a wide area.

§ 3 Church and Political Party

1. The attitude of the Church towards political parties, which are indispensable in a representative democracy, is determined by the principles that govern the relation of Church to state and politics in general. In themselves, political parties are ‘secular’ institutions which are not subject to guidance by the Church. Many platform planks and decisions of a political party will appear ‘indifferent’ in the light of Catholic faith and moral teaching. The reminder of the Second Vatican Council that „various legitimate though conflicting views can be held concerning the regulation of temporal affairs“ (Gaudium et spes, 75) holds here. In such cases, „no one is allowed...to appropriate the Church’s authority for his opinion“ (ibid., 43). In the ideologically pluralistic society of the present, the Church will also, of course, occasionally be confronted with policies of political parties against which it must raise objections as guardian of the doctrine of faith and morals.

2. From these considerations, four conclusions can be deduced:

a) Presupposing that no party in a given state offends against the Catholic doctrine of faith and morals in platform or policy, Catholics are free to join whichever party they wish.

b) In order to forestall the erroneous opinion that party and Church are the same, it would be welcome from the standpoint of the Church if the attitude of all, or at least most, parties permitted Catholics to enter their ranks without reservations of conscience. For experience teaches that a Catholic political party is easily equated with the Church and Christianity, in spite of all emphasis upon its non-ecclesiastical nature.

c) If a political party pursues ends that contradict the Christian doctrine of faith and morals, Catholics are forbidden to participate in or vote for it. The superficial catchword, „religion has nothing to do with politics“, is false. Pius XI responded appropriately that there is a kind of politics that infiltrates the churches and overturns the altars. Political parties therefore determine their nearness to or distance from the Church by their platform and by their policy.

d) Since it can be possible in an ideologically pluralistic society that the platforms of the existing political parties contradict the Catholic doctrine of faith and morals in essential points, it may prove necessary for Catholic citizens to band together into their own political party or to form a party together with non-Catholic Christians. This party would not be an ‘ecclesiastical institution’, nor a denominational or clerical party, but a political one, which would be responsible for the well-being of the entire nation. If it calls itself ‘Christian’, that does not mean ecclesiastical tutelage, but profession of the principles of Christian social teaching. Today, not a few hold the thesis, consciously or unconsciously, that only the adherents of liberalism, socialism, humanism, or some other secular trend are entitled to become politically active, but not the adherents of the Christian faith, at least not according to the principles of their faith. If Catholic citizens wanted to become politically active, they would have to give up

their faith, as it were, in the political realm and act according to liberal or socialist models. Political activation marked by faith is allegedly ‘political clericalism’. To this insulting objection it is to be answered that in the modern ideologically pluralistic society the Christian is also entitled and obligated to co-operate in the political molding of the state, of the society, and of the economy from out of his or her faith. As the Second Vatican Council teaches, Christians should be a model of dutiful action and champion the common good. Through their deeds, they should show „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“ (*Gaudium et spes*, 75). Here, however, a clear distinction must 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“ (*ibid.*, 76).

In modern society, the Church is only present and effective as far as the witness of Christians extends (Cf. *ibid.*, 76), which must take effect „in the arena of their labor, profession, studies, residence, leisure, and companionship“ (*Apostolicam actuositatem*, 13). If this witness is lacking, the Church will no longer fill the spiritual space of society, and other forces will infiltrate, gain acceptance, and even shake the legally secured position of the Church in the state. If the substance of the faith is lacking, no state privileges can provide a substitution.

SECTION FIVE: THE COMMUNITY OF NATIONS

CHAPTER ONE: THE UNITY OF THE HUMAN RACE AS THE FOUNDATION OF THE COMMUNITY OF NATIONS

Whereas the animal world is divided into numerous genera and species, which frequently fight mercilessly against one another, humans are not only a biological unity,⁷⁵ but metaphysically united through the same human nature in spite of their differences in skin color and national characteristics. The inhumane limitation of ‘humanness’ to one’s own tribe, one’s own race, one’s own nation, or one’s own class leads to bestiality. Because humans are not only ‘many’, but ‘many of the same species’, they form an original, pre-existing unity in a spiritual-moral, legal, and economic respect, independently of their agreement and consent.

§ 1 The Spiritual-Moral Unity of Mankind

1. The orientation of all mankind towards the same spiritual-moral values of the true, the good, the beautiful, and the holy is given through the selfsame human nature which is identical in all people. The realization of these values takes places through the co-operation of all nations and cultural areas in world history.
2. Because world economy and world trade, press and radio, threat of war and longing for peace have bound all mankind into a fateful unity as never before, the recognition of common, fundamental spiritual and moral values is more urgent today than in earlier periods, when continents and cultural areas were hardly in contact with one another. World peace has its deepest foundations neither in the system of bloc formations nor in the balance of arms, but in the spiritual unity of people and nations. Pius XII therefore exhorted: „Let the blockades be opened, let the wire entanglements be removed, let every nation be granted a free view into

⁷⁵ Jerome Lejeune writes: „All presently living people have the same chromosomes.“ From this it follows „that the caryotype...of man as we know him today originally made its appearance in a very limited group, perhaps in a single couple“ („Über den Beginn des menschlichen Lebens“, in *Die Herausforderung der Vierten Welt* [Cologne, 1973], 45).

the life of every other, let the isolation of certain countries from the rest of the civilized world, which is so detrimental to peace, be abolished“ (December 23, 1950). In spite of all divisions, the consciousness of worldwide solidarity among all nations is becoming ever stronger. At this same time, this unification of the world is a challenge for the Church, which has indeed always professed catholicity, but was closed up all too long in the ‘Christian Occident’. Christians are called upon to cooperate in building a brotherly world.

§ 2 Mankind as a Juridical Community

1. From the doctrine of natural law as binding on all people it follows that mankind is a juridical community. The whole world, Francisco de Vitoria taught, is in some way „a single commonwealth,“ or, as Francisco Suarez expressed himself, it is a unity „that does not rest on the identity of the human species, but is, as it were, of a political and moral nature.“
2. Pius XII underscored this teaching with particular emphasis: natural law, which stems from God, is binding, „not only on individuals, but also on nations“ (December 24, 1940). Every individual state is „embedded in the order of international law and thus in the order of natural law“, so that it cannot be considered „sovereign in the sense of an absolute unrestraint“ (December 6, 1953). The common good and the essential end of individual states „can neither exist nor be thought of without their inner relation to the unity of the human race“ (December 24, 1951). With particular clarity, the common good, which was usually limited to the individual state before, was extended in the encyclical *Mater et magistra* to the common good of mankind.

As all nations become increasingly interdependent one must not overlook the continuing fundamental significance of the common good of the individual state. On this point John Paul[[says: „Surmounting every type of imperialism and determination to preserve their own hegemony, the stronger and richer nations must have a sense of moral responsibility for the other nations, so that a real international system may be established which will rest on the foundation of the equality of all peoples and on the necessary respect for their legitimate differences. The economically weaker countries, or those still at subsistence level, must be enabled, with the assistance of other peoples and of the international community, to make a contribution of their own to the common good with their treasures of humanity and culture, which otherwise would be lost forever“ (Sollicitudo rei socialis 39.4).

From this point of view, therefore, mankind as a community in law always presupposes a nation with its own culture and a political constitution, not mere groups of people. That kind of a national common good must be secured. Otherwise it is not possible to develop durable international or global relationships. The single state and the universal common good depend upon one another.

§ 3 The Economic Solidarity of Mankind

1. Because God originally allotted earthly goods „to the human race“ and not to particular nations or people (Quadragesimo anno, 45), mankind also forms a solidary unity in an economic respect. God has established matters in such a way, thought John Chrysostom († 407), that not everything is grown and produced in every place so that nations may be more closely connected with one another in this way through the exchange of goods.

Theodoret of Cyrrhus († 458) compared the sea lying between countries with the market of an extended city and the islands with the inns for merchants. In Heinrich von Langenstein (†

1397), one also reads that, according to the will of God, foreign trade should tie a „bond of love“ around the nations.⁷⁶

2. Pius XII applied these thoughts to the present: self-interest „must be replaced according to the prescriptions of divine law by an honest and rightful economic solidarity, a brotherly collaboration between nations“ (December 24, 1940). Within the framework of a „new order based on morality,“ there is „no place for narrow-minded, self-seeking calculations which aim at an appropriation of economic resources and raw materials intended for the public welfare such that the nations less favored by nature remain excluded“ (December 24, 1941).

John XXIII took up this demand and exhorted the „wealthy nations“ not „to look with indifference upon the hunger, misery and poverty of other nations whose citizens are unable to enjoy even elementary human rights.“ People in all parts of the world are, as it were, „members of a common family“, so that „it will not be possible to preserve a lasting peace so long as glaring economic and social imbalances persist“ (Mater et magistra, 157).

The fact of the increasing interdependence of all states makes it clear that the moral category of a global 'solidarity' must be called for inevitably and persistently. The Pope defines it as the „firm and preserving determination to commit oneself to the common good; that is to say for the good of all and of each individual, in other words for the well-being of all and for each individual because we are all really responsible for all“ (Sollicitudo rei socialis 38,5). Solidarity avoids all forms of exploitation and oppression; it points out positively the „path to peace and at the same time to development“ (39,8).

CHAPTER TWO: THE ORGANIZATION OF THE COMMUNITY OF NATIONS

§ 1 Necessity of the Organization of the Community of Nations

1. As a juridical community, mankind is able to exercise authority only when made capable of acting through the creation of an organization - an idea that was very familiar to the medieval orbis christianus and had already taken shape in the idea of the emperor. The whole human race, Dante recognizes in his De Monarchia, is a partial order within the great universe ruled by the one God. Mankind is therefore harmoniously inserted into God's creation as an image of the cosmos only when ruled by a supreme monarch. If there were several fully independent states, there would be no judge above them in the case of a controversy. For this reason, there must be a highest and final judge on this earth „for whom all contentions are judicable either directly or indirectly; and this will be our world-governor or emperor,“ the guarantor of justice and freedom.⁷⁷

2. Concerning the plan „to create an effective political organization of the world,“ Pius XII remarked: „Nothing agrees more with the traditional teaching of the Church, nothing corresponds more to its preaching about just and unjust war, especially under the present conditions. An organization of this kind must therefore come about“ (April 6, 1951). The „way to the community of nations and its establishment“ does not have „the will of states as its sole and ultimate norm“, but rather „nature or the creator“ (December 6, 1953).

⁷⁶ Cf. Joseph Höffner, Wirtschaftsethik und Monopole im 15. u. 16. Jh., 2nd ed. (Darmstadt, 1969), 79f.

⁷⁷ Dante, De Monarchia, lib. 1, c. 10.

§ 2 Difficulty of Organizing Effectively the Community of Nations

1. The plan to institutionalize the community of nations by law, which was already suggested in the ‘Holy Alliance’ (1815), was realized for the first time in the „League of Nations“ (1920-1946), which was replaced by the organization of the „United Nations“ after the Second World War. The institutions created in the name of the community of nations will, of course, be successful only if the greatest and most powerful part of the various states profess their loyalty to them. Smaller countries will have to submit. But as soon as there is a question of decisive disputes between the great powers or entire blocks of states, the danger always threatens that the community of nations will split up into parties. „From this point of view,“ thought Pius XII on December 6, 1953, „world history with its uninterrupted series of power struggles could make the aim of establishing a juridical community of free states appear utopian.“
2. In spite of all failures of the past, and in spite of the irreconcilably opposed powers of the Eastern and Western worlds today, the necessity of effectively organizing the community of nations is more urgent than ever today, especially in view of the threat to mankind posed by CBR weapons. In addition, world peace could be more dangerously threatened in a few years by the passionate flaring up of the starving nations than by the East-West opposition, and hunger will easily be tempted to unite itself to the communist ideology. The scandal that hunger in the developing states is confronted by wealth in the industrial states can only be eliminated by the collaboration of all nations. The common good of all mankind demands that the community of nations give itself an „order which corresponds to modern obligations, particularly with reference to those numerous regions still laboring under intolerable need“ (Gaudium et spes, 84).

CHAPTER THREE: THE CURRENT AGENDA FOR THE COMMUNITY OF NATIONS

Preliminary Remarks:

The competencies assigned to institutions of the community of nations up until the Second World War were essentially of a preventative and defensive nature: the settlement of international disputes, the prevention of wars, and the like. These concerns are of a fateful importance for mankind today also. But since the Second World War, the community of nations is confronted with a new task, one that is no longer negative and defensive, but positive and constructive, one that appeals to the solidarity of nations. It is usually termed ‘development aid’. Since this in-itself great operation is overshadowed by the after-effects of colonialism, it is recommendable first to characterize colonialism briefly and then to present the problems of development aid.

§ 1 The Legacy of Colonialism

1. Periods of the colonial age

1. Five periods of the colonial age are usually distinguished: the period of the colonial domination of the Portuguese and Spanish (1492-1598), the Dutch period (1598-1688), the period of Anglo-French disputes (1688-1783), the period of the colonial domination of England (1783-1870), and the period of worldwide colonial imperialism in the proper sense (1870-1940). At the beginning of the twentieth century, the European nations ruled almost all the politically weaker nations on earth, which had been converted into colonies, or protectorates, or treaty territories. But decline set in simultaneously. In an elemental independence movement, which

was furthered by the two world wars in an unforeseen way, the colored peoples struggled for their freedom.

2. Characteristics of Colonialization

2. If one seeks to characterize colonialism, six features seem conspicuous:

a) The Western nations confronted other races with the consciousness of an all-round superiority, even if these nations could look back upon a millenary culture. In particular, all colored peoples were considered culturally backward and were treated as 'underprivileged' people. There was talk of the 'white man's burden', upon whom the task of educating the 'primitive' nations had devolved.

b) Modern colonialism has opened up the whole earth and brought nations and cultural areas which had led their own lives until then into manifold and lasting contact with the remaining world - a process, moreover, that has led in an alarming way to uprooting and foreign infiltration.

c) In the era of colonialism, the technical revolution proceeding from the West traveled around the whole earth simultaneously with European domination. It has had an incisive effect upon the mode of existence and the awareness of life of all nations such as has not occurred since the transition to settlements in the Neolithic age or since the rise of advanced civilizations. At the same time, a type of man marked by technology began to emerge, a type assuming strikingly similar features everywhere on earth, even in the former colonial countries. A new period of world history has begun, and, without colonialism, technology would doubtless not have penetrated into all parts of the world in such a brief period of time.

d) In the wake and, to a large extent, under the protection of the colonial powers, the Christian missionaries began their work of conversion. The often close relationships between the ambassadors of the faith and the colonial authorities gave rise to the impression among the indigenous population that the Christian mission is an epiphenomenon of European colonialism. It thus could not be avoided that, with the collapse of colonialism, the Christian missions should also have fallen into a crisis.

e) It must be recognized that the Christian conscience in the European homeland raised a protest against the conditions in the colonies and championed the human rights of the natives. Two great protest movements can be distinguished: the Spanish colonial ethics of the sixteenth century, which led to the construction of a colonial legislation that was excellent for the conditions of that time, and the movement for the abolition of slavery, which began towards the end of the eighteenth century. Both movements sprang from the Christian consciousness in the European countries and were not provoked by the indignation of the colonial nations, which, at that time, had hardly fought their way through to self-understanding.

f) The effects of European colonialism on the former colonial nations must be designated as enormous and ineradicable. Even now that the colonial domination has ended, a return to earlier conditions is no longer possible anywhere. A strong and sensitive national consciousness has arisen, which, on the one hand, defends itself against every kind of tutelage, but, on the other hand, would like to catch up in the shortest time possible with the technological progress of the modern industrial states

3. Four consequences

3. If one places European colonial domination in the light of Christian principles, one will have to admit with shame that, in its essential expressions, colonialism cannot stand up before the Christian conscience. Violent elimination of political independence, economic exploita-

tion, and other humiliations were the rule, even if one should not overlook the fact that there were capable colonizers „whose skills and technical know-how brought benefits to many untamed lands, and whose work survives to this day. The structural machinery they introduced...did help to reduce ignorance and disease, to promote communication, and to improve living conditions“ (Populorum progressio, 7). Negro slavery prevailed into the nineteenth century. It is estimated that, in the course of the centuries, approximately three million blacks were hauled to America, a frightful number when one considers that probably just as many perished in the slave hunts and on the transport ships.

Four conclusions follow:

- a) The age of colonialism is at an end. States which strive desperately to retain the remains of their colonial domination have not understood the signs of the times. Among all nations of the world, the consciousness of their own freedom and of the dignity of every person is extremely alive.
- b) Western culture and civilization cannot be set up as the norm for all mankind. Certain expressions of Western thought such as technology and industrialism have indeed traveled around the whole earth, but it must, of course, be observed that even these phenomena assume a different shape in each case among the individual nations. The unique value and right to existence of all cultural areas is to be recognized as a matter of principle. It would be foolish to refuse to realize that Europe has lost its leading position and prestige in the world. The focal points of world affairs have shifted to other continents. All these developments and changes show that, for the modern world, which has become a unity and is conscious of this unity, the law of the reciprocal fertilization of different cultural areas must hold if worldwide catastrophes are not to come about. It is understandable that former colonial nations embraced an exaggerated nationalism at first, which hinders the peaceful exchange between cultures. In many former colonial nations, there is also only a thin stratum of educated people capable of leadership. But one is allowed to hope that conditions will be normalized in the course of time.
- c) The Church and its mission recognize the value and unique characteristics of all peoples and cultures. We do not know how long the Church will still make its way through history. It will perhaps still be many millennia until the return of the Lord, so that only a small part of Church history lies behind us. The Church of Christ is „bound to no particular form of human culture, nor to any political, economic, or social system“ (Gaudium et spes, 42). By taking shape in the different cultures, it receives a new richness and adornment as the queen who „takes her place at your right hand in the gold of Ophir“ (Ps 45:10).⁷⁸
- d) Whoever surveys the history of colonialism will have to consider it as a moral obligation for the European nations to come to the aid of the former colonial nations.

§ 2 Development Aid

1. The Moral Obligation of Development Aid

A worldwide power of suggestion is proceeding today from the developed industrial society. Nations that have lived for millennia in a certain static contentedness have awakened and come to a new consciousness. This awakening, however, is taking place with a view to the comforts of civilization in the developed industrial states in the face of which they feel themselves to be disinherited, backward, or even exploited. As the industrial working classes of

⁷⁸ Cf. Joseph Höffner, An den Quellen der Evangelisierung 2nd ed., Themen und Thesen, vol. 7 (Cologne: Presseamt des Erzbistums, 1974); idem., Kolonialismus und Evangelium, 3rd ed. (Trier, 1972).

Europe became conscious in the second half of the nineteenth century of their class situation within the bourgeois society, which had unpredictable political, social, and economic effects, so people in developing countries are becoming conscious in the second half of the twentieth century of their position among the nations and states of the whole world, which will lead to even greater consequences. After the Second World

War, it was above all political prudence which caused the more affluent states to grant a considerable degree of economic aid to developing countries, so that development aid can more or less be reckoned among the measures of the 'cold war'. In contrast to this, Christian social teaching places the question of the moral obligation to development aid in the foreground. The following consideration then arise:

a) The Extent of Poverty

It must shake the heart and conscience of the people in the affluent states that today of approximately four billion people one billion is either undernourished or literally suffering hunger. According to the estimates of the Food and Agriculture Organization of the United Nations (FAO), an average of 436 million people in the world were hungry or starving in the period from 1974-1976. The number of these needy people is by forecast to reach approximately 350 million by 1990. We can demonstrate the true extent of this emergency with the example of Africa: every sixth African is undernourished or suffers hunger. World hunger has become a permanent major problem of our society. In spite of the intensified war on hunger, this scourge will continue to exist for many years. Because the whole human family is now so intertwined, anyone speaking of an impending hunger disaster who included the wealthy nations in the ruin he predicted would not be painting phantoms on the wall.

b) The Causes of Poverty

The statement, „The denser the population, the greater the hunger“, is not correct. The Rhine-Ruhr area, to name but one example, belongs to the most densely populated areas of the earth. In spite of this, the work forces have not sufficed in recent years. Hundreds of thousands of foreign workers were brought into the Rhine-Ruhr area, so that the population density increased even more. For all that, people in the Rhine-Ruhr area do not suffer hunger. On the contrary, this area is usually called a typical example of the so-called affluent and prosperous society.

The true causes are neither crop failures nor population density; they lie rather in current social and economic conditions. In the so-called developing countries, the traditional feudal system, the shortage of capital, the primitive farming methods, the lack of professional training, the delayed agrarian reform, the low price of raw materials offered by developing countries on the world markets, and numerous other reasons make it difficult for an economic upswing to get under way. The consequences are a chain of misery: a lack of jobs - unemployment - poverty - low demand - little agricultural production - short supply - undernourishment - hunger. Of course, it has an aggravating effect in this situation that the population has increased to such extent that food production cannot keep pace, since hygienic and medical progress is to be attained more easily and readily in the developing countries than economic progress.

c) Justice for the Common Good of all People

In view of this situation, it is a command of justice for the common good of all people to come effectively to the aid of these nations. Starving nations expect a „sign“ from Christians above all. If this sign is lacking, the danger threatens that „would-be saviors“ will incite the masses through „alluring and deceitful promises“ and deliver them up to „totalitarian ideologies“ (Populorum progressio, II).

d) The Duty of Love

Love obligates the individual to contribute to development aid to the best of his or her abilities and in his or her own way. From a theological point of view, there is not only a solidarity of mankind in sin, on which theologians say profound things in the doctrine of original sin, but also a solidarity of mankind in love, which has received only little interpretation thus far. The more mankind in the industrial age becomes a unity, the more people of foreign races and civilizations are also our neighbors, and the more Christian love must grow beyond family, relatives, neighborhood, village, and nation and bend down to the need which people in other parts of the earth are suffering.

2. Forms of Development Aid

The chain of misery can be broken only if the following measures are carried out in worldwide assistance:

a) Cooperation of all Nations

- An increase of agriculturally arable acreage. Experts think that the amount of acreage on earth that is utilizable as farmland could be doubled.
- The improvement of farming methods through mechanization, irrigation, plant protection, control of epidemics, fertilization, and the like.
- A change of 'refined eating habits' in favor of the hungry. In industrial states, 300 to 400 million tons of grain are consumed as cattle fodder in meat production each year. Are fattened calves and pigs more important than human beings?
- A considerable expansion of development aid, even if it entails heavy sacrifices. The sentence, „Every man is neighbor to himself,“ will have disastrous consequences for the future fate of mankind.
- A decrease of defense expenditures. In the year 1973, 207 billion US dollars were spent on defense throughout the world. By the year 1979, defense expenditures had far more than doubled to 518 billion US dollars, and, in 1981, 650 billion US dollars were spent on defense worldwide according to the figures of the International Institute for Research into Peace (SIPRI) in Stockholm. Tensions in the world are increasing and spurring on the arms race. Record increases are therefore to be reckoned with in this realm of expenditures for 1983.
- The contribution to development aid by rich oil-producing countries, among which sums in the billions have accumulated.

The difficulties that hamper the realization of this program are great: high prices for agricultural machines and fertilizers on the world market, capital shortages, increases in the price of crude oil, and too little development aid - it does not even amount to one per cent of the gross national product of the wealthy states.

b) Rejection of Neocolonialism

With great earnestness, the encyclical *Mater et Magistra* warns against every kind of neocolonialism which abuses development aid for the purpose of interfering in the political conditions of the developing countries with „the thought of domination.“ Such a procedure „would in fact be introducing a new form of colonialism - cleverly disguised, no doubt, but actually reflecting that older, outdated type from which many nations have recently emerged.“ Technical and financial aid must be granted unselfishly and „for the purpose of helping the less developed nations to achieve their own economic and social growth.“ Only in this way can there be success in „the formation of a world community, in which each individual nation, conscious of its rights and duties, can work on terms of equality with the rest for the attainment of universal prosperity“ (nn. 172-174).

Economic development aid should not begin with the establishment of prestigious large-scale enterprises, but commence by fostering labor-intensive measures in the infrastructural realm : the building of roads, bridges, railways, aqueducts, and so on. At the same time, numerous

medium-sized and small-scale companies must be created for the production of consumer goods (textile factories, furniture workshops, companies manufacturing household equipment, and the like), so that the wages earned in building up the infrastructures may be matched by a corresponding supply of consumer goods. Otherwise, prices rise, and the misery remains the same.

c) Agrarian Reform

In many developing countries such as those of Latin America, an agrarian reform (overcoming the latifundium and minifundium structure) is urgently necessary. In carrying out such a reform, indemnification according to commercial value is neither possible nor required by Christian social teaching. If the soldier must stake his life for the common weal without indemnification, man can be obligated all the more to renounce property assets for an indemnification appropriate to current conditions (Cf. *Gaudium et spes*, 71). Entrepreneurs and large-scale owners in developing countries seriously offend against the common weal when they „allow their resources to remain unproductive“ or „deprive the community of the material and spiritual aid it needs“ by transferring their capital, for example, to foreign countries (*ibid.*, 65).

In the encyclical „Sollicitudo rei socialis“ John Paul II examines the socio-ethical dimensions of development aid from today's point of view. (1) He criticizes the inadequacy of the development aid provided by the rich nations and certain unjust structures in the economic relationships between rich and poor countries. Nonetheless, he sees the key to truly successful development in the legal, political and economic structures of the developing countries themselves (Cf. 44.5; see also supplement 13). (2) Another important conclusion is that „in today's world, among other rights, the right of economic initiative is often suppressed. Yet it is a right which is important not only for the individual, but also for the common good. Experience shows us that the denial of this right or its limitation in the name of an alleged 'equality' of everyone in society diminishes or in practice absolutely destroys the spirit of initiative, that is to say, the creative subjectivity of the citizen. As a consequence, there arises not so much a true equality as a 'leveling-down. In the place of creative initiative there appears passivity, dependence and submission to the bureaucratic apparatus which, as the only 'ordering' and 'decision-making' body - if not also the 'owner' - of the entire totality of goods and the means of production, puts everyone in a position of almost absolute dependence, which is similar to the traditional dependence of the worker-proletarian in Capitalism“ (15.2). In his positive approach the Pope proposes that the „countries of the Third World“ adopt the model of a social market economy „which recognizes the fundamental and positive role of business, the market, private property and the resulting responsibility for the means of production, as well as free human creativity in the economic sector“ (Centesimus annus 42,2; see also supplement I3). (3) The Pope also calls for consideration of the ecological interactions and cycles, and especially of the fact „that natural resources are limited“ (34.1).

Man, he says, has no absolute right „to use or misuse“ nature as he pleases (34.3) „Using them as if they were inexhaustible, with absolute dominion, seriously endangers their availability not only for the present generation but above all for generations to come“ (34.1).

3. The Contribution of the Church

a) Appeal to the Conscience

The Church will appeal to the consciences of the faithful and all people of good will.

b) Help of the Church

The Church will also implement self-help measures (Cf. the operation MISEREOR). In doing so, it will turn in a particular way to educational aid and establish, for example, professional

schools and training establishments. In many developing countries, social and economic ascent will not be realized without a change of consciousness and behavior, to be reached gradually through patient education. It is only under this presupposition that „helping others to help themselves“ can be successful. The missions have had exemplary accomplishments here. Nevertheless, in Latin America, for example, access to higher schooling must be rendered possible and facilitated, not only for the wealthy upper stratum, but also for the gifted children of the broad lower stratum. The future of the Church in developing countries will depend to a large extent on whether Christians bear witness to justice and love, not only individually, but in common.

c) Cooperation of the Local Churches

Without the effective co-operation of the local churches in the developing countries, the efforts of the European Church would, of course, remain almost without effect. The readiness of the local churches to commit themselves to a policy of development is growing from year to year. This is connected with the healthy self-awareness of the local churches in the Third World. A gradual shifting of weight from Europe and North America towards the South (Africa, Asia, and Latin America) is also taking place in the Church.

The co-operation of the local native churches gives a human face

to relief measures. It further makes it possible that operations such as MISEREOR need not carry out projects themselves because the local churches are developing sufficient personal initiative.⁷⁹

The social, political, and economic witness of Christians in the developing countries is not marked by an innerworldly hope of salvation, as many representatives of the ‘theology of liberation’ think. Nor can the greatest social reforms satisfy the longing of man for lasting life, permanent happiness, and never-ending love. For man „feels himself to be boundless in his desires and summoned to a higher life“ (Gaudium et spes, 10). There is no innerworldly escape from the finiteness and limitation of man into the land of definitive and eternal freedom. But it is precisely the hope for what is to come that is the strongest impetus for the Christian to social and political commitment in the service of the freedom of the children of God.

„Sollicitudo rei socialis“ examines in detail the Church's contribution to the ~t development of the nations. Apart from the socio-ethical considerations already mentioned, the following postulations are particularly important: (1) John Paul II refers to the notion that the development of nations is a problem that can be resolved solely by technical and economic means as „a naive mechanistic optimism“(27,1) and presents his own counter-argument: „Development that does not include the cultural, transcendent and religious dimensions of man and society“(46,4) will never achieve the goal of economic development. Scientific achievements, which are of course indispensable, and their technical, economic and political applications will not enhance „true human development“ unless they are „guided by a moral understanding“(28). The Pope sees the most liable source of that attitude in „God's will, the only true foundation of an absolutely binding ethic.“(38). In other words, a responsible society cannot be established without corresponding „moral decisions „,(35.2 „with respect to the behavior of individuals considered as responsible persons „,(35, I). (2) An important aspect of the Church's contribution lies in the motivation of people. The Christian knows about the evil in people. Nonetheless, he cannot give up in spite of all his negative experience: „Anyone wishing to renounce the difficult yet noble task of improving the lot of man in his totality, and of all people, with the excuse that the struggle is difficult and that constant effort is required, or simply because of the experience of defeat and the need to begin again, that person would be betraying the will of God, the creator:“ (30.5) The Church, despite its realistic perception of evil in the world, nevertheless „trusts in people as well „; for in the human per- son there

⁷⁹ Joseph Höffner, „Hunger in der Welt“ (Cologne: Presseamt des Erzbistums, 1975) (Reprint n. 31).

exist“ sufficient qualities and energies ...by virtue of the fact that man is an image of the Creator and is under the influence of the redeeming Christ who is 'close to every person „, and because the powerful influence of the Holy Spirit :fulfils the earth' (Wis.1,7). Thus „there is no justification there for despair or inertia. Where underdevelopment is concerned one can also „sin through fear; indecision and, basically, through cowardice“ (47,2)

In many developing countries, the Church is running up against the Marxist countergospel that, with a claim to absoluteness, announces to all nations the innerworldly message of salvation of the classless society. It is amazing that great nations, which are rightly proud of their culture and history, uncritically accept dialectical materialism, which is still a typical product of Western thought, without considering that in this way they are becoming the prey of an ideological neo-colonialism.

In the final chapter of his book Joseph Höffner refers to the „Marxist anti-Gospel“ which the Church, he says, comes up against „in many developing countries.“ A year after the publication of the last edition, in an address to the German Bishops' Conference entitled „The Church's social doctrine or theology of liberation?“ (published by the Secretariat of the German Bishops' Conference, Bonn, 1984) he made a critical appraisal of the use of „Marxist analysis“ in certain postulations of liberation theology. The encyclical „Sollicitudo rei socialis“ draws attention to the „positive values as well as the deviations and risks to deviate ...connected with this form of theological reflection and work“ as set out in the instructions „Libertatis nuntius“ (6 August 1984) and „Libertatis conscientia“ (22 April 1986) (46,2). It leaves no doubt that the Church's „first contribution to the solution of the urgent problem of development“ consists in the fact that she „proclaims the truth about Christ, about herself and about man, applying this truth to a concrete situation. As her instrument for reaching this goal, the Church uses her social doctrine.“ She has no alternative. She therefore deems it appropriate to acquire „a more exact awareness and a wider diffusion of the 'set of principles for reflection, criteria for judgment and the directives for action' proposed by the Church's teaching“ („Sollicitudo rei socialis“ 41,5). That is also the purpose of this new edition of Joseph Höffner's textbook.

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