

THE ELEMENTS OF SOCIAL JUSTICE

There are many who profess Catholic Doctrine concerning:

the respect due to society,
the rights of property,
the rights and duties of workers
the relation between capital and labour,
the relation between Church and State,
the rights of Christ Our Redeemer over all men,

but these same many in their words, writings and whole tenor of life behave as if the teaching of Leo XII, Pius X and Benedict XV were no more than a dead letter void of all authority.

(*Ubi Arcano.*)

THESE words were among the first published by Pius XI and yet the indictment is still as true to-day, despite all that the Holy Father has done in the last thirteen years to make it inexcusable. Quite obviously the trouble is that the majority of Catholics do not even know that the Church has and propounds a specific social doctrine. And of the small minority which is aware of the existence of the encyclicals *Rerum Novarum* and *Casti Conubii*, how many consider these to be enunciations of principles rather than practical instructions?

It remains for the few who have mastered the teaching and applied it to extant conditions to disseminate the precious fruit of their study. The task is indeed herculean and would seem to be too great for early realization but for the signs of active assistance from unexpected sources. The most encouraging of these is the curiosity shown by secular experts; for economists, lawyers and politicians who have been impressed by the claims of Catholic authors are beginning to study the encyclicals in both the old and the new world. Whether they be favourable or otherwise, their reactions should prove of great value to sociology. But it will be some time yet before the result of this interest can be assessed, and meanwhile it is imperative that Catholics of every kind, and clerics in particular, should be increasingly well-informed on this most important topic.

The repeated instructions of Pius XI should by now have dispelled the erstwhile common view that an interest in the

larger social issues is a question of inclination. To-day a definite familiarity with the social doctrine of the Church is quite indispensable. With the grim reality of unemployment stalking every land and the baneful spectre of Communism haunting several, it is not only required as a means of winning fresh souls, but perhaps even more urgently as the condition of retaining the loyalty of those who now belong to the household of the faith. It is too little realized that it is virtually impossible to reason with a man whose *morale* has given way under the strain of months of enforced idleness. It is not less difficult to speak of religion to the sullen and half-fed. The words "You must get at the soul via the body" which he spoke before a gathering of women from all parts of the world, indicate that the Holy Father at least has no illusions on the subject. There is nothing very novel in the words, they are axiomatic for all social work, but they indicate the lengths of plain-speaking that the times require.

The term *social justice* is one which has long been in use among sociologists. It has serious claims to a Catholic origin, but it serves to inspire all workers in this wide field. Although familiar to the members of the Union de Fribourg which did so much to prepare the way for *Rerum Novarum*, it did not appear in that encyclical; the other group who worked under Cardinal Mercier at Malines and produced the famous Code Social had the satisfaction of finding it used several times in *Quadragesimo Anno*, where as often as not it was bracketed with another term, the *bonum commune*, which has a much older pedigree.

It would seem that this use made by the Pope of the term social justice has already raised it to the dignity of a standard or norm which will serve as a measure in all Catholic social study. But because it is susceptible of misunderstanding and confusion with the slogans of political parties, it will be necessary to establish that it is supra-political and characteristically Catholic.

A quick glance backwards only permits one to point to the far-reaching effects of the doctrine of universal brotherhood which is the keynote of our faith; it serves as the

means of bridging the gap between the lawyers of the Roman Empire and the mediæval schoolmen who used the term. When the latter set about reconciling all that was good in the old civil law with Law of the New Testament they took the old "law of nature" which had played so important a part as a reserve fund in classical jurisprudence, and identified it as the law of God. To them justice ranked as the most important of the cardinal virtues—important above prudence, and fortitude and temperance—since it involves a third party; for it is impossible to be just unless there is someone else to be just to, someone, moreover, who has rights. This insistence on due deference to the claims of one's neighbour is not exclusively Christian, signs of it may be found in the stoics, epicureans and others. But matters were simplified when the same authority, the Church, was at once the teacher and the administrator of the moral law as was the case in the Middle Ages. There was no canon law properly codified until the thirteenth century, only a mass of local regulations of a disciplinary nature, and even today, when we have the Code to refer to, the lines of demarcation between the moral law and the Canon Law are not always clear.

Civil Law, however, had survived the chaos of the so-called dark ages which followed the disruption of the old Roman Empire. It was kept alive in one or two centres like Ravenna or Seville in the form of a jurisprudence, or theory of law, rather than as a positive system with a life of its own. It is not surprising therefore that the scholastics should have exercised their dialectical skill on its various aspects. To them a particular law is nothing other than a rule or measure of conduct. For St. Thomas the whole legal system is "the rational ordering of the common good by properly constituted authority." With that as a start it is not a long step to the division of positive law into "particular" and "general" (according as it affects individuals separately or collectively). The first division, concerned with rights, embraces "commutative" justice, where the interested parties are both private citizens, and "distributive" justice, where one of them is the state. The latter, inspired by the concern

for the common good, covers all the obligations of citizenship as well as the strict "legal" justice or "law of the land."

Now *social justice* pertains to this latter division, but because it does not derive from it and rather serves as its inspiration, it will be necessary to study it more closely. The "common good" has been defined as "*the sum of the moral and material goods which man can achieve under properly organized government,*" and as such it embraces the whole law of the land from the intricacies of administrative law to that of property, from the freedom of the subject or the machinery of the legislature to old age pensions and municipal byelaws.

This inspiration of the common law of the land may have seemed quite simple to the mediæval canonists, but it was not so in historical perspective. To take the case of Rome, there was something more than a gradual process of admitting the trading-customs of foreigners in the development by the praetors of the theory of natural law during the expansion of the empire; nor was it the case in England with the similar invention of new writs by the clerks in Chancery to suit the circumstances of difficult cases coming before the Lord Chancellor in his capacity of Keeper of the King's Conscience. The recently resuscitated theories of government were variously interpreted by his contemporaries but, as we know, St. Thomas was guided by "the Philosopher," as he reverently calls Aristotle, in his study of the "common good."

This standard, which must in the nature of things be intermediate between the strict letter of the law and the moral obligation of charity, was the same as that of the Fathers, if we believe Lactantius who wrote sixteen centuries ago: "If justice is the basis of society, the bond thereof is compassion." It is closely allied to the notion of *epikeia* or equity, but, instead of being an occasional relaxation, it is a durable corrective which is perhaps best expressed by the notion of "fairness."¹

¹ A helpful study of the relation between Justice, the natural virtue, and Charity, the supernatural one, is to be found among the more important chapters of *Culture Latine et Ordre Sociale*, the latest book of the Most Rev. Father Gillet, O.P., Master General.

If then, as St. Thomas has it, the *ratio existendi* of law and society is the pursuit of the common good, the underlying natural body is susceptible of change and correction even though it be staggering under the complicated superstructure of the modern state. Such, at any rate, is the view of the Holy See when it insists on the primacy of the supernatural in the proper ordering of society. If we take the encyclicals of the reigning pontiff alone it can be established that they proclaim a complete, integral philosophy of society—if only because they cut right across the standards of conduct prevailing in secular society. That this is deliberate is quite clear from the language used; thus the full title of the letter known as *Quadragesimo Anno* is: “On the reconstruction of the social order and its perfection in conformity to the precepts of the Gospel.”

Again, at the close of the International Congress of Law held in Rome last autumn the Pope, after quoting St. Thomas, formally claimed as Head of the Universal Church an authority which overrides both Canon and Civil law. This claim has become increasingly recognized of late years even in secular circles, and we occasionally find paragraphs in the press which indicate their acceptance in unexpected places. Nevertheless the full moral significance of this mass of encyclical literature is only appreciated by a very restricted number of people. Certain very obvious and understandable scruples prevent responsibly placed experts from attributing their practical achievements to pontifical inspiration, but those who are not in such position would be doubly at fault if they failed to draw the proper inference.

Without reviewing any recent encyclical in detail it is yet possible to ascertain the fundamental principles inspiring them all. To those who are familiar with the letters the insistence with which these recur becomes monotonous but never tedious. The sacredness of the family and the home, the freedom of upbringing and education, and the independence of conscience and worship ring the changes, because they are the bases of ordered society. Since the family is to the nation as the nation is to the race and the race to the world, we have here the elements of the “grande politique”

which it is the business of the Church to inspire. In a recent speech the Holy Father said: "There is another sphere of action beside the purely social and economic ones which is open to the enterprising, viz. the political one. This is not the politics of party, place or moment, but that 'grande politique' the common good which we cannot and must not forego, which is the only proper end of politics." His Holiness later explained that this embraces all those rights intended for the benefit of the mass of mankind.

There are, alas, too many among the restricted number of those familiar with this teaching who cavil because the instructions are not so explicit as to be of immediate practical utility. This short-sighted criticism has lost sight of the office of the Holy See. It is for the Pope to point the way, but it is the masses of the faithful who must bring about the sought-for renovation. It is precisely here that the integrity of the individual becomes most necessary. That the realization of Christ's Kingdom here below is no easy task is common ground, but it should not deter the soldiers of His army; to use the words of Cardinal Manning: "The task may be difficult but it will be accomplished if faced calmly and with a determination to put work and profit second, morality and the family first."

A contemporary, Mgr. Poels, the Dutch social leader, has pointed out that the only way to counteract the adverse balance of evil which weighs down the progress of the Church to-day, despite its great spiritual vigour, is to actualize this source of strength. "Yet," he adds, "we may draw our power from the altar but our battle awaits us outside—in the mêlée of social life." In practice this need not necessarily entail a descent into the augean stable, for the Church offers us supernatural weapons which enable the spirit to accomplish what no material broom can attempt. All reform is essentially a matter of the will; when all are agreed as to the end in view, it is only a matter of time before material obstacles are surmounted. The best example of this to-day has been the success of the working boys' clubs which have grown up in Belgium and France under the inspiration of Chanoine Cardyn, who determined as a boy to

devote himself to that great work which we now know as the "Jeunesse Ouvrière Catholique."

On all sides we hear cries of distress, and the social order is criticized for its lack of justice from every imaginable source. Clearly this widely-felt *malaise* makes the moment propitious for spiritual renovation on an unprecedented scale, but since, to use the famous words of the Pope, "the scandal of the nineteenth century was the loss to the Church of the greater part of the working-classes" the burden of the work will fall on a mere handful, for the majority, whether within or without the fold, are in bondage to matter from no will of their own.

Rather than attempt to draw plans it will be, perhaps, more useful to glance at some of the more successful attempts to put into practice the social teaching of the Church. At one end of the scale are those who content themselves with small beginnings; of these there are two which claim special attention. The attempt to solve the more acute problems of the "hard core" of unemployment by encouraging subsistence farming is admittedly little more than a palliative unless it is done on an extensive scale, but the records of the various Catholic land-settlements, based on the old manorial system of land tenure, is far from discouraging. Their recent federation and the opening of the St. John Bosco Institute with Government aid indicate that the eventual solution of the land question may well have to be attributed some day to Catholic inspiration. Certainly it is the fact in the second case. Starting with a sub-committee of the Catholic Social Guild, a programme of Housing-plans was circulated among various utility societies with the result that a national council is to be formed under the presidency of the chairman of the original C.S.G. committee.

In these two cases the Catholic lead is directly ascribable to the study and application of the social doctrine of the Church; when we come to the other end of the scale such a claim is more easily disputed, because it involves much bigger issues—no less than the complete reorganization of a nation's constitution. The foundations of the "corporative state" are the trades or industries which correspond to the

guilds of the Middle Ages; the return to such methods of government have been seen conspicuously in three Catholic nations: Portugal, Austria and Italy. Taken in order of success the case of Portugal under Senor Salazar is unquestionably the first. This ex-professor has succeeded in making the classic method work, despite difficulties with big-business men and the army, he has ensured the first requisite of the "common good." His method is order, strict control of finance, just taxation, and economy. Alongside there is constitutional reform based on family representation! Only parents, man and wife, have a vote in the autarchies, and these are three: administrative and corporative, culminating in a national corporative assembly, which rise pyramid-like on a strong executive framework. Liberal critics and anti-fascists here as elsewhere complain of the curtailment of freedom, but though the régime is only a few years old there is every sign that it is welcome after the unrest of previous years; at any rate it is a strong contrast to near-by Spain.

Austria, though crippled and not unmolested, shows signs of being about to realize the plans of one who was prepared to die a martyr's death rather than forego the principles laid down by the encyclicals. The delegates, assembled from every part of the world at the first international conference ever called to discuss those principles, learnt that there are three national councils in Austria to-day; the economic, which numbers eighty members, the intellectual, which numbers fifty, and the council of state composed of fifty nominated members. Together they form the Diet or Constitutional Assembly.

Lastly there is Italy with its recently inaugurated Corporations which are not in full working-order and so cannot be judged as yet. The activities of the nation are divided into twenty-two councils on which are represented both men and employers as well as experts and nominated members of the Fascio, in a complicated ratio which nevertheless appears to be a closer approximation than the old parliament ever dreamt of being. Local enthusiasts, among whom are many Catholics, claim that this arrangement is the most compre-

hensive attempt at national reorganization that has yet been made. This much is certain: it is inspired by a concern for the common good which is unattackable in theory.

To return to England is to face the lack of agreement among Catholics. Two years ago the late Fr. Bede Jarrett, O.P., spoke as follows at a large meeting in the Albert Hall: "We are here to make a confession of negligence. Had Catholics done their duty by the encyclicals of Leo XIII these present evils would have been averted. . . . We have need to take new decisions, bold steps—and to follow them with courage," and after stigmatizing doubters as "pusillanimous and disreputable," added: "Men will say that this will divide our ranks—they are already divided. On the contrary such means may gather them together again. They say that to attempt to produce a Catholic Programme is dangerous; not to do so in these times of crisis is more dangerous still!"

That was in May, 1933, when the prospect of a National Catholic Committee looked like becoming a reality. Perhaps it is not too much to hope that the "Church Dormant," as the editor of the *Month* dubs it, may awake on the occasion of the National Congress due next summer.

A study of the implications of social justice is the first step towards a reconstruction of the social order. Nothing less than a mass movement will make any difference, and whether it is to come from above, as was agreed at the *Semaine Sociale d'Angers*, or from below, as others believe, it will need courage and vision as well as hard work.

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