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4 Intellectual Recovery of *Communicatio Politica*

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For the Catholic Church, the nineteenth century is usually seen as a period of restoration, and the rise to dominance of a militant ultramontanism,[1] climaxing with the decree on papal infallibility at the First Vatican Council. The restoration was only a moment, though, in the long durée, and nineteenth century Catholicism is more important for the recovery of Thomism and its understanding of civil society as *communicatio politica*.

Let us first set the stage. The restoration movement has received various explanations. Izbicki suggests, for instance, that "the destruction of Gallicanism by the French Revolution permitted the Ultramontanes to bury conciliarism, pretending it existed only as an aberration" (Izbicki, 2005: 1344). What Izbicki says is perfectly true in explaining what led to the declaration of infallibility at the First Vatican Council in 1870, but does not go beyond "the cabal of intriguers" form of explanation. Richard Costigan expresses a similar idea, but aimed at the symbolic rather than practical failure of Gallicanism: "Another [root] is the underlying and most fundamental factor in the rise of Ultramontanism, the demise of the historic sacral order of the national Gallican Church" (Costigan, 1980: 9). Paul Misner goes farther when he argued that "the results [of the condemnation of Jansen] over the next two centuries were as

1 Ultramontanism, meaning 'over the mountain', was "the broad movement of thought and sentiment on behalf of the full supremacy in the Church of the Roman Pontiff". It is usefully illuminated with Yves Congar's contrasting definition of Gallicanism: "the desire not to let the pole *Church* be absorbed by the pole *Papacy*. (Costigan, 1980: xiii, xvi).

devastating to the relationship of Roman Catholicism with an evolving historical consciousness as the condemnation of Galileo in 1633 by the same Pope Urban VIII was to its relationship with modern science" (Misner, 1988: 199). Congar provides a practical link between the two explanations by noting that "the study of history and traditions had been the mainstay of the Gallican position against real or supposed encroachments of the Roman power", and that the destruction of the theological faculties in the French Revolution "meant the end of the means of sustenance of the Gallican ecclesiology" (Congar, cited in Costigan, 1980: 28).

None of these important and germane explanations, though, says anything about the 'Reign of Terror' under Robespierre. The mainstream judgement of the Church in the nineteenth century was that the Terror and its anticlerical dechristianization was a necessary outcome of too much questioning, not enough answers, too much conciliarism, not enough pope. Such nineteenth century critics as Joseph de Maistre, Henri Brémond, Edmond Fuzet, and Léon Seché "launched their literary sallies against the Jansenists for their role in undermining clerical morale, weakening the authority of Church and State, and thus contributing to the overthrow of the political order" (Williams, 1977: 576). A present-day scholar of the French Old Regime and the Revolution, Dale Van Kley, has made much the same point:

> [A]t least prior to the Maupeou 'revolution' of the 1770s, these mixed religious, ecclesiastical, and political controversies were central, not peripheral, to the unraveling of the Old Regime and the coming of the French Revolution. For they appear to have engendered the ideological and political divisions which later burst forth with greater clarity during the Revolution itself, which was hence as much a product of these divisions as it was a progenitor of them in its turn (Van Kley, 1979: 663).[2]

The alliance between the Jansenist spiritual mission and the political mission of Gallican conciliarism, thus, constituted the crucible of Catholic political theory against which the ultramontane reaction of the nineteenth century pushed back. In 1870, the First Vatican Council – the 20th Ecumenical Council of the Catholic Church – declared that the Pope was infallible, when speaking from his teaching office, in matters of faith and morals.[3]

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2 See also Van Kley (2003) which explores this question at greater length.

3 See Congar (1970) for an analysis of the theological content of the decision.

There is, however, a much more interesting and important intellectual stream which developed in response to the Terror during the nineteenth century, quickened in the early twentieth century, and ultimately became one of the central lines feeding the pastoral turn of Vatican II. It begins with the theory of subsidiarity. The concept has been summarized this way by Patrick Brennan in a recent discussion:

> Negatively, it is a principle of non-absorption of lower societies by higher societies, above all by the state. Positively, subsidiarity demands that when aid is given to a particular society, it be for the purpose of encouraging and strengthening that society. Societies are opportunities for activities by which rational agents achieve perfections proper to their nature, specifically by causing good in others through solidarity (Brennan, 2014: 29).

The concept was developed through two independent lines: the German line developing from the work of Bishop Wilhelm von Ketteler (1811-1877), and the Italian line developing from the work of Father Luigi Taparelli D'Azeglio (1793-1862). In what follows, I will sketch the different conceptions of each line, and then discuss the mature formulation developed during the interwar and early postwar years.

Bishop Wilhelm von Ketteler

Ketteler grew up within the culture of German Romanticism and was one of the central public figures in the mid-century clash with the emerging "administrative state", famously for his 'Advent Sermons' of 1848.[4] "The critique of overreaching political centralization continued to be a central theme of his political writings during his tenure as bishop of Mainz (1850-d.1877)" (O'Malley, 2008b: 25). Heinrich Reinarz considered Ketteler to be "the first architect of a Christian social and political system" (cited in Bock, 1967: 3).

Kettler "had deep roots in Westphalia" and "the Ketteler family was among the dozen or so great patrons of the diocese for many centuries" (O'Malley, 2007: 132). Much like the liminality of the Low Countries or Scotland, Westphalian Catholicism was "pragmatic", and "of a variety different from both the independent Gallicanism of the

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4 O'Malley refers to the 'Advent Sermons' as a 'Catholic Manifesto' (2008a).

French to the west and the defiant ultramontanism of the Bavarians to the southeast" (p. 134).

Ketteler initially followed in his father's footsteps by taking a degree in law at the University of Berlin (with additional studies at Gottingen, Heidelberg, and Munich), graduating in 1833. For the next five years, he worked in the Prussian Legal Bureau in Münster, when he left to begin theological studies. He was influenced in these studies by Johann Adam Möhler, Johann Joseph von Görres, and Ignaz Döllinger.[5] Ketteler was ordained to the priesthood in 1844, and appointed as Bishop of Mainz in 1850, which position he retained until his death in 1877.

O'Malley makes a convincing case that Ketteler's legal training provided the grounding for his conception of subsidiarity. In his legal studies, Ketteler was a student of Friedrich Carl von Savigny (1779-1861), the founder of the Historical School of Law.[6]

> [Savigny was] the most articulate and influential proponent within his own specialized discipline of a more general, cross-disciplinary historicist perspective in which not only the genesis but also the validity of ideals, values and norms was grounded in the immanent, evolving, differentiated world of historical cultures, rather than in some unchanging transcendent sphere (Toews, 1989: 139).

Savigny became "world-famous" (Whitman, 1990: 3) in 1814 with the publication of his pamphlet *On the Vocation of Our Time for Legislation and Legal Science*, a reply to Anton Thibault who had called for the

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5 Möhler was the greatest representative of the Tubingen School of the nineteenth century. His "organic, historical exposition of ecclesiology and doctrinal development appealed to the sensibilities of the Romantic period through exploitation of the Romantic notions of community, historicity, and vital organic totality" (McCool, 1977: 67). The efforts of the Tubingen School to rebuild theology were forestalled by the institutionalization of Thomistic theology in the 1879 Encyclical *Aeterni Patris*. However, as often happens, an appreciation of Möhler developed again among theologians in the leadup to Vatican II. "Theologians who prepared the way for a change of thinking at the Second Vatican Council, from Cardinal Ratzinger and Hans Kung to Yves Congar, who died recently, all would admit some debt to Möhler" (Franklin, 1996: 131). Similarly, Görres, and Döllinger had filiations with Romanticism (Bock, 1967: 17-21).

6 Wilhelm Roscher, the German historical economist against whom Max Weber began his series of methodological critiques, "proposed in 1843 to achieve for economics what the method of Friedrich Savigny and Karl Eichhorn had done for jurisprudence" (Lindenfeld, 1993: 406). Together, state law and political economy formed the core of the German *Staatwissenschaften* of the nineteenth century.

codification of a system of rational natural law. Savigny argued that "a system of laws should not be imposed on a people from without but must evolve from custom, for law forms an 'organic' part of the national culture, like its Constitution or its language, which grow out of the 'common consciousness of the people'", what he later called its Volksgeist, the spirit of the people (Gale, 1982: 131). In contrast to Thibault, Savigny and the historical school of jurisprudence he founded "worked to collect, understand, and ultimately preserve what they believed to be the essential core of Roman law as it had been adopted and cultivated in German lands" (O'Malley, 2008b: 28). He upheld the enduring value of Roman law in a mix with Canon law and Customary law, developed over centuries of experience, seeking only to extract general principles from it through careful historical research and exhumation, something he tried to accomplish with his own opus of the 1840s, *System des heutigen Römischen Rechts*. While Savigny's thought evolved to recognize "universal elements incarnate in individual law", there was, in 1840, still a "substantial continuity" with the romantic critique he had made in 1814 (Toews, 1989: 141-142).

Ketteler's theorization of subsidiarity derives specifically, O'Malley argues, from the "choice of law" jurisprudence of this Germanic tradition. It is related to the interaction between local customary law and the higher *ius commune* of formal law:

> Law in the Middle Ages was generally thought of as local or personal law, embodying local or personal rights. Dwellers of a given medieval city or territory would expect the law of that city or territory to be applied to them in whatever court they might find themselves; they might also expect the law of the nation to which their distant ancestors had belonged – for example the law of the Lombards or the law of the Burgundians – to be applied to them. Such law was local law, personal law, 'one's own' law. 'One's own' law conferred upon a person rights – grants of special privilege from a monarch, tax exemptions, marital property rights, rights of reciprocity from other cities and territories, and so on (Whitman, 1990: 7-8).

By its nature, this intricate system of local privileges and patronage was not and could not be formalized in a legal code, but it was recognized as valid jurisprudence, and was accepted by the courts. Instead of a reference to a formal code, this local law was established through the testimony of witnesses or written documentation. Failing such evidence, disputes in law would be adjudicated by reference to the body of formal law, the *ius commune*. This formal law was an amalgam

of Roman law, the *Corpus Juris Civilis*, the Canon law of the church, the *Corpus Juris Canonici*, and the various statutes of larger and smaller principalities. The law, therefore, was constituted through a variety of autonomous sources, and these were ordered in an ascending hierarchy from least general to most general.

> This [choice-of-law] universe, as first conceived in Italy, was made up of concentric sovereign circles. As a rule, the innermost circles, the realms of local customs and local statutes, were realms of local and personal law, embodying the rights of litigants. Courts would always recognize those rights if their applicability could be proven, sometimes giving local customs priority over local statutes, sometimes giving local statutes priority over local customs. However, if the applicability of local or personal rights could not be proven, the court would move outward in the universe of concentric circles … to choose a legal system of a larger territory … The term "ius commune" referred to the wider of any two circles, the higher of any two bodies of law (Whitman, 1990: 8-9; quoted in O'Malley, 2008b: 28).

Ketteler's conception of subsidiarity was consistent with this legal model: "subsidiarity is the principle that the most local capable authority should rule" (O'Malley, 2008b: 26).

Father Luigi Taparelli

Taparelli's conception of subsidiarity has a different foundation than Ketteler, one that is theological, rather than legal, and of a more theoretical than practical character. Born in Italy, Taparelli was not subject to the same Romantic culture as was present in Germany, but there was, nevertheless, a radical questioning which occurred in the early years of the nineteenth century throughout Europe.

While the French Revolution had erased feudal privileges with its 'August 4th Decree' of 1789, announcing that "the National Assembly entirely destroys the feudal regime" (quoted in Kohler, 2005-06: 893), it was not until 'Le Chapelier's Law' was passed two years later, 14 June, 1791, that the complete suppression of all guilds and corporations was accomplished. Robiespierre himself argued that the law "would injure the poor and the weak, who have the greatest need for collective action" (Kohler, 2005-06: 908). The results of this *de jure*, if not *de facto*, suppression of intermediate institutions, perhaps

the defining feature of a liberal society, became evident in the dislocations of the rural poor and the immiseration of the new industrial working class:

> Emancipated from the hierarchical structures and social bonds that once determined their place in life, individuals were also placed outside the complex set of reciprocal duties that previously had protected the vulnerable through the obligations that they imposed on the strong. Without the presence of bodies that could mediate the relationship between them, increasing numbers of people stood exposed to the growing power of market institutions and to the expanding claims of the newly rising state (Kohler, 2005-06: 912).

The Church, as one of the corporations itself, was particularly alert to this problem, although the National Assembly addressed the particular status of the church as a distinct matter from the guilds. In its Decree of 13 February, 1790, the Assembly abolished the 'regular' congregations, and on 18 August, 1792 abolished 'general' congregations. As Rosanvallon suggests, "In both cases [the abolition of guilds and corporations and the abolition of religious congregations] it was the existence of intermediary bodies that was at issue (Rosanvallon, 2007: 16).

Older than Ketteler and, therefore, nearer the Revolution, Taparelli entered the Society of Jesus in 1814, the year in which Pope Pius VII, signalling the early Restoration, reversed the suppression of the Jesuit Order that had been issued by his predecessor, Clement XIV in 1773. Rising rapidly, he was appointed as Rector of the Collegio Romano, the Jesuit Seminary in Rome. Perhaps stimulated by his teaching responsibilities, he was "converted" to Thomism by 1825 (Behr, 2003: 100).[7] Taparelli became an important figure in the recovery and dissemination[8] of Thomism[9] in the nineteenth century.

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7 Significantly, among his students in the 1820s was Vincenzo Pecci (1810-1903), who became Pope Leo XIII and authored the 1891 Encyclical, *Rerum Novarum*, the "Magna Carta of Catholic social doctrine" (Behr, 2000: 256).

8 Taparelli's work has been translated into German, Spanish, and French, but I am only aware of one article at present in English: Taparelli ([1857] 2011), translated by Thomas Behr.

9 I will use the term 'Thomism' to refer to the interpretations and revivals of Thomas' thought, as opposed to 'Thomasian' thought which refers to the ideas of Thomas himself (parallel with the same kind of distinction we see with 'Marxist' and 'Marxian'). Collish (1975: 433) and some other scholars use the term 'Neo-Thomism' "to denote express revivals of Thomas' thought", while 'Thomism' is "used simply as an adjective referring to Thomas' thought".

> The research of Pirri and Dezza clearly place Taparelli at the lead of one of the most important currents of the Thomistic revival in Italy, within the Jesuit order. From the early initiatives (in the 1830s) by Taparelli and later in collaboration with Liberatore to revive the 'Ratio Studiorum' of the post-Tridentine period with its emphasis on the philosophy of St. Thomas, would have widespread reverberations where the Jesuits were active, especially in France, Belgium, and Germany (Behr, 2000: 105).[10]

The Dominicans, of course, had always maintained their commitment to Thomist theology. "Somehow it did remain in the Dominican order, even when the Order was drastically reduced by the ravages of the Reformation, the French Revolution, and the Napoleonic occupation of a great part of Europe". In fact, the internal constitutions of the Order "required all Dominicans to teach the doctrine of St. Thomas both in philosophy and in theology" (Weisheipl, 1968: 171). However, this teaching had been running very much against the tide since the Reformation:

> Catholic universities and seminaries [had been] greatly influenced by 'modern' philosophers, nonscholastic thinkers, many of whom were non-Catholic … Catholic colleges and seminaries in France, Belgium, and Italy taught Cartesian philosophy or some form of it as late as 1850. It became fashionable to ridicule the Middle Ages, scholasticism, and Aristotelianism even without bothering to explain why (Weisheipl, 1968: 165-166).

By the middle of the eighteenth century, even the Dominicans were flagging, and, in 1777, the Master General, Juan Tomas Boxadors "insisted that all return immediately to the solid teaching of the Angelic Doctor" (Weisheipl, 1968: 171). Salvatore Roselli, a Dominican, published in that same year a six volume treatise, *Summa philosophica*, as "an attempt to a restoration of Thomism within the Dominican Order itself" (Bonansea, 1954: 12). A Vincentian and gifted theologian, Canon Vincenzo Buzzetti, developed a Thomist orientation, probably as a result of reading Roselli's work, and is now widely regarded as the progenitor of the Thomist renewal. Buzzetti's disciples included Serafino and Domenico Sordi and Giuseppe Pecci (the brother of Vincenzo Pecci, later Pope Leo XIII), all three of

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[10] Both Bonansea (1954) and Weisheipl (1968) place Taparelli in a more subordinate role than does Behr. This is in keeping with an earlier historiography which placed more emphasis on the metaphysics of Thomism than on its social theory.

whom became Jesuits. Luigi Taparelli, in turn, was trained in Thomism by Serafino Sordi (Bonansea, 1954, 19-22) and Domenico Sordi (Weisheipl, 1968: 174). With this early recovery, the Italian Jesuits were central to propelling a theological renewal of surprising force and salience, culminating in 1879 with the Encyclical, *Aeterni Patris*, promoting Thomism as the intellectual core of Catholic theology.

What is of interest for our purposes, however, is Taparelli's particular interest in the content and application of Thomist theology to social theory. In 1839, he was asked to teach a course on natural law at Palermo, and was appointed Professor of Moral Philosophy at the College. He began work then on a systematic treatise where the project was "to apply the clarity and order possible with the rebirth of metaphysics to the confusing world of social and political theory bequeathed from the 18th century" (Behr, 2000: 112), "in order to overcome the breach between speculative and practical reasoning" (Behr, 2003, 102). Over the next three years, from 1840 to 1843, he composed his masterwork, the *Saggio* (*Theoretical Treatise on Natural Right Based on Fact)*,[11] a work in social philosophy, with chapters on the nature of man and human agency, the concept of society and its origins, law-making, political authority, social interdependence, subsidiarity, and international order (Behr, 2000: 128-129). Taparelli became, perhaps, even better known for his work as co-founder, editor and regular contributor to the Jesuit periodical, *La Civiltà Cattolica*, an outlet for a steady stream of work by him on social philosophy and contemporary social and economic policy which he continued until his death. Thomas Burke suggests that Taparelli "has a good claim to being the father of Catholic social teaching" (Burke, 2010: 106).

Taparelli's conception of subsidiarity is a function of his recovery of a scholastic theory of society as "a complex association made up of subsidiary societies" (Behr, 2005: 10), associations embedded in a nested hierarchy. The state, in this perspective, is simply one more association, although one with a particular and very general function:

> Taparelli meant to demystify the modern notion of the state as a monolithic, ideal association of isolated individuals. He was looking to recover, against the modern ideal, the concept of the state advanced by Augustine and expounded by Thomas Aquinas and the later scholastics that consider it in purely utilitarian terms, as an

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11 The full title is *Saggio teoretico di diritto natural appoggiato sul fatto*.

> association formed, under actual historical circumstances, for the advancement of the common good (Behr, 2005, 10).

The implication of such a collection of subsidiary societies is that each has its own end and competence. He designated a society made of subsidiary societies as an *associazione ipotattica*, "meant to clarify that the minor societies are not subordinate to the larger society insofar as their own ends are concerned" (Behr, 2003: 106). The word *ipotattica* is derived from the Greek rules of grammar, *hypotaxis*, concerning the arrangement of subordinate clauses within a complete sentence. *Hypo taxis* can be translated from the Greek into Latin as *sub sedeo* (Behr, 2003: 105). Pope Pius XI later coined the more felicitous term, *subsidiarity*, in his 1931 Encyclical, *Quadragesimo Anno*.

Unlike Ketteler, though, Taparelli connects subsidiarity to a concept of *sociality* which he appropriates from Pufendorf and incorporates into a Thomist framework. Like Pufendorf, he held that "it is the multiple natural needs of human beings and their physically limited capacities that make them look for support in the act of forming associations". However, Taparelli's sociality is constituted in associations with ends of their own, separate and distinct from those of its members. The unity of the association is not a unity of substance – not a natural kind – but a unity of order, a *unitas ordinis*, as Thomas described it:

> It must be known that the whole which the political group or the family constitutes has only a unity of order [*habet solam ordinis unitatem*], for it is not something absolutely one. A part of this whole, therefore, can have an operation that is not the operation of the whole as a soldier in an army has activity that does not belong to the whole army. However, this whole does have an operation that is not proper to its parts but to the whole (Thomas Aquinas, quoted in Hittinger, 2008: 81).

This is not, therefore, an organicist model with a life of its own, such as was later evident in the Durkheimian tradition, but is constituted out of the desires and needs of its members, and, therefore, exists to satisfy the common good, which "in both its material and supernatural dimensions, obliges us to seek the good of others" (Behr, 2003: 106). Seeking the good of others – the positive duty of assistance and mutual consideration, now referred to as solidarity[12] – is a function of

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12 Russell Hittinger suggests that "we should bear in mind the original meaning of 'solidarity'. In France, *solidaires* were those bound together in collective

sociality itself, where a society is not a partnership but a unity of order, but it is also constituted by an anthropology in which "self-interest properly understood", Taparelli believed, would include not only prudence, but "interests in justice and charity" as well (Behr, 2005: 8).[13]

The Reason of Rerum Novarum

What is now referred to as "Catholic Social Teaching" was first given formal expression with the theory of subsidiarity in the 1891 Encyclical, *Rerum Novarum*, by Pope Leo XIII, further delineated and expanded with the 1931 Encyclical, *Quadragesimo Anno*, under Pope Pius XI. These Encyclicals built upon the two lines of intellectual development we have just discussed – the line which arose from Ketteler's work and the line which arose from Taparelli's work.

Rerum Novarum "On The Condition of Labor" was a blunt statement about social policy which critically confronted *fin-de-siècle* liberalism, and what were regarded as its socialist progeny. It opens by enumerating the central issues concerning the 'social question':

> That the spirit of revolutionary change, which has long been predominant in the nations of the world, should have passed beyond

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responsibility, according to the semi-autonomous societies called *communautés*. The idea of *solidarité* was drawn remotely from the legal expression *in solidum*, which, in Roman law, was the status of responsibility for another person's debts. Usually, the legal status of *solidaires* presupposed membership in a society (nation, family, etc.) that persists over time and is not exhausted in a single exchange nor characterized as a limited liability partnership. The Napoleonic Code (1804) expressly forbade the presumption of *solidarité* (art. 1202) in order to underscore the ontology of natural persons bound together chiefly, or only, in the state, and secondarily by contracts engaged by individuals. Thus, one becomes a *solidaire* only contractually (arts. 395-396, 1033, 1197-1216, 1442, 1887, 2002). With the revolutions which followed in the wake of the Napoleonic wars, and with the onset of the industrial revolution, the term 'solidarity' began to acquire the plethora of meanings it has today: solidarity of workers, political parties, nations, churches, and humanity in general. This was due to the widespread alarm at the disintegration of society and a renewed interest in intermediate associations" (Hittinger, 2008: 99).

[13] Pope Benedict XVI distinguished solidarity and subsidiarity as follows: "Solidarity refers to the virtue enabling the human family to share fully the treasure of material and spiritual goods, and subsidiarity is the coordination of society's activities in a way that supports the internal life of the local communities" (Pope Benedict XVI, 2008: 16)

> politics and made its influence felt in the cognate field of practical economy is not suprising. The elements of a conflict are unmistakeable: the growth of industry, and the surprising discoveries of science; the changes reactions of masters and workmen; the enormous fortunes of individuals and the poverty of the masses; the increased self-reliance and the closer mutual combination of the working population; and, finally, a general moral deterioration (*Rerum Novarum*, 1891: para. 1; von Nell-Breuning, 1936: 366).

The Encyclical then proceeded to uphold the value of private property against socialism, but went on to defend the working classes against the employers and the wealthy and the need for state intervention in various matters. It called for a just wage such that "the remuneration must be enough to support the wage earner in reasonable and frugal comfort" (*Rerum Novarum*, 1891: para. 34; von Nell-Breuning, 1936: 386). and endorsed the value of worker associations, subsequently interpreted as the endorsement of labour unions, and the competence of the church's interest and the necessity of its participation in these matters.

Much of the early historiography about *Rerum Novarum* saw the Encyclical as being built upon the intellectual line flowing from Bishop Ketteler's work. John Courtney Murray (1904-1967), the well-known American Jesuit theologian, for instance, asserts that "when Leo XIII finally issued *Rerum novarum* in 1891, he firmly took his stand with Ketteler" (Murray, 1953: 551). However, this widespread belief in early historiography was a function of the existing knowledge at that time about the details of its authorship, and the then still recent influence of *Quadragesimo Anno's* own intellectual thrust, not from an empirical investigation of the actual sources. It is true that Leo XIII, in conversation with the Swiss reformer, Caspar Decurtins, is said to have referred to Ketteler as "my great predecessor" (Mueller, 1984: 70), and there is a broad consistency in the themes of the Encyclical with an intellectual genealogy from Ketteler, through his disciple, Karl von Vogelsang, to René de La Tour du Pin's *Fribourg Union*. However, as Paul Misner has indicated, "the actual influence supposedly exercised on the making of *Rerum Novarum* by the intermediate links of the chain is unsubstantiated. Leo evidently did *not* come to these views through the mediation of the Fribourg gentlemen" (Misner, 1994: 213).

While the Popes set the terms of reference for major teaching documents like an Encyclical, intervene in the revision process, and

commonly add or modify portions of the document before final release, there are typically several writers, often theologians or ecclesiastics, who draft and revise such documents. In the case of *Rerum Novarum*, we now know that the Italian Jesuit theologian, Matteo Liberatore, wrote the first draft of the Encyclical, submitted 05 July, 1890. Tommaso Cardinal Zigliara, a Dominican, then prepared a draft revision "following Liberatore's organization of the material". An unknown person then merged the drafts of Liberatore and Zigliara. Following a translation into Latin, "the Pope then had Msgr. Gabriele Boccali (1843-1892), his private secretary, reorganize and rewrite the whole letter" after which it was again translated into Latin. Final editing changes were then made to the Encyclical and it was issued 15 May, 1891 (Misner, 1991: 450).

Of more than a little interest is the fact that both Liberatore (Inglis, 1998: 156; Thibault, 1972: 143; Boyle, 1981: 20) and Zigliara (Ashley, 1990: 197) had previously been involved in the drafting of the text for the 1879 Encyclical, *Aeterni Patris*, which institutionalized Thomism.[14] Both of them were Thomist philosophers, more than theologians, but where Zigliara was a specialist in the philosophy of Aquinas, Liberatore had given his attention to socio-economic and political philosophy. Liberatore was a co-founder in 1850, and then co-editor with Taparelli, of the *Civiltà Cattolica*, the journal which Misner calls "the social-philosophical taproot of *Rerum Novarum*" (Misner, 1991: 451).

Liberatore was "relatively expert and knowledgeable about the workings of the modern industrial economy". His book, Principles of Political Economy, published in 1891, aimed at "a kind of popularization of economic science in the context of a sound moral philosophy", and showed a familiarity with various work by "Adam Smith, Thomas Malthus and David Ricardo through Jean Simonde de Sismondi, Jean-Baptiste Say and Frédéric Bastiat to John Stuart Mill", and among Catholic theorists, "clearly partial to Charles Périn of Louvain (especially his Doctrines économiques depuis un siècle, 1880), and Claudio Jannet (1844-1894) in Paris, a conservative social economist". At least as regards the social content of the Encyclical, "the major *channel* of influences remains Matteo Liberatore" ((Misner, 1991: 458-460).

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14 It has not been possible to conclusively establish the authorship of the drafting of the text to this date. Existing attributions rely on oral and informal histories.

This discussion can be advanced by looking at the roots of Leo XIII's defence of workers' rights. His defence was not based on the medieval juristic tradition of local custom being predominant, the theoretical platform upon which Ketteler built, but on the Thomist argument for the right of association. In *Contra impugnantes* (1256), Thomas defended from attack the right of association of the newly formed mendicant orders, most particularly the Dominicans of which he was a member, who had moved away from the traditional monastic model of living in a settled community, and developed an active itinerant ministry:

> Thomas contends that the 'active life' consists of more than political rule and mercantile pursuits. Granted that religious are neither magistrates or businessmen, they are active in other ways, including the communication of knowledge and wisdom by teaching and preaching. The active life, generically understood, is the communication of gifts. In this, all agents imitate God (Hittinger, 2001: 15)

Thomas grounds his argument, therefore, on the perfectibility of mankind, where utilitarian considerations of the established social order are not an adequate constitution for the *communicatio* – "the making something common, one rational agent participating in the life of another" (Hittinger, 2001: 15) – of social life:

> Therefore, to prevent free men and women from associating for the purpose of communicating gifts is contrary to the natural law. It is tantamount to denying to rational agents the perfection proper to their nature, and denying to the commonweal goods it would not enjoy were it not for free associations (Hittinger, 2001: 16).

The Extensions of Quadragesimo Anno

Pius XI issued the Encyclical, *Quadragesimo Anno*, 'On Reconstruction of the Social Order' in 1931. He advanced the social teaching of the church with two significant conceptual developments: an emphasis on the "gifts of social life" – the *munera* - was greatly deepened and the demand for economic reform was given form with the call for "vocational orders".

The 'gifts of social life' has been the deepest and most enduring of these extensions. "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* [understood as 'gifts, duties, vocations, missions']" (Hittinger, 2002: 390, 393). Pius XI was born in 1857 near Milan, and "was formed in the Thomism of the Leonine revival, and was trained under one of Leo's chief teachers, Matteo Liberatore" (Hittinger, 2002: 391-392). Even the title, *Quadragesimo Anno* – 'After Forty Years', is a reference to the *Rerum Novarum* of 1891. [15]

Catholic social thought, consistent with its theology, focusses attention not on the utilitarian goods of social forms, but on their intrinsic value aimed at the perfection of life. Pius XI addressed the question of liberal rights and argued that they are derived not from an abstract human nature, but from antecedent *munera*. The *munera* are not a matter of juridical adjudication, but of something already provided. Given the social being of mankind, the exercise of the *munera* and the perfection of life are accomplished through the social forms devoted to the common good:

> For, according to Christian doctrine, man, endowed with a social nature, is placed here on earth in order that he may spend his life in the society, and under an authority ordained by God; that he may develop and evolve to the full all his faculties to the praise and glory of his Creator; and that, by fulfilling faithfully the duties [*munere*] of his station, he may obtain to temporal and eternal happiness (*Quadragesimo Anno*, 1931: para. 118; von Nell-Breuning, 1936: 432).

The pope went on to articulate the concept of *subsidiarity* in social organization, and it stands as a bridge concept linking the concept of the gifts of social life with the concept of vocational orders:

> So too it is an injustice, a grave evil, and a disturbance of right order for a larger and higher organization to arrogate to itself functions which can be performed efficiently by smaller and lower bodies. This is a fundamental principle of social philosophy, unshaken and unchangeable, and it retains its full truth today. Of its very nature, the true aim of all social activity should be to help individual members of the social body, but never to destroy or absorb them. The state should leave to these smaller groups the settlement of

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15 Other anniversaries have subsequently been marked with Encyclicals, the most important of which was *Centesimus Annus*, issued on the one hundredth anniversary by Pope John Paul II.

> business of minor importance. It will thus carry out with greater freedom, power, and success the tasks belonging to it, because it alone can effectively accomplish these, directing, watching, stimulating and restraining, as circumstances suggest or necessity demands. Let those in power, therefore, be convinced that the more faithfully this principle be followed, and a graded hierarchical order exist between the various subsidiary organizations, the more excellent will be both the authority and the efficiency of the social organization as a whole and the happier and more prosperous the condition of the state (*Quadragesimo Anno*, 1931: para. 79-80; von Nell-Breuning, 1936: 422-23).

The concepts of the gifts of social life, subsidiarity and solidarity, when embedded within the Thomist understanding of *communicatio* as the 'making something common', constitute a recovery and renewal of the concept of civil(izing) society. It is an enduring and powerful achievement.

Pius XI went further, however, in defining what a renewal of the social order would look like. It was this concept of vocational orders , "the hub of its program of social reform" (von Nell-Breuning, 1951: 89) which attracted the most attention. The drafting of the Encyclical was done by the Jesuit, Oswald von Nell-Breuning (Von Nell-Breuning, [1971] 1986). He had been a student of Heinrich Pesch and was a participant in Pesch's Konigswinter Group, "among such respected political economists as Gotz Briefs, Theodore Brauer, and his fellow Jesuit Gustav Gundlach" (Hinze, 2004: 154). Others in the Circle included Franz Mueller, Wilhelm Schwer, Paul Jostock, Heinrich Rommen and Theodor Brauer (O'Boyle, 2002: 28). Pesch (1854-1926) had studied with the German historical economist, Adolph Wagner (von Nell-Breuning, 1936: 5) and published a five-volume treatise on his own 'solidarist economics'. "According to Pesch, the overall goal of establishing a Christian order was tantamount to the goal of establishing a natural organic order" (Teixeira and Almodovar, 2014: 122). This was expressed in the Encyclical as the call for what came to be known as a vocational order, where vocational groups, guilds or corporations come into being anew "binding men together not according to the position they occupy in the labor market, but according to the diverse functions which they exercise in society … These groups, in a true sense autonomous, are considered by many to be, if not essential to civil society, at least its natural and spontaneous development" (*Quadragesimo Anno*, 1931: para. 83; von Nell-Breuning, 1936: 423). Two decades later, von Nell-Breuning explained it this way:

> What possibilities are there of getting beyond the capitalist class society? The answer is: This artificial structure of society, which in reality is only a mechanical stratification according to property, must be replaced by a genuine order. The Encyclical recognizes the social function as the decisive criterion of organization (von Nell-Breuning, 1951: 93).

This discussion about vocational orders was extended in the Encyclical in several paragraphs that the Pope himself wrote (para. 91-96) about "a special syndical and corporative organization [which] has been inaugurated" (*Quadragesimo Anno*, 1931: para. 91; von Nell-Breuning, 1936: 425), a reference to the fascist regime then organized in Italy, represented in these paragraphs in a positive light. While von Nell-Breuning was "enthusiastic" about this addition about fascism at the time, some forty years later, he indicated that he had become "firmly convinced that [Pius XI] did not understand it, that he was not acquainted with the social and political character of fascism" (von Nell-Breuning, [1971] 1986: 63). Paul Misner comments that "that Pius XI, at least until 1937, harbored illusions about how Fascism might serve the Church's purposes" (Misner, 2004: 660).

The problem was that the church held a political model of Christ's Kingship which required unitary authority. This was no less the case with Pius XI who had "instituted the feast of Christ the King in 1925, after having sounded the theme of the kingship of Christ in his inaugural Encyclical and in his motto, *Pax Christi in regno Christi*" (Misner, 2004: 658).

> QA offers little evidence that Pius was moving away from the accent on hierarchical-organic 'corporate' institutions that had entered Catholicism (ironically in the era of fascism) by way of German social thought. In contrast to its Anglo-American counterparts, this approach celebrated *Gemeinschaftlich* communal ties and the *Volksgeist*, an underlying mystical bond that connected a people across class lines (Hinze, 2004: 168).

This sacral model of kingship was only finally transcended with the Thomist theologies of the interwar years: "Maritain's generation had to win the argument about the nature of the state" (Hittinger, 2001: 23). Not a renunciation of papal infallibility, but a complement to it, Vatican II was an expression of this achievement. The centuries-long struggle for political reform within the church – a reform which promoted a pluralist conception of authority – had finally turned a corner.

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I suggested at the beginning of the previous chapter that there was an inevitable tension between 'immutable reality' and a 'better appreciation'. The Catholic modernity which I have tried to portray is one in which successive waves of a reforming 'better appreciation' break on the rocks of 'immutable reality'. A 'better appreciation' is always an appreciation of something outside of itself. If we understand religion as "a way of finding final meaning in temporal experience with reference to a 'reality' outside of and transcending it" (Van Kley, 2011: 108), then the story of experiments, repeated errors, and small hard-won achievements which I have told begins to make more sense.

I discussed the conciliar movement of the fifteenth century and the Jansenist experiments of the seventeenth and eighteenth centuries as a struggle between pluralist reform innovation and unitary papal authority. It is hard to avoid seeing the inflexibility – even intransigence – of the papacy to be the author of its own misfortune. Yet, both the conciliar movement and the Jansenist experiments failed spectacularly in a kind of self-immolation. Isn't that the fate of all reform movements, though: a path-dependent cycling of excess? These reform initiatives, though, set the stage for a theoretical political resolution which developed slowly through the nineteenth century, resolved in its main principles of subsidiarity and solidarity only during the interwar and early postwar years, still being actively elaborated. It was a political resolution, although still at an early stage, which resonated in Antigonish through its early formulation in *Rerum Novarum*, expressed as a commitment to workers' organizations through their producer co-operatives.

Perhaps Nicole Oresme's mirror in which the Church holds up the City of God to the City of Man is not a dream quite as lost as Tierney suggested. The concepts of subsidiarity and solidarity are now central to almost every contemporary theorization of civil society. In the chapter which follows, I will examine how the Antigonish Movement in Nova Scotia, built themselves in part upon this history.

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