

Capitalism and Morality

SOCIAL JUSTICE: A MEANINGLESS TERM?

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In his provocative book, *A New American Justice*, Daniel Maguire suggests that our major national handicap lies in the fact that “there is no clarity as to what justice is.”¹ One need only examine the multitude of meanings attributed to the term “social justice” in our own day to perceive the exactness of, his insight. It often seems that every imaginable cause is defended by an appeal to social justice, thereby rendering every use of the term suspect. Perhaps for that reason the American Catholic Bishops, in their recent draft of the pastoral letter on the economy, used the term only a handful of times, preferring instead to speak of economic justice. Whether that is an adequate substitute remains an open question, although it does indicate more clearly the precise scope of their concern.

One possible way to gain some clarity in defining a term is by the path of historical research into the origins of the term. My contention is that social justice is a hybrid term born in the transition from the medieval schema to that of modernity. As such it shares in the confusion that attends all major changes in life. The twofold purpose of this essay is to identify some of the major ambiguities that surrounded the initial uses of the term and to seek out the sources of these ambiguities. In turn, that will hopefully shed some light on the reasons behind the contemporary debates and point out the various tasks that remain ahead if the term is indeed to become a “meaningful” one.

Historically the term appears for the first time, to the best of my knowledge, not in socialist writings where one might well expect to find it, but in the writings of a little-known Italian Jesuit by the name of Taparelli d’Azeglio. The fact that it appears in a book on natural law drawing profusely on the writings of Thomas Aquinas, and that it is immediately followed by a discussion of the two particular forms of justice, commutative and distributive, shows that his intent was to replace the traditional thomistic term “general” or “legal” justice by the new and presumably equivalent term, “social justice.” The new term was taken up and widely used by the large school of so-called Social Catholics toward the end of the 19th century. It eventually passed into official papal writings, especially in Pius XI’s famous encyclical, *Quadragesimo Anno*. In each case, the writers used a thomistic concept which they did not always fully comprehend and sought to apply it to a new age dominated by a very different worldview. The controversies that erupted at all stages of its use attest to the confusion that was caused by the introduction of this new term.

The Thomistic Context

To understand the sources of this confusion, one might be well advised to review briefly some of the key aspects of the medieval worldview out of which the term arose. For Thomas Aquinas, persons, as

rational beings, stand at the summit of creation with all other creatures ordained to them. But it must be clearly understood that this dignity of the person comes to it from the nobility of the end it pursues, and more particularly from its ultimate end, God. It is not an intrinsic dignity that a person possesses by virtue of being an end unto himself or herself.²

Such persons are endowed with a natural inner dynamism that urges them toward life in society which is necessary not only to provide the material needs of life but to satisfy the human longing for completeness or wholeness, especially in the intellectual and spiritual realms.³ Since this fulfillment occurs “only by engaging in activities that involve them in a web of reciprocal relationships typically structured within the context of civil society,”⁴ it follows that, in the order of finality at least, “the city is by nature prior to one man” (Th.A., *In Polit.*, I, 1, 39).

This civil society, which enjoys a primacy of nature over the individual, is defined by St. Thomas as a “multitude of men bound together under some order” (*S.T.*, I, 31, I, ad 2). As such it constitutes what he calls an “accidental whole”, one in which persons retain their individuality while being bound together by a real relationship, a unity of order (*In Ethic.*, I, 1, 5; *CG*, IV, 35). Civil society is, therefore, not a real being-with an existence separate from that of its members, as it is often presented in “organic” theories of society. But to say that its unity is accidental rather than substantial is not to say that it is purely haphazard (as in a mob), nor purely artificial (as in a club or as in contract theories of society). Rather, civil society is a natural grouping of humans bound together “accidentally” but “really” in an orderly way for the pursuit of specific and innate purposes, summarized under the term “the common good.”⁵

Mention of the common good introduces an element crucial to any discussion of social justice. Not only do liberals and totalitarians define it differently, but even thomistic interpreters have not always grasped correctly the nature of this common good and, even more critically, the exact relationship between that good and the proper good of the individual members of civil society.

The latter question is generally posed today in terms the relationship between the person and society, rather than between the common good and the good of the individual. Since modern natural right theories judge both persons and society by what they are rather than by the ends they pursue, it follows that one will ask which of the two is better? Raising the question in that fashion leads to two very different conclusions. Totalitarians will insist on the subordination of the individual to society, while liberals will affirm the primacy of the individual. In both cases the common good will be seen as an alien good: on the one hand as the good of an existing substantial entity, the State; on the other hand either as the good of an individual neighbor or as the collective good of the aggregate of individuals who make up society.

Four aspects of Thomas’ thought enable us to identify the differences between his views and those of modernity on this issue. First of all, basing his argument on a metaphysical analysis of the relationship between the whole and its parts, Thomas asserts that “the common good of the city and the singular good of the individual differ not only by a quantitative but also by a formal difference” (II-II, 58, 7, ad 2). Since the whole in this case is made one by a “unity of order”, as we have seen, one can immediately distinguish a dual order in this whole: an internal order, which is the form, the structure, the organization of the community (the regime, in classical thought), and an external order, namely to an end or purpose (*In Ethic.*, I, 1, #1). Since the end or purpose gives direction to the internal relationship among the members, it is necessarily of greater importance than the internal order. For example, victory over the enemy, the ultimate goal of the army, gives direction to its internal organization.

Since that which is perceived as an end also possesses the character of a good in Thomas’ philosophy (*De Ver.*, 21, 2), he is now able, secondly, to describe the common good in a way that corresponds to the complex finality of the civil community. The internal order, the proper organization and functioning of the community is a first element in the common good.

But just as an army is organized with a purpose in mind, victory under the leadership of the general (I-II, 111, 5, ad 1), so too does society strive for a good beyond itself. This second element in Thomas' description of the common good includes the pursuit of material goods, but these stand decisively at the bottom of his list as "common utilities," mere instruments for the expansion of human life (*De Reg.*, I, 15). If health or abundance, of riches were the final good, then physicians and economists would rule (*De Reg.*, I, 14). Of greater importance for Thomas as a goal of civil society is living virtuously for, as rational and spiritual beings, humans share most of all the things of the spirit. Unlike material things which are depleted by being shared, these spiritual realities are in fact multiplied. Thomas' religious vision of the world led him to add yet a final dimension to this notion of the common good. Since we are destined to the enjoyment of God, "the final aim of social life will be, not merely to live virtuously, but through virtuous living to attain to the possession of God" (*De Reg.*, I, 14).

For Thomas, then, the common good differs qualitatively from the individual good and it includes not only material but spiritual and religious dimensions within its ambit. This raises the crucial question of the exact relationship between the common good and that of the individual. Thomas insists that a formal difference exists between the two, yet in the *De Reg.* he also affirms that "the final end of the human association can be no different from that of the individual man" (I, 14). How can one explain this apparent contradiction? Again his analysis of whole and part leads to the dual affirmation: the whole and the part are formally different, yet they are also identical in a way since they share a common nature and therefore a common end. The multitude, in other words, is nothing other than the assembled members who make it up, which means that the multitude exists in reality only in its members. Consequently its common good must be at the same time the proper good of the members. The connection between the two is so intimate that "whoever promotes the common good of the community, by that very fact promotes his own good as well ... for the proper good simply cannot exist outside of the family, or of the city or Kingdom" (*S.T.*, II-II, 47, 10, ad 2). Clearly for him the common good can never be an alien good but must be the proper good of the individual.

Despite this intimate link between the two, the common good remains the highest among all human goods and so enjoys a primacy over the singular good of the individual within each sphere of reality. This fourth major affirmation of Thomas has often been misunderstood, even by such noted disciples as Jacques Maritain who wanted to avoid potential totalitarian interpretations of such statements. (6) To understand Thomas' reasoning, one must remember that for him the good is that which all things desire insofar as they seek their perfection. Therefore, the good always acts as a final cause. The excellence of the common good consequently stems from its nature as a more universal final cause which allows it to affect a greater number of beings. In this way, it more closely resembles God "who is the ultimate cause of all goods" (*In Ethic.*, 2, #30).

Let us not forget, though, that for Thomas it is in pursuing that most noble of goods that one obtains one's own "greatest proper good. Here again one must be clear about the meaning of the term "bonum suum". I can pursue my proper good as an individual, as does the animal in seeking its food. Or I can pursue it as a member of the species, as when I seek to propagate the species, a good that Thomas already sees as a greater good for me. Or I can pursue it as "belonging to the genus "rational" in which case, being capable of a universal knowledge, I will have as my most proper human good the good of the universe itself. Finally, as a creature of God, I can" pursue the greatest common good of all, the beatific vision, for "God, good purely and simply universal, is the propol: good which all things naturally desire as their loftiest and best good and which gives being to all things" (*De Koninck*, p.12). Thomas draws the inescapable conclusion that more perfect beings seek a more universal good whereas imperfect ones are content with their own singular material good (*CG*, 111,24). Moreover they love this common good not insofar-as they can share in it, but in its ability to be shared with others. They will also more readily sacrifice their singular good for the sake of the common good, knowing full well that in so doing they are

in fact gaining their own highest proper good. Needless to say, all these aspects of Thomas' vision of the common good stand in sharp contrast to much modern thought.

If one understands the nature of society and of the common good in this way, it follows that the role of the ruler will be quite simply to forge the unity of order by ordaining the many to the single common good. This is above all an act of reason or prudence, not one of power. The ruler's eminently noble task, described eloquently in chapter 15 of the *De Regimine*, is as all-encompassing as the definition of the common good given above, for he is above all the defender and the promoter of the common good, a task he carries out mainly through the formulation of good laws.

The mention of good laws introduces for the first time the notion of general or legal justice, the direct antecedent of today's social justice. Daniel Maguire claims that "justice talk has further been confused by a long tradition of treating justice as universal virtue, the sum of all goodness" (p.194, note 5). I suspect the confusions stem from a misunderstanding of Thomas rather than from a lack of coherence in his own vision.

For Thomas, the proper object of justice is to direct a person in his or her relations with others, either an individual or a collectivity (*S.T.*, II-II, 58, 2): In the latter case, since each member part of the whole, it follows that any good of the part can be referred to the good of the whole. Therefore the acts of any virtue, including those that direct us in relation to ourself, like temperance, can be directed to the common good by the general virtue of justice (II-II, 58, 5).

However, having defined law as an "ordinance of reason promulgated by the ruler for the common good" (I-II, 90, 4), Thomas logically concludes that general justice can also be called legal justice since "thereby a person accords with law which directs acts of all the virtues to the common good" whenever necessary (II-II, 58, 5).

As a general virtue, justice operates by commanding the acts of other particular virtues and directing them to its own proper object, the common good. It does not have acts that are solely its own, that is acts which are not simultaneously those of another particular virtue. This even includes the acts of the particular virtue of justice. Yet it remains a special virtue because it has a proper object, the common good, in the same way that charity remains a special virtue, centered as it is on God's goodness as its proper object (II-II, 58, 6). Since the common good surpasses the individual good of one person, it is not only a distinct virtue but one that outshines all the other moral virtues.

Since its proper object is the common good, one immediately surmises that legal justice is above all a virtue of the ruler, architect of the social order, who, by the enactment of wise laws, draws up the blueprint of a just society for the citizens to follow. Nevertheless it is also secondarily a virtue of the citizens since all persons living in a community are responsible for the common good to which they must contribute actively by obeying the law.

One should hasten to add, though, that legal justice will vary in accordance with the nature of the regime in which it is being exercised, for different regimes (monarchies, aristocracies, democracies) will seek different ends (virtue, opulence, freedom and equality) and will frame their laws in accordance with these ends. (*In Ethic.*, V, 12, 1030). Consequently, legal justice will command different virtues in keeping with the nature of the common good sought after by each type of regime.

Despite the apparent clarity of this question 58 of the *Secunda Secundae*, many subsequent manuals of moral theology presented legal justice as a subspecies of the cardinal virtue of justice, listing it alongside commutative and distributive justice as a third distinct particular virtue.⁷ The confusion stems in part from a response in question 61 of the *Secunda Secundae* (1, ad 4) where Thomas defines legal

justice as ordering the acts of individual persons to the common good while distributive justice conversely orders the distribution of the common good to individual persons.

This apparent reciprocity of the two suggests that they are both particular virtues. Still, three reasons militate against this interpretation. Particular justice always orders a person in his or her dealings with other individual persons or a collectivity, whereas legal justice orders a person to the common good. Particular justice has a *medium rei*, an objective mean in outside reality, whereas legal justice has a *medium rationis*, a mean determined by reason. Finally, particular justice renders a “legal debt” which requires restitution when not rendered, whereas legal justice renders a *debitum praecepti*, the obligation to act virtuously within the law (cf II-II, 58, 7; 79, 2; 80, 1.)

The exact meaning of Thomas’ response now becomes clearer. The formal object of distributive justice and its proper act is to distribute the common good in an equitable way to private persons. Legal justice, as a general virtue, may at times also require an equitable distribution of goods, but it does so by commanding the act of distributive justice and reorienting it to the preservation of the common good.

Legal justice, then, in Thomas’ theology, is clearly a general virtue. The law whereof he speaks includes not only human positive laws, but natural law and even divine law itself (CG, III, 128; 11-11, 79, 3). His notion of the common good, as we have seen, includes not only the temporal common good of the political community, but also the final common good of all human beings who comprise this community, namely membership in the City of God. However, as the complex medieval order gave way to the modern state, law began to be identified with the positive laws of the civil state, and the common good with the secular good of that same reality. Legal justice became the particular virtue which regulated the relationships of the citizens to the State and led them to obey its positive laws.⁸ It is this atrophied sense of the term “legal justice,” understood now as a particular virtue, which was inherited by Catholic social thinkers of the 19th century.

The Appearance of “Social Justice”

To anyone familiar with the classical tradition just described, the very term “social justice” would appear to be redundant. The very idea of society as a “unity of order” means that society is constituted by the relations among persons, which relations are then governed by the virtue of justice. Justice is therefore coextensive with society and is, in that sense, always “social”. Why, then, did Taparelli d’Azeglio and, after him, the Social Catholics and Leo XIII prefer to speak of social justice rather than to use the traditional thomistic vocabulary?

As one reads the literature of the period, one senses that two factors contributed to the change of language, one philosophical, the other existential. On the one hand, Catholic social thinkers of the second half of the nineteenth century were reacting strongly against the principles of modern liberalism which they saw being translated into either revolutionary conduct or oppressive economic behavior. On the other hand, a strong concern for the plight of the poor, epitomized by the sorrowful condition of the working class, led them to assert the need, for a justice greater than mere individual justice.

As the neo-thomistic movement gained momentum, these Catholic social thinkers began to rediscover Thomas’ idea of general or legal justice. Since that term had become identified with the positive laws of the modern State, they chose to use instead the currently more popular term “social” to express their fledgling ideal of full justice in the social order. In a word, they were trying to convey a traditional insight with language drawn from a new world order. One can hardly expect such a major change to occur without generating considerable confusion.

This becomes immediately apparent when one examines the meaning of the work “social” used so effusively in the early decades of the last century. In a brief but excellent study of the origins of the phrase “social justice,” the French Jesuit, Pierre Vallin, examined the major transformation that occurred in the meaning of “social” during this period.⁹ In traditional language, social was used in opposition to individual and referred to the union of persons living closely united in society. For Aristotle, social and political were virtually identical, for the *polis* was the only perfect community that he knew. For Thomas, however, with his vision of the heavenly city, social and political are somewhat distinct but still closely linked together. Recall his understanding of the relationship between the temporal and the ultimate common good. The political is only an aspect, albeit a crucial one, of the social order.¹⁰

In the last century, however, a new sense began to arise, one in which, according to the historian Duroselle, “social” began to be used “in opposition to political, to denote the conditions, leaving aside the form of the government, which pertain to the intellectual, moral and material development of the masses of people.”¹¹ In other words, instead of stressing relationships as the unifying force of the whole, the term now suggested potential antagonisms that arise in those relationships, especially between the State and the individuals. Moreover, whereas the classical view had emphasized the primacy of the common good with the demands it made on individual citizens, the new view presented both individuals and smaller social groups as making demands on the whole, particularly on that ultimate and distinct whole, the state.

The tension between the two worldviews can be seen in the works of Taparelli d’Azeglio who seems to have been the first to use the expression “social justice.” In his philosophical treatise on natural law, first published in 1840,¹² Taparelli attacked the view, inherited from the eighteenth century, that the state of nature and the state of society were opposed. For him, the social state is indeed natural to man and in that state there exists, alongside individual rights, a social right that underlies all the relations among humans. The obligation to conform to the latter right is what he called social justice. In this text the word “social” is still used in its traditional sense, i.e., in opposition to “individual.” Taparelli grasped correctly Thomas’ insight that justice has as its object and starting point some kind of “jus” or right. In the expression “social right,” the word social, in Taparelli’s words, “expresses the essential quality of the right between person and person, or among associated intelligent beings” (*Saggio ...*, #347 and note). In a later explanation he adds that by “person and person” he understands “humanity twice repeated” (#354). Clearly Taparelli is struggling to broaden the notion of justice to include the entire social order, but he fails completely to link social justice to the idea of the common good. Moreover, when he does describe the common good, he refers to it as the “common or social good” and pictures it as something external to the members which must be redistributed to them by an exercise of distributive justice. Already in this earlier work he has departed from the classical vision of the relationship between the individual and the common good.

After the Revolution of 1848, Taparelli wrote a lengthy article on universal suffrage¹³ in which he attacked the egalitarian premises of universal suffrage while still acknowledging the validity of the demands for human dignity and justice being expressed by the insurgents. In this article, social justice now became “a demand for the participation of all in “the real common good of an integrated society” (Vallin, p.385). Taparelli’s existential concern for the poor and the oppressed led him to press the claims of the individual versus society and to demand for all a proportionate, but not equal, share in the common good. Once again a faulty understanding of Thomas’ notion of the link between the common good and that of the individual hampered his efforts to enunciate a theory of justice consonant with the classical tradition.

Even this cursory look at the earliest use of the phrase social justice reveals the widespread influence of modern political philosophy which, by 1840, had nearly obliterated the classical vision. Contract theories of society had given rise to the modern State which was now perceived to be a reality outside of and distinct from the lives of individuals and of the smaller groups to which they belonged. At the same

time, changing economic structures had given birth to new groupings, new voluntary associations, which were assuming ever greater importance in the lives of individuals. The idea that society was a reality distinct from the state emerged from this matrix.

Such fundamental conceptual and existential changes inevitably resulted in a different notion of the common good and of the justice that ought to govern the socio-political order. The common good now became the sum total of the individual goods and consequently tended to be seen as an alien good, an abstract good other than my own. As an alien good, it now needed to be redistributed to all of the individuals who contracted to form this society.

The notion of justice, too, was considerably affected by such changes. Under the influence of voluntarism, law was no longer seen as an expression of right reason but rather as an arbitrary decree of the powerful wielder of authority¹⁴. This severed the narrow bond between law and morality, causing law to lose much of its moral value and the term “legal justice” to lose its central role in the forming of a good social order. Instead of a general virtue, it became a particular virtue dealing with the obligations of the parts to the whole, the obedience of the citizen to the positive laws of the State.

Also contributing to the demise of legal or general justice was the tremendous emphasis on individual rights instead of duties which characterized the modern philosophy. In such a perspective, individual justice gains in ascendancy and becomes identified with the very notion of justice, while legal justice, with its focus on the common good, is relegated to a position of secondary importance. At the same time the role of the State, guarantor of justice, is reduced to the protection of individual rights or, if a broader role is assigned to it, it is merely to reconcile conflicting rights or to organize society in such a way that all rights are exercised and all duties discharged harmoniously. The opposition to the classical view is now both radical and complete.

The Social Catholics and Social Justice

In the face of such conflicting worldviews, one is not surprised to find acrimonious disputes arising among Catholic social thinkers in the latter part of the nineteenth century, the very period during which the phrase “social justice” became widely used. The study of these debates sheds much light on our own situation, for the diverse positions espoused today reflect the same confusions as those of our predecessors.

Liberal Catholics of the time considered commutative or individual justice to be the principal form of justice that ought to govern the relationship among persons. Fearing the egalitarian and even socialist tone of the phrase “social justice” being used by the Social Catholics, the liberal Catholics engaged in heated polemics against them, particularly on the issue of the link between charity and justice. Recognizing full well that individual justice alone could not solve the social ills of the time, these authors, among them the famous economist, Charles Perin, argued that charity alone holds the key to social peace. For if someone is willing to give of his own good, how will that person ever retain the good of another unjustly?¹⁵ In their view, acts of liberality, benevolence and almsgiving are obligations of charity, not of justice (Caudron, pp. 253f). When they applied these distinctions to the debate over the nature of a just wage, the liberal Catholics asserted that the owners’ only obligation in justice was to pay workers the agreed-upon wage. Any further obligation stems from the theological virtue of charity alone. But since the law cannot force anyone to practice a theological virtue, the State’s role must consist solely in not contravening the exercise of charity. In the realm of justice, the State’s only role is to safeguard the demands of commutative justice. To us today the Lockean tone of these arguments is quite obvious.

The Social Catholic school responded vehemently to such statements with an appeal to justice and called for the State, the guardian of justice, to intervene whenever charity cooled. The issue came to a

head over the question of almsgiving. Agreeing with the liberal Catholics on the central role of charity, and acknowledging that almsgiving was “an act of charity through the medium of mercy” (*S.T.*, II-II, 32, 1), the Social Catholics nevertheless argued that in some instances acts which flow from charity could also be commanded by a precept of justice and thereby be the concern of law and of the public authority. Could one, then, ever be obliged to give alms not only to satisfy for one’s sins but also to satisfy the demands of justice?

In two places at least Thomas does use language that links almsgiving to justice. When he justifies theft in cases of extreme necessity, he maintains that “according to natural law goods that are held in superabundance by some people should be used (*debentur*) for the maintenance of the poor” (*S.T.*, II-II, 66, 7). In his response to an objection, Thomas explains further that a person in dire necessity does not steal, strictly speaking, by taking another’s property since “such necessity renders what a person takes to support his life his own (*efficitur suum*)” (ad 2). Since the object of the cardinal virtue of justice is to render to each what is his due, it would seem, then, that giving alms in cases of extreme necessity is an obligation of that virtue. This is verified by his subsequent reflections on avarice where, referring to Basil’s famous statement that “you injure as many people as you have the power to help” if you fail to provide that help, he asserts that “Basil is speaking of the case wherein someone is bound under a *legal debt* to give of his goods to the poor in view either of their dire need or of his own surplus of possessions” (II-II, 118, 4, ad 2). The legal debt, for Thomas, is the debt proper to cardinal justice. So it seems to me that Thomas is clearly speaking in these texts of almsgiving as an obligation of individual or commutative justice.

On this point, though, the Social Catholics went beyond Thomas and linked this obligation to legal justice. Citing Banez, Sylvius, and more recently Manning and Liberatore as proponents of a position similar to his own, Fr. de Pascal, probably the best theologian member of the Fribourg Union, maintained that the public authority, in exercising the virtue of legal justice, may indeed force its subjects to give alms insofar as it is necessary for the common good.¹⁶ De Pascal understood full well that genuine peace, an essential component of the common good, was the work of charity directly but that it was also “the work of justice indirectly, in so far as justice removes the obstacles to peace” (*S.T.*, II-II, 29, 3, ad 3). Since grave injustices in the economic sphere posed severe threats to peace in his day, de Pascal felt clearly, justified in calling upon owners to fulfill other conditions besides those strictly mentioned in the work contract. Among these he lists the presence of insurances against sickness and unemployment, the possibilities of professional advancement, the ability to procure a religious, moral and professional education. In brief, the list includes anything whose absence causes disorder, pauperism, egoism, and whose presence would create peace under the corporative system that he is proposing as a model for social life (“Quelques éclaircissements ...”, p. 410). For him, all of these diverse obligations flow from the virtue of legal justice.

In their desire to broaden the scope of justice, however, the Social Catholics also fell prey to misunderstandings of Thomas’ notion of legal justice. Despite de Pascal’s clear presentations¹⁷, others, like Albert de Mun and especially Rene de la Tour du Pin, defined social justice in language that reminds one of Thomas’ distributive justice. For example, in 1887 La Tour du pin described it as “the one which inspires the legislator with the proper dispositions to assure among the different classes an equitable participation in the advantages and the burdens of society”.¹⁸ During its 1891 session, the Fribourg Union itself asserted that workers had a right in social justice to participate equitably in the prosperity of the industry which employs them, and that the public powers should favor this participation in order to preserve social peace.¹⁹ A certain egalitarian leaning lurks in this text since it calls for a distribution based not on differences in virtue or wealth, but on some sense of the equal importance of the workers. Yet, the mention of social peace evokes the idea of the common good, the proper object of legal justice, so the Fribourg Union was correctly calling upon social justice to command the acts of distributive justice in the name of the common good. Inevitably such subtleties were lost on their adversaries and the confusion

between general and distributive justice continued to prevail, fueling the liberals' accusation that the Social Catholics were purely and simply advocates of State Socialism.

Influenced by modern thought, these authors also failed to grasp properly the relationship between the common good and that of the individual in Thomas' political theory. The Dominican member of the Fribourg Union, Albert Maria Weiss, presented the realms of public and private right as distinct and opposed to each other.²⁰ As a result, he was obliged to see justice as the virtue that somehow brings the two back together again, with social justice protecting the social order by establishing an equilibrium of rights and duties within society as a whole. In such a view, social justice serves as the counterpart to distributive justice. If I understand him correctly, Dan Maguire is expressing a similar view with his hyphenated concept of social-distributive justice.²¹

It appears to me that Weiss' idea of a two-directional justice weakens the sense of unity in society, for it is analogous to the clamps that hold from the outside two pieces of wood that are being glued together. In a contractual notion of society, one needs such an external force to unify the individual parts. In the traditional view, however, legal justice, exercised by both the authority and the virtuous citizens, is the cement that holds the community together from within, thanks to its single-minded focus on the common good, the ultimate source of unity and profound solidarity in the community. Legal justice commands distributive justice whenever the common good requires it and it also obliges all citizens to work for this common good. In such a view, one does not have to appeal to private rights to protect the citizen from the community.²² Since society exists only in its members, its good, the common good, must necessarily devolve unto and be shared by each of the parts. There is no equilibrium of rights and duties in such a view, for the fulfillment of one's duties promotes the common good which is, in turn, the highest proper good of each single member.

Rehabilitating Social Justice

What ought we to do, then, with a term that has gathered around itself, like so much moss, a multiplicity of often conflicting meanings? This study has shown that the term was born in reaction to excessively individualistic notions of justice and out of a desire to demand the participation of all, especially the poor, in the economic well-being of the whole community. It assumed a vision of an ideal, well ordered society as its goal. My suggestion is that the traditional concepts of commutative and distributive justice, when properly understood, offered adequate guidance to the construction of a just economic order, and ought to remain our principal ethical tools when dealing with specific moral issues in the realm of the economy. There seems to be little need to introduce a term like "economic justice" into the debate, for that only further confuses matters.²³ Social justice ought to be identified with the traditional idea of general justice and be reserved for use in debates about issues that relate directly to the common good. This is obviously not as simple as it may sound, but it can be done.

Individual justice governs the relationships among individuals. The most common source of the due is the contract or some form of merit, so we often call this contractual or meritarian justice. However, the Catholic tradition has always identified another source of the due, namely one's human nature, which entitles one to a share in the goods of this world. Recall here Thomas' discussion of theft and of almsgiving. In both cases the fact that the goods of the earth were entrusted to us by the Creator led him to assert that they were to be used for the basic needs of all. It seems to me that this creates an individual right to basic necessities of life, imposing on me as an individual the corresponding duty in strict, commutative justice to give alms in case of dire need. I think that one injects confusion into the discussion when one states, as Dan Maguire does, that "the theory of social justice ... goes on to say that you also deserve in accordance with your needs" (Maguire, p.59). I would argue that the poor have a strict right in individual justice to such goods.

At this point distributive justice enters the picture as well, for the care of the poor cannot be resolved by individual almsgiving alone. Distributive justice, in its classical form, required an equitable distribution of the common goods (plural) of the community. The ruler was mandated to distribute equitably both the benefits and the burdens of life in society, but citizens also exercised distributive justice by their cooperation in this process. It is this latter aspect that is often omitted in current discussions of justice. Maguire, for instance, correctly associates the levying, of taxes by the government with distributive justice, but then associates the paying of taxes with social justice (Maguire, p.68). There is a sense in which that is true, but the paying of taxes by the virtuous citizen is first and foremost an exercise of distributive justice. From the same virtue flows the requirement for the participation of all in the economic goods of the nation, a point emphasized repeatedly by the Roman Catholic Bishops in their Pastoral Letter on the Economy (#78). A strong case for affirmative action can also be based on this notion of justice, for whole segments of the population cannot be excluded from genuine participation in the economic well-being of the whole without a violation of this cardinal virtue.

What then remains as the specific object of social justice? Is there still room for a general virtue such as the one envisaged by Thomas Aquinas? Dan Maguire's excellent book on justice goes a long way in the direction of rehabilitating the notion of social justice, defining it as the virtue "whereby individuals pay their debts to the common good" (p. 57). At stake, indeed, is the debate about social justice is our understanding of personhood, society, and the relationship between the two, as well as our understanding of the related notions of freedom, equality and mercy. It needs to be retained as a viable notion in order to serve as a corrective to the glorification of individualism and freedom which permeates our culture and to keep our eyes focused on the common good. But that very expression, "the common good," suggests three fundamental steps that must be taken if we are to speak meaningfully of social justice.

To begin with, greater stress must be placed on the adjective "common." Until we reach a consensus that we are indeed by nature sharing animals and that in this sharing we reach our own highest potential, it will be difficult to think of orienting our actions to the common good as the exercise of a great virtue. Enamored as we all are with our private good, it will require a considerable intellectual conversion to realize that the sacrifice of such private goods may indeed be required of us and may actually ennoble us and contribute to our own greater proper good. In brief, social justice is incomprehensible outside of the context of social solidarity and a first task in the rehabilitation of social justice is to develop and nurture a more profound sense of common purpose in the citizenry.

Of equal importance, though, is the fostering of a continued dialogue on the nature of the common good. Negatively one must break away from the idea that it is either the greatest good of the greatest number, or the sum total of individual goods, or even the national interest. But even when that is achieved, spelling out the positive content of the common good will require an ongoing public debate since its content depends on the nature of the regime. In a pluralistic society, achieving a consensus on the priority of values that comprise the common good will not be easy. In the classical tradition virtue and spiritual realities played a crucial role in defining the common good. Recent Catholic social thought can be helpful in developing a fuller notion of social justice if it preserves the breadth of definition of the common good which it finds in its heritage rather than narrowing the idea to include only its economic components.

If one is to recapture the richness of the past, one must, as a third step, continue to promote the primacy of duties over rights, for rights are by definition self-centered. Duties orient us to others and ultimately to the common good. It may be tactically advantageous to use the language of rights in public debates about the economy, or about abortion for that matter, but in the long run only an appeal to duty can overcome the adversarial mentality created by the language of rights.

Finally, since society is not a real being, but a real quality of the relationship among the parts, a unity of order, to use traditional language, it follows that the common good, and consequently social justice, are not already existing realities. Instead, as qualities of the “social whole, they need to be constantly worked for and created. Social justice is not a magic formula out there somewhere, waiting to be applied simply to concrete situations. As a virtue it has a “medium rationis,” which means that its mode of action must be constantly determined by one’s reason. Consequently, all appeals to social justice must be supported by cogent rational arguments that show why the common good requires such and such an act in these specific circumstances. Needless to say, slogan-like uses of the phrase, with their blatant appeal to our emotions, lead us nowhere.

Social justice must, therefore, remain as a vital intellectual cog in our vision of a better world, for it expresses a vital insight into the nature of the human community. No political community can survive for long without a powerful unifying purpose that gives direction and value to all the individual actions of its members. The Roman Catholic Bishops saw that “the ability to participate actively in the economic, political and cultural life of society (was) an essential expression of the social nature of human beings and of their communitarian vocation” (Pastoral Letter, #82). Social justice imposes on each of us the stringent duty to fulfill our obligations to the whole and, in this way, to achieve our own highest proper good. Understood in this fashion, social justice is not only not a meaningless term, but it emerges as the most meaningful of all the moral virtues.

Notes

1. Daniel Maguire. *A New American Justice*. Minneapolis, 1980, p. 51.
2. Cf. Thomas Aquinas, *CG*, III, 112. Also Ch. de Koninck, *De la primauté du bien commun contre les personnalistes* (Quebec and Montreal, 1943), p.38, argues against Maritain’s contention that the individual person transcends civil society by virtue of his/her personal dignity. Cf. *The Person and the Common Good*, trans. John J. Fitzgerald (New York, 1947), pp. 5 and 11.
3. Cf. *CG* III, 134; *S.T.*, I-II, 4, 8; 94, 2; and II-II, 188, 8; *De Reg. Princ.* I, 1, #5.
4. Ernest Fortin, “The New Rights Theory and the Natural Law,” *The Review of politics*, 44, No.4 (1982), 595.
5. Th.A., *Contra Impugn.*, II, ch. 2, #55-56. For an excellent and very detailed presentation of the nature of the social bond in Thomas, see Franz Mueller, “Person and society according to Saint Thomas,” in Th. Brauer, *Thomistic principles in a Catholic School* (St. Louis, 1943), 228-40.
6. Heated debates have raged over this contention that each singular person can be compared to the whole community as a part to the whole. See J. Maritain, *The Person and the Common Good* and *The Rights of Man and Natural Law*, trans. Doris C. Anson (New York, 1951), passim, for a view different from the one espoused here. Maritain is attempting to make Thomas’ statements more palatable to modern liberals, but in so doing I think he betrays Thomas’ thought. For a defense of the view presented here, see DeKoninck, *De la primauté du bien commun ...*
7. Cf. Thomas Gilby, *The Political Thought of Thomas Aquinas* (Chicago, 1958), p. 220. Jeremiah Newman, in *Foundations of Justice* (Cork, Ireland: 1954), p. xiv, note 11, lists Vermeesch, Noldin and Merklebach as famous authors of manuals who held such a view. Maguire (pp. 67f.), following in this Josef Pieper in *Justice* (New York: Pantheon Books, 1955), adopts a similar tripartite division of justice.
8. See Newman, *Foundations ...*, p. 98. For the list of Thomas’ commentators who contributed to this development, a list which includes Peter of Aragon, Banez, Suarez and Silvius, see note 6 on p. 99 of Newman’s work.
9. R.P. pierre Vallin, “Aux origines de l’expression ‘Justice Sociale’” *Chronique Sociale de France*, 68 (1960), 379-92.
10. Vallin’s language is ambiguous here, for he writes on p.382: “Le politique est des lors un simple aspect du social.” I think it was more than just a “simple aspect,” for the political is the dominant unifying principle in the classical vision. His major point remains intact, however.
11. J.B. Duroselle, *Les debuts du Catholicisme social en France: 1822-1870* (Paris: 1951), p.15, cited in Vallin, 382.
12. Taparelli d’Azeglio, *Saggio teoretico di diritto naturale appoggiato sul fatto*, 2 Vol., (Palermo, 1840-43), esp. ##347-56.

13. Taparelli d'Azeglio, "Il Suffragio Universale," in *La Civiltà Cattolica*, 1st series, Vol. 2 (1851), pp. 31-50; 126-138.
14. J.Y. Calvez and J. Perrin, *The Church and Social Justice: The Social Teaching of the Popes from Leo XIII to Pius XII (1878-1958)*, trans. J.R. Kirwan (Chicago, 1961), p.144. The original French work, *L'Eglise et la Societe economique*, contained two appendices on the history of the controversies surrounding the use of the term social justice. Why Kirwan chose not to include those vital appendices in his english translation remains a mystery.
15. C. Caudron, "Justice et charite dans les rapports de patrons a ouvriers," *Etudes* 9 (Feb., 1890), 244.
16. G. de Pascal, "Quelques eclaircissements au sujet de la question de la charite et de la justice dans les rapports de patrons a ouvriers," *L'Association Catholique*, 29 (April, 1890), 408.
17. G. de Pascal, "L'idee chretienne et l'economie sociale" in *L'Assoc. Cath.*, 18 (Aug., 1884), 129-36; (Sept., 1884), 261-74; 19 (Feb., 1885), 148-58; (April, 1885), 435-42; (June, 1885), 653-62.
18. R. de La Tour du Pin, "Politique Sociale," in *L' Assoc. Cath.*, 23 (April, 1887), 130.
19. Unedited *Minutes* of the Fribourg Union, 1891, p. 8. For a complete study of these unedited texts, see Normand Paulhus, *The Theological and Political Ideals of the Fribourg Union*, unpublished diss., 1983, available from University Microfilms International.
20. A.M. Weiss, *Apologie des Christentums vom Standpunkt der Sitte und der Kultur*, 5 Vols., (Freiburg im Breisgau: 1878-1889).
21. *A New American Justice*, p. 84. John Ryan manifested the same misunderstanding of Thomas when he wrote that "Rev. Andre Rocaries, S.J., declares that Pope Pius XI added a new element to Catholic teaching, when he defined the common good as comprising not merely the good of the whole community but the good of all and each of the members This conception of the common good is not explicitly stated in St. Thomas' treatment of general justice. General justice, or legal justice, as he explains it, covers the common good as a whole but does not specify individuals or social groups." - "The Economic Philosophy of Saint Thomas," in *Essays in Thomism*, ed. Robert Brennan (Freeport, N.Y., 1942; repr. 1972), p. 240.
22. Leo Shields, *The History and Meaning of the term Social Justice*, (Notre Dame, 1941), p. 40.
23. The American Catholic Bishops, in their Pastoral Letter on the Economy, rarely used the term "social justice" (## 43, 62, 73, 75, and 258). Instead they used the phrase "economic justice" to express their desire for a comprehensive justice in the whole economic sphere.