

University of St. Thomas, Minnesota

UST Research Online

Supplemental Material

Publications and Curricular Materials

2002

Social Pluralism and Subsidiarity in Catholic Social Doctrine

Russell Hittinger

Follow this and additional works at: https://ir.stthomas.edu/ryan_supplemental

SOCIAL PLURALISM AND SUBSIDIARITY IN CATHOLIC SOCIAL DOCTRINE

Russell HITTINGER

I.

In *Conditions of Liberty: Civil Society and its Rivals* (1994), Ernest Gellner asks why the polities of the west have proved so much more successful than their rivals in the east. He insists that the correct answer is not democracy — nor even a constitutional scheme of legally protected individual liberties — but rather the «miracle of Civil Society.»¹ «Civil society,» as Gellner defines it, «is that set of diverse non-governmental institutions which is strong enough to counterbalance the state and, while not preventing the state from fulfilling its role of keeper of the peace... can nevertheless prevent it from dominating and atomizing the rest of society.»²

Civil society here is presented chiefly in its negative function of counter-balancing the state. The idea comes from Montesquieu, who held that liberty is found only in moderate governments, «where power must check power by the arrangement of things.»³ James Madison and Alexis de Tocqueville likewise held that social pluralism, factions, private associations should be valued, among

¹ E GELLNER, *Conditions of Liberty: Civil Society and its Rivals* (New York: The Penguin Press, 1994), p. 32.

² GELLNER, 5.

³ MONTESQUIEU, *Spirit of the Laws*, 11.4.

other reasons, because they “check” the despotic tendencies of democratic regimes.

Gellner points out that the power-checking-power model captures only one of the values we assign to civil society: namely, liberty from the extrinsic authority of the state. To say that civil society is the «*social residue left when the state is subtracted*» is descriptively true, but it is not enough.⁴ For once we subtract the power of the state, we can be trapped in a suffocating world of social forms and norms. Islamic nations, for example, have rather weak states, but a strong *Umma* (way of life) that pervades society. In the more fully mature societies of the West, civil society is also valued because it emancipates us from the familial and religious powers which can command our obedience and allegiance. Here, Gellner diverges from Tocqueville’s conception of civil society as “intermediate” or “secondary” powers.⁵ For Gellner, civil society constitutes a zone of immunity from these secondary (or intermediate) commanding powers. The “miracle” of civil society is the liberty of individuals to freely choose their identities, careers, and associations.

Because civil society is not a sphere of ruling powers of any sort, it must be understood on the model of the economic market.⁶ Market order arises not from the commands of the state, but from the choices and preferences of free agents; at the same time, a commercial society will tend to weaken fixed social forms and norms. Thus, the “miracle” of civil society, is what Gellner calls the “modular man.”

«The moral order has not committed itself either to a set of prescribed roles and relations, or to a set of practices. The same goes for knowledge: conviction can change, without any stigma of apostasy. Yet these highly specific, unsanctified, *instrumental*, revocable links or bonds are effective.

⁴ GELLNER, 212.

⁵ TOCQUEVILLE, *Democracy in America*, II.4.2.

⁶ GELLNER (at 88) makes this point very crisply: «political pluralism in terms of independent or autonomous coercive units is out. Local units simply lack adequate weight. Liberty, on the other hand, is impossible without pluralism, without a balance of power. As it cannot be political, it must be economic.»

The associations of modular man can be effective without being rigid.»⁷

Gellner's account is intended to be both descriptive and normative. This is the way civil society functions in the societies of the West, and this is precisely the order of liberty that liberals ought to defend. One can admit that the modeling of civil society upon the order of the market has enormous appeal. As the French social theorist, Pierre Manent, has pointed out: «Liberalism eroded social commands and individual will. But it also has a remedy for that erosion. Amid the discrediting of every norm, it retains one: competitiveness. This is one of the principal reasons that liberalism has come back into favor. Everyone in liberal society shrinks at the prospect of giving or receiving a genuine order, since nothing seems to justify commands or obedience. Competition therefore remains the only acceptable candidate for social regulation, since the norm it offers is immanent to social activity. It is imposed on no one, it implies no dogmatism».⁸

Since the mid 19th century, Catholic social thought has intersected with the liberal program on the need to limit and check the powers of the modern state. Indeed, if we study papal social teaching, we will see that popes have been preoccupied with this problem. When John Paul II was elected pope in 1978, his predecessors had already issued 309 encyclicals and other teaching letters, with some 120 encyclicals on the state.⁹ From 1775 until 1978, the inau-

⁷ GELLNER, p. 100.

⁸ P. MANENT, "The Contest for Command," *New French Thought*, Mark Lilla, ed. (Princeton: Princeton University Press, 1994), at p. 185.

⁹ The *Acta Apostolicae Sedis* contains twenty five different kinds of papal pronouncements. During the pontificate of Pius XII a serious effort was made to standardize the typology. My enumeration of what counts as encyclicals follows the eight-volume *Enchiridion delle Encicliche* (Edizioni Dehoniane 1994-98), which includes: encyclical letters (*litterae encyclicae*), two kinds of epistles (*epistula encyclica*, *epistula apostolica*), two species of apostolic letters (*litterae apostolicae: motu proprio*, *brevia apostolica*), and beginning with Pius XII (1922-39) a few radio messages (*nuntii radiophonici*) which were intended to do the work of an encyclical. This leaves to one side four other species of papal documents

gural encyclical of every pope addressed the problem of the state. Once the popes came to grips with the new state-making regimes which emerged after the Napoleonic Wars, they vigorously defended a principle of social pluralism. To this extent, and by virtue of having a common enemy, Catholic social thought and (what used to be called) Liberalism both called attention to the importance of civil society vis-à-vis the state; both developed rights-based arguments in defense of civil society.

Despite these similarities, the Catholic and Liberal discourse about social pluralism remained quite different. In the first place, while liberals valued civil society principally for instrumental (the power-checking-power) reasons, Catholic social thought emphasized the intrinsic value of social forms like the family, the private school, churches, and labor unions. In the second place, Catholic social thought has always been suspicious of the market model of social pluralism. Though Catholic thinkers would have no difficulty defending the economic market against Socialism, they remained wary of any effort to make society itself conform to a market. What Gellner celebrates as the “modular man” represents very nearly the opposite of the social pluralism defended in Catholic social thought and teaching.

In order to appreciate how the ideas of social pluralism and subsidiarity can harbor quite different social ontologies, we shall investigate the idea of the *munus regale* — the function, mission, gift, or vocation of ruling. As we shall see, the *munus regale* originated in theological reflection upon the sacred offices of Christ as priest, prophet, and king, and how these *munera* are participated by every baptised person. Since the pontificate of Pius XI (1922-1939), the theme of the *munus regale* was applied beyond its original christological and ecclesiological boundaries to the offices, rights, and duties of social institutions. Especially in the social doctrine expounded by this papal magisterium, the idea of the *munus regale* is a keystone for understanding why the liberal conception of civil

which convey teaching, and which have been used extensively by John Paul II: *adhortatio apostolica, constitutiones apostolicae, homiliae, allocutiones.*

liberties, rights, and social pluralism needs to be preserved and corrected by an ontology of the human person as a “royal creature” who participates in divine ruling powers.

II.

John Paul expounds the theme of ruling and being ruled in reference to two sections of *Lumen gentium*, the Dogmatic Constitution on the Church, issued by the Second Vatican Council on 21 November 1964.

The first is *LG* §36, where the Council fathers speak of Christ constituting his disciples “in a royal freedom” [*in regali libertati*] and teaching them what it means to enjoy the property or virtue of ruling [*regalitas*, which is usually translated “being a king”]. Here, *Lumen Gentium* asserts that revelation teaches that “To serve is to reign” [*servire regnare est*]. The first and final word of Scripture on ruling power is that whoever rules must serve rather than be served. The second is *LG* §31, where the laity are said to participate in the *munera Christi* — the priestly, prophetic, and kingly offices of Christ.

Intrigued by repeated use of the word *munus* in the documents of Vatican II, Janet Smith discovered that the word was used at least 248 times by the Council. Though the English translation is sometimes erratic, the Latin typical edition of the *Catechismus Catholicae Ecclesiae* (1997), uses the word *munus* at least 125 times. (Significantly, the principle of subsidiarity is discussed explicitly in the context of the distribution of *munera* by Divine Providence, see especially §§1883-1884). On my count, the 1983 Code of Canon law uses the word 189 times.

The word *munus* is usually, but badly, translated into English as “function.” Living as we do in an age of machines and biological reductionism, the word “function” is apt to conjure the wrong meaning. In pre-Christian Rome the word *munus* meant the ancient Etruscan ritual of serving the dead by shedding blood on (or in the vicinity) of ancestral graves. This was the origin of the gladiatorial

contest. The earliest recorded *munus* in the city of Rome was given at the Forum Boarium in 264 by Junius Pera in memory of his father. The gladiatorial contest was not called a “game” (*ludus*) but rather a “service” (*munus*) by which the dead are revived and propitiated by blood. In other contexts it signified a duty or a gift of service. Hence, the word munificent is from the Latin *munificus*, generous, bountiful. At law, a *munus* was not to be confused with a *donatio*, which signifies the disposal of property. We can suppose that the word community, *communitas*, derives from the sharing of gifts, not from the transfer of property.¹⁰ The word *munus* is frequently used in the Vulgate translation — repeatedly, for example, to give the corresponding Latin word for various aspects of Jewish ritual. In Mt. 2.11, the Magi give *munera* to the Christ child; the same for the widow’s mite in Lk. 21.1, and for the sacrifice of the high priest in Epistle to the Heb. 8.3. And Christian theologians spoke of the *triplex munus Christi*: priest, prophet, and king.¹¹

Pius XI (1922-29), to whom we attribute the teachings on social justice and subsidiarity, is the pope who began to systematically develop the ontology of the *munera*. During his pontificate, individuals, families, corporations, churches, the state itself,¹² and even

¹⁰ Or a gift received: Hence, as Leo XIII so wisely taught in *Rerum Novarum*: «whoever has received from the divine bounty a large share of temporal blessings [*quicumque maiorem copiam bonorum Dei munere accepit*], whether they be external and corporeal, or gifts of the mind, has received them for the purpose of using them for the perfecting of his own nature [*ad perfectionem*], and, at the same time, that he may employ them, as the steward of God’s Providence, for the benefit of others.» John XXIII, *Mater et Magistra* §119, AAS/53 (1961) at 430. Citing *Rerum Novarum* §22 [Acta Leonis, 11 (1891) at 114.

¹¹ *Catechism of the Catholic Church* (1997), §436, §§784-85.

¹² «We have indicated how a sound prosperity is to be restored according to the true principles of a sane corporative system which respects the proper hierarchic structure of society; and how all the occupational groups should be fused into a harmonious unity inspired by the principle of the common good. And the genuine and chief *munus* of public and civil authority consists precisely in the efficacious furthering of this harmony and coordination of all social forces.» Pius XI, *Divini Redemptoris* §31, AAS/29 (1937), at 81. And Pius XII in *Summi Pontificatus* (1939): «it is the noble prerogative and *munus* of the *civitas* to control, aid and direct the private and individual activities of national life that they converge harmoniously towards the common good.» §59; EE6 46, AAS/31 433. Designed to assist and coordinate «the natural perfection of man,» the *civitas* is said to be *quasi instrumentum*. On the state having an instrumental *munus*, see too John XXIII in *Pacem in Ter-*

international authorities,¹³ were said to be the bearers not only of *iura* (rights) but also of *munera* — of having roles to play, gifts to give. In the deepest sense, human rights are exemplified in *munera*, whether natural or supernatural.¹⁴ In the Pian encyclicals, the concept of subsidiarity is elucidated first in the idea of a plurality of *munera*, and only secondarily in terms related to the political question of the scope and content of state assistance. Thus, the notion of the *munus* unifies two things which are so often split apart in modern political and social thought: first, what man claims as his own, and second, what man has to give as a gift of service.

We do not know exactly who or what moved Pius XI to bring the sacral language of *munera* into the precincts of ethical and juridical discourse.¹⁵ Pius was formed in the Thomism of the Leonine

ris, §68; ASS/55 (1963) at 276. And linking together *iura* and *munera* of the citizen, see *Pacem in Terris*, §77, ASS/55 (1963) at 279.

¹³ See, too, JOHN XXIII in *Pacem in Terris*: «But it is no part of the duty of universal authority to limit the sphere of action of the public authority of individual States, or to arrogate any of their functions to itself. On the contrary, its essential purpose is to create world conditions in which the public authorities of each nation, its citizens and intermediate groups, can carry out their tasks, fulfill their duties and claim their rights with greater security» [*sed etiam singuli homines et interposti coetus possint tutius sua munera obire, sua praestare officia, sua iure vindicare*]. *Pacem in Terris* (11 April 1963), §141; AAS/55 (1963), at 295. At §145, the UN is said to have *munera*.

¹⁴ On the matrimonial *munus* as a natural and supernatural participation in divine rule: «Nor must We omit to remark, in fine, that since the duty entrusted to parents for the good of their children [*hoc munus parentibus in bonum prolis commissum*] is of such high dignity and of such great importance, every use of the faculty given by God for the procreation of new life is the right and the privilege of the married state alone, by the law of God and of nature, and must be confined absolutely within the sacred limits of that state [*intra sacros connubii limites est omnino continendus*].» Pius XI, *Casti Connubii*, §18; AAS/22 (1930) at 546. And see again how John XXIII works with the same idea: «It is of the utmost importance that parents exercise their right and obligation toward the younger generation by securing for their children a sound cultural and religious formation. They must also educate them to a deep sense of responsibility in life, especially in such matters as concern the foundation of a family and the procreation and education of children. They must instill in them an unshakable confidence in Divine Providence and a determination to accept the inescapable sacrifices and hardships involved in so noble and important a task [*munus*] as the co-operation with God in the transmitting of human life and the bringing up of children». JOHN XXIII, *Mater et Magistra* §195, AAS/53 (1961) at 448.

¹⁵ My guess is that the impetus came from a relatively little known encyclical, *Annum Sacrum* (1899). In preparation for the 1900 Jubilee, Leo XIII dedicated the human race to

revival, and was trained under one of Leo's chief teachers, Matteo Liberatore. Liberatore and his mentor, Luigi Taparelli, had adapted Thomism to the political and social disputes of the era. Taparelli is credited with having introduced the term "social justice" and for having made the first systematic case for what Pius XI will later call "subsidiarity." Both of the Italian Jesuits developed a Thomistic account of natural rights.¹⁶ During the Leonine period, individuals and associations are usually said to bear *iura et officia*, rights and responsibilities.¹⁷ With Pius XI, however, the *munera* are introduced, and with this term came a new layer of meanings.

My guess that the idea of *munus* holds together the Aristotelian notion of an *ergon* or characteristic function with the more biblical concept of vocation or mission. In so doing, it gets at something not well developed by conventional Thomism. Let us recall that at the

the Sacred Heart of Jesus, claimed to have been miraculously healed by intercessory prayers to the Sacred Heart, and pointed to Christ as the superior model for what it means to rule. In fact, more subsequent encyclicals are written in reference to *Annum Sacrum* than to *Rerum Novarum* (Pius XI will write four encyclicals on the Sacred Heart, and Pius XII will write three). Beginning with this late Leonine encyclical, popes begin to speak more and more of Christ's *munera* and of his ruling powers. In *Ubi Arcano* (1922), Pius XI dedicated his pontificate to the *Regnum Christi*. Then, in a series of encyclicals — *Quas Primas* (1925), *Miserentissimus Redemptor* (1928), *Rappresentanti in Terra* (1929), *Caritate Christi* (1932), and *Divini Redemptoris* (1937) — he began to explicate the analogies between Christ's *munus regale* and the rights and *munera* of baptized Christians. Pius XII did the same. Indeed, his first encyclical, *Summi Pontificatus* (1939), written to respond to the eruption of the Second World War, begins with an interpretation of Leo's *Annum Sacrum*. In sum, this line of Christological thought became intertwined with "social doctrine." A reminder of this interweave can be seen in *Lumen Gentium* §36, where the *munera* of the laity are discussed in light of the preface of the Feast of Christ the King, the feast instituted by Pius XI.

¹⁶ See R. JACQUIN, *Taparelli* (1943), 157-243.

¹⁷ Sometimes we see the older Leonine formula used side by side with the newer notion of *munera*. For example, John XXIII in *Pacem in Terris*: «It is generally accepted today that the common good is best safeguarded when personal rights and duties [*iuribus et officiis*] are guaranteed. The chief concern of civil authorities must therefore be to ensure that these rights are recognized, respected, co-ordinated, defended and promoted, and that each individual is enabled to perform his duties [*officiis*] more easily. For to safeguard the inviolable rights [*inviolabilia iura*] of the human person, and to facilitate the performance of his duties [*ut facilius quisque suis muneribus defungatur*], is the principal duty of every public authority.» *Pacem in Terris* §60, AAS/55 (1963) at 274. Citing Pius XII, *Nuntius Radiophonicus*, Pentecost 1941 [AAS/33 (1941), 200.

time of Pius XI's pontificate, the overriding issue of social doctrine was not merely whether man is a social animal, naturally ordered to the common good, but more exactly, the status of societies and social roles other than the state.¹⁸ It was these societies — families, youth groups, unions, religious orders — which the totalitarian regimes robbed of their legal personality. Therefore, it wasn't enough to just repeat the standard formulae of commutative, distributive and legal justice. Without social content, these formulae serve no useful purpose. In fact, arguments to the common good can prove counter-productive in the face of the modern state, which is more than happy to make common the entire range of goods.

In any event, Pius XI decided to make clear that rights are not derived from human nature abstractly considered, but rather from human nature as already bearing (implicitly or explicitly) social *munera*. On this view, rights flow from antecedent *munera* (gifts, duties, vocations, missions); hence, it is quite different than the idea of a right as an immunity — *immunitas*, etymologically, implies the absence of a *munus*. It is quite true that immunities are a juridical term of art; every well-developed legal system recognizes immunities of various sorts. Pius XI, however, insisted that principles of social order cannot begin with immunities or with negative rights. We first must understand the *munera* which the immunities protect.

I might add that one of the reasons commentators have had such problems understanding the term “social justice” is that, for Pius XI, social justice is nothing other than the manifold organicity of the common good; or, to put it in another way, it is the demand that the common good be brought about through organizations, institutions, and groups. According to Pius XI, social justice ensues «when each individual member is given what it needs for the exercise of its proper function....all that is necessary for the exercise of

¹⁸ See PIUS XII in *Summi Pontificatus*: «man and the family are by nature anterior to the State, and that the Creator has given to both of them powers and rights [*iura facultatesque*] and has assigned them a mission [*munus*] and a charge that correspond to undeniable natural requirements.» §61, AAS/31 at 434.

his social *munus*...»¹⁹ Social justice, therefore, should not be confused with distributive justice. On the assumption that men and women already have *munera*, indeed, that they are already performing acts which redound to the common good, the role of the political community is facilitative.²⁰ All issues of social justice encounter *munera* already established in and ordered to a common good. And therefore, when the political authority recognizes and helps to coordinate the social roles and vocations, it is not in the first place a question of distributive justice; for the magistrate does not distribute the *munera* which have been assigned by creation and redemption; rather, by recognizing these *munera* (including the function of the state itself), the magistrate is recognizing a legal justice that neither begins nor terminates in the state.

Subsidiarity, therefore, is a principle derivative from social justice: namely, that when *subsidium* be given either by the parts to the whole or the whole to the parts the plurality of functions or *munera* should not be destroyed or absorbed.²¹

¹⁹ «In reality, besides commutative justice, there is also social justice with its own set obligations, from which neither employers nor workingmen can escape. Now it is of the very essence of social justice to demand for each individual all that is necessary for the common good. But just as in the living organism it is impossible to provide for the good of the whole unless each single part and each individual member is given what it needs for the exercise of its proper *function*, so it is impossible to care for the social organism and the good of society as a unit unless each single part and each individual member — that is to say, each individual man in the dignity of his human personality — is supplied with all that is necessary for the exercise of his social *munus* [*ad sociale munus cuiusque suum exercendum*]. If social justice be satisfied, the result will be an intense activity in economic life as a whole, pursued in tranquillity and order. This activity will be proof of the health of the social body, just as the health of the human body is recognized in the undisturbed regularity and perfect efficiency of the whole organism». Pius XI, *Divini Redemptoris* (19 March 1937), §51, AAS/29 (1937) at 92.

²⁰ The best case for putting social justice under legal justice is made by Jeremiah Newman, *Foundations of Justice* (1954). Newman discusses why Catholic thinkers were reluctant to ascribe social justice to the virtue of legal justice. It looked too close to duties to the state. Given the fact that the whole point of social justice was to clarify the limited duties of the state itself, it was understandable that thinkers recoiled from the idea of legal justice. But Newman makes a powerful case for social justice signifying an ordering to common goods which are not reducible to the state. When the state does social justice, it is recognizing the ordering of all society to the divine good.

²¹ Such as craft and work: «For, according to Christian teaching, man, endowed with

At the recent Synod of Bishops (Oct. 2001) in Rome, bishops debated the applicability of subsidiarity to ecclesiology. Liberals, of course, contended that Petrine authority is merely a steering device for the activities of local churches, and such churches embody the principle of responsibility discharged at the lowest level. Several bishops responded that subsidiarity is a social and economic doctrine that has no immediate applicability to the constitution of the Church. It seems to me that neither position is quite right.²² Subsidiarity does not tell us who has which function or *munus*. One has to look elsewhere (natural law, positive law, divine law) for the *munera*. Therefore, subsidiarity cannot be used to settle the debates about the ontology or the distribution of *munera*; rather, it is a principle governing the relations of already-distributed functions. In papal teachings since Pius XI, subsidiarity is proposed as a principle of non-absorption, not a principle that necessarily requires devolution. As it is commonly understood, *devolution* is the opposite of subsidiarity. For devolution presupposes either: (a) an ontological deficiency, measured by a kind of cost-benefit analysis, or (b) that the central government rightly possesses a plenary power that it has now decided to redistribute to other powers and authorities.

a social nature, is placed on this earth so that by leading a life in society and under an authority ordained of God he may fully cultivate and develop all his faculties unto the praise and glory of his Creator; and that by faithfully fulfilling the duties of his craft or other calling he may obtain for himself [*atque artis aliusve vocationis suae munere fideliter*] temporal and at the same time eternal happiness. Socialism, on the other hand, wholly ignoring and indifferent to this sublime end of both man and society, affirms that human association has been instituted for the sake of material advantage alone.» Pius XI, *Quadragesimo Anno* (15 May 1931), §118; AAS/23 (1931) at 215.

²² See the debate between Cardinal Dulles and Ladislav Orsy (*America*, Oct. 21, Nov. 25, 2001), which included a brisk exchange about subsidiarity and ecclesiology. Dulles argued: «Subsidiarity as a technical notion can only with great difficulty be applied to the church, since the Petrine office was not founded as a ‘subsidiary,’ as if to supply for the deficiencies of lower governmental offices.» Put in just this way, without further qualification, Dulles is right. The liberals are using “subsidiarity” as a political principle requiring decisions to be made at the lowest possible level. But as I explain, subsidiarity does not have to be construed so narrowly. Questions of scale, locality, and deficiency do not determine the principle, but rather are (or can be) considerations with respect to the application of the principle.

First, the principle does not require “lowest possible level” but rather the “proper level.” The *proprium* is not determined by size or locality. *Second*, subsidiarity does not *per se* imply a deficiency in the person or office receiving the *subsidium*. The family receives help from the wider political community, but that does not mean that the family is itself “deficient” — rather it means that the family’s unique *munus* does not constitute the entirety of the common good, and it is entirely natural for the family to rely upon institutions other than itself. So, too, in Roman Catholic ecclesiology, the Petrine office assists the entire Church in preserving doctrine and maintaining unity, but it’s not quite right to use the language of interventions and deficiency. Therefore, the principle of subsidiarity itself protects the special office and *munus* of the Petrine ministry, just as it protects the unique offices and *munera* of all the different vocations. None of this depends immediately upon the issues of scale, locality, or deficiency.²³ *Third*, sometimes there really is a deficiency. A family, for example, can come apart at the seams, and another power has to intervene to assist; or a higher ecclesiastical authority must intervene in the self-governance of a religious order, chapter, or whatever. Subsidiarity in this kind of case demands that the intervention have as its goal the restoration rather than the absorption or elimination of the function, mission, role of the institution being assisted.²⁴ *Fourth*, as I have already pointed out, subsidiarity does not govern the distribution of offices; rather, the distribution is governed by natural law and divine law (or human positive law). Subsidiarity cannot create a social ontology, and it would be useless or even destructive to make

²³ In his influential work *Social Ethics* (1949), J. Messner asserts: «The law of subsidiarity function is the expression of the pluralism as well as of the harmony and hierarchy of the juridical order.» At 196-97, he notes that subsidiarity is not exclusively a downward moving logic, but can also include obligations of “lower” bodies to the whole. (at 197).

²⁴ In *The State in Catholic Thought* (1950), at 302f, Heinrich Rommen observes that Pius XI’s *Quadragesimo* emphasizes the non-absorption (rehabilitation) of the *proprium* — what properly belongs to an agent or institution. Therefore, subsidiarity is not in the first place an issue of scale, e.g. the lowest possible power. The new *Catechism of the Catholic Church* follows suit. Quoting Pius XI’s *Quadragesimo*, assistance is to be given in light of the *propriis officiis*, according to the proper offices or stations (§1883).

subsidiarity do that kind of work.²⁵ Any application of the principle of subsidiarity ahead of the distribution of offices and powers is to put the cart before the horse. For the question of just relations between social offices and institutions presupposes the existence of these social forms, each having its own *esse proprium*. And where the nature and scope of these social forms is in doubt, subsidiarity remains a principle without matter.

As I understand it, this is why Pius XI and Pius XII began to apply the idea of *munera* beyond their original meaning in theology. It is worth noting that in some 30 Pian encyclicals, the word *ius* (“right”) is used more than 400 times; in 93% of the time, the word is attributed to an authority or to a source of responsibility other than the state. Furthermore, when Pius attributes a “right” to the state it is almost always connected to the responsibility of the state to recognize and protect prior rights — of the family, spouses, children; of God, the Church, local ecclesiastical authority, and its seminaries, schools, and charitable organizations; of property, labor, association.²⁶ But what organizes the ever accumulating list of rights

²⁵ Thinkers in the Reformed tradition have shrewdly observed that Catholic discussion of subsidiarity sometimes elides over the social ontology of diverse institutions, as though subsidiarity were itself the structural principle of pluralism. See Jonathan Chaplin, “Subsidiarity as a Political Norm,” in *Political Theory and Christian Vision*, eds., Jonathan Chaplin and Paul Marshall (Lanham, MD: University Press of America, 1994). Chaplin rightly points out that this is a misreading of Catholic social doctrine. See also Chaplin’s discussion of the distinction and the relation of “subsidiarity” and “sphere sovereignty” in “Subsidiarity and Sphere Sovereignty: Catholic and Reformed Conceptions of the Role of the State,” in *Things Old and New: Catholic Social Teaching Revisited*, eds., Francis P. McHugh and Samuel M. Natale (Lanham, MD: University Press of America, 1993), pp. 175-202. It seems to me that once we attend to the theme of the *munera* we can discover something more than a superficial similarity between the Catholic understanding of subsidiarity and the neo-Calvinist principle of “sphere sovereignty” developed by Abraham Kuyper and Herman Dooyeweerd.

²⁶ This word count is in Mary Elsbernd, *Papal Statements on Rights: A historical Contextual Study of Encyclical Teaching From Pius VI – Pius XI (1791-1939)*. Dissertation. Catholic University of Louvain (Belgium), 1985, at 607, 627. Elsbernd unfortunately does not provide the word count for the use of *munera*. She is surely correct to note that the concept of the *munus* is more dynamic, evoking «rights which could only be realized in society and the realization of which perfected the society.» At 629.

in the Pian encyclicals are the *munera*, which provide the teleological and social framework for the juridical conception of rights.

III.

The discourse about the *munera*, developed, as I have said, in tandem with the idea of subsidiarity by Pope Pius XI, found its way into work on the Second Vatican Council. *Lumen gentium* is the immediate source of John Paul's social doctrine.²⁷ In *Lumen gentium* the concept of *munera* is made to do at least two things.

First, to explain the political principle of ruling and being ruled within the life of the Church. In this regard, the important text is to be found in the *Note of Explication* appended to *Lumen Gentium*. «[I]t is a question of *munera* which have to be exercised by a plurality of subjects cooperating hierarchically by the will of Christ.» That is to say, the Church is a communion of diverse agents having different services to render to the whole body. Cardinal Felici explains that this is a better word than *potestates* (powers) because without the *munera* the powers would appear aimless, non-participatory, unilateral, inorganic, anonymous (one might say, precisely those characteristics of the modern state which have proved so troubling over the past four hundred years).²⁸ The Church is not to be under-

²⁷ Not to overlook the fact that in *Mystici Corporis* (1943) Pius XII adumbrated this move. Notice that Pius begins with the Christology of the Sacred Heart (§8, AAS/35 at 196). A chief point of the encyclical is that Christ's *munera* are not distributed to the Church merely to create a juridical union (§9, AAS/35 at 197). The organicity of the Church requires an analogical approach to the *sacra munera* (§§15-18, AAS/35, at 200-202).

²⁸ Pericles Cardinal Felici goes on to explain that the *munera* signify, first, that there are powers already poised to action (*ad actum expedita*) awaiting canonical and juridical determination; second, a unique ordering (*ex natura rei*) of diverse subjects cooperating in unity. *Nota Explicativa Praevia*, in *Sacrosanctum Oecumenicum Concilium Vaticanum II: Constitutiones Decreta Declarationes* (Libreria Editrice Vaticana, 1993), at 215-16. One cannot fail to notice the similarity between Cardinal Felici's explication of ecclesial *munera* and *communio* and the social doctrine of Pius XI.

stood either as a modern state in which there obtains a single and undifferentiated sovereign power, nor can it be understood as a devolution of sovereign power.

Second, after treating the initiation of the laity, by baptism, into the *triplex munera Christi*,²⁹ *Lumen gentium* (§35) says that the laity have the *munus* (here quoting the disturbing passage in Ephesians 6.12) of wrestling «against the cosmocrats of this dark age, against the spiritual forces of wickedness.» The participated royalty of the laity (§36) is expressed, first, in conquering «the reign of sin in themselves,» and second, by «serving Christ in their fellow men they might by humility and patience lead their brethren to that King for whom to serve is to reign.»

The *munera* are conspicuous in the 1976 Lenten conferences which Cardinal Wojtyla preached for Pope Paul VI. Within the year, these conferences were published under the title *Sign of Contradiction*. The world, Wojtyla proposed, is sorely in need of a “criterion of power.” He notes that, as St. Thomas taught, to be a creature is to be endowed with perfections according to its kind. In the second chapter of Genesis, we see that the created endowment, once received, was a gift immediately communicated. Adam and Eve were «bestowed on the other.»³⁰ Here, he discerns the nucleus of the ontology of the *munera*. Human beings are not just bearers of powers and rights, but of a perfection already poised to act in self-giving. The social function is apparent at the very beginning in the institution of marriage.

Two points deserve attention. First, he contends that *regalitas* (the quality or property of ruling) is «embedded within the structure of the human personality.»³¹ This point is important because he does not want to argue that the *munera* are merely a theological template laid over the condition of natural man. Second, he emphasizes that

²⁹ In §31: «These faithful are by baptism made one body with Christ and are constituted among the People of God; they are in their own way made sharers in the priestly, prophetic, and kingly functions of Christ; and they carry out for their own part the mission of the whole Christian people in the Church and in the world.»

³⁰ *Id.*, VII.1 at 55.

³¹ *Id.*, at 138.

the *munus regale* «is not the right to exercise dominion over others.»³² True, he argues, *praxis* is «a manifestation of the ‘kingly character’ of man»; but this kingship over the world of matter is not to be confused with two other notes of kingship — self mastery and self gift.³³ When he promulgated the 1983 *Code of Canon Law*, the Pope remarked: «In the wake of the Second Vatican Council, at the beginning of my pastoral ministry, my aim was to emphasize forcefully the priestly, prophetic and kingly dignity of the entire People of God.»³⁴

Indeed, in his first encyclical he proposes that human dignity has to be rediscovered as a “kingship” [*regalitas*], a notion, he adds, that is «linked to every sphere of Christian and human morality.» Ruling has three characteristic activities. *First*, in the person, *regalitas* means the act of self-mastery made mature by virtue. *Second*, in the world, *regalitas* means the act of dominion over physical things, signifying the priority of spirit over matter. In *Laborem exercens* (1981), for example, he treats the problem of human labor in light of the *triplex munus Christi* (§24) — sorting out how dominion over things relates to ruling oneself and ruling others. *Third*, in the social world, *regalitas* is expressed in acts of service, according to Mt. 20.28, serving rather than being served.³⁵ In his biography of the

³² ID.

³³ ID., at 139.

³⁴ On the *ratio novitatis* see the Apostolic Constitution *Sacrae Disciplinae Leges*, 25 Jan. 1983, AAS/75 (1983), at XII; for the pledge to devote his pastoral ministry to the idea, see the Apostolic Exhortation, *Christifideles Laici*, 30 Dec. 1988, §14 AAS/81 (1988) at 410f.

³⁵ In *Redemptor Hominis*, we find all three aspects: «rediscovering in oneself and others the special dignity of our vocation that can be described as ‘kingship’» [*regalitas*]. This dignity is expressed in readiness to serve, in keeping with the example of Christ, who «came not to be served but to serve» (Mt. 20.28). If, in the light of this attitude of Christ’s, “being a king” is truly possible only by “being a servant” then “being a servant” also demands so much spiritual maturity that it must really be described as “being a king”. In order to be able to serve others worthily and effectively we must be able to master ourselves, possess the virtues that make this mastery possible. Our sharing in Christ’s kingly mission — his “kingly function” [*muneris regalis*] — is closely linked with every sphere of both Christian and human morality. §21, AAS/71 at 316. And again at §16: «This is expressed by the Second Vatican Council in these beautiful chapters of its teaching that concern man’s “kingship”; that is to say his call to share in the kingly function—the *munus regale* of Christ himself [*ad communicandum cum Christo ‘munus regale’*] [n. 101, cite to *Lumen Gentium* 10,

Pope, George Weigel discusses this principle as the «Law of the Gift.»³⁶ Although the world knows it not, the most primordial law of ruling is service, which is always the signature of the divine. Not sovereignty as the moderns understand it,³⁷ but rather a gift communicated for the good of another.³⁸

Here, he is not giving a list of *munera*. Rather, by focusing upon the first institution of marriage, he is trying to identify what every vocation, mission, social station has in common. Marriage was instituted to transfer into the visible reality of the world the mystery hidden from eternity in God, and thus to be its sign. «To understand man, it is necessary to enter into the mystery of this *signum* — the human body, which is the visible expression of the *imago dei*, and which at the very beginning discloses a nuptial relationship».³⁹ So, here in Genesis, we find the original meaning of participated roy-

36]. The essential meaning of this “kingship” and “dominion” [*munus regale illudque dominium*] of man over the visible world, which the Creator himself gave man for his task, consists in the priority of ethics over technology, in the primacy of the person over things, and in the superiority of spirit over matter.» AAS/71.

³⁶ George Weigel, *Witness to Hope* (1999), 136-37.

³⁷ After World War Two, Catholic thinkers generally avoided the word sovereignty. In *Man and State* (Chicago: Univ. of Chicago Press, 1951) Maritain insisted that the term could not be rehabilitated but “scrapped” (see “The Concept of Sovereignty,” at 28-53). Heinrich Rommen worried that the word was “much tainted,” but decided to retain it, albeit with 22 pages of qualification. See *The State in Catholic Thought* (London: Herder Co., 1950) Ch. XVII. So, too, J. Messner in *Social Ethics* (London: Herder Co. 1949), §§126-135. I can’t find any use of term in either *Gaudium et Spes* or in *Dignitatis Humanae*. John Paul II uses the word *dominatus* in reference to God’s rule (e.g. *Evangelium Vitae*, §66), or in the negative sense to an exaggerated claim of human autonomy (e.g. *Veritatis Splendor*, §35). The phrase *sui iuris* is sometimes used to designate a self-governing political community (e.g. *Centesimus Annus*, §20).

³⁸ It is an idea well known in the medieval world. In *Rerum Novarum*, for example, Leo XIII defended the rights of private associations on the basis of Thomas’s defense of Mendicant poverty in *Contra Impugnantes*, written in 1256. In Thomas’s works, every analogous use of the word *societas* is mirrored by uses of the word *communicatio*: *communicatio oeconomica*, *communicatio spiritualis*, *communicatio civilis*, and so forth. The word *communicatio* simply means making something common, one rational agent participating in the life of another. Society, for Thomas, is not a thing, but an activity. He quotes Augustine’s *De Doctrina Christiana*: «Everything that is not lessened by being imparted, is not, if it be possessed without being communicated, possessed as it ought to be possessed.» (*Contra Impugnantes*, I.4.) Cap 4 §14 A83 1265-70]

³⁹ See also Pius XI, *Casti connubii*, §12; AAS/22 (1930) at 544.

alty.⁴⁰ Divine rule is made visible in (1) mastery over one's own body, (2) dominion over things of the earth, (3) in reciprocal rule over one another's bodies. Interestingly, the first sign of the social *munus regale* is not the state but rather what the Pope calls the "proto-sacramental" institution of matrimony.

In *Mulieris Dignitate* (1988) he continues this line of inquiry into the difference between ruling things and ruling persons. With sin, the first note of ruling (self mastery) is eroded, and the second note of ruling (dominion over physical things) is extended to the rule of persons — in Genesis 3.16 ("he shall rule over you") it might look as though Adam now rules Eve by way of dominion appropriate to the rule over the things of the world. Thus, Genesis 3.16 must be compared with 1 Cor. 7.3-4, «For the wife does not rule over her own body, but the husband does; likewise, the husband does not rule over his own body, but the wife does.» Christ reveals the «royal dignity of service» by teaching that «to serve means to reign.»⁴¹ Assuming in his own person «humanity as the inheritance of Adam,» Christ decisively answers the question posed in Psalm 8, *quid est homo?*⁴² He «fully reveals man to himself,» among other ways, by restoring the institution of matrimony, relocating it in the rule of persons rather than the dominion over things. (In passing, we can note that the Pope frequently refers to the threefold concupiscence mentioned in 1 John 2.16 — lust, curiosity, and pride; these are the opposites of the three *munera Christi*: lust degrades the

⁴⁰ In *Dominus et Vivificantem* (1986), John Paul comments on a passage in *Gaudium et Spes*: «when God is forgotten the creature itself becomes unintelligible.» *Dominus et vivificantem*, §11, citing *Gaudium et Spes* §36. Among the things which become beclouded and distorted is man's vocation to rule and be ruled. The Pope turns to the issue of human conscience, created and redeemed to participate in divine rule. An alert reader will see that many of the themes later explored in *Veritatis Splendor* — the idea of "participated theonomy" and of human conscience as the "herald of a king" — were first explored in the encyclicals on the Trinity. Participated theonomy, *Veritatis Splendor*, §41, AAS/85 (1993), at 1166; the *nuncio* of a King, §58, AAS/85 at 1179 [citing Bonaventure, *In II Librum Sentent.*, dinst. 39, a. 1, q. 3]; see also his discussion of the *imago dei*, bearing the kingly predicate, §38, AAS/85 at 1164 [citing Gregory of Nyssa, *De hominis Opificio*, c. 4].

⁴¹ *Mulieris Dignitate* §5 AAS/80 1661.

⁴² *Id.*, §11, AAS/80 1679.

priestly offering of the body, curiosity degrades the *munus propheticum*, or the light of teaching, and pride degrades the *munus regale*, the virtue of kingly rule. By the created order, man has some share in these three *munera*, but in the rule of the God-Man, Jesus Christ, these natural endowments are not only clarified and healed by the medicine of grace, but are transfigured and elevated).

Modern political theology was shipwrecked on just this problem of failing to sort out the three kinds of *regalitas* — specifically, in relation to the family. Recall for a moment that modern contract theorists (Hobbes, Locke, Rousseau) assumed that legitimate power requires the location of a sovereign; moreover, they assumed that Christian theologians affirmed with one voice that the evidence or what they called “marks” of sovereignty are to be found chiefly in paternal power given to Adam. Bossuet, for instance, asserted that «all the world agrees that obedience, which is due to public power, is only found (in the Decalogue) in the precept which obliges one to honor his parents....and that the name ‘king’ is a father’s name.»⁴³ The Enlightenment thinkers criticized this idea because it seemed to be an ideology of monarchical absolutism.

But rather than asking the question whether the primary analogue of kingship is matrimony rather than paternal power, much less whether paternal power is mere dominion, the debate hurried to the inevitable conclusion that Adam is no king and that Genesis discloses nothing useful about ruling powers. The traditional theology of social roles, or *munera*, could be dismissed as despotism. And to counteract it, Enlightenment thinkers simply transferred the concept of dominion to the individual’s relation to himself; on this supposition, it was a small step to propose that legitimate rule of any sort can arise only by consent or contract; the social world, then, is to be built by acts of commutative justice — social forms and norms are mere constructions, legitimated by contractual negotiation.

⁴³ Bossuet, *Politics Drawn from the Very Words of Holy Scripture* (1670), III.3. To be sure, Bossuet contends that kingship is service, but from the platform of an absolute power under God.

In the Apostolic Exhortation, *Familiaris Consortio* (1981) — subtitled, «On the *Munera* of the Christian Family⁴⁴ — the Pope says that although the “kingly mission” is not to be reduced to politics, the proper and unique vocation of the laity includes what he calls the *munus sociale et politicum*. This Exhortation was issued on the Feast of Christ the King; the preface of that liturgical feast is quoted in *LG* §36, where we also find the formula *cui servire regnare est* used so often by John Paul. Here, he quotes this formula again». ⁴⁵ The laity are to order temporal things according to the *regnum Dei*.

The social role [*Sociale munus*] that belongs to every family pertains by a new and original right to the Christian family, which is based on the sacrament of marriage. By taking up the human reality of the love between husband and wife in all its implications, the sacrament gives to Christian couples and parents a power and a commitment to live their vocation as lay people and therefore to ‘seek the kingdom of God by engaging in temporal affairs and by ordering them according to the plan of God.’ [*Lumen gentium* §31]. The social and political role [*Sociale et politicum munus*] is included in the kingly mission of service in which Christian couples share by virtue of the sacrament of marriage, and they receive both a command which they cannot ignore and a grace which sustains and stimulates them.⁴⁶

Here, John Paul follows the ontology first developed by Pius XI. The *iura* are located in the *munera*.

The Pope in *Familiaris* is not immediately interested in political constitutions, political parties, or a specific legislative agenda.

⁴⁴ *Familiaris Consortio: De Familia Christianae Muneribus* (22 Nov. 1981); AAS/73 (1981).

⁴⁵ *Id.*, §63, AAS/73 at 156.

⁴⁶ *Id.*, §47, AAS/73 139.

Rather, he has two points in mind. First, despite the translator, John Paul wanted to make clear that social offices and vocations are not constructed out of abstract rights. Second, that *munus politicum* is properly the service of laity, not priests. The *munus regale* is analogical. The kingly service of a priestly hierarchy must be distinguished from the service of the laity in the temporal order. The virtues of social justice cannot be stripped from social roles.

These thoughts are made even more clear in *Christifidelis Laici* (1988).

A new aspect to the grace and dignity coming from Baptism is here introduced: the lay faithful participate [*participes*], for their part, in the threefold *munus* of Christ as Priest, Prophet and King. This aspect has never been forgotten in the living tradition of the Church, as exemplified in the explanation which St. Augustine offers for Psalm 26 [here follows a quote from Augustine]: «David was anointed king. In those days only a king and a priest were anointed. These two persons prefigured the one and only priest and king who was to come, Christ (the name “Christ” means “anointed”). Not only has our head been anointed but we, his body, have also been anointed ... therefore anointing comes to all Christians, even though in Old Testament times it belonged only to two persons. Clearly we are the Body of Christ because we are all “anointed” and in him are “christs”, that is, “anointed ones”, as well as Christ himself, “*The Anointed One*”».⁴⁷

In medieval political theology, the venerable image of *sponsus* and *sponsa*, Christ and his bride, was diverted from its proper and original context, in the sacrament of baptism, and was made to define the relations between the prince and his state. The King was given a ring to signify his solemn marriage to the realm. Before the

⁴⁷ *Christifidelis Laici* — Apost Exhort (30 Dec. 1988) §14; AAS/81 (1989) at 410, *Enchiridion Vaticanum* vol. 11 at 1050.

age of Absolutism, the office of king exemplified the sanctified laity — these coronation rituals, properly understood, represented the dignities bestowed on every Christian at the time of his baptism. Interestingly, in his panegyric to Constantine, Eusebius of Caesarea contended that when Genesis teaches that man was made in the image and likeness of God it should be inferred that God made Adam and Eve not a political animal, but a *basilikon zoon*, a royal animal; hence, Eusebius reminds the reader that the restoration of the *imago dei* in Christ is a work participated by all baptized persons.⁴⁸ Though never entirely lost, the *munus regale* of the laity had been displaced before the Revolution destroyed the office of anointed kings. In early modernity, political Christendom devolved into an Old Testament model of two anointed rulers. As the Pope remarks, although the *munus regale* of the laity was never entirely forgotten, it was eclipsed, for all practical purposes, by the monarchs and their courts, who jealously guarded what they deemed an exclusive title to the kingly predicate.

From a theological point of view, political modernity did not fix the problem because it did not restore the status of *regalitas* to the people. Modern regimes might accommodate the anointing of priests so long as the *munus regale* of the priest is confined to a private or merely spiritual sphere. For their part, the baptized laity in modern times are considered citizens, whose chief responsibility is to legitimate political power — as a people, however, they reign without ruling. They have an abstract power, but no *munus regale*. Thus, the theological anthropology of participated royalty seems irrelevant to citizenship. Or, to put it in another way, the social residue that remains after we subtract the power of the state is deemed a merely private sphere. In Catholic thought, however, this cannot be true, at least not in the sense ordinarily given to the word “private.” For whether the *munera* proceed from natural law or from the roles immediately instituted by Christ, the offices, functions, and powers *are* under law. There is no such thing as a purely private person. Therefore, the state is not limited by a private sphere

⁴⁸ Tri. Orat. IV.

but rather by a truly, though analogously, public sphere of social forms and norms. This is why modern popes insisted that the plurality of social forms deserves not only immunity from state power but more importantly recognition as public entities having their own *propria*. On this view, the principle of subsidiarity has a social context in which to work.

IV.

John Paul continued the work of Pius XI, Pius XII, and the Vatican Council in putting issues of powers (*potestates*) and rights (*iura*) in the context of *munera*. Here we find perhaps the deepest and most searching element in modern Catholic social thought. It is prominently displayed in the new *Catechism of the Catholic Church*:

God has not willed to reserve to himself all exercise of power. He entrusts to every creature the *munera* it is capable of performing, according to the capacities of its own nature. This mode of governance ought to be followed in social life....those who govern human communities... should behave as ministers of divine providence. (§1884)

The idea of participated royalty, plurified in distinct *munera*, provide the context for the issues of social pluralism and subsidiarity. This social doctrine interweaves social theory, anthropology, political and moral philosophy, and several branches of theology with the ancient metaphysical theme of participation. It is extraordinarily synthetic. But there is a reason for the synthetic approach. By the time of the Second Vatican Council it was clear that Catholicism and Liberalism provided converging lines of support for the external organization of liberty: constitutionally limited government, human rights, and the role of free markets (provided that the market be subject to considerations of the common good). At the same time it was clear that anthropological foundations of liberty were quite divergent.

Gellner's "modular man," for example, is a man without *munera*. Civil society is not a theatre in which men freely respond to natural and supernatural *munera*, but quite the opposite; civil society is a zone of immunities from society itself. For good reason, therefore, Catholic social doctrine had to enrich and deepen the Church's understanding of the anthropology and social ontology. This effort practically defines the teachings of the current papal magisterium. If one reads an encyclical like *Centesimus annus* (1992), one will discern what is, by now, a familiar dialectic. On the one hand, the Church affirms the post-1945 western consensus about the external organization of liberty, while proposing a different conception of man and society. The principles of social pluralism and subsidiarity should be read in light of that dialectic.