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# Unlocking Catholic Social Doctrine: Narrative as Key

William Joseph Wagner

## I. Introduction

In the case of the Catholic law school at least, Catholic social doctrine answers a need. The Catholic Church is in need of a program and Catholic law schools are there to advance that program, so for this reason there must be Catholic social doctrine. The stance of the Church, as reflected in the existence of these Catholic law schools, reflects a dual commitment of service to the good of the larger society, on essentially its terms, and, at the same time, to the integrity of the Church's own perspective independent of the drift of society.<sup>1</sup> The Church's need for independence flows from the integrity of the faith.<sup>2</sup> As a result of this dual requirement, the Church needs directives that travel light so that they can encapsulate and preserve the distinctive Catholic difference, but still be adopted within a law school structured to the needs of the

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<sup>1</sup> The mission statements of law schools with Catholic affiliations reflect just this tension. Language from three such statements can be cited as representative: One school asserts that it is "rooted in the Catholic tradition that emphasizes the unique value of individual human lives and our endowment with free will. It inspires us to provide a professional education . . ." (Villanova Law School); another states that it "stands in . . . the . . . tradition of common law based on court decisions, customs, and common usages; and the Catholic tradition, which brings specific spiritual and moral values to bear upon daily life and legal judgments" (University of Notre Dame Law School); and a third declares that it has a "core commitment to the ideals of the dignity of each human person; respect for the inviolability of all human life; justice rooted in the common good; the recognition and protection of human rights as gifts of the Creator" and that it strives "to impart to our students a comprehensive set of practical competencies, a broad range of doctrinal knowledge, and an unwavering commitment to the ethical practice of law (Catholic University Law School).

<sup>2</sup> That the faith poses an inviolable demand of integrity is a constant in Christian theology going back to the early Fathers of the Church who framed the idea in terms of a "rule of faith." See Irenaeus, *Adversus Haeres.*, ed. Migne, *P.G.*, VII; Tertullian, *De praescriptionibus Haereticorum*, (Hurter ed., 1870); Cyril of Jerusalem, *Catecheses*, ed. Migne, *P.G.*, XXXIII; Cyril of Alexandria, *Second Letter to Nestorius*, termed "the Rule of Faith" (*epistole kanonike*) by the Councils of Ephesus and Chalcedon; Vincent of Lerins, *Commonitorium*, (Hurter ed.)

larger society. Functionally, Catholic social doctrine has precisely this Janus-like quality.

The Church's reliance on Catholic social doctrine to serve in this way in Church affiliated law schools is hardly surprising. Doctrine is everywhere a prerequisite where human capital must be formed to advance a program. That is the point of programmatic indoctrination. Think, in the last presidential campaign, of the Obama campaign's very organized distribution of quasi-doctrinal "talking points" to its local campaign organizers.<sup>3</sup> Doctrine, grasped as such directives or marching orders, supplies a "platform" for a constructive social vision. As such, it functions midway between genuine social and political philosophy and concrete policy decisions. Doctrine can inform the application of the levers of power in pursuit of an envisioned societal direction, in a way that purely theoretical ideas cannot.

The formulation of doctrine has been a feature of the Catholic Church's program from very early in its history. Obviously in this latter setting doctrine has been advanced with a peculiar concern for content and continuity that would not be present in a passing political campaign, however large a role that campaign assigns to the theological virtue of hope.<sup>4</sup> Throughout the centuries, the Church has used doctrine as perhaps the linchpin of its institutionalized program of evangelization. It has relied on doctrine as the rule or measure both of the *credendum* (that which is to be believed) and the *agendum* (that which is to be done) in virtually all times and places.<sup>5</sup> Thus, we find from the earliest centuries, the Church's creedal statements and its canons.<sup>6</sup>

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<sup>3</sup> Sidney M. Milkis & Jesse H. Rhodes, *Barack Obama, the Democratic Party, and the Future of the "New American Party System,"* 7 J. APPLIED RESEARCH IN CONTEMP. POLITICS 1 (2009).

<sup>4</sup> WOLFGANG MIEDER, "YES WE CAN": BARACK OBAMA'S PROVERBIAL RHETORIC (2009).

<sup>5</sup> A very early example of the Church's doctrinal statement of belief is the Apostles' Creed. See PIOTR ASHWIN-SIEJKOWSKI, *APOSTLE'S CREED: THE APOSTLES' CREED AND ITS EARLY CHRISTIAN Context* (2009). A very early example of a quasi-doctrinal statement of "canons" of conduct would be the didache. See WILLIAM VARNER, *THE WAY OF THE DIDACHE: THE FIRST CHRISTIAN HANDBOOK* (2007). However, it is worth noting that:

Dogma in the sense in which the term is used nowadays in the Church and in theology (a usage which only became definite and universal in the 18th century) is a proposition which is the object of *fides divina et catholica*, in other words one which the Church explicitly propounds as revealed by God (citation omitted), in such a way that its denial is condemned by the Church as heresy and anathematized.

KARL RAHNER, *ENCYCLOPEDIA OF THEOLOGY (THE CONCISE SACRAMENTUM MUNDI)* 354 (1975).

<sup>6</sup> See generally JAROSLAV PELIKAN, *CREEDS AND CONFESSIONS OF FAITH IN THE CHRISTIAN TRADITION* (2003). For a treatment of the Church's reliance on doctrine for programmatic

The experience of the Church over time, however, has made it clear that it cannot subsist solely on doctrine. It has also, more generally, shown that doctrine cannot stand alone. Doctrine is effective, in the context of the Christian Church, only when it is transmitted within a lived community of faith and action sufficiently informed by theological and philosophical understanding. Doctrine, then, stabilizes and directs a community which has already, as quasi-independent sources of life, its ongoing prayer and *praxis*, as well as some sufficient depth of the understanding which theology and philosophy provide.<sup>7</sup> From the perspective of this essay, the coordination of these disparate elements occurs within the consciousness of a community, most critically, only through common participation in a narrative that imaginatively embodies, and thus unifies and transmits the community's identity through time.<sup>8</sup> Neither Christian doctrine, nor Christian philosophical or theological principle can stand apart from a living connection with narrative. They find this necessary connection with narrative, by drawing from one of several intersecting Christian stories enshrining at their core "the Narrative" of the Christian Gospel itself. Observe that the Nicæan Creed, a doctrinal statement, itself, is worded in such a way as to tell us a story.<sup>9</sup>

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goals, see Susan Wessel, *LEO THE GREAT AND THE SPIRITUAL REBUILDING OF A UNIVERSAL ROME* (2008).

<sup>7</sup> The Second Vatican Council made this insight a pervasive theme: "The words of the holy fathers witness to the presence of this living tradition, whose wealth is poured into the practice and life of the believing and praying Church." SECOND VATICAN COUNCIL, *DOGMAIC CONSTITUTION ON DIVINE REVELATION* ¶ 8 (1965). The theological renewal that accompanied the Council also emphasized it. For example, Karl Rahner observed: "The pastor should realize that he plays his part in the advance of the history of dogma. Preaching the faith is not merely repetition of a simplified theology, but an anticipation of the theology. Its living vigour, (sic.) its problems and solutions carry the history of dogma onwards. And it is precisely that dynamic movement towards the future of preaching which ought to give life and energy to the pastor and which gives the question of the past the gravity and significance without which the history of dogma would degenerate into mere erudition." RAHNER, *supra* note 5, at 366.

<sup>8</sup> Paul Ricoeur offers a conceptualization useful in developing the implications of this idea. He observes that "subjects recognize themselves in the stories they tell about themselves" and that "[t]he notion of narrative identity also indicates its fruitfulness in that it can be applied to a community as well as an individual." PAUL RICOEUR, *TIME AND NARRATIVE* (vol. 3) 247 (1990).

<sup>9</sup> See The Nicene Creed, formally adopted by the Church at the Council of Chalcedon in 451, reprinted in PHILIP SCHAFF, *THE CREEDS OF CHRISTENDOM* 27 (1877). The narrative of the Nicæan Creed begins by calling attention to "the making of heaven and earth." *Id.* It then recites the "pre-history" of the eternal procession of the Second from the First person of the Holy Trinity through whom is making of heaven and earth take place. See *id.* It continues with the incarnation of the Second Person through the power of the Third person with the consent of the Virgin Mary and for the sake or the redemption of the human race. See *id.* Then it moves to the passion of Christ, with his suffering, death

The argument of the present essay is that the pragmatic pressures of contemporary circumstances that lead to Catholic social doctrine – as set out in the *Compendium of the Social Doctrine of the Catholic Church*, for example,<sup>10</sup> – to being strongly emphasized in Catholic law schools should not be permitted to create a doctrinal hegemony severing doctrine from the contextualization from which it draws its meaning. Catholic social doctrine depends, for its coherence and truth, as do all of the doctrinal formulations within Catholicism, on its relation to both philosophical and theological understanding and, for the purposes of my present inquiry, to a larger narrative.

The case for this thesis rightly begins with trenchant criticism of the peculiar complacency that currently exists within circles of legal thought devoted to Catholic Social Thought, with respect to the assumption of an habitual, basically a *doctrinaire* point of view. It next offers a contrasting vision of doctrine as merely partial, and as properly dependent for its ground on reference to a fuller normative Christian narrative. It goes on to explain that this necessary ground is found in cosmic Christian narrative and narratives, but that linkage to the cosmic dimension of Christian narrative depends on an auxiliary bridging narrative that serves to translate the cosmic into appropriately temporal terms. Specifically, it offers an account of the narrative of social reconstruction which became current in Western social life in the later part of the nineteenth century as precisely this bridging narrative. Finally, it proposes that respect for narrative ground, context and framework “unlocks” Catholic social doctrine, allowing access to its normative content both *in se* and for purposes of application on contemporary issues in political and legal theory and of law and public policy.

## II. A Perplexing Complacency of Catholic Social Thought in the Face of Doctrine Detached from Narrative

When encountered unmoored from some carefully defined context, “doctrine” has today a questionable reputation, does it not? Except in

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and burial, resulting in the enthronement of Christ in divine and eternal power once again within the Godhead. *See id.* It adds an envisioned “post-history” of the anticipated return of Christ in glory to judge the living and the dead. *See id.* It concludes with an attestation of validation of belief in these narrative elements, which is the Holy Trinity’s condescension to communicate its truth through the Holy Spirit and the gift of the historically and hierarchically attested Church, which confers grace of forgiveness. *See id.* Finally, it closes by inviting anticipation of yet another level of narrative, which will begin again with the resurrection and the life of a world to come. *See id.*

<sup>10</sup> *See generally* PONTIFICAL COUNCIL FOR JUSTICE AND PEACE, COMPENDIUM OF THE SOCIAL DOCTRINE OF THE CATHOLIC CHURCH (2005) [hereinafter COMPENDIUM].

very narrow contexts, as in the context of law where one speaks without embarrassment of certain legal doctrines as explaining holdings in court cases,<sup>11</sup> the concept of doctrine is often considered the antithesis of reasonable demonstration of truth. Reliance on “doctrine” may even at times imply an unacceptable heteronomy and intellectual atrophy.<sup>12</sup> The mention of “Marxist doctrine,” for example, suggests mindless, rote expositions of warrants that crowd out all reasons.<sup>13</sup> It implies lockstep advancement of a program, of a party line. At a Catholic college, for that matter, eyebrows would be raised, by a senior professor inquiring in reference to a tenure file, “how sufficiently does the candidate articulate the distillation of doctrine?”

Even in the realm of theology, where doctrinal formulations are at least not thought of as *per se* opposed to reasonable discourse, doctrinal exposition frequently is considered to dominate only when the living vision of the intellect and the life of faith have dried up. Its costs are considered, on the one hand, factionalism among those who care about doctrine but engage in doctrinal clashes<sup>14</sup> and apathy and indifference, on the other, among those who, after having been chilled by excessively

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<sup>11</sup> Legal doctrine has been defined as “[s]ystematic formulations of legal principles, rules, conceptions, and standards with respect to particular situations, or types of case, or fields of the legal order, in logically interdependent schemes, whereby reasoning by proceed on the basis of the scheme and its logical implications. Examples are the doctrine of consideration in contract, the doctrine of personal bar, and the doctrine of *respondeat superior* (cross reference omitted). The development and formulation of doctrines are the work of judges and jurists, not legislation, which treats of particular rules only.” DAVID M. WALKER, *THE OXFORD COMPANION TO LAW* (1980). Doctrine also has a niche as intelligible in foreign policy where it depends on implicit reference to ideology or interest. An example can be seen in the use of doctrinal terms to analyze the dynamics of foreign policy. See, e.g., Uri Ra’Anan, *Soviet Strategic Doctrine and the Soviet-American Global Contest*, 457 *ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE*, 8-17 (1981).

<sup>12</sup> EDWARD S. HERMAN & NOAM CHOMSKY, *MANUFACTURING CONSENT: THE POLITICAL ECONOMY OF THE MASS MEDIA* (2002). See also KARL POPPER, *THE MYTH OF THE FRAMEWORK: IN DEFENSE OF SCIENCE AND RATIONALITY* (M.A. Notturmo ed., 1996). In theological circles, a prejudice against doctrine exists at points for the sake of religious conscience. “Among some liberal groups opposition has arisen to any doctrinal standard as an unjust coercion of the individual conscience.” Paul Kevin Meagher et al., *Doctrinal Standard*, in *ENCYCLOPEDIA DICTIONARY OF RELIGION* 1083 (1979).

<sup>13</sup> See, e.g., JAMES GARVEY, *MARXIST-LENINIST CHINA: MILITARY AND SOCIAL DOCTRINE* (1960).

<sup>14</sup> See THOMAS KUHN, *THE STRUCTURE OF SCIENTIFIC REVOLUTIONS* (1962) (defending a received paradigm in advance of new breakthroughs, academics will experience “a period of profound insecurity” and parse ‘numerous articulations and ad hoc modifications of their theory in order to eliminate any apparent conflict’); SIR ISAIAH BERLIN, *THE POWER OF IDEAS* (2000) (discussing frustration caused by “the mechanical or unconscious, as well as deliberate application of models where they do not work”).

dogmatic presentations of the faith, abandon dogma, but by virtue of the conditioning of their earlier doctrinally-oriented formation remain disengaged from theoretical discourse and lively prayer.<sup>15</sup>

In most areas of discourse within the Catholic academic and intellectual community, doctrine has been admittedly de-emphasized.<sup>16</sup> In how many areas of moral theology, does one hear the cataloguing of doctrinal points as the focal discussion?<sup>17</sup> The settled, even eager adoption within Catholic legal education of the categories of “Catholic Social Doctrine” as the basis of entire curricular areas or institutional identities presents a remarkable contrast. In an age wary of doctrine, doctrine finds a perch in Catholic legal education.

This complacency has, at least, two explanations. One is legitimate to be sure: Catholic social doctrine like manifesto formulations of rights, e.g. the United Nations’ *Universal Declaration of Human Rights*, serves as a template for adoption in diverse legal systems.<sup>18</sup> Like a uniform

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<sup>15</sup> The collapse of Catholic faith, after generations of conformism, in the population of Quebec during the “quiet revolution” of the 1960s is often cited as an example. For one perspective, see Benoît Laplante, *The Rise of Cohabitation in Quebec: Power of Religion and Power over Religion*, 31 CANADIAN J. OF SOCIOLOGY 1–24 (2006).

<sup>16</sup> See generally Philip A. Egan’s description of the “doctrinal-catechetical style.” He notes that “[u]nfortunately, even many theologians think this way, without realizing that their philosophy is not as robust as they might like and in this case is actually undermining their belief.” PHILOSOPHY AND CATHOLIC THEOLOGY: A PRIMER 148-52 (2009). This development was clear in the *nouvelle théologie* that led to the Second Vatican Council. See HENRI DE LUBAC, *THE MYSTERY OF THE SUPERNATURAL* (1967). DeLubac speaks of “a liquidation of the over-complicated systems [of doctrine] worked out in modern times,” and he concludes:

Although it seems to me, no change need be made in the general economy of past teaching, and although we can still adopt the idea our fathers have left us of our fundamental relationship with our supernatural end, there is still much to be done both with our actual intellectual requirements and with the present state of theology, and in view of the difficulties which the development of thought has produced or accentuated there is a need to show more clearly how this key idea remains in completely in harmony with the demands of the faith.

*Id.* at 23. And, even then, he observes that the retrieval of original sources can “never be purely and simply a return” to a doctrinal statement. *Id.*

<sup>17</sup> Servais Pinckaers, O.P, develops a contemporary treatment of moral theology, which is sensitively attentive to continuity within Christian ethics without being doctrinal in his exposition. He relies on philosophical and scriptural warrants as he offers an account of Christian ethics, which is virtue-based and teleological. See *THE SOURCES OF CHRISTIAN ETHICS* (1995). A comparison with the doctrinally oriented style of the manualists found before Vatican II is instructive. See, e.g., HENRY DAVIS, *MORAL AND PASTORAL THEOLOGY* (4th ed. 1943).

<sup>18</sup> MARY ANN GLENDON, *A WORLD MADE NEW: ELEANOR ROOSEVELT AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS* (2002); Louis Henkin, *Human Rights: Ideology and*

statute, it can be ratified by enactment in a particular legal system. As such, it means to come as “detachable.” But, the second explanation is less legitimate and more questionable: Among Catholic legal scholars, who are used to working with legal materials, this doctrine becomes imbued with the illusion of actually having already the force of law which may be allowed to substitute for contextualization of doctrine in relation to true nondoctrinal matrices of meaning.

This latter *cul de sac* is what Jeremy Waldron calls the “waste of time” that occurs when legal reasoning proceeds (as it is all too capable of doing) with hypothetical norms untethered to actual legal efficacy of positive enactment.<sup>19</sup> I would say that to the legal mind such hypothetical declarations carry the illusion of making sense because all legal norms make ultimate sense as having finality and overriding meaning as “exclusionary reasons” because of the – in itself – ephemeral addition of an assertion of “enactment.”<sup>20</sup> The legal mind can make sense of

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*Aspiration, Reality and Prospect*, in *REALIZING HUMAN RIGHTS: MOVING FROM INSPIRATION TO IMPACT* 25-31 (Samantha Power & Graham Allison eds., 2000).

<sup>19</sup> Waldron illustrates his point this way:

For example, if I wanted to waste your time, I could formulate a normative provision right now from which one could infer, as a strictly textual matter, the time, place and subject class to which the “law is supposed to apply;”

***The Finger in the Ear Act:*** (1) This Act applies to all men who reside in New England. (2) At some time on his twenty-first birthday, every person to whom this Act applies shall put is finger in his ear and keep it there for two minutes. (3) Anyone who fails to do this shall pay a fine of \$100 to the New Haven Home for Stray Dogs. (4) This Act shall commence on the first day of April 2001.

Standing by itself, of course this “statute” is anomalous. But it might be thought of as enacted pursuant to a legislative norm of something I shall call “the New England legal system”:

***New England Legislative Supremacy Principle:*** Any provision enacted in New England, by being written in a publishable philosophical paper and spell-checked twice, shall be law in New England as soon as it is brought to the attention of any resident in New England other than the person who wrote it.

And if I wanted to waste more of your time than I have already, I could elaborate this “legal system” at some length, nesting norms inside norms, showing how some norms entered into the validity conditions of other norms, adding subsidiary norms in to interpret and enforce the primary norms and so on. All this thought would be an idiotic and futile exercise. It would hold no interest whatever, since the system of norms is purely notional and does not have the appropriate real relation to the people, places, and times to which its various provisions purport to apply.

Jeremy Waldron, *Legal and Political Philosophy*, in *THE OXFORD HANDBOOK OF JURISPRUDENCE AND PHILOSOPHY OF LAW*, 361-62 (Jules Coleman & Scott Shapiro eds., 2004).

<sup>20</sup> For an account of how law enjoys a fundamental dimension of its intelligibility as an “exclusionary reason” overriding other considerations, see JOSEPH RAZ, *THE AUTHORITY OF LAW: ESSAYS ON LAW AND MORALITY*, 22-23, 32-33 (1979).



convoluted sequences of – in themselves – hypothetical norms on the merest premise that they might be, could be or would be at some point subject to enactment. Because the doctrinal norms of Catholic social thought are promulgated by the Pope and Bishops, who in a separate legal system have lawmaking authority, and because their doctrinal formulations hover as a kind of “hypothetical law” akin to that of manifesto rights, the Catholic lawyer can all too readily hold all of Catholic social thought in contemplation, however severed from every criteria of sense, “as if” it had the kind of meaning inhering in enacted laws or laws proposed for enactment.

Let it be clear. Far from rejecting doctrine, the present Article, both as a matter of its avowedly Catholic viewpoint and of its intention of contributing to political discourse in support of programs of social reconstruction, assumes that doctrine has its essential and even indispensable uses. This Article’s discussion is premised, in fact, on an assumption – let this also be express – that the rejection of doctrine has, in truth, gone too far in some circles of Catholic theological discourse.<sup>21</sup> Nonetheless, this essay also assumes that the ordinary critique of overly doctrinaire approaches within mainstream Catholic debate requires at a minimum this acknowledgement: That doctrine is able to serve its purposes only where it is adequately informed by theological and philosophical ideas and is grounded in a persuasive Narrative. Needless to say, it can be so informed and grounded only where it is also appropriated in an attitude sufficiently infused with the three theological virtues.

When the need is perceived as great – as it might conceivably be at present by those legal scholars who currently find themselves responsible for marshalling the resources needed to sustain the edifice of Catholic law schools, the danger exists that those experiencing that need will become forgetful of the inadequacy of doctrine taken alone and that they will let go of the narrative thread assuming even that they ever knew what it was. In that case, they would be up against the wall in their need with no more than doctrine to rely upon. With nowhere to turn, they might even then experience, at least internally, that painful state of mind, a doctrinal-denunciatory stammer. Pope Pius IX’s *Syllabus*

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<sup>21</sup> As an example of an excessive allergy to doctrinal norms, one can cite the “Cologne Declaration” as criticized by Cardinal Avery Dulles. Avery Dulles, *The Freedom of Theology*, in *FIRST THINGS* (May 2008). As an example of a fruitful reliance on doctrinal categories one can cite by contrast the “Hartford Declaration.” See *Religion: The Hartford Heresies*, *TIME*, Feb. 10, 1975. The propositions included in the Hartford Declaration can be found in Kenneth Baker, *Theological Pitfalls and Their Consequences*, in *HOMILETIC & PASTORAL REV.* (Dec. 2000).

of *Errors*,<sup>22</sup> – that far cry from the creative vision of Pope Leo XIII's *Rerum Novarum*,<sup>23</sup> – comes to mind as possible exemplar. The perturbation of mind that Pope Gregory XVI experienced and publicized in his encyclical *Mirari Vos* in that apparently bleak-seeming year 1832 similarly stands as a salutary caution in this respect. As we give respectful heed to poor Pope Gregory's nearly fathomless lack of perspective, do we not feel a special gratefulness for the blessing of the re-knit narrative thread of *Rerum Novarum* just sixty short years later:

We speak of the things which you see with your own eyes, which We both *bemoan*. Depravity *exults*; science *is impudent*; liberty, *dissolute*. The holiness of the sacred *is despised*; the majesty of divine worship *is not only disapproved* by evil men, but *defiled* and *held up* to ridicule. Hence sound doctrine *is perverted* and errors of all kinds *spread boldly*. The laws of the sacred, the rights, institutions, and discipline – none are safe from the audacity of those *speaking evil*. Our Roman See *is harassed violently* and the bonds of unity *are daily loosened* and *severed*. The divine authority of the Church *is opposed* and her rights *shorn off*. She *is subjected* to human reason and with the greatest injustice *exposed* to the hatred of the people and *reduced* to vile servitude. The obedience due bishops *is denied* and their rights *are trampled underfoot*. Furthermore, academies and schools *resound* with new, monstrous opinions which openly *attack* the Catholic faith; this horrible and nefarious war *is openly* and even publically *waged*. Thus, by institutions and by the example of teachers, the minds of the youth *are corrupted* and a tremendous blow *is dealt* to religion and the perversion of morals *is spread*. So the restraints of religion *are thrown off*, by which alone kingdoms stand. We *see* the destruction of public order, the fall of principalities, and *the overturning* of all legitimate power *approaching*. Indeed this great mass of calamities *had its inception* in the heretical societies and sects in which all that is sacrilegious, infamous and blasphemous *has gathered as bilge water* in a ship's hold, a congealed mass of *all filth*.<sup>24</sup>

### III. The Narrative that Sustains Catholic Social Doctrine

Catholic doctrine of all kinds and Catholic philosophy and theology, not to mention to living faith and practice within the communion of Catholic believers, can occur only by virtue of consciousness of a narrative framework. Such a framework comprises a sequence of stories, each building upon one another by culminating in or referring back to the focal case of Christian narrative, the Gospel Account of the Paschal Mystery of Christ: First, Creation; then Abraham called forth from Ur to become the father of many children; next the People of Israel called forth from Egypt and slavery to freedom; and then the assembly of the Church as a pilgrim people in transit from the ascension of the risen

<sup>22</sup> POPE PIUS IX, SYLLABUS OF ERRORS (1864).

<sup>23</sup> POPE LEO XIII, RERUM NOVARUM (1891).

<sup>24</sup> POPE GREGORY XVI, MIRARI VOS ¶ 5 (1831) (emphasis added).

Christ to the anticipated *parousia*.<sup>25</sup> All of these interfolded narrative lines presuppose a dialogue between God and human beings and starting and ending points within human history traceable to the finger of God. All of them entail some notion of eschatology.<sup>26</sup>

On a more mundane level, Catholic consciousness presuppose awareness of an historical narrative unfolding whereby the institutional Church functions as a temporal sign precisely of these cosmic story lines. The Church has throughout this process functioned by simultaneously marking out a reference to two poles at once: The pole of divine transcendence, and no less that of human responsibility within history.<sup>27</sup> The Catholic mind seeks to organize human affairs with a double regard, on the one hand, for the truth of divine transcendence, and on the other, for human action oriented to concrete human welfare. On the temporal end of this equation, the printing of mass booklets, paving of parish parking lots, and the funding of Catholic Charities soup kitchens are part of the plot line. Throughout its history, the Church has been challenged to keep the later, more mundane pole of its story line properly grounded in the former, cosmic one.<sup>28</sup>

Prior to modernity, the Church cultivated a variety of simple concepts to bridge this divide. One thinks of the lives of the saints,<sup>29</sup> and the

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<sup>25</sup> For perspectives on the role of narrative in sustaining the Christian community of faith, see the essays in *WHY NARRATIVE? READINGS IN NARRATIVE THEOLOGY* (Stanley Hauerwas & L. Gregory Jones eds., 1989). Perhaps the greatest theological treatment of faith and narrative is found in Hans Urs von Balthasar's five volume *THEO-DRAMA: THEOLOGICAL DRAMATIC THEORY* (vol. 1, *PROLEGOMENA* (1988); vol. 2, *DRAMATIS PERSONAE: MAN IN GOD* (1990); vol. 3, *DRAMATIS PERSONAE: PERSONS IN CHRIST* (1993); vol. 4, *THE ACTION* (1994); and vol. 5, *THE LAST ACT* (1998)).

<sup>26</sup> For a study of the ways in which the entrance into history of transcendence in the Christ event alters understandings of human responsibility, see OSCAR CULLMAN, *CHRIST AND TIME: THE PRIMITIVE CHRISTIAN CONCEPTION OF TIME* (1951). For diverse conceptions of eschatology influencing thinking about social responsibility in modernity, see Wolfhart Pannenberg, *Modernity, History and Eschatology*, in *THE OXFORD HANDBOOK OF ESCHATOLOGY* 493-99 (Jerry L. Walls ed., 2008).

<sup>27</sup> The Second Vatican Council recognizes this bipolarity in the Church's orientation within time: "Since the Church is in Christ like a sacrament or as a sign and instrument both of a very closely knit union with God and of the unity of the whole human race, it desires now to unfold more fully to the faithful of the Church and to the whole world its own inner nature and universal mission." *SECOND VATICAN COUNCIL, LUMEN GENTIUM* ¶ 1 (1964).

<sup>28</sup> For a well known critique of the Catholic Church for its loss of its orientation to the dimension of grace, see Martin Luther, *On the Babylonian Captivity of the Church*, in *MARTIN LUTHER, THREE TREATISES* 123-66 (1990).

<sup>29</sup> Peter Brown explores the role of the cult of "the martyrs and other holy dead" in creating "localizing" centers of cultural life during late antiquity and the middle ages. The shrine of the saint becomes a place where power and concord may come together in

distinctive charisms of different religious orders;<sup>30</sup> the two swords;<sup>31</sup> the “freedom of the Church” from temporal restraints,<sup>32</sup> and the missionary mandate of the Popes.<sup>33</sup> With the advent of the Protestant Reformation and early modernity, these traditional concepts were inadequate, and the Church leaned heavily on doctrine with the Council of Trent as a stop gap.<sup>34</sup> An interim narrative of marriage of altar and throne in the power allocations of competing nation-states shored up the Church’s conduct of its counter-reformation campaign.<sup>35</sup> With the French Revolution, this interim narrative fell apart. A doctrinally defensive papacy held its ground in the early nineteenth Century with the rearguard maneuvers such as those by Pope Gregory XVI and Pope Pius IX mentioned above. The Church was attempting to quell hemorrhaging losses as it simply made due without a bridging narrative.<sup>36</sup> One almost had a sense that the Church mistook the tides

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solidarity and divine justice can be known on Earth. He sees such places as having the constructive and ceremonial effect being “where men could stand in the searching and merciful presence of a fellow human being.” See PETER BROWN, *THE CULT OF THE SAINTS: ITS RISE AND FUNCTION IN LATIN CHRISTIANITY* 86, 98, 124, 127 (1981).

<sup>30</sup> The charisms of the monastic and religious orders and the narratives of their founding and their service within the Church substantially structured understandings of the place of the Church in the world. See, e.g., Brian Patrick McGuire, *Monastic and Religious Orders, c. 1100–c. 1350 in CHRISTIANITY IN WESTERN EUROPE c. 1100-1500*, 54-72 (Miri Rubin & Walter Simons eds., 2009).

<sup>31</sup> Normative concepts deemed to govern right outcomes in the dynamic tension in claims of power by state and church had a substantial role in informing the narrative of the story of the medieval church and society. For the assertion of the normative meaning of this tension see GELASIUS I, *DUO SUNT* (494) and BONIFACE VIII, *UNAM SANCTAM* (1302). For an account of the term “Two Swords” as providing a conceptualization of the normative doctrine, see *Doctrine of the Two Swords*, in *ENCYCLOPEDIA OF RELIGION* 3586 (2d ed. 2005).

<sup>32</sup> The normative status of the Church’s overriding impulse to evangelize in a world of no boundaries gave shape to the narrative of the Church as a supranational organization. See POPE GREGORY VII, *LIBERTAS ECCLESIAE* (1079).

<sup>33</sup> The story of the mutual reinforcement that derived from the papacy as an institution and the formation of Europe as a Christian culture through papal missionary initiatives provided a layer of narrative making sense of the Christian story. For a contemporary account, see IAN N. WOOD, *THE MISSIONARY LIFE: SAINTS AND EVANGELISATION OF EUROPE, 400-1050* (2001).

<sup>34</sup> The Protestant narrative of a corrupt medieval Church elicited the bulwark of doctrinal purification and promulgation. See generally NELSON H. MINNICH, *COUNCILS OF THE CATHOLIC REFORMATION: PISA I (1409) TO TRENT (1545-63)* (2008).

<sup>35</sup> Anxiety about control over the religious establishment in competing nation-states formed a critical aspect of the Catholic narrative of the sixteenth and seventeenth centuries. See G.W. SEARLE, *THE COUNTER REFORMATION* 113 – 60 (1974). See also MARTIN D.W. JONES, *THE COUNTER REFORMATION: RELIGION AND SOCIETY IN EARLY MODERN EUROPE* (1995).

<sup>36</sup> Hans Frei describes the process whereby the collapse of the external historical narrative of continuing ecclesial cohesion in the eighteenth and nineteenth centuries

of history with the gates of hell that could not be allowed to prevail against it.<sup>37</sup>

By the close of the nineteenth century, however, with the appearance of Pope Leo XIII's *Rerum Novarum* and Catholic social thought, the Church, in a remarkable manifestation of inner resiliency, had arrived at the new bridging narrative it needed. In addition to its reference to the cosmic Christian narratives mentioned above, Catholic social doctrine depends for its truth and coherence, at all points, on at least an implicit reference to the auxiliary of this inner-worldly narrative.

### A. *The Narrative of Progressive Social Reconstruction*

To understand the bridging narrative, which explains the success of the promulgation of Catholic social doctrine beginning with Leo XIII, one must begin with the emergence of a common societal narrative of progressive social reconstruction that a series of nineteenth century developments, beyond the control of the Church itself, brought into existence in the West.<sup>38</sup> In other words, Leo did not invent this prospect; he discovered it and brilliantly seized the historical moment it offered. Catholic social doctrine even today makes sense only within the narrative of its own gradual promulgation, where that promulgation is, in turn, grafted into an awareness of this larger common template. What Leo generated was admittedly not a one-way street, but rather a two-way relationship whereby Catholic social doctrine, in turn, precisely by relying on this larger societal imaginary has further perpetuated and kept it alive.

With the French Revolution, the Church had found itself excluded from the political order, the emergency of which represented the combined outcome of both early modern social contract theory and the advent of eighteenth-century constitutionalism.<sup>39</sup> The premise of the

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was accompanied by an internal rejection of the narrative dimension of biblical religion. HANS W. FREI, *THE ECLIPSE OF BIBLICAL NARRATIVE: A STUDY IN EIGHTEENTH AND NINETEENTH CENTURY HERMENEUTICS* (1974).

<sup>37</sup> “And I say to thee: That thou art Peter; and upon this rock I will build my church, and the gates of hell shall not prevail against it.” *Matthew* 16:18 (Douay Reims).

<sup>38</sup> A concept for how a society instantiates and in turn contemplates the evolving meaning and application of such a narrative is offered by Charles Taylor in his “social imaginary.” Taylor builds on the work of Jacques Lucan. See CHARLES TAYLOR, *MODERN SOCIAL IMAGINARIES* (2004).

<sup>39</sup> Social contract theorists derived the authority of the state in a manner that required the rejection of characteristic Catholic notions of ecclesial authority. Thus, John Locke concludes that “That Church can have no right to be tolerated by the

great chain of being and cosmic hierarchy, which had been the foundation of political life, were no longer.<sup>40</sup> As a result, the Church was dislodged from its established niche. Far from being able to claim the new lease of life that the late nineteenth-century narrative of social reconstruction gave it as something it drew forth from its own treasury of ideals, paradoxically, the Church obtained this benefit only because of its own eviction from its earlier hierarchical priority.

With the secularization across Europe accompanying the dissolution of the Holy Roman Empire in 1803, social services became the responsibility of the civil authorities, rather than any longer being left to poor relief and the charitable mission of the Church as such.<sup>41</sup> Society began a constructive task of consciously organizing social life to secure the care of the many.<sup>42</sup> The rise of positivism offered tools for an instrumentalism facilitative of social change.<sup>43</sup> The rise of nineteenth-century Germany idealism provided concepts whereby constructive engagement in the service of the social good could be seen as organic and communitarian.<sup>44</sup> German idealism also offered a model whereby social

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magistrate which is constituted upon such a bottom that all those who enter into it do thereby ipso facto deliver themselves up to the protection and service of another prince.” JOHN LOCKE, A LETTER CONCERNING TOLERATION 35 (1689). In Montesquieu’s eighteenth-century version of constitutionalism, the clergy are rejected as an established “estate” that might be recognized as a part of the structure of society, much less government. CHARLES DE SECONDAT, BARON DE MONTESQUIEU, THE SPIRIT OF LAWS (Thomas Nugent trans., 1752) (1748).

<sup>40</sup> For a depiction of the worldview that once supported a privileged role of the Church as a sign of a higher law, see ARTHUR O. LOVEJOY, THE GREAT CHAIN OF BEING: A STUDY OF THE HISTORY OF AN IDEA (1976).

<sup>41</sup> In the wake of the French Revolution and the advent of the Napoleonic period, the Holy Roman Empire dissolved the ecclesiastical principalities with the *Reichs-Deputations-Hauptschluss* of 1803 and of the Holy Roman Empire itself dissolved in 1806. This change in fundamental order symbolized a separation of church and state in Europe. Functions previously overseen by the Church or left to private almsgiving were gradually made the focus of conscious and systemic state policy. In Germany, it led under Bismarck to the founding the *sozialstaat* or social welfare state on terms that entailed overt opposition to the role of the Catholic church in the *kulturkampf*. HAJO HOLBORN, A HISTORY OF MODERN GERMANY: 1840–1945, 366-70, 91-93, 472-509 (1969); HERMANN BECK, THE ORIGINS OF THE AUTHORITARIAN WELFARE STATE IN PRUSSIA: CONSERVATIVES, BUREAUCRACY, AND THE SOCIAL QUESTION, 1815-1870 (1995).

<sup>42</sup> KEES VAN KERSBERGEN & PHILIP MANOW, RELIGION, CLASS COALITIONS, AND WELFARE STATES (2009).

<sup>43</sup> Auguste Comte argued that the emergence of society from theological and metaphysical phases to embrace positivism opened the door for benevolent revision of social structures. AUGUSTE COMTE, A GENERAL VIEW OF POSITIVISM (J.H. Bridges trans., 1865).

<sup>44</sup> G.W.F. Hegel, for example, offered a systematic exposition of the relationships of parenting, marriage, family, and civil society all of which oriented to the human

change could be understood as caused by the introduction of ideas, including critical ideas the Church brought forth from its own depositary.<sup>45</sup> Finally, with the rise of the social sciences through the work of authors such as Weber and Troeltsch conceptual distinctions were admitted, permitting the separation of description and evaluation of societal structures, institutions and roles.<sup>46</sup> It was now systematically possible to describe and evaluate shifting societal conditions as a basis for proposing (Christian) programmatic change.

Catholic social doctrine, as espoused by the Popes, is then unthinkable except as a savvy exploitation of an opportunity provided by the (providential) extra-ecclesial currency of the narrative of social reconstruction arising with the late nineteenth and early twentieth centuries. The intelligibility of Catholic social doctrine depends on its relationship to this emerging narrative possibility. Reciprocally, the continuous promulgation of Catholic social doctrine since 1891 has measurably served to sustain and extend the life of the narrative of social reconstruction within Western societies.<sup>47</sup> The intelligibility of

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aspiration to realize the good. GEORG W. HEGEL, *PHILOSOPHY OF RIGHT* 105-33 (T.M. Knox trans., 1967).

<sup>45</sup> See Deniz Tekiner, *German Idealist Foundations of Durkheim's Sociology and Teleology of Knowledge*, 3 *THEORY & SCIENCE* (2002).

<sup>46</sup> See Max Weber's definition of sociology:

Sociology (in the sense in which this highly ambiguous word is used here) is a science which attempts the interpretive understanding of social action in order thereby to arrive at a causal explanation of its course and effects. In "action" is included all human behaviour when and insofar as the acting individual attaches a subjective meaning to it. Action in this sense may be either overt or purely inward or subjective; it may consist of positive intervention in a situation, or of deliberately refraining from such intervention or passively acquiescing in the situation. Action is social insofar as, by virtue of the subjective meaning attached to it by the acting individual (or individuals), it takes account of the behaviour of others and is thereby oriented in its course.

MAX WEBER, *SOCIOLOGICAL WRITINGS* (Wolf Heydebrand ed., 1994) (1897). Note that Weber's academic career commenced precisely at the time of the emergence of Catholic social thought with the promulgation of *Rerum novarum* in 1891. Weber's 1895 inaugural lecture at the University of Freiburg, published as *Der Nationalstaat und die Volkswirtschaftspolitik* is contemporaneous with *Rerum novarum*. Ernst Troeltsch's sociological interpretation of Christian doctrine in *The Social Teaching of the Christian Churches* likewise "helped set the stage for Christian social ethics to emerge as an academic discipline." J. PHILIP WOGAMAN & DOUGLAS M. STRONG, *READINGS IN CHRISTIAN ETHICS* 231 (1996). Troeltsch began his university teaching career in 1891 contemporaneous with the advent of Catholic social thought with *Rerum novarum*.

<sup>47</sup> One can trace the contributions of the Catholic social encyclicals through a succession of eras: formation of the social state (*Rerum novarum*), American new deal (*Quadragesimo anno*), European postwar European integration and creation of international organizations (*Pacem in terris*), international development (*Populorum*

the Church's narrative remains dependent on the societally generated narrative on which it is granted. Francis Fukuyama has raised the question of whether the narrative of progress towards the attainment of a universal order, in the terms offered by the German idealism of Kant and Hegel, and with it "history" as we know it, could be an end.<sup>48</sup> Of course, from Hegel's perspective, Hegel having declared that world history had reached its end in 1806, Fukuyama's inquiry may seem belated.<sup>49</sup> Fukuyama observes that, as all world cultures appear to converge in a unitary economy and even something beginning to approach a liberal democratic political order, there is a homogenization of cultures and a disappearance of the tension of opposites which appears to take away further apparent progress in a directional sequence tending to coherence.<sup>50</sup> The particularities around which intermediate social institutions cohere are tending to disappear.<sup>51</sup> So too are the differences around which the human instinct for recognition gathers.<sup>52</sup> Thus the dynamic of change and human interaction on a post-historical global plateau might be different. Those interested in perpetuating Catholic social thought must remain attentive to the terms on which the narrative of social reconstruction continues to remain in play, whether as ongoing, or as now a past historical epoch which remains of analogical significance to life on the global plateau.

#### **IV. The Distinctive Catholic Contribution to the Narrative of Social Reconstruction**

From the close of the nineteenth century, the Popes (and the Second Vatican Council) have at major intervals taken public judicial notice of the evolving state of the social question and, in effect, ruled on what measures of social reconstruction were required. At each step, they promulgated their adjudicated conclusions in the form of general notice to all people of good will of what was owed by all those with the power to make a difference to those in need.<sup>53</sup> Facially, their conclusions were

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*progression and Sollicitudo Rei*), and conclusion of the cold war (*Centesimus Annus*). For a brief synopsis of phases of Catholic social thought, see EDWARD P. DEBERRI ET AL., *CATHOLIC SOCIAL TEACHING: OUR BEST KEPT SECRET* (2004).

<sup>48</sup> FRANCIS FUKUYAMA, *THE END OF HISTORY AND THE LAST MAN* 51 (1992).

<sup>49</sup> *Id.* at 39.

<sup>50</sup> *Id.* at 81.

<sup>51</sup> *Id.* at 108, 126.

<sup>52</sup> *See id.* at 181, 222.

<sup>53</sup> In commenting on Pope Benedict XVI's *Caritatas in Veritate*, Peter Steinfels compares to United States Supreme Court opinions. Peter Steinfels, *From the Vatican, A Tough Read*, N.Y. TIMES, July 17, 2009, at A12.



offered to Catholic hierarchs and lay people as a program to take through Catholic political participation to legislatures across the world. In fact, their conclusions were offered to legislatures everywhere.

Papal and conciliar conclusions were offered at the level of what could be called doctrinal programatics or at most “middle-level” theory. But these conclusions were never set out in isolation. They were always deftly related to the fabric of the Church’s cosmic religious narrative linking them to the pole of divine transcendence. Critically, these conclusions are carefully built on bridging concepts, such as God as the *summum bonum* and the transcendent dignity of the human person,<sup>54</sup> even as they were linked to each of the following: concrete human need;<sup>55</sup> a proposed evolution in contemporary societal institutional structures;<sup>56</sup> and the cosmic narratives of the larger Christian story.<sup>57</sup>

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<sup>54</sup> For example, to take *Centesimus annus*, the Church recites God as *summum bonum* this way, recommending the rediscovery of “the person of Christ himself as the existentially adequate response to the desire in every human heart for goodness, truth and life.” POPE JOHN PAUL II, *CENTESIMUS ANNUS* ¶ 24 (1991). And, it refers to man’s transcendent dignity this manner:

When the Church proclaims God’s salvation *to man*, when she offers and communicates the life of God through the sacraments, when she gives direction to human life through the commandments of love of God and neighbour, she contributes to the enrichment of human dignity. [T]he Church . . . [e]ven on the eve of the third Millennium . . . continues to be “a sign and safeguard of the transcendence of the human person” . . .

*Id.* ¶ 58.

<sup>55</sup> *E.g.*, *Centesimus annus* concludes:

The Marxist solution has failed, but the realities of marginalization and exploitation remain in the world, especially the Third World, as does the reality of human alienation, especially in the more advanced countries. Against these phenomena the Church strongly raises her voice. Vast multitudes are still living in conditions of great material and moral poverty.

*Id.* ¶ 42.

<sup>56</sup> *See e.g.*, *Centesimus annus* observes:

The Church values the democratic system inasmuch as it ensures the participation of citizens in making political choices, guarantees to the governed the possibility 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.

*Id.* ¶ 46.

<sup>57</sup> In closing, *Centesimus annus* strikes this cosmic note:

Mary, the Mother of the Redeemer, constantly remained beside Christ in his journey towards the human family and in its midst, and she goes before the Church on the pilgrimage of faith. May her maternal intercession accompany humanity towards the next Millennium, in fidelity to him who “is the same yesterday and today and for ever” (cf. Heb 13:8), Jesus Christ our Lord, in whose name I cordially impart my blessing to all.

*Id.* ¶ 62.

In addition, they were set out within a particular literary genre ensuring the inclusion of the third and last of these latter elements, replete also with elements ensuring that application to policy debates in particular countries and under specific circumstances, would occur in a manner no less interwoven with the Church's own more mundane narrative of its own ongoing temporal institutional self-construction as in service of a pilgrim community of faith.<sup>58</sup>

### *A. Bridging Time and the Cosmic Christian Narrative*

The content of the policy agenda of the Catholic social initiative offered in the papal social encyclicals was, in many ways, identical to that of the liberal Protestant agenda of the Social Gospel movement.<sup>59</sup> Limited to identifying concrete need and proposing evolving institutional structures within society under a broad mantra of the "Fatherhood of God and the Brotherhood of Man,"<sup>60</sup> the Social Gospel movement, however, lacked both an adequate bridge to the cosmic Christian narrative and a sufficient nexus to the continuing self-constitution of the Church as an ongoing community. As a result, liberal Protestantism fell prey to a completely immanent eschatology. Arguably, its social mission cost it its soul as a Church. As a social movement, by the 1920s the Social Gospel had been absorbed by "an ethos of consumption".<sup>61</sup> By contrast, the Catholic "Social Gospel" of the papal Encyclicals, painstakingly grafted into relevant Christian and Catholic

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<sup>58</sup> For example, *Centesimus Annus* begins, "The Centenary of the promulgation of the Encyclical which begins with the words '*Rerum novarum*,' by my predecessor of venerable memory Pope Leo XIII, is an occasion of great importance for the present history of the Church and for my own Pontificate." *Id.* ¶ 1.

<sup>59</sup> See PETER W. WILLIAMS, *AMERICA'S RELIGIONS: FROM THEIR ORIGINS TO THE TWENTY-FIRST CENTURY* (2002). The author argues:

A fundamental theme . . . [of Liberal Protestantism and the Social Gospel has been said to be the absence] of sharp boundaries among the supernatural, natural, and individual worlds. The divine and human thus stood not in a contradictory but rather in a complementary relationship, with God's grace permeating and redeeming the imperfect realm of creation. Similarly redemption need and should not be marked by an abrupt change in consciousness but rather should come about gradually and imperceptibly in the development of a children through the influence of what . . . [is] called "Christian nurture." This nature was not confined to the church but was also carried out in the divinely ordained realms of the home, the school, and society at large.

*Id.* at 256.

<sup>60</sup> WALTER RAUSCHENBUSCH, *CHRISTIANIZING THE SOCIAL ORDER* 128 (1914).

<sup>61</sup> SUSAN CURTIS, *A CONSUMING FAITH: THE SOCIAL GOSPEL AND MODERN AMERICAN CULTURE* 277 (1991).

narratives is powerfully alive in 2009.<sup>62</sup> The decisive difference between the liberal Protestant Social Gospel and Catholic Social Thought is this: all of the Church's programmatic and doctrinal prescriptions are very carefully aligned with a published and re-published imaginative narrative always featuring as its centerpiece, God as the *summum bonum* of human choice and action.

*B. A Literary Genre Supportive of Narrative Understanding:  
The Encyclical Letter*

Although Catholic social thought, with the *Compendium of Catholic Social Doctrine*, is now available in the form of doctrinal summary, that is not the way it has been promulgated. It has rather been issued in the form of paternal letters addressed by the Holy Father to named recipients, e.g., in *Rerum Novarum*, "To Our Venerable Brethren the Patriarchs, Primate, Archbishops, Bishops, and other ordinaries of places having Peace and Communion with the Apostolic See,"<sup>63</sup> or, somewhat more expansively, in *Centesimus Annus*, "To His Venerable Brothers in the Episcopate the Priests and Deacons, Families of Men and Women religious, all the Christian Faithful and to all men and women of good will."<sup>64</sup> As such, Catholic social doctrine is offered by the Church in a literary genre which is epistolary. This form was popular in the Greco-Roman world of antiquity. Within the papacy, even aside from the Petrine letters of the New Testament, it dates back at least to the Letter of St. Clement to the Corinthians.<sup>65</sup> In American law, we know it as it appears in the Federalist Papers written pseudonymously as letters by *Publius* (modeled on consul Publius Valerius Publicola of the early Roman Republic) addressed to the People of the State of New York.<sup>66</sup> We also recognize it as the dominant literary form within Christian Scripture, making up the Lucan, Pauline, Petrine and Jacobean materials of the Christian New Testament, with the Gospel of Luke and the Acts of the Apostles being addressed to one *Theophilus*.<sup>67</sup> The other

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<sup>62</sup> The most recent encyclical in the series, *Caritas in Veritate* (2009), has been termed "a remarkable document, brimming with profound ideas and moral passion and issued at a time when it could hardly be more relevant." Peter Steinfels, *supra* note 53.

<sup>63</sup> Pope Leo XIII, *RERUM NOVARUM* (1891) ¶ 1.

<sup>64</sup> *CENTESIMUS ANNUS*, *supra* note 54.

<sup>65</sup> The epistle dates to the end of the reign of Domitian (95 or 96 C.E.). See First *Epistle of Clement*, in *THE ANCHOR BIBLE DICTIONARY* (vol. 1) 1055, 1060 (1992).

<sup>66</sup> See e.g. *THE FEDERALIST* No. 3 (Alexander Hamilton). For allusion intended with "publius" and other background, see *Publius* in *Glossary*, in *THE FEDERALIST* (George W. Carey & James McClellan eds., 2001).

<sup>67</sup> For a treatment of the epistolary genre of New Testament literature, see Joseph A. Fitzmyer, *New Testament Epistles*, in *THE JEROME BIBLICAL COMMENTARY* 223-26. For

Gospels, as Ευαγγέλια, are written, in a not unrelated genre, as kerygmatic proclamatory circulating news reports “to whom it may concern.”<sup>68</sup>

According to the epistolary form of the social encyclicals, the reader is invited to join in an ongoing recurring conversation on the nature of the criteria of social responsibility under evolving circumstances in a continuity which extends back in memory to the writings of the Christian New Testament. Through participation in the dialogue form of these letters, the reader is invited to share in the Church’s living project of ongoing accountability, as a community, before God for the world, and, in so doing, at each step to reaffirm her or his membership in the community of the Church. At the same time that these writings offer particular prescriptions for immediate infusion into contemporary public policy debates under law at particular times, as has been the case in all of the epistolaries accruing with the Church since the New Testament itself, they also constitute items destined to take their place within the “correspondence file” or archival memory of the Church, in support of future review of cases arising for the Popes’ and Christian believers’ consideration over time, however history unfolds.

## **V. Implications of the Narrative Framework of Catholic Social Thought for Its Application**

Catholic social doctrine is set out in the Compendium precisely to assist in the resolution of problems in political and theory and for application to issues in law and public policy. As it has been developed thus far, the role of narrative in grounding the meaning of Catholic social thought suggests that caution is appropriate in any endeavor that would seek directly and in too simplistic a way to apply elements of Catholic social doctrine to such theoretical problems or policy issues. This complexity of application has two causes: first, the authoritative meaning of each doctrinal element within the Compendium remains inextricably linked to the seamless narrative in which it first emerged; and second, the encapsulation of doctrinal propositions ensures that they will remain impervious to efforts to relate them to theoretical lines of reasoning in political theory and law. As a consequence, the valid application of Catholic social doctrine requires two mediating steps. In the first, reference must be made to the originating point in the narrative of each doctrinal proposition. In the second, equilibration is called for between the formulation of

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*Dear Theophilus*, see the salutation that opens the Gospel According to St. Luke. See LUKE 1:1.

<sup>68</sup> *Gospel, Genre*, in THE ANCHOR BIBLE DICTIONARY (vol. 2) 1077-78 (1992).

the question in political or legal theory or the issue of law and policy and the answer proposed in Catholic social thought.

### A. *The Inextricably Narrative Character of Each Doctrinal Proposition*

The propositions, which receive their encapsulation as elements of Catholic social doctrine in the style of the *Compendium*, derive their meaning and their authority from their niche with the original narrative that the *Compendium* presupposes. It is, then, essential that the person seeking to the purely doctrinal content of the *Compendium* relate this material, at each point, always back to the original narrative form and context in which the doctrine content was first proposed. The authority of the content of the *Compendium* arises only with the compelling nature of the narrative in which it arises. Outside of its narrative, the danger is that this doctrinal content functions authoritatively without being any longer – having been broken from the source and limit of its authority – authoritative.<sup>69</sup> Because we know the narrative and are persuaded by it even after the narrative is removed, the elements, thus, standing separately within the *Compendium*, take on a life of their own as being functionally unalterable and also as functionally inextricably linked among themselves, considered merely as a set of abstract propositions.<sup>70</sup> While the interpretive

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<sup>69</sup> Consulting the footnotes of *Compendium of the Social Doctrine of the Catholic Church* discloses that the authority or its propositions wavers widely from conciliar documents and papal encyclicals on the one side to relatively casual papal addresses and even curial commentary on the other, with a disproportionate number being of the latter lesser character. The *Compendium's* introduction confirms this with its own caution or proviso: “it is good to keep in mind that the citations of Magisterial texts are taken from documents of differing authority including “papal addresses and documents drafted by offices of the Holy See.” COMPENDIUM, *supra* note 10, ¶ 8. Further, the Pontifical Council for Justice and Peace, “which has drawn up the present document and is fully responsible for its content,” acknowledges that it has “prepared the text in a broad-based consultation with its own Members and Consulters, with different Dicasteries of the Roman Curia, and with the Bishop’s Conferences of various countries, and with individual Bishops and with experts on the issues addressed.” *Id.* ¶ 7. This method makes it highly doubtful that the *Compendium* contents possess any authority beyond the inherent authority of each of the elements it incorporates based on the nature of its original promulgation.

<sup>70</sup> The *Compendium* appears to claim to be “an instrument” that sets out “in a complete and systematic” manner and in a “concise but complete overview” foundational principles of Catholic social doctrine. *Id.* ¶ 8. It seems to ask to be considered in an “interconnectedness, influencing” its terms “mutually.” *Id.* ¶ 9. It suggests that it offers “a systematic approach for finding solutions to problems, so that discernment, judgment and decisions will correspond to reality.” *Id.* These hints seem to imply that the *Compendium* might function almost like a code. For the reasons developed in this essay,

reading of doctrine ought indeed to have a life of its own, the disaggregated elements enumerated in a doctrinal summary very definitely should not.

### *B. The Imperviousness to Application of Doctrinal Encapsulations*

While one justifiably seeks to contribute to contemporary political and moral philosophical perspectives on the task of social reconstruction and likewise to concrete debates in law and policy from the perspective of Catholic social thought, one is, nonetheless, making a mistake by attempting the impossible when one attempts to go straight from doctrine to one of those tasks. That is because the doctrine taken apart from the Narrative itself becomes functionally unrelatable. If one, by bypassing the Narrative, takes a particular element and attempts to link it to a broader foundation in political philosophy, or if one seeks to compare it to a functionally parallel but substantively different element found within a particular legal system, one quickly discovers that the element, taken alone, tends to be impervious to the purpose. It tends to spring back into its doctrinal mode and remains unrelatable.

A convenient example is the doctrine of subsidiarity set forth by Pope Pius XI in *Quadragesimo Anno*.<sup>71</sup> One can pretend to integrate this element into a political philosophy placing it alongside some sort of neo-Aristotelian social philosophy that gives it a plausible philosophical setting, but the element simply becomes unrelatable when one places it into any relationship within a philosophical system involving any kind

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the authors of the *Compendium* do not really mean to suggest this. Further reasons for doubting that the *Compendium* could work in this way are found in the baffling mix of sources of its intelligible meaning. These sources are said to include theological, philosophical, moral, cultural and pastoral considerations. “systematically presented,” “careful Magisterial reflection” “Church’s constant commitment in fidelity to . . . Christ,” natural law, and “loving concern for humanity’s destiny.” *Id.* ¶ 8. The “temple portal at Delphi” is even cited. *Id.* ¶ 14. The document is presented as having salience variably to Catholics, Protestants, Eastern Christians, and “all people of Good will” and “as food for human and spiritual growth, for individuals and communities alike.” *Id.* ¶ 1. Even with all of these qualifications, the drafters are not willing to be entirely pinned down as “it must not be forgotten that the passing of time and the changing of social circumstances will require a constant updating of the reflections on the various issues raised here, in order to interpret the new signs of the times” and it is noted that their application depends on “[m]oral and pastoral discernment of . . . complex events” *Id.* ¶ 9.

<sup>71</sup> See POPE PIUS XI, *QUADRAGESIMO ANNO*, ¶ 79 (1931) (“It is an injustice and at the same time a grave evil and a disturbance of right order to assign to a greater and higher organization what lesser and subordinate organizations can do.”).

of tension,<sup>72</sup> for example within any of various liberal philosophical schools of political thought.<sup>73</sup> In this regard, it is unrelatable in a way that an element of the neo-Aristotelianism itself, having the character of a philosophical idea, would not be. One can pretend to integrate the element into a comparative legal analysis, by placing it inertly alongside the same term as it appears in the Treaty for the European Union,<sup>74</sup> to create the impression of apparent harmony, but the term immediately becomes unrelatable once one pushes the import of certain radically different presuppositions underlying precisely the same European Union.<sup>75</sup> Similarly, the term can be left in a clumsy, unexamined analogy to the principle of Federalism as it appears in the American constitutional framework,<sup>76</sup> but as soon as one attempts to examine the implications of the Division of Power assumptions of Federalism, which are not present in the Catholic concept of subsidiarity,<sup>77</sup> the

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<sup>72</sup> John Finnis' philosophy presents such an example. However, here one is not to mistake such an interposition with what Finnis as a philosopher does from the side of his theoretical development of his idea when he makes a subtle, complex and internal coherence reference to the Church's utilization of the notion of "subsidiarity." JOHN FINNIS, *NATURAL LAW AND NATURAL RIGHTS* 46 (1980).

<sup>73</sup> One can cite as an example, John Rawls "idea of a social union" with its further articulation as a "social union of social unions in *A THEORY OF JUSTICE* 456-64 (1999).

<sup>74</sup> The subsidiarity principle was established in the European Union's Treaty of Maastricht:

The Community shall act within the limits of the powers conferred upon it by this Treaty and of the objectives assigned to it therein. In areas which do not fall within its exclusive competence, the Community shall take action, in accordance with the principle of subsidiarity, only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the Community.

Treaty on European Union, art. G, art. 3(b), Feb. 7, 1992.

<sup>75</sup> Notice that the subsidiary level of organization in this framework is hardly the grassroots community as in Catholic social thought, but rather the nation state. Thus, counter to the intuitive expectations of Catholic social thought, the political unit at the "lower" level has the more extensive share in sovereignty and the one at the higher has the lesser share in democratic validation of its decisions.

<sup>76</sup> "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." U.S. CONST. amend. X. For a casual comparison to the subsidiary concept, see Erin Ryan, *Federalism and the Tug of War Within: Seeking Checks and Balance in the Interjurisdictional Gray Area*, 66 MD. LAW REV. 503 (2007).

<sup>77</sup> Edward L. Rubin and Malcom Feeley note:

Concern about the concentration of power was one of the guiding forces in the design of our entire political system. The Founders of our nation, according to the current view, were motivated by their commitment to liberty and defined themselves as revolutionaries. Federalism can be seen as responding to this basic concern because it insulates certain decisions from the power of the central government. By doing so, the argument goes, power is diffused

subsidiarity principle becomes unrelatable and pops back into its doctrinal niche within the *Compendium*.

When one turns to issues in law and public policy, one encounters a parallel challenge. The policy proposals of the *Compendium* are set out as abstractions that assume a hypothetical universe. Concrete policy debates occur within a particular legal system with its own legislative and judicial framework within which policy can be adopted. Additionally, they occur within a particular society in which morally significant interests are experienced in unique configurations and with unique linkages yielding distinctive patterns of consequences, unintended as well as intentional.

### *C. Incorporation of Mediating Steps as Solution*

As a consequence of both of these concerns, the valid application of Catholic social doctrine requires two mediating steps. These steps are: the reference to the originating point in the narrative of each doctrinal proposition must be given respect as a constant; and a methodological framework must be added to sustain equilibration between the formulation of the question in political or legal theory or the issue of law and policy, on the one hand, and the contemplation of the meaning for these questions of answers proposed in Catholic social thought, on the other.

#### 1. Narrative as Constant

Like the Christian Gospel itself, that narrative is a seamless web. The New Testament ends, for example, with the injunction that:

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among different governmental entities; in particular, the central government is disabled from imposing norms upon the states, at least in certain subject areas.

Edward L. Rubin & Malcolm Feeley, *Federalism: Some Notes on a National Neurosis*, 41 *UCLA L. REV.* 903, 927-28 (1994). Thus, under the United States Constitution, the national government with its enumerated powers has precisely no generic coordinating power centralizing authority with the states receiving the local administration according to concrete circumstances, as is assumed under the Catholic principle of subsidiarity. See John Paul II's exposition of the implications of the subsidiarity principle in *Centesimus Annus*:

[A] community of a higher order should not interfere in the internal life of a community of a lower order, depriving the latter of its functions, but rather should support it in case of need and help to coordinate its activity with the activities of the rest of society, always with a view to the common good.

*CENTESIMUS ANNUS*, *supra* note 54, ¶ 48.



For I testify to every one that heareth the words of the prophecy of this book: If any man shall add to these things, God shall add unto him the plagues written in this book. And if any man shall take away from the words of the book of this prophecy, God shall take away his part out of the book of life, and out of the holy city, and from these things that are written in this book.<sup>78</sup>

The Narrative is thus a kind of unalterable pdf file. It is constitutive of Catholic identity, and it also makes its own contribution to the common human identity advanced by the larger shared narrative of social reconstruction.

By absorbing all of the narrative and reflecting holistically on it, we enjoy our relevant moral and religious identities and we derive a general normative direction and also a set of attitudes and a bundle of preferences for what to do, all things considered, if we encounter concrete circumstances like the ones described in the Narrative. Thus, the doctrinal content of the Compendium lends itself primarily into being knit back together into the Narrative or narratives which directly or indirectly explain the derivation of the doctrine in the first place. And there is no objection to that. This Narrative is constitutive of our identities and shapes us in our attitudes and preferences, and the Compendium can be fairly treated as no more than a roadmap to the Narrative. The application of propositions of the Compendium may never spring over this holistic regard for identity and character, but rather must navigate its way through it.

## 2. Method of Equilibration

While never allowing oneself to lose track of the originating point of any particular doctrinal proposition within the perspective of the narrative from which it arises, one will at some point need to move to its application in the analysis of theoretical problems in law and politics and to issues in law and policy. At that point, some methodological framework must be added in support of reaching something like reflective equilibrium between questions legitimately framed by genuinely philosophical or theological inquiry into the desideratum of social reconstruction, on the one hand, and the positions which are apparently suggested on those questions within the narrative of the encyclicals, on the other.<sup>79</sup>

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<sup>78</sup> *Book of the Apocalypse* 22:18-19 (Douay-Rheims).

<sup>79</sup> The method of justification was proposed by Nelson Goodman. NELSON GOODMAN, *FACT, FICTION, AND FORECAST* (1955). It was adopted by John Rawls in *A Theory of Justice*:

In fact, if one wishes to consider the import of Catholic social doctrine for any existing municipal legal system, one would be required first to survey the contrasts that are to be drawn between the assumptions of the given element of Catholic doctrine and those of the legal system on any number of specific questions. Only then could one begin adequately to tease out the implications on any particular point of the doctrine for the legal system. As a first step in generating the necessary framework, one would need to turn to political philosophy for a heuristic statement of fundamental or generic questions that provide access from an independent vantage point to the internal terms of the legal system. Such questions presumably relate to such issues as the following: (a) role of state; (b) nature of society; (c) relation of society and state; (d) source of legitimacy of law; (e) content of rights, understood juridically; (f) nature of the family; (g) criteria of market freedom; (h) penal justice; and (i) ground of the binding force of international law.<sup>80</sup>

Before one could proceed to the task of discovering the implications of doctrine for law, however, they would need to take a second necessary step. Namely, one would need, at that point, to open the “pdf file” of the Narrative to extract directions suggested by the Narrative content to answering the specific questions, that philosophical inquiry can frame as arising under law either generally in concept or at a particular point in time as a matter of policy. Concepts derived philosophically or theologically from outside the narrative itself become tools by which the seamless web on the level of the story that gives us our identity is “cut” for the sake of a meaningful theoretical contribution or responsible public policy position.

In addition, a further hermeneutic is required, even assuming that one has accounted for the meaningful formulation of questions within the setting a given legal system, to bridge the gap between the facts of

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The method of reflective equilibrium consists in working back and forth among our considered judgments (some say our “intuitions”) about particular instances or cases, the principles or rules that we believe govern them, and the theoretical considerations that we believe bear on accepting these considered judgments, principles, or rules, revising any of these elements wherever necessary in order to achieve an acceptable coherence among them. The method succeeds and we achieve reflective equilibrium when we arrive at an acceptable coherence among these beliefs.

*Reflective Equilibrium*, in STANFORD ENCYCLOPEDIA OF PHILOSOPHY, available at <http://plato.stanford.edu/entries/reflective-equilibrium>.

<sup>80</sup> By contrast, the *Compendium* builds in a sequence that starts with the economy of salvation and then moves through the following sequence of steps of exposition: the Church as teacher, the human person, rights, principles of social doctrine, family, work, economy, politics and law, and international cooperation and law. See COMPENDIUM, *supra* note 10, at vii-xv.

the case that in the Narrative has been adjudicated by the Roman Pontiff in the relevant encyclical and the theoretical construct or the facts of the case that is the object of public policy debate, as the case may be. Some further hermeneutic of analogy is needed to justify one's conclusions.<sup>81</sup> As the period of time grows separating our present from the increasingly distant past promulgation of the particular Encyclical we are considering, the hermeneutical challenge becomes correspondingly more complex.

## VI. Conclusion

Rather than entering into the construction of philosophical positions or public policy proposals beginning from the vantage of doctrine, we should approach them from the Narrative, which explains and gives authority to the doctrine. We should approach that Narrative, in turn, in a twofold manner, at once entering into the seamlessness of its story which forms our identity and shapes our attitudes and preferences, and, at the same time, stopping to formulate a responsible hermeneutic for applying its doctrinal content, in philosophically coherent, theologically cogent, and legally apt ways, to current issues and problems arising in the real world in all of its immediacy.

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<sup>81</sup> As the text's origin retreats into the past, the reader approaches the text in an awareness of the difference in horizon of the author and the reader and seeks to reach a fusion of perspectives in an agreement of understanding. See HANS-GEORG GADAMER, *TRUTH AND METHOD* 302-07 (1989). The *Compendium* recognizes as much: "However, it must not be forgotten that the passing of time and the changing of social circumstances will require a constant updating of the reflections on the various issues raised here, in order to interpret the new signs of the times." *COMPENDIUM, supra* note 10, ¶ 9.