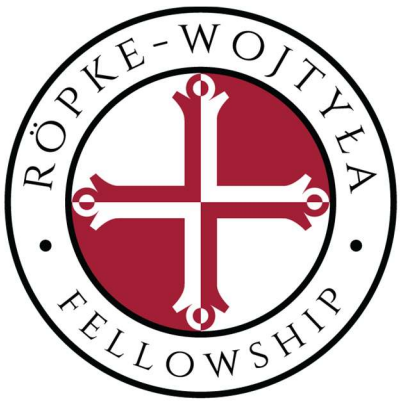

FAITH, REASON & SOCIETY

Edited Volume

Class of 2024

CONTENTS

Foreword

Each year, it is my honor to introduce the volume of essays written by the Röpke-Wojtyła Fellows. This edition features work from the 2023-2024 cohort. The Röpke-Wojtyła Fellowship is a program of the Arthur and Carlyse Ciocca Center for Principled Entrepreneurship at The Catholic University of America in Washington, D.C. It is a year-long intellectual exchange that addresses important economic and social questions in light of Catholic social thought. The fellows are senior college students selected from a wide range of American institutions of higher education.

Over the years, the Fellowship has cultivated a community of young scholars and practitioners who care deeply about the development and preservation of a free and virtuous society. Each year, we ask them to reflect on topics close to their hearts and minds. These essays are often inspired by our discussions during the Fellowship and reflect both the pressing concerns these young thinkers perceive in contemporary society and their timeless reflections on politics and economics. Topics in this volume include feminism, the U.S. Supreme Court and business, Marsilius of Padua, liberal arts education, honorable business, ethical drug pricing, and new natural law in the context of Michael Novak's work.[1]

I am grateful to my colleagues Candace Mottice and Kate Schulz for their ongoing support in organizing the colloquia, selecting the fellows, and coordinating fundraising efforts. My thanks also go to the scholars who guided our discussions: Dr. Michael Pakaluk, Dr. Paul Radich, Fr. Brad Elliott, Prof. Rebecca Teti, Dr. Catherine Pakaluk, Fr. Bob Gahl, Dr. Flavio Felice, and Dr. Max Torres.

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[1] The views expressed in these essays are those of the individual fellows and do not necessarily represent the official view the Röpke-Wojtyła Fellowship.

Finally, I extend my sincere thanks to all my colleagues at the Ciocca Center and the Busch School, and to the Sarah Scaife Foundation and the Templeton Foundation for their generous financial backing. Most of all, I wish to express my deepest gratitude to Carlyse Ciocca for her unwavering support of the Fellowship.

Dr. Frederic Sautet
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In Search of a Theology of Women: Reconciling Women in the Church in a Post-Feminist World

*Raleigh Adams**

Introduction

THE CATHOLIC CHURCH TEACHES that men and women are complementary, each fulfilling unique roles with equal dignity. However, this belief faces tension with certain interpretations of scripture and works like St. Thomas Aquinas's *Summa Theologiae*, which have been read to suggest women's inferiority. Reconciling these views with modern understandings of gender is crucial, especially in a post-feminist context influenced by Betty Friedan's *The Feminine Mystique*. By synthesizing the insights of key Catholic figures, this paper develops a nuanced understanding of women's roles in the Church, aiming to empower women to contribute more fully to its mission and society.

Society can only thrive when people live out the complementarity, needs, and mutual support between the sexes in a healthy manner. However, if the understanding of women within the Church is left underdeveloped, then by extension so too is their role in the broader society as Christians.[1] A unified theology of women is crucial to reconcile the diverse and often conflicting perspectives within the

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[1] *Catechism of the Catholic Church* [*CCC*]. (1997). Sec. 2, Ch. 2, Art. 6, Part 3, Para. 2333.

Church regarding women's roles and positions. This theology would empower women to fully embrace their Christian identity and individual potential while upholding the traditional values of family life, particularly in a post-feminist context influenced by Betty Friedan's *The Feminine Mystique*. Insights from Saint Edith Stein and Pope Benedict XVI, grounded in Pope Saint John Paul II's *Letter to Women*, offer a promising foundation. By synthesizing the insights of key Catholic figures and traditions, this paper develops a nuanced and comprehensive understanding of the role of women in the life of Christ, as shaped by centuries of Church teaching.

Scripture and Church Doctors

St. Paul writes in 1 Corinthians 11:10 that "man was not created for the sake of woman, but woman was created for the sake of man;" she was created as a helpmate.[2] Similarly, St. Paul declares that "a man . . . is the image and glory of God, but woman is the glory of man."[3] Thus, it is possible to read St. Paul as arguing for the subservience of woman to man, separated from immediacy with God save through the conduit of her husband. St. Thomas Aquinas's work in the *Summa Theologiae* appears to further the logic St. Paul established. Aquinas reasons from St. Paul's writing that "when one thing exists for the sake of another, it is inferior to that other."[4] This is in tension with the equality of dignity between the sexes championed by the Church.

Aquinas does leave some room for the individual differentiation of virtue.[5] However, Aquinas defends this inferior nature of woman to

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[2] *New American Bible, revised edition* [*NABRE*]. USCCB. 1 Cor. 11; Gen. 2.
[3] *NABRE*. 1 Cor. 11:3, 14:34-35.
[4] George, M. I. (1999, December 1). *What Aquinas Really Said About Women*.
[5] Ibid. For example, establishing that some women are excellent in self-control and some men defunct in it, he makes more general assertions of the lesser nature of women, using anecdotal evidence that women are more

man as a decision made by God, saying that "God does create things that are less perfect than others, but not things that are lacking in those qualities or virtues they ought to have" and "certainly not that He was punishing certain individuals and rewarding others; but that He would raise some up more, and others less."[6] It is divinely ordained, even beautiful, Aquinas argues, that woman is inferior to man in the scope of creation.

Introduction of the Feminine Mystique

Although the perspectives on women shaped by figures like St. Paul and St. Thomas Aquinas remained largely unchanged throughout history, with only minor variations due to shifts in mores and socio-economic factors, the debate over women's roles reached a critical turning point in the mid-twentieth century.[7] This peak was the rupturing era of the second wave of feminism, in response to the Feminine Mystique diagnosed in American women of the time.

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likely to be swindled, hold a softness of soul and inclination to pamper themselves.

[6] Ibid.

[7] See *The Rights of Women* by Ericka Bachiochi, wherein she argues, through a synthesis of ancient wisdom and modern political insight, that since our rights properly rest upon our concrete responsibilities to God, self, family, and community, it is through being able to fulfill these ends that true freedom is expressed. The moments in history that have emphasized individual autonomy—the Enlightenment, the Industrial Revolution, and the modern feminist movement—are corrosive to this understanding of rights. The forthcoming argument will build upon Bachiochi's view that the Feminine Mystique did not allow women to fulfill their duties to God, self, family, and community, instead allowing only one vision of womanhood, ultimately proving corrosive to women.

The Feminine Mystique is described as a pseudo-mystical social force saying that "the highest value and the only commitment for women is the fulfillment of their own femininity."[8] There is something nearly Aristotelian about this force, declaring that the end of the female sex comes through being exceptional in that virtue in which she exceeds: childbirth and rearing. The Feminine Mystique also declares that "the great mistake of Western culture . . . has been the undervaluation of this femininity."[9] Women should be praised and defined through their unique procreative and nurturing capacities. However, this narrow understanding of womanhood gave rise to a nebulous malaise in the American women of the 1950s and '60s.

This sickness, the result of the Feminine Mystique, was the physiological reaction of millions of women to the ideal of the housewife: an ever-looming and overly idealized form of womanhood. These housewives experienced "a strange stirring, a sense of dissatisfaction, a yearning," that led them to fear deep down the question "Is this all?"[10] Like square pegs attempting to fit round holes, these women experienced the dissonance of attempting to fulfill a man-made ideal, rather than fulfilling their own natures and ends in Christ. In the 1990s, with Pope St. John Paul II's *Letter to Women*, however, a possible response to the Feminine Mystique came forward from the Church in the form of the Feminine Genius. The Feminine Genius, alongside supporting works from St. Edith Stein and Pope Benedict XVI, offers a strong alternative to the ailment of the Mystique.

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[8] Friedan, B. (2010). *The Feminine Mystique*.
[9] Ibid.
[10] Ibid.

While the Feminine Mystique confined women to the home, the Feminine Genius, as outlined by Pope St. John Paul II, recognizes women's unique gifts across all areas of life. Women's ability to see others with their hearts and contribute to society is emphasized, offering a broader and more dignified vision of womanhood.

Through the Feminine Genius and the women who exercise it, John Paul II claimed that families, workplaces, and public affairs all can become kinder, gentler, and flourish overall. Unlike the Feminine Mystique, it is not the home alone to which a woman brings her needed strengths. This is exemplified in his *Letter to Women*:

> Perhaps more than men, women acknowledge the person, because they see persons with their hearts. They see them independently of various ideological or political systems. They see others in their greatness and limitations; they try to go out to them and help them. In this way the basic plan of the Creator takes flesh in the history of humanity and there is constantly revealed, in the variety of vocations, that beauty—not merely physical, but above all spiritual—which God bestowed from the very beginning on all, and in a particular way on women.[11]

Woman is characterized and highlighted through relationships, considering her unique ability to recognize and appreciate the souls of others. This is her divinely bestowed gift, connecting women to God and the mystery of Christ's life. The Feminine Genius allows for a latitude in the identity of woman in a variety of vocations, while the

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[11] Ibid.

latter creates a paragon model to be solely driven for in a nearly zealous manner, lest the whole woman crumble:

> The new mystique makes the housewife—mothers, who never had a chance to be anything else, the model for all women. . . . Beneath the sophisticated trappings, it simply makes certain concrete, finite, domestic aspects of feminine existence—as it was lived by women whose lives were confined, by necessity, to cooking, cleaning, washing, bearing children—into a religion, a pattern by which all women must now live or deny their femininity.[12]

The Feminine Mystique whispers to women, through "the voices of tradition and Freudian sophistication," that history and culture has come to an end in the realization that "they [women] could desire no greater destiny than to glory in their own femininity."[13] To be one's own self, and at that, to be one's self *exceptionally* is a high task, the greatest good to be striven for. However, when the individual is reduced to one aspect of her identity, even a facet as fundamental and intrinsic as sex, it is ruinous to the whole of the being.

Coalescing Influences in the Church

The Church must reconcile historical views of women, such as those of St. Paul and St. Thomas, with modern understandings of gender equality. While earlier views reflected the limitations of their time, the Church today has an opportunity to advocate for a more just and dignified role for women, integrating past wisdom with contemporary insights.

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[12] Ibid.

[13] Ibid.

In his epistle to the church at Corinth, St. Paul instructs that women should be silent in the churches, citing adherence to the law as the basis for this directive. Here, the Christian duty to follow both divine and human law converges. However, was St. Paul's guidance intended as a timeless truth, or was it a pragmatic measure to help the early church navigate its secular environment and avoid scandal? Similarly, St. Thomas Aquinas, working within the framework of Aristotelian science in the medieval era, reflects the limitations of human access to truth in any given time, where the pursuit of perfection may be clouded by contemporary understanding. Even so, in a pseudo-Hegelian sense, all events may be seen as divinely ordained, oriented toward a determined end, purpose, and ultimate perfection. As the spirit of different eras evolves and moves toward the fullness of time, despite human imperfections, the past serves as a guiding hand, steering us towards the realization of God's plan.

This past must be utilized carefully, however. There was a possible secular response to the Feminine Mystique in the form of "togetherness," the public movement that man and woman take part in the work of the home and rearing of children together. This era was supposedly the end fought for by the earliest of feminists, a coming age of peace and equality between the sexes. The new way of life in which "men, women and children are achieving together . . . not as women alone, or men alone, isolated from one another, but as a family, sharing a common experience."[14] This "togetherness" was a unification of the sexes around the good of the home and the family. However, this movement was criticized on the national level. Friedan says, "there was sharp social criticism, and bitter jokes about 'togetherness' as a substitute for larger human goals—for men. Women were taken to task for making their husbands do housework,

[14] Ibid.

instead of letting them pioneer in the nation and the world. Why, it was asked, should men with the capacities of statesmen, anthropologists, physicists, poets, have to wash dishes and diaper babies on weekday evenings or Saturday mornings when they might use those extra hours to fulfill larger commitments to their society?"[15] Men, once more, were acknowledged as having the capacity for greatness, and that it was detrimental to this aptitude to be "asked to share 'woman's world.'"[16]

The fall of the hope of togetherness has been embraced, however, through the rise of the "tradwife" movement. This way of life has gained popularity over the past decade, encouraging women's place in the home and a return to a pre-Vatican II world. Proponents of the movement extol "the virtue of American women who have chosen to reject the 'secular' pressure of working or not having children," and seek out "truer" Catholic traditions around the living and raising of a family that predate Vatican II.[17] In this return to tradition, "tradwives" look to the Blessed Mother Mary for the ideal of femininity: "It is this performance of hyperfemininity that allows Catholic tradwives to conflate themselves with a self-sacrificial Mary."[18] However, this specifically *hyper*femininity and lack of moderation leads to a blending with pagan views of women as well: "Many Catholic trad wife influencers use the term 'divine womanhood,' but it actually dates to New Age spirituality—specifically the Goddess Worship movement of the 1960s and 1970s."[19]

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[15] Ibid.

[16] Ibid.

[17] Cieslik, E. (n.d.). *Catholic Trad Wives Pose a Formidable Political and Religious Force.* National Catholic Reporter.

[18] Ibid.

[19] Ibid.

In following the "tradwife" lifestyle, the sanctity of woman and man is not preserved; rather, an idol is made of femininity, and non-Christian elements are introduced. The highest calling of a tradwife is not to sanctify oneself in pursuit of a closer relationship with Christ, but rather to conform to an earthly ideal of womanhood as much as possible under a facade of belief. This rise in the tradwife movement "pigeonholes our cultural conceptions of both sexes," preventing the full expression of both biblical femininity and masculinity, as well as cordoning a "virtuous life" off to "a small cadre of wealthy and overwhelmingly white elites."[20]

Saint Edith Stein and Pope Benedict XVI Offering Supplement

The tradwife movement rings reminiscent of the Feminine Mystique, and the problem that women's potential is stunted by the over-emphasis on her reproductive capacity. There is concern in both that if a woman pursues ambitions beyond these boundaries, she may be seen as opposing the family with her education, work, and aspirations. In fact, women must forgo any sense of self and individual identity for happiness, she must be "the feminine woman, whose goodness includes the desires of the flesh," lest she be demonized for being "the career woman whose evil includes every desire of the separate self."[21] Women are not allowed a moderate middle ground, to be both mother and individual.

The writings of Saint Edith Stein and Pope Benedict offer a potential avenue for the deeply rooted nature of one's sex to be honored while leaving room for the individual identities that the Feminine Mystique forgoes. St. Edith Stein proposes a hierarchy of the human being's

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[20] Matthew, E. G. (2023, July 19). *I'm a conservative Catholic mom. "Trad wives" promote unrealistic stereotypes.*
[21] Ibid.

coexisting identities. She writes that "Indeed no woman is only woman; like a man, she has her individual specificity and talent, and this talent gives her the capability of doing professional work, be it artistic, scientific, technical, etc."[22] The human person is a nesting doll of identities and capabilities, not merely man or woman, mother or father. Pope Benedict utilizes this interconnection of identities as well, that the virtues women may be naturally inclined to are ultimately human virtues: "It is appropriate however to recall that the feminine values mentioned here are above all human values: the human condition of man and woman created in the image of God is one and indivisible."[23] In Catholic teaching then, to be a woman is not to be fated to follow an artificial stereotype or constructed form as in the Feminine Mystique. In fact, to do such would not only affront the natural creation and nature of women; it would be contrary to humanity. Instead, the human experience of striving for sanctification is greater, a unifying force across the division of sex. Pope Benedict warns against attempting to prevent women from this reality and over-emphasizing reproductive fecundity.[24] Woman's identity is not, and cannot, be defined solely by her biological capacities.

In allowing for the multiplicity of differences to exist between the sexes, a moderated view of what it is to be a woman, and even what it is to be a man, is introduced. This is a fuller vision of what St. Thomas attempted to address in the individual difference of levels of virtue held by man and woman.[25] It is not in the extremes in which the truth lies. Rather, in this picture created across the encyclicals, woman is neither the careerist feared by traditional values nor the suffocated housewife.

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[22] Stein, E. (1987). *The Separate Vocations of Man and Woman According to Nature and Grace.*

[23] Pope Benedict XVI. (2004). *Letter to the bishops of the Catholic Church on the collaboration of men and women in the church and in the world.*

[24] Ibid.

[25] See footnote 4.

Rather, she is allowed both the fulfillment of her feminine nature as well as the individual gifts and wants divinely given to her.

Conclusion

The Church must develop a theology of women rooted in tradition, yet open to necessary change. By embracing the Feminine Genius and integrating women's unique contributions, the Church can help women realize their full potential. This approach, aligned with the wisdom of figures like St. Edith Stein and Pope Benedict XVI, will allow the Church to empower women to contribute fully to its mission and to society. Reconciling the place and role of women within the Catholic Church is essential for discerning what is just and dignifying, transcendent virtues that point to the divine regardless of the era. A theology of women must be rooted in the wisdom of tradition, resisting blind progress but open to necessary change and the fullness of truth. For instance, modern feminism has often fostered a counterproductive conflict between the sexes, a false freedom that Pope Benedict XVI warned against: "Every outlook which presents itself as a conflict between the sexes is only an illusion and a danger . . . nourished by a false conception of freedom." A sound theology of women would nurture their individual potential, as advised by St. Edith Stein and Betty Friedan, while preventing the breeding of conflict or animosity between the sexes, avoiding the extremes to which modern feminism has led.

The Church must advocate for systemic changes that allow women to thrive both within and beyond the home. In *Evangelium Vitae*, Pope St. John Paul II states, "in transforming culture so that it supports life, women occupy a place, in thought and action, that is unique and decisive." The Catholic Church is uniquely positioned to pursue the good with prudence, informed by the wisdom of the past, rather than engaging in conflict for the sake of progress. A deep understanding

and integration of history and tradition could offer a pathway to align the sexes more closely with God's design. Pope St. John Paul II's words address the reality that a change in culture is imperative. Culture is the avenue by which both the Feminine Mystique, via magazines, and the tradwife movement, via social media, expressed influence. Both movements utilized the popular tools of their time, speaking to the masses. The Church needs to tap into the elements of culture that today's world inhabits, diffusing truth across these popularly accessed channels.

Ministering to women in their unique capacities, as well as allowing women the act of ministry, aligns with the secular call for education, as addressed by Friedan in The Feminine Mystique, with the preparation for the universal call to holiness. While women can "open new vistas for the culture of life from the authority and power of their places in a society that values women's rights," it is only through a deep understanding and formation in the Feminine Genius that this power can be properly exercised. Therefore, it is imperative to educate and prepare both women and men for apostolic life, providing explicit measures and pathways for women to live out their individual call to sainthood in this life. While a general education and promotion of the Feminine Genius is necessary then, a status quo across the Church, returning to structures of the early Christian Church may prove useful, perhaps via the restoration of the female diaconate in the Catholic Church.[26]

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[26] Zagano, P. (2007). *Women and the Church: Unfinished Business of Vatican II.* Zagano argues for the restoration of the female diaconate in the Catholic Church, which would open the door for diocesan ordinaries to include women in the permanent clergy of their dioceses. These women could minister similarly to apostolic women religious of the past or certified lay ministers of today, but with a significant difference: as ordained members of the clergy, they would possess genuine authority in governance and

The closing of the Second Vatican Council heralded a pivotal moment in history, declaring that "the hour is indeed coming, and has now arrived, when the vocation of women is being recognized in its fullness—a time when women will wield unprecedented influence, effect, and power in the world." By embracing women and empowering them to fulfill these vital roles in all their diversity, be that through channels of popular culture to influence vast mores and norms or through structural changes in the Church and revival of ancient practices for women, the Church can unleash a profound and transformative beauty that will resonate throughout the world.

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jurisdiction, a role women have not held in the Western Church for nearly 1,500 years.

The Supreme Court and Business: How the Court's Misinterpretation of the Religion Clauses Leaves Religious Business Owners without Protection on Religious Grounds

Abraham Figueroa[*]

THE SUPREME COURT'S INTERPRETATION of the Religion Clauses (the Establishment and Free Exercise Clauses) greatly impacts how religious business owners can operate their businesses, from the type of medical insurance they must provide to their workers to whom they are allowed to hire, fire, or be required to serve. Yet, the Court's jurisprudence on the Religion Clauses is arguably one of the most diverse with various schools of thought.[1] The Court continues to struggle to settle on one understanding of the Religion Clauses, forcing us to wholly reconsider the clauses' meaning. In doing so, one must go back to the text and to era-appropriate historical aids, and lay out a framework to understand how the clauses ought to be interpreted in light of each other. Undertaking this analysis will demonstrate the scope of what constitutes "religion," the Establishment Clause's federalist nature, and the affirmative

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[1] These schools of thought include Justice Rehnquist's "non-preferentialism," Justice Scalia's "non-coercivism," Justice Brennan's "strict separationism," and Justice O'Connor's "non-endorsementism" (I added "-ism" as a grammatical stylistic choice). There are various nuances to each approach such as legal versus psychological coercion and Justice O'Connor's "ceremonial deism" exception, but for the purposes of this paper, the overarching approaches suffice.

protection of religion that the Free Exercise Clause demands, which will illuminate how the Court has failed to uphold the clauses' constitutional vision as it pertains to businesses.

To adequately assess the Religion Clauses, it is first vital to understand the scope of "religion" and what it entails. Various anti-religious advocates (those who don't want religion in the public sphere) argue that allowing any religious exercise in the public sphere would necessarily open the doors to Satanism, such as the Satanic Temple, to partake in the same activities including public monuments of Baphomet and after school satanic clubs. But does religion, as understood by the founders, really encompass alleged religions like Satanism? Turning to the text of the clauses, which read, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof"[2] is of little help since it does not define religion, nor does it aid in defining it. Therefore, one can turn to extra-constitutional sources to aid in defining religion.

Early case law and prominent, era-appropriate dictionaries provide guidance in ascertaining what the founders meant by "religion" at the time of the First Amendment's ratification. Early case law, such as *People v. Ruggles*[3] (1811) and *Updegraph v. Commonwealth*[4] (1824), reveals the common understanding that the right to free exercise did not prevent anti-blasphemy laws[5] because one's right to articulate and

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[2] *U.S. Const*itution. Amend. I, § 1.

[3] *People v. Ruggles*, 8 Johns. R. 290 N.Y (1811).

[4] *Updegraph v. Commonwealth*, 11 Serg. & Rawle 394 Pa. (1824).

[5] It is important to note the objection that these dealt with state constitutions and not the federal constitution. That said, these states had a provision similar to the federal constitution's Free Exercise Clause. The New York Constitution stated, "the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever hereafter be allowed, within this State, to all mankind." (N.Y. Const. of

practice a belief in God did not include a practice of "maliciously reviling God."[6] This understanding alone could exclude Satanists from free exercise protection, but what if the courts erred in their interpretations?

Founding-era dictionaries like *Dictionarium Britannicum* (1730) and *A Dictionary of the English Language* (1768) provide further guidance. These dictionaries define religion as "Virtue, as founded upon reverence of God, and expectation of future rewards and punishment,"[7] and "a general habit of reverence towards the divine nature, by which we are both enabled and inclined to worship and serve God, after that manner which we conceive to be most agreeable to his will, for that we may procure his favor and blessing,"[8] respectively. Madison reflects this understanding in writing that religion is "the duty which we owe to our Creator and the manner of discharging it."[9] One can thus conclude that religion does not encompass all moral frameworks or worldviews. As understood by the founders, religion would not include Satanism. In light of the proper understanding of religion, one can assess the Religion Clauses.

1777, art. XXXVIII.) The Pennsylvania Constitution didn't explicitly use the term "free exercise," but it did have a provision akin to it reading, "all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences." (Pa. Const. of 1790, art. IX, § 3.) Though not dispositive, these cases provide guidance in understanding the contours of religion.

[6] *Ruggles*.

[7] Bailey, Nathan. "Religion." *Dictionarium Brittanicum*, T. Cox, 1730.

[8] Johnson, Samuel. "Religion." *A Dictionary of the English Language*, W. G. Jones, 1768.

[9] Madison, James. "Memorial and Remonstrance against Religious Assessments, [ca. 20 June] 1785," Founders Online, National Archives, https://founders.archives.gov/documents/Madison/01-08-02-0163.

The clauses start with the Establishment Clause, which has been weaponized against religion, reaching a peak in *Lemon v. Kurtzman*. Yet, the Court seems to have overlooked that the clause is a federalism provision that creates a structural protection preventing the federal government from intervening in state establishments. The clause's history demonstrates that it "was primarily an attempt to insure that Congress not only would be powerless to establish a national church, but would also be unable to interfere with existing state establishments."[10] As a federalism provision, it's illogical to incorporate.[11] This understanding severely limits the jurisdiction of the Establishment Clause to federal territories and the District of Columbia. However, this still doesn't answer the question of what the Establishment Clause forbids.

The clause, only pertaining to the federal government, forbids it from establishing a national religion, "imbuing [religion] with governmental authority," and "delegat[ing] its civic authority to a group chosen according to a religious criterion."[12] These three prohibitions encompass the totality of the provision, that is, it addresses the argument that the clause does not merely prevent establishments (prohibition 1), but it prevents Congress from "respecting" an

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[10] *Abington School District v. Schempp*, 374 U.S. 203 (1963). (Stewart, Potter, dissenting).

[11] The founders were concerned with the imposition of a national religion like the Church of England and not with religion in general. The purpose of the Establishment Clause is to prevent the federal government from creating a national church establishment and preventing it from intruding on state establishments; however, if it is incorporated, then the clause subverts its own purpose by preventing the states from creating their own establishments of religion. The clause goes from enabling religious plurality to promoting irreligion over religion.

[12] *Elk Grove Unified School Dist. v. Newdow*, 542 U.S. 1 (2004). (Thomas, Clarence, concurring).

establishment (prohibitions 2 & 3). A religious establishment is characterized by legal coercion and not psychological coercion or "peer pressure" as outlined in *Lee v. Weisman*.[13] Instead, legal coercion in this context is accomplished "by force of law and threat of penalty."[14] That means that the federal government cannot force its citizens to attend church, force religious ministers to adopt the national government's sanctioned religion (*e.g.*, preaching licenses), or tax the people to support its religion of choice.[15] The latter two prohibitions, in practice, would prevent a church from making the laws, trying citizens for violations of religious doctrine, and sending them to jail for such violations. It would also prevent the government from depriving people from government positions because they do not subscribe to the government's religion of choice. Thus, the Establishment Clause does not forbid the federal government from cooperating with religious organizations such as Catholic Charities in their mission to aid those in need whether it be through a homeless shelter or a food bank.

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[13] *Lee v. Weisman*, 505 U.S. 577 (1992).

[14] *Elk Grove* (Thomas, Clarence, concurring).

[15] An important note on the taxation argument: Though the federal government could not tax to support a particular religion, under my conception of the Establishment Clause, the federal government could tax to support religion in general. Unlike Justice Rehnquist's "non-preferentialism," my interpretation allows the federal government to support religion over irreligion so long as it does not venture into any of the three prohibitions I outlined. For example, the federal government could use tax revenue to establish an academic scholarship for underprivileged students and set as a condition of acceptance that the students must use the scholarship to attend a school with religious instruction. The creation of the scholarship via tax revenue does not create a national establishment with legal coercion, imbue religion with governmental authority, nor does it delegate civic authority to a group based on a religious criterion.

The Free Exercise Clause, unlike the Establishment Clause, would apply to both the federal and state governments.[16] After conducting a textual and historical examination of the relevant words in the clause, Justice Alito concludes that prohibiting the free exercise of religion means, "forbidding or hindering unrestrained religious practices or worship" while constrained by "public peace" and "safety."[17] At a bare minimum, the Free Exercise Clause protects religious beliefs, but a straightforward textual understanding of "exercise" cannot lend itself to limit the scope of religion to mere belief. Since the amendment does not distinguish between belief and conduct, "conduct motivated by sincere religious belief, like the belief itself, must therefore be at least presumptively protected by the Free Exercise Clause."[18] Thus, the Free Exercise Clause protects all people in their ability to practice their faith unless the state has a compelling interest in public peace or safety which can satisfy strict scrutiny.

The Religion Clauses are not in tension with each other. Rather, they work together to promote religion. There is no hostile relationship between Church and State. The Establishment Clause enables the states to cultivate religiosity and morality without federal intrusion in such affairs. An incorporated Free Exercise Clause would protect all citizens in the practice of their faith, and they do not relinquish their protections when deciding to own a business. Such cultivation of religiosity and morality reflects John Adams' claim that "Our constitution was made only for a moral and religious people. It is

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[16] I'd argue that it could be possible to incorporate the Free Exercise Clause under the 14th Amendment's Privileges and Immunities Clause as opposed to its Due Process Clause. Nevertheless, the effect in regard to my argument would be the same.

[17] *Fulton v. Philadelphia*, 141 S. Ct. 1868 (2021). (Alito, Samuel., concurring).

[18] *Employment Division v. Smith*, 494 U.S. 872 (1990) (O'Connor, Sandra Day, concurring).

wholly inadequate to the government of any other."[19] Unfortunately, the Court's case law does not reflect this constitutional vision and instead promotes hostility toward religious business owners which can be seen in the following areas: employer and workers, disagreement over marriage, and nonprofits. I address each in turn.

Employer and Workers

After the passage of the Affordable Care Act (ACA), also known as Obamacare, the federal government began to mandate for-profit and nonprofit employers to provide Food and Drug Administration-approved contraceptives and abortifacients in their medical insurance even if doing so violated the employer's religious beliefs. The Court in *Burwell v. Hobby Lobby* held that the regulations violated the Religious Freedom Restoration Act[20] and mandated that despite the regulations being neutral and generally applicable (that is, any law that meets these two criteria is constitutional even if it indirectly burdens religious exercise—the rule set out in *Employment Division v. Smith*), it must survive strict scrutiny review. The department overseeing the regulation responded by creating religious exemptions, but Pennsylvania and New Jersey retaliated by suing the Little Sisters of the Poor Saints Peter and Paul Home (LSP) for not providing contraception and abortifacients. The Court eventually ruled in favor of the LSP by holding that the department that granted the exemptions had the legitimate authority to do so. Notice that the Religion Clauses were not the grounds for the Court's decision in either case.

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[19] Adams, John. "Letter from John Adams to Massachusetts Militia," 11 October 1798.

[20] Congress passed RFRA to reinforce religious protections by mandating judicial review akin to strict scrutiny in federal statutory cases after the Court severely limited religious liberty in *Employment Division v. Smith* (1990).

Bostock v. Clayton County further restricted how religious business owners could operate their businesses. In this Title VII employment discrimination case, the Court expanded the definition of sex (which meant male or female) to include sexual orientation and gender identity (SOGI). In doing so, the Court usurped legislative power and paved the way for SOGI legislation to expand[21] across the United States. These laws not only affected employers' ability to select employees who could spread their religious mission but also affected their religious messages and threatened their livelihoods.

Disagreement over Marriage

Non-discrimination SOGI laws began to force religious business owners to either cave and violate their sincerely held religious beliefs or to abandon their livelihoods—a choice that the Religion Clauses never envisioned. The federal and state governments have continuously trampled over religious business owners' ability to practice their faith. Phoenix tried to prevent an art studio from conducting business because the studio would not cave to providing its services to same-sex weddings,[22] a Minnesota couple with a videography business faced potential jail time in 2017 for not filming a gay wedding,[23] and East Lansing forbade farmers from selling their

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[21] For example, see the Elliott Larson Civil Rights Act expansion in Michigan which originally excluded religious exemptions to their SOGI nondiscrimination law until faced with litigation.

[22] Alliance Defending Freedom. "Brush & NIB Studio v. City of Phoenix." Alliance Defending Freedom, December 31, 2023. https://adflegal.org/case/brush-nib-studio-v-city-phoenix.

[23] Snively, Ian. "This Couple Faces Jail Time If They Film Weddings, but Decline Same-Sex Wedding." The Daily Signal, June 22, 2020. https://www.dailysignal.com/2017/10/12/this-couple-faces-jail-time-if-they-film-weddings-but-decline-same-sex-wedding/.

produce at the farmer's market (on a public road) because of their religious beliefs on marriage.[24]

Such cases are embodied in *Masterpiece Cakeshop v. Colorado Civil Rights Commission* and *303 Creative v. Elenis*, which are just two of various lawsuits against religious business owners unwilling to violate their religious beliefs in order to maintain and operate their business. In *Masterpiece Cakeshop*, a gay couple sued bakery owner Jack Phillips because he was unwilling to custom-make a gay wedding cake (though he offered to sell any off-the-rack wedding cake to the gay couple) which violated his Christian beliefs about marriage. Similarly, in *303 Creative*, website design artist Lorie Smith preemptively sued Colorado (because of its track record with cases like *Masterpiece Cakeshop*) to avoid the state from forcing her to custom make a gay wedding website, though she was willing to sell pre-made wedding website templates. The Court ruled in favor of the religious business owners in both cases but on different grounds. In Phillip's case, the Court held that Colorado had not been neutral, but rather demonstrated religious hostility, in its application of the law (violating *Smith*) while in Smith's case, the Court ruled on free speech grounds asserting that the State could not compel speech. Once again, the Court failed to rule on religious liberty grounds.

Nonprofits

Various businesses that operate as religious nonprofits regularly conduct business with the government (such as shelters for battered women, food banks, and adoption agencies) because they either

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[24] Bolar, Kelsey. "Judge Suspends City's Ban of Farmers over Their Marriage Views." The Daily Signal, June 22, 2020. https://www.dailysignal.com/2017/09/15/judge-suspends-citys-ban-of-farmers-over-their-marriage-views/.

receive assistance from or require licensing from the government. Given their relationship, the government has tried to strip these organizations of their religious nature. In *Fulton v. City of Philadelphia*, the city tried to force a Catholic adoption agency run by Catholic Charities to license and give children to same-sex couples—an act directly against the organization's religious mission. Despite the clear violation of free exercise, the Court ruled that the law was unconstitutional because it had offered exemptions to other non-religious organizations (violating the general applicability requirement of *Smith*). New SOGI nondiscrimination laws pose similar threats to those of *Fulton*. For example, religious organizations that run exploited and abused women shelters may be forced to accept trans women into their shelters—not only violating their religious belief on sex but also forcing them to incorporate men into a shelter for women who have suffered significant trauma from men. Failing to do so could result in crippling fines (like the ones LSP faced) or run the risk of being shut down.

In all of these cases, the Court ruled on grounds other than the Religion Clauses. The failure to do so leaves religious business owners vulnerable to frivolous litigation meant to bankrupt them. Organizations such as Becket Law or the Alliance Defending Freedom were able to step in to represent people like Jack Phillips, LSP, and Lorie Smith, but that is not always the case. Usually, people are left to pay for their own counsel—a luxury many cannot afford, especially when activist litigators try to ruin businesses with endless litigation. Jack Phillips and LSP were victims of such tactics. Despite winning in *Masterpiece Cakeshop*, Phillips was in court two other times. An attorney requested a blue cake that was pink on the inside to symbolize the attorney's gender transition, and when Phillips declined, the attorney

sued.[25] The case was dismissed by Colorado in federal court, but the attorney then filed again in state court.[26] In the LSP case, the organization had already won in a *per curiam* opinion in 2016 (the original lawsuit began in 2011) but was sued again and did not have their case settled until 2020.

The Court's turn to RFRA, free speech, and the *Smith* rule results in constitutionally deficient protection for religious business owners. A return to the original meaning of the Establishment and Free Exercise Clauses would (a) correct the Court's Religion Clauses jurisprudence as an original matter and (b) ensure that religious business owners receive the protection that the Religion Clauses envisioned but that the Court has watered down. When creating laws that burden religious exercise, the laws must survive strict scrutiny to be constitutional. Until the Court returns to the original meaning of the Religion Clauses, religious business owners will always be at a heightened risk of being forced to violate their religious beliefs or lose their livelihoods.

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[25] Alliance Defending Freedom. "Jack Phillips." Alliance Defending Freedom, May 31, 2024. https://adflegal.org/client/jack-phillips.
[26] Ibid.

Liberalism Lacking Liberty

*Merlot Fogarty**

SUBSETS OF CATHOLIC THOUGHT TODAY PLACE great emphasis on the pluralistic, liberal regime we live in, arguing it is to blame for the wide dissolution of morals and the loss of a Christian teleology in governance. These critiques range from its excessive obsession with equality to its universalistic tendency, its individualism, its utopian ambitions, and more. The critique of the 19th century Church, however, has prevailed across time and sects, though it is surprising: liberalism, an ideology with "liberty" as its primary appeal, actually lacks liberty. This is because the Church has a holistic concept of liberty that unites it with human flourishing and our ultimate end of union with the divine. Yet what is most striking about this critique is that some of the most progressive thinkers of the 20th century concur—life under a liberal regime does not allow one to be truly free. What the Catholic Church predicted would come of a liberal order has come to pass. In order to truly understand the nature of such a critique, one must understand the reality of authentic freedom and the role of divine law in orienting a political order most toward human flourishing.

Nineteenth-Century Catholics' Critique and Predictions for the Liberal Order

In 1832, Pope Gregory XVI published *Mirari Vos*, "On Liberalism and Religious indifferentism," confronting the evils of his age: the corruption of young minds, indifference toward truth, mass secularization and disparagement of the Catholic Church, growing contempt for the sacred, and the widespread perversion of morals. Promulgated in a world going through a radical shift prompted by

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industrialization, *Mirari Vos* offered a strong critique of the evils of liberalism and the false concept of freedom promoted by liberal ideology. In the years following, the Holy See of Peter issued further documents on these topics, including *Quanta Cura*, "Condemning Current Errors," by Pope Pius IX in 1864; *Diuturnum*, "On the Origin of Civil Power," and *Libertas Praestantissimum*, "On the Nature of Human Liberty" by Pope Leo XIII in 1881 and 1888, respectively. These 19th-century documents offered a critique of the evils of their time and a systematic prediction of what was to come of societies that separated liberty from its true end: the communion of one's will with that of the divine.

The Church always taught that it was just to overthrow a state that no longer sought the common good of its people as its end. In the time of Pope Gregory XVI, many revolutions stemmed from a desire for license—for man to recreate law for himself. Pope Gregory XVI noted this political instability in 1832, writing "We see the destruction of public order, the fall of principalities, and the overturning of all legitimate power approaching," blaming the "mass of calamities" on "the heretical societies and sects in which all that is sacrilegious, infamous, and blasphemous has gathered as bilge water in a ship's hold, a congealed mass of all filth."[1] This striking language toward the revolutionaries of his age depicts well the sentiment of the Church at the time: because the proper end of politics is to form a society constituted by human reason with the union of the temporal and the divine, man is naturally subject to authorities for his own good. Without these authorities, society "should come to dissolution and be prevented from attaining the end for which it was created and instituted."[2] The encyclicals also contain many explicit denunciations

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[1] Pope Gregory XVI. *Mirari Vos*. The Holy See, 1832. Para. 5. https://www.papalencyclicals.net/greg16/g16mirar.htm

[2] Pope Leo XIII. *Diuturnum*. The Holy See, June 29, 1881. Para. 4.

of liberalism as an ideology, specifically because it lacks a recognition of divine authority and a just end toward which society is aimed. In *Libertas Praestantissimum*, Pope Leo XIII writes:

> These followers of liberalism deny the existence of any divine authority to which obedience is due, and proclaim that every man is the law to himself; from which arises that ethical system which they style independent morality, and which, under the guise of liberty, exonerates man from any obedience to the commands of God, and substitutes boundless license.[3]

The Church's antagonism toward liberalism came from its knowledge of the truth of the human condition: while man is created good and endowed with reason, his instincts incline him towards evil. Hence, man requires an authority to help him remain on the path towards goodness. This possession of the truth provides the Church the authority to denounce certain writings and ideologies contrary to the pursuit of this divine truth. Pope Gregory XVI believed it nonsensical that providing a platform for both good and evil would result in the correct directing of souls:

> Some are so carried away that they contentiously assert that the flock of errors arising from [some writings] is sufficiently compensated by the publication of some book which defends religion and truth. Every law condemns deliberately doing evil simply because there is some hope that good may result. Is there any sane man who would say poison ought to be distributed,

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https://www.papalencyclicals.net/leo13/l13civ.htm

[3] Pope Leo XIII. *Libertas Praestantissimum.* The Holy See. June 20, 1888. Para. 15. https://www.papalencyclicals.net/leo13/l13liber.htm

> sold publicly, stored, and even drunk because some antidote is available and those who use it may be snatched from death again and again?"[4]

Liberalism allows all ideologies the same playing field, tolerance of all ideas, and rule by majority desire. A society, "[once] given a code of morality which can have little or no power to restrain or quiet the unruly propensities of man, a way is naturally opened to universal corruption . . . this is simply a road straight to tyranny."[5] This tyranny is one much worse and out of order with an authentic human freedom, and numerous Catholic scholars[6] saw this as the end to which liberalism would amount.

In *Libertas Praestantissimum*, Leo XIII defined liberty as "the faculty of choosing means fitted for the end proposed."[7] Man's reason compels him to choose good as his end because it is the proper object of his desire and most directs him toward communion with God, who created him. As such, freedom of choice is a property of our will—a will which "cannot proceed to act until it is enlightened by the knowledge possessed by the intellect . . . subsequent to a judgment upon the truth of the good presented."[8] This is why Saint Thomas Aquinas says that an act of sin is slavery, not freedom:

> Whosoever committeth sin is the slave of sin . . . everything is that which belongs to it naturally. When, therefore, it acts through a power outside of itself, it does not act of itself, but through another, that is, as a

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[4] *Mirari Vos* para. 15.
[5] *Libertas* para. 16
[6] Billot, L. (1922). *Liberalism: a criticism of its basic principles and divers forms.* Translated by G.B. O'Toole. Archabbey Press, 1922.
[7] *Libertas* para. 5.
[8] *Libertas* para. 5

> slave. But man is by nature rational. When, therefore, he acts according to reason, he acts of himself and according to his free will; and this is liberty. Whereas, when he sins, he acts in opposition to reason, is moved by another, and is the victim of foreign misapprehensions.[9]

Knowing this about the condition of human liberty, Leo XIII articulates why authentic liberty "stands in need of light and strength to direct its actions to good and to restrain them from evil. Without this, the freedom from our will would be our ruin . . . there must be law; that is, a fixed rule of teaching what is to be done and what is to be left undone."[10]

The Church saw the direction of the liberal order as one dominated by unbounded license, rather than a society united with the eternal law of God, "the sole standard and role of human liberty."[11] Leo XIII anticipated the outcome of such a society: "Once man is firmly persuaded that he is subject to no one, it follows that the efficient cause of the unity of civil society is not to be sought in any principle external to man, or superior to him, but simply in the free will of individuals."[12] Once man is effectually emancipated from his duty to obey just authority, he sees no reason to obey any authority, pleasure becomes "the measure of what is lawful,"[13] and society falls apart.

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[9] *Libertas* para. 6.
[10] *Libertas* para. 7.
[11] *Libertas* para. 10.
[12] *Libertas* para. 15.
[13] *Libertas* para. 16.

Marxists also Critique

What is so telling about this critique and prediction of the popes in the 19th century is that 100 years later, those living in the liberal system continued to make the same one. Even Marxists were critical of the false perception of liberty that classical liberalism provided. German-American philosopher Herbert Marcuse is a key example. In 1965 Marcuse published *Repressive Tolerance*, outlining an argument for why the "tolerance" offered within a liberal, free-speech framework actually created a system of oppression and tyranny over individual freedom: "Tolerance is extended to policies, conditions, and modes of behavior which should not be tolerated because they are impeding, if not destroying, the chances of creating an existence without fear and misery."[14]

Marcuse's primary thesis is that man lives in fear and misery due to the oppressive system in which he resides. The laissez-faire nature of liberalism allows particular policies, behaviors, and ideas to be tolerated by the masses even when they lead to our servitude,[15] effectually causing self-oppression. Although the overall standard of living improves under capitalism, the economic system superimposes false needs on the individual[16] while "the products indoctrinate and manipulate."[17] A man may think that he is free, Marcuse says, but the "total administration and indoctrination," "tyranny of public opinion,"[18] and "violence and suppression . . . promulgated, practiced,

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[14] Wolff, R. P., Moore, Barrington, & Marcuse, Herbert. (1969). *A critique of pure tolerance*. Beacon Press. Pg. 82. (Henceforth *RT*)

[15] *RT* 88.

[16] Marcuse, H. (1964). *One-dimensional man studies in the ideology of advanced industrial society*. Beacon Press. Chapter 1. (Henceforth *ODM*)

[17] *ODM* chapter 1.

[18] *RT* 106.

and defended by democratic and authoritarian governments alike,"[19] create an "emergency situation" in which revolution is necessary to truly liberate. Thus, Marcuse explains, "What is proclaimed and practiced as tolerance today, is in many of its most effective manifestations serving the cause of oppression."[20]

Marcuse's main distaste for liberalism stems from the paradigm's equal treatment of both liberating and oppressive ideas—that is, the tolerance of both status-quo (conservative) and progressive ideologies. Mirroring Pope Gregory XVI's discontent with liberalism's indifferent approach to truth and falsity, Marcuse argues:

> *De facto* tolerance is not indiscriminate and 'pure' even in the most democratic society . . . the antagonistic structure of society rigs the rules of the game. Those who stand against the established system are *a priori* at a disadvantage, which is not removed by the toleration of their ideas, speeches, and newspapers.[21]

Allowing two opposing viewpoints access to the same platform wouldn't, according to both Pope Gregory and Marcuse, allow for the truth to prevail. In fact, Marcuse believes we have moved so far past authentic tolerance that, even when both sides are presented as objectively plausible, the system forces us to lean one way. He believes this demonstrates that a pervading "false consciousness"[22] infects all people.

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[19] *RT* 82.
[20] *RT* 81.
[21] *RT* 92, footnote.
[22] *RT* 110.

Like Karl Marx, Marcuse assesses and critiques the *material* condition of man to make his argument about the lack of freedom in such a society. Especially in the capitalist, nuclear age, he characterizes man as living in fear under a system that perpetuates obedience and oppression. "The scope of society's domination over the individual is immeasurably greater than ever before,"[23] he says, but we are simultaneously confronted with danger and economic growth, and the richer industrial society grows.[24] No one wishes to upset the status quo if they know their material condition is greater than the generation before theirs. New ideas and revolutions are unthinkable, he says, because the way of life people live is, simply, a good one,[25] which "militates against qualitative change." This leaves people complacent in the oppressive system in which their thoughts, needs, and lifestyles are conditioned by those in economic power.

The Tyranny of Liberalism

In 1991, Pope John Paul II published *Centesimus Annus* to commemorate the 100 years since the original release of *Rerum Novarum*, Leo XIII's encyclical on Capital and Labor. JPII addresses the time when *Rerum Novarum* was originally published, when "a traditional society was passing away and another was beginning to be formed—one which brought the hope of new freedoms but also the threat of new forms of injustice and servitude."[26] While focusing primarily on the triumphs and shortfalls of capitalism, JPII recognizes that the 19th-century predictions have come true: enjoyment and

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[23] *ODM* introduction.
[24] *ODM* introduction.
[25] *ODM* chapter 1.
[26] Pope John Paul II. *Centesimus Annus*. The Holy See, May 1, 1991. Para. 4. https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_01051991_centesimus-annus.html.

pleasure have become ends for themselves and lifestyles are no longer ordered toward a particular mode of being—one in line with God's eternal law.

He confirms much of what Leo XIII predicted: a lack of respect for human dignity, an amassing of wealth among the few, and mere survival for the (exploited) many—not freedom, but a tyranny masked in "liberty" language.[27]

Marcuse's accusation that capitalism tended to inflate the legitimate "necessities of life" was confirmed—and humans are expected to acquire them only through the globalist market economy rather than relying on the community around them. He called contemporary industrial society totalitarian, "a nonterroristic economic-technical coordination which operates through the manipulation of needs by vested interests." But, he says, in a truly free society "the only needs that have an unqualified claim for satisfaction are the vital ones—nourishment, clothing, lodging.[28] Can we possibly say this is true?

At the dawn of the 21st century, JPII noted that human rights abuses plagued the nations, turmoil and revolt stemmed from the amassing wealth of the elite, inhumane working conditions reigned, and scientific development, "which should have contributed to man's well-being, was transformed into an instrument of war."[29]

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[27] *Centesimus* para. 33.
"Many people, perhaps the majority today, do not have the means which would enable them to take their place in an effective and humanly dignified way within a productive system in which work is truly central . . . they are unable to compete against the goods which are produced in ways which are new and which properly respond to needs, needs which they had previously been accustomed to meeting through traditional forms of organization."
[28] *ODM* chapter 1.
[29] *Centesimus* para. 18.

Liberalism in the 21st Century

Now that we have entered the 21st century—a century in which the very differences between men and women do seem to be at risk of elimination,[30] the gap between the rich and the poor continues to widen[31] human rights abuses fill news headlines, and scientific development diminishes human dignity[32]—one must wonder whether Pope Leo and Pope Gregory were right. An unregulated market and a desire for license in all areas of life seem to be the reigning features of our modern regime. A litany of judicial decisions has led to the progressive deregulation of divorce, contraception, abortion, homosexual union, surrogacy, and elective "sex-change" surgeries. Church attendance is at an all-time low,[33] and it seems hopeless that a Christian worldview will reign again. The question begs—where did it all go wrong; were the popes right about liberalism?

The problem with a system that allows public opinion to affect the state is that man's actions are directing law, rather than law directing man's actions. And without law to do this, man is actually incapable of being truly free. As the ancient political philosophers understood, a society cannot be conceived without an end toward which it is ordered and an authority to direct it toward that end. One will must be made out of many, and "impel them rightly and orderly to the common

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[30] https://www.theguardian.com/commentisfree/2020/aug/03/define-what-a-woman-is-organise-politically-suzanne-moore.
[31] https://www.euronews.com/business/2024/06/04/the-wealth-of-nations-the-widening-gap-between-rich-and-poor-in-europe.
[32] https://www.govinfo.gov/content/pkg/CHRG-107shrg88708/html/CHRG-107shrg88708.htm.
[33] https://news.gallup.com/poll/341963/church-membership-falls-below-majority-first-time.aspx.

good. . . . [State authority] must be able so to compel the citizens to obedience that it is clearly a sin in the latter not to obey."[34]

This compelling of obedience is conducted through enacting just laws and issuing subsequent punishments for disobedience. Just laws are in accordance with divine law—what we know to be good for human flourishing because of revelation—which aids the perfection of creatures. Leo XIII writes, "the nature of human liberty . . . supposes the necessity of obedience to some supreme and eternal law, which is no other than the authority of God, commanding good and forbidding evil . . . and the supreme end to which human liberty must aspire is God."[35]

The Church has always maintained that man is free by nature, that he "is free to obey his reason, to seek moral good, and to strive unswervingly after his last end." However, because of the Fall, "he is free also to turn aside to all other things; and, in pursuing the empty semblance of good, to disturb rightful order and to fall headlong into the destruction which he has voluntarily chosen."[36] It is the State's role to create and enforce laws that turn man toward the good. Leo XIII said:

> Nothing more foolish can be uttered or conceived than the notion that, because man is free by nature, he is therefore exempt from the law. Were this the case, it would follow that to become free we must be deprived of our reason; whereas the truth is that we are bound to submit to law precisely because we are free by our very nature. For, law is the guide of man's actions; it

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[34] *Diuturnum* para. 11.
[35] *Libertas* para. 11.
[36] *Libertas* para. 1.

> turns him toward good by its rewards, and deters him from evil by its punishments.[37]

Man's reason requires that he be bound to eternal law, which most perfectly directs man toward his final end. This is the only true liberty, and it is one bound with a notion of duty towards others, particularly toward authority. Obedience to rulers will behoove citizens, "not so much through fear of punishment as through respect for their majesty; nor for the sake of pleasing, but through conscience, as doing their duty."[38] The restraints of law do not oppress man, but rather, allow him to more easily and more fully achieve his end. This is why the Church argued that man under liberalism would not be free, as he would no longer have the guidance of the laws to keep him on the "narrow path of truth . . . [and] propel [him] to ruin."[39] Man then becomes subject to his passions and desires, no longer able to control his instincts. This is a man enslaved.[40]

Truth must guide political activity, and the Church is unique in that it has been graced with centuries of revelation and guidance by the Holy Spirit toward the truth. These truths include the dignity of the human person, the dignity of work, the necessity of the family, the duties of parents, the communal aspect of human nature, charity, and most of all, the reality of the human condition: good, but sinful. These truths cannot be determined by majority rule[41] and authentic freedom cannot be achieved without them.[42] Liberty can only be achieved when "every man in the State may follow the will of God and, from a consciousness of duty and free from every obstacle, obey His commands. This,

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[37] *Libertas* para. 7.
[38] *Diuturnum* para. 13.
[39] *Mirari Vos* para. 14.
[40] *Centesimus* para. 41.
[41] *Centesimus* para. 46.
[42] Ibid.

indeed, is true liberty, a liberty worthy of the sons of God, which nobly maintains the dignity of man and is stronger than all violence or wrong."[43]

When Gregory XVI wrote *Mirari Vos* in 1832, the society he addressed still held on to the values of marriage, family, work, faith, and virtue. It was beyond possibility for such phenomena as widespread divorce, fornication, and abortion to have been on the public's mind. Yet, the Church has had a way of predicting the direction of society, especially when it comes to the dissolution of morals under certain ideologies. The Church saw her power being stripped away, her laws disparaged, her truths stomped upon, and her people led astray. She saw the future of a society that advertised liberty but sold tyranny to sin. She tried to hold on to an era in which her strong denunciation of policies, behaviors, and ideologies held considerable weight amongst practicing religious, but the power of license, sin, and evil took hold of her authority and cast it aside in the modern secular world.

[43] *Libertas* para. 30.

From Art to Science: Prudence in the Political Thought of Marsilius of Padua and Thomas Hobbes

Ryan Gapski[*]

RELIGIOUS REFORMS AND CONFLICTS, the rise of nation-states, and several other political developments transformed Europe between the fourteenth and seventeenth centuries. While there was continuity between the events and trends characteristic of the late medieval and early modern periods, there were also stark differences. Political philosophy contributed to and was affected by these changes. Accordingly, Thomas Hobbes's *Leviathan* is a pivotal text in the history of this shift.[1] Many scholars claim that *Leviathan* inaugurated the liberal tradition when it was published in 1651 because Hobbes advocates for absolute sovereignty and criticizes ecclesiastical power. However, the history of political thought sometimes neglects an earlier figure who made arguments just as controversial for his day as those of Thomas Hobbes.

Marsilius of Padua was a fourteenth-century Italian scholar whose *Defensor pacis*, or *The Defender of the Peace*, argues for popular sovereignty and critiques the Catholic Church.[2] Arriving nearly fifty years after Saint Thomas Aquinas's *Summa Theologica*, Marsilius's *Defender* was seen by the medieval Church as an unwelcome intervention that threatened its extensive control over political and economic life. In his essay "Marsilius of Padua," political philosopher Leo Strauss gives voice to

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[1] Thomas Hobbes, *Leviathan*, ed. Edwin Curley (Indianapolis: Hackett, 1994).

[2] Marsilius of Padua, *The Defender of the Peace*, ed. and trans. Annabel Brett (Cambridge: Cambridge University Press, 2005).

the Church's grievances: "One could say that [Marsilius] takes the side of the people when the people is understood in contradistinction to the clergy and to nothing else, and that he takes the side of the Roman emperors, ancient or medieval, against the popes."[3] The most evident notes of harmony between Marsilius and Hobbes are their shared critique of religious authorities and support for secular civil authority.

It is difficult, as political theorist Bettina Koch recognizes in her essay "Marsilius and Hobbes on Religion and Papal Power," to prove that Marsilius influenced Hobbes.[4] What is evident is that Hobbes "takes up well-known topics and arguments from the fourteenth-century conflict between the pope and emperor."[5] Marsilius preceded Hobbes by three hundred years, addressed similar problems, and, though he did not invent the Leviathan, Marsilius did suggest a rethinking of the relationship between Church and State. Still, Marsilius does not receive much attention from scholars. Those who write about him typically focus on the topic he treats most thoroughly: the Church. Strauss writes that, as a work of political philosophy, the *Defender* "emphatically sets forth and literally at the same time retracts the doctrine of popular sovereignty" for the sake of excising clerical influence from the commonwealth.[6] On the other hand, Koch aims not to demonstrate that Hobbes is Marsilian or Marsilius is proto-Hobbesian but to reveal the continuity between late medieval and early modern political theory. For her, the important point is that "Hobbes's antipapal argument is

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[3] Leo Strauss, "Marsilius of Padua," in *History of Political Philosophy*, ed. Leo Strauss and Joseph Cropsey, 2nd ed. (Chicago: Rand McNally & Company, 1972), 259.

[4] Bettina Koch, "Marsilius and Hobbes on Religion and Papal Power: Some Observations on Similarities," essay, in *The World of Marsilius of Padua*, ed. Gerson Moreno-Riaño (Turnhout, Belgium: Brepolis Publishers, 2006), 190.

[5] Ibid.

[6] Strauss, "Marsilius of Padua," 259.

in keeping with the political arguments of Marsilius of Padua's *Defensor pacis*."[7]

Marsilius of Padua and Thomas Hobbes, despite sharing anticlerical positions and focusing on civil sovereignty over ecclesiastical power, diverge significantly in their treatment of prudence. Marsilius, who reveres Aristotle as the "divine philosopher," regards prudence as a core element of the art of politics. The Marsilian outlook also implies a decentralized economic decision-making process. Conversely, Hobbes, envisioning politics through a modern lens, diminishes the role of prudence, viewing it as less essential and potentially disruptive, advocating instead for a scientific approach to politics. While Aristotle can be seen as the true conceiver of a science of politics, it is a classical science where prudence is crucial due to the variability of situations.

In contrast, Hobbes's modern science aims to overcome prudence, reducing everything to a systematic science, ultimately leading to the modern administrative state. In other words, Hobbes's centralized control assumes a top-down political and economic management style. This fundamental disagreement underscores the epochal shift from medieval to modern political thinking, where the perception of politics shifts from an art predicated upon judgment and wisdom to a science driven by laws of nature and governance. Furthermore, new assumptions about the human person, the role of civil society, and the extent to which the state should interfere in economic activity are embedded within this theoretical move.

While Marsilius of Padua's political philosophy aims to defend the peace, as his famous tract implies, his approach reconfigures the relationship between ecclesiastical and civil authority. He writes: "The

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[7] Koch, "Marsilius and Hobbes on Religion and Papal Power: Some Observations on Similarities," 192.

fruits of peace and tranquility, then, are the best, as we said, while those of its contrary, strife, are unendurable harm. For this reason we must desire peace, seek to acquire it when we do not have it, keep it once acquired, and fight off its opposite, strife, with every effort."[8] The Paduan begins by identifying peace and tranquility as the highest political goods because what they follow from is the best. The implication is that all of Marsilius's political prescriptions, however controversial, are oriented toward the noble end of peace. The aforementioned passage anticipates the anticlerical claims that will comprise the central thrust of the *Defender*. Marsilius does not want to fight off the Church; he wants to fight off strife. Later in the same chapter, Marsilius proclaims that his purpose is "to expose only this singular cause of strife . . . it is our will to lift the veil in such a way that it can hereafter be easily excluded from all realms and civil orders, and once excluded, virtuous princes and subjects can live in tranquility more securely."[9] Marsilius's challenge to the Church begins to rear its head. For him, the ecclesiastical power causes strife when it encroaches into the civil order. Once the Church is excluded from the civil realm, princes and laws are the only impediments to civil felicity.

Up to this point, Marsilius of Padua has not diverged from agreement with Aristotle. According to the Italian scholar, the city exists for Aristotelian reasons: "Men gathered together in order to live the sufficient life, able to obtain for themselves the necessities . . . and sharing these things in common with each other."[10] Marsilius claims that because men who come together in the city have different needs, the political community must have different orders or offices.[11] He complicates the city's administration by taking up the example of the

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[8] Marsilius, *Defender*, Discourse 1. Chapter 1. Section 4.
[9] Ibid., 1.1.7.
[10] Ibid., 1.4.5.
[11] Ibid.

first political community: the village. In this small-scale civil order, it is possible that a head of household pardons one son when the son injures his other son. As the village grows, however, the same individual might find himself both the head of household and village elder. Now, the same man could be both "prince and farmer or shepherd, like Abraham and many of his posterity."[12] The head of household is not just pardoning his son in this case. He is also creating injustice by refusing to enforce the laws of the political community, as he is also a prince. The one wrinkle in Aristotle's political teaching, says Marsilius, is due to "perverted opinion . . . [resulting from] a miraculous effect produced by the supreme cause long after the time of Aristotle, beyond the possibilities of inferior nature and the usual action of causes in things."[13]

The Paduan refers to the Church hierarchy and clerical involvement in the civil order in both the example of the village and the "perverted opinion" he speaks of in Chapter 1 of Discourse I. Strauss posits that, in Marsilius's view, "the belief that the Christian is subject in this world to two governments (the spiritual and the temporal)" is a danger to the commonwealth because it "destroys the unity of the government and of the legal order."[14] Man has two ends—the temporal and the spiritual—and cannot easily discern which he ought to follow. In other words, competing claims to supremacy between the ecclesiastical and civil powers promote endless strife. Marsilius argues that the ecclesiastical power must be subordinate to the civil power, a radical move for the fourteenth century. While Marsilian politics sought to diminish the role of ecclesiastical elements in the civil order, other facets of his political thought were not seen as particularly controversial.

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[12] Ibid., 1.3.4.

[13] Ibid., 1.1.3.

[14] Strauss, "Marsilius of Padua," 254.

Following the Aristotelian tradition, Marsilius conceives of politics as an art. In his chapter on differentiation in the city, Marsilius writes:

> And therefore one should take note that if man is to live and live well, his actions must be done and done well, and not just his actions, but his passions too: 'well', i.e. in the appropriate temper. And because we do not receive entirely perfect from nature the means with which to achieve this tempering in each case, man needed to go beyond natural causes and use his reason to create those things needed to complete the production and preservation of his actions and passions of both body and soul. And these are the different kinds of work and worked objects that result from the virtues and the arts, both practical and theoretical.[15]

Here, the Paduan implicitly recognizes the importance of the division of labor. Aristotle, Marsilius's divine philosopher, also understands how specialized roles contribute to the health of a society. Both Marsilius and Aristotle see economic affairs as civil affairs. Economic activity is a necessary aspect of the polis. Additionally, the different occupations and roles in the city are rooted in the virtues and arts that are part of living well. The cultivation of virtue improves the moral character of citizens and enables them to perform their roles effectively within the community.

Men also use reason to go beyond natural causes, reflecting the deliberative nature of Marsilian politics. When Marsilius refers to the virtues and arts "both practical and theoretical," he does not mean arts

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[15] Marsilius, *Defender*, 1.5.3.

and sciences, but rather, the distinction between activities corresponding to the active life and contemplative life. It would be anachronistic or otherwise impossible for Marsilius to think of politics as a science. For Marsilius and Aristotle, politics concerns practical rather than theoretical knowledge. It is a skill that one must habituate oneself into. A prince or ruler can acquire the virtues needed for politics only through repeated action.

The Aristotelian picture endorsed by Marsilius prizes prudence as the key virtue of political life. Marsilius describes prudence in a way that indicates that politics is an art:

> Prudence, then, is necessary to the future prince, because it gives him a great capacity for his proper work, viz. the judgment of what is advantageous and just in civil terms. For in those human civil actions where either the action itself, or its manner, is not decided by law, it is prudence that guides the prince both in judging and in executing, the deed or its manner or both: where without prudence he would make a mistake.[16]

Because politics consists of making judgments and acting on practical wisdom, it necessarily involves prudence for Marsilius. To exercise prudence is to make sound political decisions. Here, too, Marsilius is careful to state that prudence helps determine what is just in *civil* terms. Perhaps it is another virtue that helps one determine what is just in spiritual terms. Regardless, Marsilius does not explore this distinction. Nor is it, in his view, appropriate for the Church to step into the civil order and conflate the civil with the spiritual. In the Marsilian realm, the civil entity is called to exercise prudence in its judgments as well as

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[16] Ibid., 1.14.3.

in its legislation: "And this is confirmed by reason, since acts of legislation need prudence . . . but prudence needs long experience, and this in turn needs a great deal of time."[17] Some level of good sense and experience must go into crafting laws. Not only do Marsilian leaders require political experience, but they also need the freedom to deliberate as legislators may disagree on how to use their faculties of reason. This gestures at another Marsilian motivation for excluding clerics from the civil power. As agents of the Church, they are less willing to entertain deliberation or disagreement about what constitutes the good for the political community.

While Marsilius agrees with Aristotle that prudence is the virtue of the statesman, this notion was a longstanding fixture of the classical political tradition. The notion of politics as an art was also deeply ingrained in the tradition that prevailed until at least the early modern period.[18] Hobbes rejected both of these abiding concepts in the history of political thought and, in doing so, invented a new way of conceiving the relationship between the civil order and the ecclesiastical power and subjects and their sovereign.

Hobbes challenges the idea of politics as an art and posits an outlook that understands politics as a modern science instead. In the introduction to *Leviathan*, he writes:

> He that is to govern a whole nation must read in himself, not this or that particular man, but

[17] Ibid., 1.11.3.

[18] Though Machiavelli is outside the scope of this paper, he does represent a possible halfway point between Marsilius and Hobbes. Machiavelli's prudence and virtù are unique from both Marsilius and Hobbes, but still, Machiavelli's thought blends together politics as art and politics as science. He is a realist who does not neatly fall on either side of the Marsilius-Hobbes dichotomy I have constructed.

> mankind . . . yet when I shall have set down my own reading orderly and perspicuously, the pains left another will be only to consider if he also find not the same in himself. For this kind of doctrine admitteth no other demonstration.[19]

Hobbesian political science cares for universals, not particulars. It wants to know truths about mankind, in general, to factor them into its political calculus as variables. Marsilian politics needs particulars to make judgments about specific situations. In contrast, Hobbesian politics has an answer in every situation because of its scientific approach. Equipped with general principles about human behavior, Hobbes's Leviathan can effectively manage society. This sounds foreboding because the Leviathan is often associated with the idea of a totalitarian state. While the Hobbesian state can take many forms, it requires a certain degree of centralization and control to stave off chaos. Civil society and the market are assumed to be tightly regulated under Hobbes's framework. According to Hobbes, there will not be many "pains left" because his orderly and systematic approach to politics will be reproducible like a laboratory experiment. Hobbes concludes the passage by saying there will be no need for further demonstrations once he is done. In other words, Hobbesian political science stands up to the scrutiny of scientific inquiry and has a rational, empirical foundation, so it will not need cases or experiences to train its judgment the way a premodern practitioner of politics would.

Another contrast between Marsilius and Hobbes is that the Hobbesian worldview is deeply pessimistic. At its core, Hobbes's political science is informed by a desire to avoid the brutal war of all against all, in which everything is permitted, that he believes exists in the prepolitical state

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[19] Hobbes, *Leviathan*, Introduction.

of nature.[20] Then, once the sovereign rules over the commonwealth and the subjects have exited the state of nature, fear of a relapse incentivizes subjects to obey the sovereign.[21] Hobbesian political psychology is dark. Many premodern sketches of political psychology, like that of Marsilius, avoid reference to an imagined, gloomy state of nature. They usually also hold, with Aristotle, that political communities are formed for the sake of necessity or some good or that they persist in achieving some good collectively. Hobbes's politics, it seems, believes the world is dangerous and that it is all the more important that its mechanistic and exacting solutions be applied to the problems of the day.

Hobbesian politics elevates science at the expense of prudence. Thomas Hobbes describes prudence in the following way:

> Sometimes a man desires to know the event of an action; and then he thinketh of some like action past, and the events thereof one after another, supposing like events will follow like actions . . . Which kind of thoughts is called *foresight*, and *prudence*, or *providence*, and sometimes *wisdom*, though such conjecture, through the difficulty of observing all circumstances, be very fallacious.[22]

Hobbes is very skeptical about the usefulness of prudence. Marsilius would likely find Hobbes's definition of prudence to be uncharitable. For Hobbes, it is "conjecture" and "very fallacious" to use one's past experiences to judge the future. He seems unsure that real wisdom is possible in political affairs. Marsilius posits that prudence is rare

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[20] Hobbes, *Leviathan*, Chapter 30. Section 1.
[21] Ibid., 30.1.
[22] Ibid., 3.7.

because it is a difficult virtue to acquire, but Hobbes believes it is rare because all men are vain and accrue experience equally.[23] Hobbes further attacks prudence when he asserts that it is "found as well in brute beasts as in man."[24] The Paduan would not disagree that the ability to recall past events and expect future events to transpire similarly is a faculty some animals are also capable of. Still, he would respond by pointing out that mankind possesses rational faculties that transform parts of our animal faculties, like memory, and take us further by allowing us to reason more deeply about causes.

Just two chapters later, Hobbes describes science rather similarly to prudence: "*Science* is the knowledge of consequences, and dependence of one fact upon another, by which, out of that we can presently do, we know how to do something else when we will, or the like, another time."[25] Here, science is distinct from prudence because a particular level of certainty is associated with its knowledge of causes and consequences. Marsilius would not argue that the judgments made by prudent men are certain, but he and Aristotle would also say that if men are truly prudent, their judgments are not to be scoffed at. Hobbes wants to devalue prudence even further by distinguishing, as "the Latins did," between different kinds of wisdom: "*prudentia* and *sapientia*, ascribing the former to experience, the latter to science."[26] In *Leviathan*, Hobbes worries about subjects proclaiming themselves wise—whether erroneously or not—and posing a threat to the sovereign. The sovereign should make highly specific decisions applying the approach of Hobbesian political science. Foolish subjects who overestimate their abilities and prudence think they can govern better than the sovereign. In a response that cuts deeply against the principle of subsidiarity,

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[23] Ibid., 13.3.
[24] Ibid., 46.2.
[25] Ibid., 5.17.
[26] Ibid., 5.21.

Hobbes suggests that only the sovereign should make political decisions, provided the scientific approach of his politics informs them.

Though Marsilius and Hobbes are best known for their views on sovereignty and the ecclesiastical hierarchy, the foundations and contours of their political thought differ significantly. For political scientist Thomas Hobbes, gaps in the integrity of the political community must be patched lest the ship of state sink. Prudence is not important because the problems and their requisite solutions are clear. The Leviathan must seal the vulnerabilities by enforcing laws and maintaining order. In contrast, for Marsilius of Padua and those who view politics as an art, it is as though there is too much weight in one part of the ship, which must be redistributed for the ship to continue sailing smoothly. A prudent captain, having navigated rough waters on previous voyages, understands that there is more than one way to prevent the ship from capsizing. The leader's task, then, is not just to reinforce the ship but to skillfully manage and rearrange the weight for the sake of the common good.

The Importance and Necessity of Worship and Religion in Society

Elizabeth Gracon[*]

"Lord of the World" [1]

IN THE EARLY 1900S, MONSIGNOR ROBERT HUGH BENSON wrote what many today consider to be a prophetic work entitled *Lord of the World*. While Benson was neither a formal philosopher nor a politician, he was a Catholic priest. As such, he was very familiar with the human heart. In his prophetic book, Benson demonstrates that man is made to worship and that worship is a necessary part of society. His literary conclusions are supported by philosophers and politicians from various backgrounds, including Edmund Burke, Karl Marx, Alexis de Tocqueville, and Christopher Dawson. Each of these men lends added credence to Benson's conclusion and further illuminates the necessity of worship in society.

In the prologue, an old man explains that "it was said that without religion there could be no adequate motive among the masses for even the simplest social order,"[2] but that this idea was seemingly proved false by the revolutions. Eventually, man adopted Humanism in place of any other religion, being careful not to address it by such a name. A few of the Eastern religions survived in small pockets, along with an underground network of Catholics, but religion had been largely replaced by the exaltation of man as god, a pseudo religion put in place

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[1] Robert Hugh Benson, *Lord of the World* (*LOW*), (Eternal Sun Books, 2017), 78.

[2] Benson, *LOW*, 6.

because man cannot escape his need to worship.[3] Burke proves this notion in his *Reflections on the Revolutions in France* when he says that "religion is the basis of civil society, and the source of all good and of all comfort."[4] As "the basis of civil society," religion is that thing which man reverts to when he is in need of order.[5]

Religion and worship are typically tied together and will largely remain so in this essay. Worship is defined by the Catechism as "adoration and honor given to God, which is the first act of the virtue of religion (2096). Public worship is given to God in the Church by the celebration of the Paschal Mystery of Christ in the liturgy (1067)."[6] "The worship of the one God sets man free from turning in on himself, from the slavery of sin and the idolatry of the world."[7] The "turning in [of man] on himself"[8] is exactly what had happened to the majority of the world in Benson's novel. They had dismissed the worship of the one true God in favor of idolizing themselves. Felsenburgh then came and gave them the public liturgy to correspond with the worship of man, which they had been missing when they got rid of the Christian God.

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[3] Benson, *LOW*, 9.
[4] Edmund Burke, *Reflections on the Revolutions in France,* (Oxford University Press, 2009), 90.
[5] Burke, *Reflections on the Revolutions in France*, 90.
[6] United States Conference of Catholic Bishops, *Catechism of the Catholic Church* (CCC), (Libreria Editrice Vaticana, 2016), Glossary definition for Worship.
[7] CCC 2097.
[8] CCC 2097.

Before discussing Felsenburgh in greater depth, it is necessary to understand what Marx believed about religion's place in society, as Marx's influence on Felsenburgh's character is evident upon reading the novel. Communism is typically associated with a society which has no nominal religion or one which has devolved into Atheism. While these may be true in the practical application of Communism, these are not quite what Marx had advocated for in his writings. Marx thought that Atheism was harmful, but to understand why he thought so, it is necessary to start with his views on creation, specifically on the creation of man. He says that:

> A *being* only regards himself as independent when he stands on his own feet, and he stands on his own feet only when he owes his *existence* to himself. A man who lives by the favor of another considers himself dependent. But I live entirely by the favor of another if I owe him not only the maintenance of my life but also its *creation*, its *source*. My life necessarily has such an external ground if it is not my own creation. . . . Since for the socialist man, however, the *entire so-called world history* is only the creation of man through human labor and the development of nature for man, he has evident and incontrovertible proof of his *self-creation*, his own *formation process*.[10]

In short, Marx maintains that man is only free when he owes his existence to himself alone. If man is to owe his existence to no one,

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[9] Benson, *LOW*, 58.

[10] Karl Marx, *Economic and Philosophic Manuscripts*, (Hackett Publishing Company, 1994), 77-78.

then he must have made himself, thus making man his own god. This is a Humanist notion and is in harmony with the ideas expressed by Felsenburgh in Benson's work. Later in his *Economic and Philosophical Manuscripts*, Marx comments on Atheism. He states that since Atheism "is a *negation of God* and . . . this negation asserts the *existence of man*,"[11] the socialists have no need of "such mediation [because] it begins with the *sensuous perception, theoretically and practically*, of man and nature as *essential beings*. It is man's *positive self-consciousness*, no longer attained through the overcoming of religion, just as *actual life* is positive actuality no longer attained through the overcoming of private property, [but] through *communism*."[12] This argument is eerily similar to the first speech which Felsenburgh gives in *Lord of the World*. He claims that the old religion is no longer necessary by announcing "the great fact of Universal Brotherhood, a congratulations to all who were yet alive to witness this consummation of history; and, at the end, an ascription of praise to that Spirit of the World whose incarnation was now accomplished."[13] Both Marx and Felsenburgh claim that religion is no longer necessary, while advocating for a pseudo religion under the name of Communism or Humanism. Their pseudo religions are sold to the people as a means of unity, an exaltation of humanity, and an intelligent approach which they are privileged to be a part of. Nonetheless, in the back of both men's minds, they understand that religion is necessary for society to function.

Julian Felsenburgh is a Masonic Marxist. As such, he knows what Marx has said about religion and is able to use his position as the Lord of the World to implement persecution against Catholics and a new world religion focused on Humanity. His new religion is outlined by Mr.

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[11] Marx, *Economic and Philosophic Manuscripts*, 78.
[12] Marx, *Economic and Philosophic Manuscripts*, 78-79.
[13] Benson, *LOW*, 57.

Francis, his "*ceremoniarius*,"[14] in conversations which Mr. Francis has with the Brands:

> This ritual is based almost entirely upon that of the Masons . . . [and] it is homage offered to Life . . . Life under four aspects—Maternity corresponds to Christmas and the Christian fable; it is the feast of home, love, faithfulness. Life itself is approached in spring, teeming, young, passionate. Sustenance in midsummer, abundance, comfort, plenty, and the rest, corresponding somewhat to the Catholic Corpus Christi; and Paternity, the protective, generative, masterful idea, as winter draws on.[15]

The worship centers around Life, particularly the life of man. Later in the conversation, Mr. Francis can be heard as the voice of Felsenburgh explaining the importance of worship within society. He says that "Divine Worship is to be restored throughout the kingdom"[16] and that this "is necessary . . . [because] there would not be such a cry for worship if it was not a real need."[17] Furthermore, he says that "worship involves a touch of mystery"[18] and fulfills "the instinct of worship . . . [which] is the deepest instinct in man."[19] Finally, Oliver Brand makes an important point in a speech he gives, "that the world could not live without worship; and that now that God was found at last" god could be worshipped, and man's nature could be fulfilled.[20]

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[14] Benson, *LOW*, 94.
[15] Benson, *LOW*, 93, 95.
[16] Benson, *LOW*, 88.
[17] Benson, *LOW*, 94.
[18] Benson, *LOW*, 94.
[19] Benson, *LOW*, 93.
[20] Benson, *LOW*, 89.

"The Order of Worship for the Feast"[21]

In reflecting on *Lord of the World* and its political and philosophical backing, it is important to bring in two other voices who highlight the Catholic nature of the work and the blessing which comes when Christianity, specifically Catholicism, is the religion which a society chooses to base itself around for worship. These voices are Alexis de Tocqueville and Christopher Dawson. In his reflections on America, De Tocqueville speaks of the "indirect action"[22] "of religion on politics in the United States,"[23] paying particular attention to the Christianity which pervades the American society. He posits the idea that

> One may suppose that a certain number of Americans, in the worship they offer God, are following their habits rather than their convictions . . . nonetheless, America is still the place where the Christian religion has kept the greatest real power over men's souls; and nothing better demonstrates how useful and natural it is to man, since the country where it now has widest sway is both the most enlightened and the freest.[24]

De Tocqueville claims that religion, specifically the Christian religion, is both useful and natural to a free and enlightened society. He maintains that, even if the religious Americans are only worshipping as a force of habit, worship and religion are natural to man. Indeed, the fact that man could be worshipping as a force of habit increases the strength of his claim, for the habit must come from somewhere, and if man is continuing something which is merely a habit, he must see that

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[21] Benson, *LOW*, 93.
[22] Alexis De Tocqueville, *Democracy in America*, (HarperCollins, 2006), 290.
[23] De Tocqueville, *Democracy in America*, 290.
[24] De Tocqueville, *Democracy in America*, 291.

habit as natural or useful, which is the crux of De Tocqueville's statement.

Some of the characters in Benson's novel begin the book by worshipping out of habit, like the Americans whom De Tocqueville encountered. The best example is found in the character of Mr. Francis. Francis is introduced to the reader as a Catholic priest who is struggling with his faith. He still worships, but only out of habit.[25] Eventually, Francis leaves the Faith, but he cannot stay away from his innate habits. He becomes the "*ceremoniarius*"[26] under Felsenburgh and helps to coordinate the new religious services. Francis feels the usefulness and the necessity of worship pull at his heart and, after abandoning the Catholic faith, decides to worship the man who is upheld as the new savior.

As mentioned earlier, Francis goes on to help create four festivals for the new religion which is ushered in by Felsenburgh. Having been a Catholic priest, Francis understands, even subconsciously, the importance of festival to worship. Man has an innate desire to worship, and this desire is commonly expressed in praise and celebration. This remains true for the individuals in Benson's work. They worship man, and eventually Felsenburgh himself, through festivals and celebrations. When Felsenburgh speaks, celebrations ring out across the country.[27] When creating a new religion, the men of England drift towards a desire to feast with proper ceremonies.[28] However, man must be cautious. Man's desire to worship has, as its proper end, the worship of God through a culture of worship. This is because God has placed the desire to worship Him within man's heart. When man turns away

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[25] Benson, *LOW*, 23-25.
[26] Benson, *LOW*, 94.
[27] Benson, *LOW*, 55.
[28] Benson, *LOW,* 88-89, 93.

from God and tries to replace God with himself, he cannot "expect a genuine religious worship, a *cultus*, to arise on purely human foundations, on foundations made by man; [because] it is of the very nature of religious worship that its origin lies in a divine ordinance."[29] If man finds himself without a true culture as "the primary source of man's freedom, independence and immunity within society, . . . [then] freedom itself, and all our liberties, will in the end vanish into thin air,"[30] no matter how hard man tries to satisfy his God-given desire to worship. With this point, Benson's novel once again rings true, as his characters give up their freedom in exchange for worshipping Felsenburgh; the primary example being Oliver Brand. Oliver starts the novel as a politician fighting for peace and ends as a murderer, willing to commit genocide, all for the glory of Felsenburgh.[31] He gave up his freedom to choose when he became a devotee of Felsenburgh.

"O God! If You are really there . . ." [32]

In his *Christianity and European Culture*, Dawson echoes De Tocqueville's point and maintains that man has an innate desire for meaning and liturgy. When these are separated, then meaning and liturgy begin to fade as man becomes more and more isolated, leading him to search for meaning outside of the liturgy. In order to avoid the separation of meaning and liturgy, Dawson advocates for Catholicism, which keeps these two ideas close together. Firstly, he claims that "no doubt, as the Gospel says, men will go on eating and drinking and buying and selling and planting and building, until the heaven rains fire and brimstone and destroys them all."[33] However, the men "do this

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[29] Josef Pieper, *Leisure: The Basis of Culture*, (Ignatius Press, 2009), 72.
[30] Pieper, *Leisure: The Basis of Culture*, 15.
[31] Benson, *LOW*, 14-15, 164-165.
[32] Benson, *LOW*, 156.
[33] Christopher Dawson, *Christianity and European Culture*, (The Catholic University of America Press, 1998), 13.

with only one part of their minds; there is another part of their minds which remains uneasily conscious of the threat that hangs over them:"[34] the threat that the Four Last Things could be real. He concludes that "as they realize this, they feel that something should be done and they seek a way of salvation, however vaguely and uncertainly."[35] As a result, "the choice before us is between the formation of a new Christian culture and the acceptance of a pagan one,"[36] and the one which man chooses will depend greatly on which religion or form of worship he chooses: Christianity or paganism. This paganism will not necessarily come in the traditional form of another religion or a worship of idols. In fact, Dawson believes that "the chief rivals to Christianity at the present time are not different religions but political ideologies like Communism, which offers man a social way of salvation by external revolution, by faith in a social creed and by communion with a party which is a kind of secular church."[37] This philosophical thought of Dawson's is made especially clear by Felsenburgh and his Masonic Marxist regime.

Dawson also warns that "in a Godless civilization . . . it will be far more difficult for the individual Christian to exist and practice his religion than it has ever been before, even in ages of persecution."[38] An example of this comes in Benson's work after the new world religion has been instituted and is met with some resistance by the Catholics. Mabel Brand, who is not actively persecuting the Catholics, but is still a devotee of Felsenburgh, is confused as to why the Catholics do not participate in the new worship, saying that "the act of worship demanded was so little . . . it consisted of no more than bodily presence in the church or cathedral on the four new festivals of Maternity, Life,

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[34] Dawson, *Christianity and European Culture*, 13.
[35] Dawson, *Christianity and European Culture*, 13.
[36] Dawson, *Christianity and European Culture*, 26.
[37] Dawson, *Christianity and European Culture*, 13-14.
[38] Dawson, *Christianity and European Culture*, 28.

Sustenance, and Paternity, celebrated on the first day of each quarter."[39] She does not understand that it is impossible for the Catholic to worship idols, which is what the government has set up on the altars of the old cathedrals. Catholics must worship the one, true God and, in Felsenburgh's regime, this means making the difficult choice between a life of blasphemy and a death for God's glory. Proper worship must continue, even through difficult times, as is mentioned in the Catechism and in Maccabees.[40]

"I walk no more by faith, but by sight" [41]

At a critical point near the middle of the novel, Father Franklin sees the two worlds which stand before him for his choosing, like the two cities of Saint Augustine:

> The one was that of a world self-originated, self-organised, and self-sufficient, interpreted by such men as Marx and Herve, socialists, materialists, and, in the end, hedonists, summed up at last in Felsenburgh. The other lay displayed in the sight he saw before him, telling of a Creator and of a creation, of a Divine purpose, a redemption, and a world transcendent and eternal from which all sprang and to which all moved.[42]

This same choice is available to every society and to every individual. Man is made to worship and society cannot exist without religion. Despite its looking more and more like the Humanist society that exists in Benson's *Lord of the World*, Dawson provides hope for the modern

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[39] Benson, *LOW*, 91.
[40] CCC 675; 2 Maccabees 6:18-31.
[41] Benson, *LOW*, 168.
[42] Benson, *LOW*, 79.

situation: "whenever there are Christians, there must be a Christian society, and if a Christian society endures long enough to develop social traditions and institutions, there will be a Christian culture and ultimately a Christian civilization,"[43] for "it is a choice between Christianity or nothing. And Christianity is still a live option."[44]

[43] Dawson, *Christianity and European Culture*, 20.
[44] Dawson, *Christianity and European Culture*, 32.

The Liberal Arts are Required for Scholars and Saints

Natalia Ibarra[*]

A FEW YEARS BEFORE BECOMING PRESIDENT of the United States, Ronald Reagan, as governor of California, remarked that taxpayers should not be "subsidizing intellectual curiosity."[1] Though a seemingly harmless comment, Reagan's critique foreshadowed a shift in American education, especially in the liberal arts. By the 1980s, during Reagan's presidency, the number of students obtaining humanities degrees was sharply declining. The most popular degree became business.[2] Education shifted from a pursuit of knowledge to a means of securing a job. The liberal arts were most impacted as they are often associated with learning for its "own sake."[3] While liberal education, also referred to as liberal arts, has nurtured some of the greatest thinkers—Aristotle, Thomas Aquinas, John Henry Newman—it has been steadily declining in America. From the mid-twentieth century to the present day, the liberal arts have been diminishing without any signs of ceasing. Despite the temptation to resign to its decline, it is crucial that liberal education is once again valued and pursued.

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[1] Dan Berrett, "The Day the Purpose of College Changed," Chronicle.com, 2022, https://www.chronicle.com/article/the-day-the-purpose-of-college-changed/.

[2] "Bachelor's Degrees Conferred by Degree-Granting Institutions, by Field of Study: Selected Years, 1970-71 through 2010-11," nces.ed.gov, accessed June 20, 2024, https://nces.ed.gov/programs/digest/d12/tables/dt12_313.asp.

[3] Mark A. Kalthoff, "The Purpose of a Liberal Education – Mark A. Kalthoff," Law & Liberty, November 29, 2021, https://lawliberty.org/the-purpose-of-a-liberal-education/.

In this paper, I explore the decline of liberal arts education in America and its alignment with Catholic Social Teaching, and urge Catholics to actively pursue the restoration of this historic and vital educational approach. First, I will outline the ancient and medieval origins of liberal education. Second, I will examine the decline of liberal arts education in the twentieth century, focusing particularly on the economic and social factors that contributed to this downfall. Third, I will discuss how a liberal education aligns with Catholic Social Teaching. Finally, I will encourage Catholics to embrace the liberal arts despite a variety of challenges, referring to efforts groups of Catholics and Christians are presently undertaking.

Centuries before the word "liberal" was associated with a political party, it was linked to knowledge. In his *Metaphysics,* Aristotle describes "art" as a type of knowledge derived from theory and experience, distinguishing between "useful" and "non-useful" arts. He creates this distinction to establish a hierarchy of knowledge. He argues that those who go beyond practicality are wiser because they "themselves have the theories and know the causes," surpassing "common perceptions" and demonstrating wisdom.[4] For Aristotle, the greatest knowledge lies in contemplation rather than practical application. He then concludes the first part of Book 1 by asserting that "speculative knowledge [is] wiser than practical knowledge."[5] By demonstrating that wisdom is found in the contemplative, Aristotle laid the foundation for liberal education. He argues that such knowledge—that has no direct application—is the most valuable. Over time, the desire to acquire the most valuable knowledge would form the basis for the liberal arts.

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[4] Hugh Tredennick, *Aristotle the Metaphysics*, *Internet Archive*, n.d., https://archive.org/details/in.ernet.dli.2015.185284.
[5] Ibid.

Centuries later, in his commentary on Aristotle's *Metaphysics,* Thomas Aquinas describes the distinction between useful and non-useful arts as "liberal" and "servile." Aquinas' description provided the basis of the educational vocabulary that is used today. In the third part of Book 1, Aristotle writes that "just as we say that a man is free who exists for himself and not for another, in a similar fashion this is the only free science [philosophy], because it alone exists for itself."[6] Aquinas' commentary on this section deems that "only those arts which are directed to knowing are called free [or liberal] arts," meanwhile others that are oriented towards "some useful end attained by action are called mechanical or servile arts."[7] Aquinas' short analysis of this section provided the language that describes the liberal arts. Aristotle's work along with Aquinas' analysis promotes the belief that the most valuable knowledge is not practical but philosophical. Aquinas distinguishes the "liberal" arts from the servile, or vocational arts. The servile arts are intended to be productive and constructive while the liberal arts place a greater emphasis on the intellect.[8] It was this conviction that contributed to the formation of a "liberal" education.

Aquinas further developed a sequence of learning. He laid out an educational approach that included five central components: logic, mathematics, national philosophy, moral philosophy, and divine science (also known as theology).[9] These five features coincided with

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[6] Ibid.

[7] "Thomas Aquinas: Commentary on Metaphysics, Book I: English," https://isidore.co/aquinas/english/Metaphysics1.htm.

[8] Hina Azam, "The Value of the Liberal Arts," Life&Letters, September 20, 2022, https://lifeandletters.la.utexas.edu/2022/09/the-value-of-the-liberal-arts/.

[9] Bradley Green, "On the Recovery of the Liberal Arts," The Imaginative Conservative, May 21, 2023, https://theimaginativeconservative.org/2023/05/recovery-liberal-arts-bradley-green.html.

Aristotle's emphasis on the liberal arts. Both thinkers emphasized understanding and logic. A liberal education is intended to emphasize learning and obtaining knowledge for its own sake. Aquinas' educational outline only included the study of the liberal arts; there was no vocational or practical training. The exclusion of practical studies demonstrates how valuable Aquinas considered the liberal arts that they should be exclusively studied. The liberal arts later developed more specifically into seven arts grouped into the trivium and the quadrivium, the "language arts" and the "mathematical" arts. These arts came to define liberal education and were aimed at fostering knowledgeable and thoughtful men and women. For centuries, the most prestigious universities were deeply rooted in the liberal arts. The arts were held in such high esteem and for so long that there was little concern that any other approach would surpass this rich tradition. However, the world experienced dramatic changes at the turn of the twentieth century, and education was not immune to the social and economic forces that marked a tumultuous period of history.

The twentieth century stands out for a myriad of historical events, yet the changes that education in America underwent cannot be overlooked. As the nation was reckoning with the changes brought about by industrialization in the early 1900s, the liberal arts were being devastated. Instead of technological advances being used as an opportunity to make it accessible to all, a liberal arts education was reduced to "dead languages, arid routines, and an archaic, prescientific past."[10] The liberal arts became associated with antiquity instead of progress. Thus began the decline in education being viewed as a source of knowledge instead of skills. Science and skills became more important than languages and history. With factories requiring more technical skills than moral knowledge, the liberal arts were pushed

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[10] Robert M. Hutchins, *The Great Conversation: The Substance of a Liberal Education* (Chicago: Encyclopedia Britannica, Inc, 1952).

aside. And though this paper cannot encapsulate all the reasons for the decline of the liberal arts, it is vital to acknowledge how technological and societal changes significantly to the current state of education.

Similar to what occurred in the early 1900s, during the '70s economic and social pressures again forced many students to reconsider the value of a liberal arts education. Many students decided that vocational training, like a degree in business, was more valuable—at least monetarily. From 1971 to 1984, the number of bachelor's degrees in business rose from 114,865 to 230,031 while the degrees in English declined from 57,026 to 24,419. The Oil Embargo of 1973 reminded many Americans of the fickleness of the markets. As gas prices rose to the highest prices paid by Americans (adjusted for inflation), many worried about how to provide for themselves and their families.[11] It was against this backdrop that students across the country chose to turn away even further from the liberal arts and instead pursue practical skills. In a fearful response to worsening economic conditions, students anxiously pursued degrees that would likely secure them employment instead of what would form their mind and conscience. Viewing education as means to employment instead of an end itself continued to penetrate American society.

Though economic factors contributed significantly to the decline of liberal arts, there were also social factors. The increase in business degrees coincided with a shift in goals for the majority of American students. In the early 1970s, nearly seventy percent of freshmen considered "developing a meaningful philosophy of life" as essential to their lives. However, by 1986, that percentage decreased by over ten percent with only about forty percent of freshmen still considering a "philosophy of life" essential to their well-being.[12] At the same time,

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[11] Green, "On the Recovery of the Liberal Arts."
[12] Ibid.

the percentage of freshmen who viewed "being very well off financially" soared to over sixty percent from 1971 to 1979. Since then the percentage of students who value economic stability has remained well over seventy percent since the 80s. Meanwhile, "developing a meaningful philosophy of life" has not reached sixty percent since its initial decline.[13] After the economic instability of the 1970s lessened, more students once again began pursuing the humanities; however, it was not enough to combat the losses from the past decade. A similar phenomenon occurred during the 2008 recession.

In the midst of another period of economic stability, students *again* sought secure employment instead of knowledge. Instead of recovering some of the losses after the economy stabilized in the latter half of 2009, students pursuing a degree in the humanities have consistently remained low. In 2020, fewer than one in ten students obtained a humanities degree, a twenty-five percent decrease since 2012. If a narrower definition of humanities is applied—restricted to English, history, philosophy, and foreign languages and literature—then the percentage is even lower at four percent of college students with a humanities degree in 2020. Meanwhile, degrees in business, engineering, and health-related fields have increased significantly. In the past twenty years, the number of students graduating with a business degree has increased sixty percent and the number of engineering majors has doubled. Industrialization set forth in motion a societal shift that drastically altered the educational landscape. Though viewing higher education as purely vocational training could have been combated after the embargo, the perception remained and further penetrated society. The current statistics surrounding what American students are studying demonstrate the stark change in priorities—education is no longer perceived as the end itself but rather

[13] Ibid.

a means. It is a means to a job and paycheck, rendering it a servile art, and, therefore, lesser.

Though American society has essentially resigned itself to the demise of liberal arts, the Catholic Church continues to advocate for the truth which includes pursuing a good education. As the world has undergone tremendous changes in the past two centuries, the Church in her wisdom has developed social teachings to help address pressing issues in today's world and advocate for the common good.[14] Catholic Social Teaching (CST) traces its origins to Pope Leo XIII's *Rerum Novarum* which examines the social issues arising from industrialization.[15] Since then, CST has come to encompass seven key principles. Education falls under the first principle which is to "Respect the Human Person" and encompasses the fundamental rights of every person according to their dignity. As CST developed, education became a recurring topic in major papal documents. Though education was initially referred to only in the context of providing a "Christian education," by the 1960s, it was recognized as a "natural right." In *Pacem In Terris,* Pope John XXIII writes that "[man] has the national right to share in the benefits of the culture, and hence to receive a good general education, and a technical or professional training consistent with the degree of educational development in his own country."[16] In this encyclical, Pope John XXIII affirms the right that every man has to an education while also separating learning from vocational training. The separation he makes demonstrates that the

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[14] Christopher Kaczor, "Seven Principles of Catholic Social Teaching," Catholic Answers, April 1, 2007, https://www.catholic.com/magazine/print-edition/seven-principles-of-catholic-social-teaching.

[15] Ibid.

[16] Pope John XXIII, "Pacem in Terris (April, 11 1963) | John XXIII," April 11, 1963, https://www.vatican.va/content/john-xxiii/en/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem.html.

Church has understood education and work to be distinct spheres. *Pacem In Terris* was published in 1963, just a few years before America would undergo a major educational shift. Yet the Church's recognition of the importance of an "education," not vocational training, demonstrates how the liberal arts align with doctrine. Afterall, the liberal arts are concerned with knowledge, not work. Two years later, Pope Paul VI would release a declaration, *Gravissimum Educationis,* more specifically stating the principles which education should follow.

Gravissimum Educationis articulates the Church's teaching on education and demonstrates how the liberal arts correspond with these principles. Within the first few paragraphs of the declaration, Pope Paul VI affirms that "All men of every race, condition and age, since they enjoy the dignity of a human being, have an inalienable right to an education."[17] The unequivocal declaration of a right to education demonstrates the degree to which it is perceived as essential to human flourishing. To not have access to an education, according to Pope Paul VI, would be an infringement on a fundamental right. The Church does not stop at declaring education as essential, but also describes what should be its primary goal. Pope Paul VI stresses that "a true education aims at the formation of the human person in the pursuit of his ultimate end and of the good of the societies."[18] By affirming that education is meant to form the person, Pope Paul VI gestures at liberal education which is intended to develop the individual. Later in the declaration, Pope Paul VI also implores colleges and universities to pursue subjects according to "their own principles, method, and liberty of scientific inquiry," and that "as questions that are new and current are raised and investigations carefully made according to the example

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[17] Pope Paul VI, "Gravissimum Educationis," October 28, 1965, https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651028_gravissimum-educationis_en.html.
[18] Ibid.

of the doctors of the Church and especially St. Thomas Aquinas."[19] Pope Paul VI explicitly refers to the "liberty" of learning and to Aquinas, a strong believer in the "liberal" arts.. Though the declaration never directly mentions "liberal education" the type of learning it endorses most closely resembles them. A liberal education encompasses both the intellectual and moral formation of men and women. C.S. Lewis is quoted as saying that "the purpose of liberal education is to produce the good man and the good citizen," demonstrating that it conforms to Catholic doctrine. When implemented correctly, the liberal arts can be a great source of knowledge *and* formation. Unfortunately, the purpose of liberal education has largely been forgotten.

It would be easy to be discouraged by the current state of liberal arts education. Though education has become a "hot button" issue in politics in the last decade, it has been for the wrong reasons. Parents are increasingly worried about the quality of education their children receive at a public school and the word "liberal" is now associated with a political ideology instead of a method of learning. The trend of viewing education through a lens of utility continues to grow as colleges and universities downsize and even eliminate humanities departments. Even Catholic universities, most recently St. John's University in Minnesota and Marymount University in Virginia, have slashed their liberal arts degree programs. St. John's eliminated numerous majors in languages including those in Latin and French.[20] Similarly, Marymount University cut programs in mathematics, English, history, and philosophy.[21] Both universities cited budgetary

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[19] Ibid.

[20] Grant Dossetto, "St. Ben's and St. John's Cut 8 Majors, 9 Minors," KNSI, March 10, 2023, https://knsiradio.com/2023/03/10/382098/.

[21] "Marymount University Votes to Cut 10 Liberal Arts Degree Programs," FOX 5 DC, February 24, 2023,

concerns and low enrollment. Even prestigious universities that are meant to foster the liberal arts often have more business and engineering majors than humanities. At Brown University, the biggest degree programs are computer science and quantitative economics.[22] Similarly, Columbia University, an institution known for its humanities-based Core Curriculum, also has the most graduates in the computer science and economics departments.[23] Though obtaining a liberal arts education is increasingly more difficult, there is always hope.

While society at large and most educational institutions have lost sight of the purpose of the liberal arts, there has been a counter movement. Students are increasingly more aware of the lack of intellectual formation that they are receiving at prestigious colleges and universities. Similarly, parents are dissatisfied with the options for schooling and are advocating for a restoration of the liberal arts. As I have sought out opportunities to truly develop my intellect outside of my university, parents across the country are forming their schools based on the liberal arts. The Chesterton Schools Network, named after G.K. Chesterton, is an example of families and students working towards a restoration of the liberal arts. This network has established numerous high schools across America aimed at providing a "classical, liberal arts" education. In less than twenty years, the network has established over 30 "Chesterton" schools making a liberal arts education for high school students more accessible.[24] The high number

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https://www.fox5dc.com/news/marymount-university-votes-to-cut-10-liberal-arts-degree-programs.

[22] "Brown University | Academic Life | US News Best Colleges," USNews, 2014, https://www.usnews.com/best-colleges/brown-university-3401/academics.

[23] "Columbia University Majors," Niche, https://www.niche.com/colleges/columbia-university/majors/.

[24] Lisa Rogers, "Chesterton Schools Network Continues to Grow Its Ranks," Chesterton Academy, September 20, 2021,

of schools demonstrates the significant demand for a liberal arts education, suggesting that families and students are growing more aware of the need for this type of learning and are willing to fight for it. Though institutions of higher education may be eliminating their liberal arts departments, up and coming undergraduate students around the country are reconnecting with this age-old tradition of learning and will soon demand more of it.

As a graduate from an elite university, I have personally experienced the decline in liberal arts. Throughout my undergraduate education, my university resized various humanities degree programs to require fewer classes for the major. Similarly, the introductory classes I took for my degree in political science were rarely based on logic, mathematics, or philosophy. Instead, I spent countless hours learning about what others thought about a subject instead of being taught how to think. My classes focused often on injustice and discrimination—worthy topics of exploration—yet they should not form the basis of a curriculum or degree. Though I am incredibly grateful for my time at Brown, I do not believe that it provided me with a true liberal arts education. In desiring to better form my intellect, I sought outside programs that could supplement my education. This essay is a product of those efforts, and I am grateful for the opportunity I have had to dive into philosophy and theology in the past year. I know I am not the only student in America who feels that their "liberal arts" education was not as formative as it should have been. For centuries, it was considered a privilege to study the liberal arts, and though common now it has not resulted in a better education for more students.

If the liberal arts are ever to be fully restored, significant work and effort must be put in. To forsake such a treasured tradition of learning

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https://chestertonacademy.org/chesterton-schools-network-continues-to-grow-its-ranks/.

would be detrimental to humanity. The liberal arts are what formed some of the greatest philosophers, inventors, and saints—it cannot be lost. We must shift the focus of education from utility to knowledge, employ CST to encourage the liberal arts, and inspire hope: a hope that education can once again be a means of formation instead of employment, that great thinkers and saints are more valuable than profit.

Honorable Business:
A Guide for Middle Managers

Victoria Lyczak[*]

THIS PAPER FOCUSES ON A CATHOLIC UNDERSTANDING of honorable business and what it looks like in practice, targeted toward middle managers rather than the organizational level. It explores questions such as:

- How can we ensure managers support employees' human dignity and not just treat them as means to efficiency?
- What kind of organizational cultures best support this? Could the family be a model of inspiration?
- What might this proposed theory look like in practice? How might it differ between a Catholic business leader and a secular one?
- How does this perspective have the potential to bring more growth or profit to the business as a whole, by building from the foundation of its people up to its organizational success?

Thus, this paper serves as a guide for doing well by doing good.

Human Dignity & Efficiency

Catholic social teaching clearly establishes human dignity as a central facet of what it means to treat each other with Christian love, going so far as to claim that overlooking it results in missing something essential

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about the human person. Dignity is considering a neighbor to be another self;[1] it means seeing the person as a moral being with rights. Thus, we have the responsibility to care for one another in an attitude of love. It means acting in accordance with the belief that everyone has a God-given dignity because we are made in the image and likeness of God and because Christ came for each and every one of us in his Incarnation.[2]

It is crucial to consider the case for human dignity in the context of the workplace for a number of reasons. First, business is a sort of middle ground between different groups of people as well as between people and authority. Business is a way to extend our reach into the community, providing an opportunity to support the human dignity of these community members through work and by serving others via the exchange of products and services. I would like to clearly state that this is not a case for giving back, as businesses do not by definition steal from society by the work they engage in. Rather, this is a case for doing good in the first place, by how the organization and managers treat their employees. This certainly leaves space for organizations to engage in philanthropic efforts as they make sense, but not as a sort of retribution for wrongdoing.

Treating people as means to efficiency means valuing efficiency and people's ability to create things *over* the individuals themselves. It means treating people as means rather than ends in themselves, perhaps even disregarding the experience of employees in the workplace so long as financial metrics are meeting goals. Pope Saint John Paul II describes this "new form of labor—labor for wages,

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[1] *Catechism of the Catholic Church*, 2nd ed. (Vatican City: Vatican Press, 1997), 1931.

[2] "Recognizing Every Person's God-given Dignity." USCCB. Accessed May 2024. https://www.usccb.org/resources/recognizing-every-persons-god-given-dignity.

characterized by high rates of production which lacked due regard for sex, age, or family situation, and were determined solely by efficiency, with a view to increasing profits."[3] Ultimately, the problem with the efficiency perspective is that it creates a situation where the value of someone's production exceeds the value of his or her vocation. This situation can occur under functioning socialist or capitalist systems, though capitalist systems allow for a greater possibility of satisfaction of human material needs in addition to creating space for individualism, intimacy in business, and Christian values in organizations.[4] The drive of this perspective—to strive for efficiency and profit—*is good,* but without a proper ordering of this in relation to the workers themselves, the perspective becomes problematic. Thus, an honorable Catholic perspective must prioritize efficiency and profit, but never at the expense of the employees.

This problem is extremely prevalent, even in increasingly wealthy societies: "the fact is that many people, perhaps the majority today, do not have the means which would enable them to take their place in an effective and humanly dignified way within a productive system in which work is truly central."[5] Further, the managerial championing of OKRs and performance reviews—especially in those instances where they are not carefully implemented—has the effect of reducing individuals to their production metrics, with the possibility of leading to outcomes like employee distrust due to (often unconscious) bias in the rater,[6] a counter-productive culture, and minimal increases in

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[3] John Paul II. *Centesimus annus* (Vatican City: Vatican Press, 1991), para. 4.
[4] *Centesimus annus*, para. 19.
[5] C*entesimus annus*, para. 33.
[6] Agovino, Theresa. "The Performance Review Problem." SHRM, March 14, 2023. https://www.shrm.org/topics-tools/news/hr-magazine/performance-review-problem.

employee performance.[7] These results are more likely when the reviews lack transparency or occur in the context of irregular or infrequent manager feedback. Thus, I believe there is a failure to properly honor employees as humans and more than just means of efficiency in the workplace. Continuing to address this situation from the perspective of executives or simply encouraging employees to pull themselves up by their bootstraps to fix the problem will not be effective solutions without a clear guide for the role of the middle manager too.

Middle Managers

In this paper, I choose to focus on middle managers. Middle managers are organizational leaders who fall below top executives in the hierarchy and tend to manage small groups of employees or managers, usually three to twelve people. These managers have a unique power to implement organizational goals and ideals yet have a special closeness to and understanding of the experience of the organization's employees and customers.

There are a few reasons for this deliberate choice. First, there have been numerous publications targeted toward the CEO or business leader with great authority, focused on what businesses as a whole should do. On the other hand, numerous publications have been targeted to the individual worker and the things within one's control, usually confined to the worker his or herself. Both of these groupings of publications have been crucial in shaping a Catholic and virtuous understanding of what honorable business looks like—at the broadest

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[7] Reflektive. "A Counterproductive Cycle: Why Performance Reviews Backfire." Reflektive-Admin, April 20, 2016. https://www.reflektive.com/blog/a-counterproductive-cycle-why-performance-reviews-backfire/.

level or the individual level—but it leaves wanting a guide for those individuals with some level of influence over their organization but who lack the power to set a guiding vision for the organization as a whole.

Further, this paper focuses on the people-up argument for success. By focusing on improving the experiences of individual workers, through the perspective of the managers with the closeness to influence the employees' experience, human dignity can be better supported in the workplace, which I believe will lead to an increase in profits and organizational growth. This is because managers closest to the employees and the employees themselves have huge roles in shaping their experience in the workplace; a 2017 survey found that 70% of employee engagement variance was explained by the manager, with improving employee wellbeing and organizational culture on the line.[8] Simply put, these managers know best how to motivate and incentivize employees.[9] Their closeness to the employees themselves and consumer desires yet organizational knowledge actually lead most effectively to innovation and thus long-term profitability because they control the "inputs,"[10] and in our knowledge based economy today, this role of managers is only becoming even more important.[11]

Organizational Culture & Dignity

Culture is found at the organizational and team levels in organizations, with the tone of executives, actions of middle managers, and beliefs of

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[8] Suellentrop, Austin, and E. Beth Bauman. "How Influential Is a Good Manager?" Gallup, June 2, 2021. https://www.gallup.com/cliftonstrengths/en/350423/influential-good-manager.aspx.
[9]Foss, Nicolai J., and Peter G. Klein. *Why Managers Matter: The Perils of the Bossless Company*. (New York: PublicAffairs, 2022), 178.
[10] *Managers Matter*, 231.
[11] *Managers Matter*, 17.

the employees themselves having large effects on the cultures, and the culture has the potential to greatly help or harm the organization's performance.[12] A paper in 2016 found a particularly crucial role of middle managers in shaping and changing culture, with the only operating unit successfully implementing a new culture when it was met with resistance throughout all other units being the one unit whose middle managers took up a sense of personal responsibility in shaping culture.[13] This falls in line with the Peter Drucker's adage "culture eats strategy for breakfast;" without the support of organizational culture, strategy may be inadequate on its own. Thus, this paper strengthens something we inherently believe to be true; those in positions of influence closest to the employees have a real, meaningful impact on the experience of those employees in the workplace, and so, it is the responsibility of these middle managers to ensure the dignity perspective triumphs over the efficiency perspective.

I argue that culture is the difference-maker in whether employees are treated with dignity or seen only for their efficiency. It is possible for organizations to exclaim that they value their employees for their innate worth and even put such beliefs into policy, but that does not mean the experience of employees truly follows in the same vein. Culture communicates beliefs, as it is the underlying set of values and beliefs people in a group share, meaning it gets at the heart of the real experience in a given group beyond what is promulgated.

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[12] Yohn, Denise Lee. "Company Culture Is Everyone's Responsibility." Harvard Business Review, February 8, 2021. https://hbr.org/2021/02/company-culture-is-everyones-responsibility.

[13] Bertels, Stephanie, Jennifer Howard-Grenville, and Simon Pek. "Cultural Molding, Shielding, and Shoring at Oilco: The Role of Culture in the Integration of Routines." *Organization Science* 27, no. 3 (2016): 573-93. https://doi.org/10.1287/orsc.2016.1052.

Inspiration from the Family

I argue that taking inspiration from the family may be part of the missing piece in the act of respecting employee dignity in the workplace. Before I delve into this discussion, I want to be clear that my argument is not any sort of replacement for the family, but rather a model for what care and support might look like in the workplace. I recognize that there are explicit differences between organizational teams and families as well; organizational teams permit the coming and going of its members, whereas a family will be a family forever.

Pope Saint John Paul II argues that the "first and fundamental structure for 'human ecology' is in the family, in which someone receives his first formative ideas about truth and goodness, and learns what it means to love and to be loved, and thus what it actually means to be a person."[14] The essential formation, both about one's own dignity and what it looks like to treat another in a way that truly respects his or her dignity, is learned in the traditional family unit. Similarly, Novak argues that family is crucial to hold society together.[15] Thus, trending away from these units on a societal or global level has serious repercussions for the ways we treat one another, particularly in the workplace, where we form close-knit communities and spend nearly as much time as we will with our families. Family is crucial to our success as human beings, and family is also crucial to hold businesses together and have organizational success. While on one level, strengthening families and the education about love and dignity that occurs there will improve the experience of employees in the workplace, that does not mean the organization and its employees could not benefit from this attitude too. Thus, I place a call upon

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[14] *Centesimus annus*, para. 39.

[15] Novak, Michael. *The Spirit of Democratic Capitalism*. (Lanham, MD: Madison Books, 1991), 156-57.

middle managers to take inspiration from the family unit in how to consider and support their employees.

Familial roles might look much more fluid in the workplace than in the home. I say this because the learning and growing together must go both ways—managers must take care to recognize their own closeness to employees and ensure they are formed in understanding of what it means to be see and treat their employees as ends in themselves and then actually do so, and employees must teach managers the best ways to do this educating and acting and in turn support the dignity of the managers. At first, the managers may take on roles more typical of parents, while employees may take on the role of those entrusted to the parental care. Beyond these characteristics though, these individuals share a common, uniting purpose in their interactions, and their unique closeness in the work they do allows them to assist one another in their self-actualization and development of their whole persons. Ultimately, the implementation of the dignity perspective is greatly important because employees are entrusted to the care of their organizations for nearly a third of their lives.

Tradeoffs & Difficulties

As with any argument, there are a number of tradeoffs and difficulties that arise in my argument when considering the practical implications. First, the dignity perspective is less immediately clear cut, compared to the efficiency perspective. It is more difficult to determine someone's performance when his or her whole person must be taken into account beyond objective metrics alone (which are still essential to doing good business!). With this understanding, it is quite possible that hiring and firing become more difficult. These situations, which clearly diverge from something a family encounters, must be handled with an air of grace, transparency on part of the manager and organization, and a genuine care that extends beyond the organization as part of a

recognition of the value of the employee, even if the objective value the employee can provide for the organization is no longer needed. A manifestation of this care might mean helping the employee to find another suitable role in a different part of the organization or in an entirely different organization. Second, middle managers in particular may not be trained in this mindset. Becoming attentive to the whole situation of employees in the workplace may not necessarily be what people signed up for when they agreed to get an MBA or become a manager. This is where the support of top executives, as well as writings like this one, can serve as support and guides. Just because managers may not have expected to need this education does not mean it is not essential for employees. Thus, it becomes the responsibility of Catholic business leaders and Christian writers to help pave a clear path forward for how to promote honorable business as a middle manager.

Putting It into Practice

Ideally, middle managers will take up the call to educate and act in an extension of the dignity perspective, feeling supported in this endeavor by their organization's higher executives and creating a culture that is truly receptive to this ideology. In practice, the middle manager may not have control over the support of higher executives but can implement this practice beginning with his or her own team—however big or small—and work to spread the perspective from there. Because this perspective provides a clear way to do well by doing good, the team success (financials, growth, etc.) and individual success (employee retention, employee organizational citizenship behaviors, and employee productivity, etc.) that follow from this perspective will serve as a tangible means of support to continue spreading this perspective seeing that it is effective. For Catholic managers and business leaders, this perspective may seem more natural, with much of its support rooted in Catholic social thought. On the other hand, secular managers may struggle to fully grasp why this perspective works, but the nearly

universal understanding of innate human dignity combined with the evidence of success that follows from this perspective means that once some managers implement it, more will follow.

It is possible also that this perspective enables those who have discerned a vocation to have a family who are unable to do so, perhaps for biological reasons, to be fulfilled and pour into others via mentoring in the workplace. This understanding could lead to the fulfillment of the idea that no one is without a family, as business reaches far and wide into society and has the ability to reach those that, for whatever reason, do not have their own family. Again, this is not an argument that business should serve as a replacement for the family, but I believe that elements of the way a family cares for one another provide a valuable model for organizational teams that can enable greater success and fulfillment, both on the part of the organization and the employees.

Conclusion

Businesses should encourage middle managers to listen to this case, as it has the potential to bring great profits and/or growth to the organization. It serves as an answer to my question of what constraints need to be placed on business, from the perspective of the middle manager, for it to be truly honorable business, and this paper serves as a starting point for how to do so. Ultimately, with the help of middle managers understanding what it means to treat employees from a dignity perspective rather than only an efficiency perspective and via the closeness to and formation alongside their employees like they experience in a family, this paper demonstrates that doing good is the way to do well.

Prudence and Justice: A Catholic Approach to Ethical Drug Pricing

*Eamonn Newton**

Introduction

THOSE WHO SUFFER FROM SERIOUS ALLERGIES are well aware of the potentially life-saving qualities of the EpiPen. During an anaphylactic shock, EpiPens give affected individuals enough of a reversal of symptoms to breathe normally and make it safely to an emergency room. EpiPens are also the only known treatment for allergic anaphylaxis currently on the market. Despite this fact pattern, the manufacturer of EpiPens, Mylan, has increased the cost of EpiPens by 400% since 2007.[1] Looking in a broader fashion, Americans are spending more on prescription drugs than ever before.[2] In some cases, this rise in medical care costs is the result of unjust rent-seeking and price gouging within the medical field. Therefore, I think that it is essential to establish a moral framework for just pricing of prescription medication. To perform this task, I will lay the intellectual groundwork by exploring both the classical liberal view of property and incentives, and the Catholic Social Teaching (CST) on property and on the duty to provide healthcare. From there, I will strive to begin a dialogue

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[1] Kliff, Sarah. "EpiPen's 400 Percent Price Hike Tells Us a Lot About What's Wrong with American Health Care." *Vox*, 23 Aug. 2016, www.vox.com/2016/8/23/12608316/epipen-price-mylan.

[2] Mulcahy, Andrew. *Prescription Drug Prices in the U.S. Are 2.78 Times Those in Other Countries*, Rand Corporation, 1 Feb. 2024, www.rand.org/news/press/2024/02/01.html.

between these two schools of thought to determine the correct framework for business leaders as they attempt to price pharmaceutical products. I will conclude with case studies on the issue and a call to action for all Catholic businesspeople in the pharmaceutical industry.

Classical Liberal View

The classical liberal view of property is perhaps best represented through John Locke's *Second Treatise on Government,* which declares that "whatsoever then he removes out of the state that nature hath provided, and left it in, he hath mixed his labour with, and joined to it something that is his own, and thereby makes it his property."[3] Thus, man's labor, when mixed with the natural world, produces property. Locke's limitations on property arose when man tried to acquire more from nature than he could possibly use productively, and when man failed to leave in nature "enough and as good left in common for others." [4] Thus, the classical liberal view provides a relatively broad framework for property acquisition, with exceptions pertaining to some notion of the common good.

Perhaps the most valuable contribution of the classical liberal tradition, however, arises from Smith's observation that "[every individual] generally, indeed, neither intends to promote the public interest, nor knows how much he is promoting it. He intends only his own gain, and he is in this, as in many other cases, led by an invisible hand to promote an end which was no part of his intention. . . . By pursuing his own interest he frequently promotes that of the society more effectually than when he really intends to promote it."[5] In essence, by

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[3] Locke, John. *Second Treatise of Government*. Edited by C.B. Macpherson, Hackett Publishing Company, 1980, pp. 18-19, §27.
[4] Locke, John. *Second Treatise of Government*, pp. 18-19, §31.
[5] Smith, Adam. *An Inquiry into the Nature and Causes of the Wealth of Nations*. Edited by Edwin Cannan, Modern Library, 1994, pp. 572-573.

allowing every individual to have the freedom to "have a go" at pursuing his best interests in his own eyes, the society is made better off.[6] Nowhere could this be more true than in drug manufacturing, where, in the Platonic ideal, for-profit enterprises generate profits by producing the increasingly effective remedies for human maladies.

The classical liberal tradition, in essence, provides two major contributions to the debate on pharmaceutical drugs. First, the notion of property rights, as derived from labor towards discovering a previously unknown and unowned chemical compound, helps to establish the rights of scientists and firms to own their intellectual property. Second, the classical liberal perspective recognizes a key facet of human nature, namely, that selfish profit motives are a powerful way to incentivize individuals to provide goods and services that others want and value, including innovative medications.

Catholic Social Teaching Perspective

Catholic Social Teaching, in the words of Leo XIII, likewise recognizes the right of man "by nature . . . to possess property as his own."[7] Nonetheless, this right to property comes with stronger limitations from Catholic Social Tradition. When the poor are dispossessed and struggling to provide themselves and their families with conditions suitable for dignified human persons, the rich have a duty to them. As stated by Paul VI,

> Everyone knows that the Fathers of the Church laid down the duty of the rich toward the poor in no

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[6] Forbes, Steve. "The Freedom To Have A Go Leads to Prosperous Societies: Deirdre McCloskey." *Forbes*, Forbes Magazine, 3 Oct. 2019, www.forbes.com/sites/steveforbes/2019/05/27/podcast--deirdre-mccloskey-the-freedom-to-have-a-go-leads-to-prosperous-societies/.

[7] *Rerum Novarum* §6

> uncertain terms. As St. Ambrose put it: "You are not making a gift of what is yours to the poor man, but you are giving him back what is his. You have been appropriating things that are meant to be for the common use of everyone. The earth belongs to everyone, not to the rich." These words indicate that the right to private property is not absolute and unconditional.[8]

This "universal destination of goods" concept denotes the duty of the property owner to provide for his fellow man in need, though it remains distinct from a complete negation of the right to private property (i.e., socialism). Within the world of corporate ownership, the Church has typically called for a form of stakeholder capitalism. The Pontifical Council, in 2014, called on businesspeople to provide "a just distribution of this wealth to employees (following the principle of the right to a just wage), customers (just prices), owners (just returns), suppliers (just prices), and the community (just tax payments)."[9]

As it pertains specifically to the issue of healthcare, the United States Conference of Catholic Bishops declared in 2007 that "affordable and accessible healthcare" is an essential human right.[10] Therefore, with respect to pharmaceutical products, there is an even greater urge from the Catholic perspective, beyond the universal destination of goods, for drug manufacturers to make their goods accessible and affordable for all.

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[8] *Populorum Progressio* §23

[9] Pontifical Council for Justice and Peace. *The Vocation of the Business Leader: A Reflection*. 2014, p. 13, sec. 55.

[10] "Faithful Citizenship - USCCB." *United States Conference of Catholic Bishops*, Nov. 2007, www.usccb.org/issues-and-action/faithful-citizenship/upload/forming-consciences-for-faithful-citizenship-2007.pdf.

Prior to placing the two schools of thought into dialogue, it is important to understand the pharmaceutical industry itself. A pharmaceutical company will often have to try around 5,000-10,000 chemical compounds in laboratory screenings for each new drug that is brought to market. [11] In this sense, the pharmaceutical companies are playing a scientific lottery of sorts before finding a new medical compound. This lottery is expensive and lengthy, costing between $4 and $10 billion per new product, with a timeline of between 10 and 15 years. [12] However, even after spending billions of dollars on research and development, depending on the sales volumes and the price of the drug, a pharmaceutical company might not even profit from every therapeutic. As a result of these immense hurdles to success, pharmaceutical companies diversify away risk through their numerous drug pipelines.[13]

Further complicating the picture of this industry is the question of intellectual property. In order for a drug to be made available to the public, it has to be approved by the Center for Drug Evaluation and

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[11] "Drug Discovery and Development." *Encyclopædia Britannica*, Encyclopædia Britannica, inc., 2 June 2024, www.britannica.com/technology/pharmaceutical-industry/Drug-discovery-and-development.

[12] Team, The Investopedia. "Average Research and Development Costs for Pharmaceutical Companies." *Investopedia*, Investopedia, www.investopedia.com/ask/answers/060115/how-much-drug-companys-spending-allocated-research-and-development-average.asp. Accessed 20 June 2024.

[13] "IBISWorld - Pharmaceutical Industry Overview." *IBISWorld Industry Reports*, https://my-ibisworld-com.proxy.library.nd.edu/us/en/industry/32541a/performance. Accessed 20 June 2024.

Research (CDER) division of the U.S. Food and Drug Administration (FDA).[14] Because FDA filings are made available to the public, companies will typically file a patent application with the U.S. Patent and Trademark Office (PTO) simultaneously. Patents for pharmaceutical products last 20 years and take 4 ½ years on average to be approved. After that twenty years' time, the drug manufacturer either must file for an extension on the patent or allow the patent to lapse. After the patent has lapsed, the drug can be made without the brand name by generic manufacturers. At this point, the price of the drug for consumers generally decreases. Because of this unique industry dynamic in which drug manufacturers only have a limited amount of time in which they hold exclusive dominion over a particular product, there is often an incentive for manufacturers to capture maximum profits during the twenty years of patent protection. After those twenty years have elapsed, the creators of the drug products will typically find themselves outcompeted by generic drug manufacturers.

Impediments to Pricing through Perfect Competition

Some Catholic scholars of the Scholastic tradition claimed that "the just price, if not fixed by public authority, correspond[s] to the current or market price."[15] Given that such a price, in traditional economics, results in the greatest total surplus, I am not inclined to dispute this premise. Therefore, if the drug manufacturing market followed this model from the Scholastics, I would have no need to provide an additional intellectual framework.

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[14] Fernandez, Dennis, et al. *The Interface of Patents with the Regulatory Drug Approval Process and How Resulting Interplay Can Affect Market Entry*, 2007.
[15] de Roover, Raymond. "Scholastic Economics: Survival and Lasting Influence from the Sixteenth Century to Adam Smith." *Quarterly Journal of Economics*, vol. 69, no. 2, May 1955, pp. 161-190.

However, this idea from the Scholastics rests on two key economic premises: one of perfect competition, and one of (at least somewhat) elastic demand. When there are many firms competing to provide a good or service, and consumers can walk away from the market, a fair price will result that provides the greatest surplus overall. Neither of these conditions are met within the pharmaceutical industry. Where traditional economics presumes perfect and free competition, the real-world patent system provides pharmaceutical firms with a monopoly on their drugs. Where traditional economics would hope that consumers would have a choice, real-life patients have, in certain instances, perfectly inelastic demand and require a particular drug to survive. Furthermore, neither of these deviations from a traditional economic framework is easily resolved by the government or any policy. The patent system is a necessary institution to allow firms to recoup billions of dollars in research and development spend. The inelastic demand of patients is the result of their illnesses, not of any particular underlying economic system.

Dialogue Between the Two Schools

Hence, it is important to place the two schools of thought in dialogue before determining the proper framework for pricing pharmaceutical drugs. The classical liberal tradition, which dominates financial and business markets, makes a fair case for allowing producers to price their drugs as they desire. The producers of pharmaceutical drugs, who have clearly mixed labor and creativity with nature to the tune of $4 billion per drug, ought to have a right to enjoy the fruits of that labor. Moreover, as noted by Smith, without the engine of profit incentives, it is highly unlikely that the breakthroughs in medical science that so many enjoy could have occurred. Therefore, a statist solution or nationalization of the pharmaceutical industry would not only be unjust, but also ineffective.

On the other hand, Catholic Social Teaching brings to light the fact that pharmaceutical companies have a duty to help the poor and the sick. By pricing drugs at a level that isn't affordable for consumers (even after health insurance contributions), the pharmaceutical industry is violating its duty under the universal destination of goods. The duty to help the vulnerable access affordable healthcare occupies a special place in the Catholic tradition, including the Catechism of the Catholic Church itself.[16] Furthermore, the United States Conference of Catholic Bishops has declared healthcare as a basic human right. A right to anything must be mirrored by an antecedent duty to provide for such a right. Similarly, the right to healthcare by the poor and vulnerable, as called for by the United States Conference of Catholic Bishops, is mirrored by the duty of all medical providers, including pharmaceutical companies, to do their best to provide such healthcare.

A Framework for Pricing Pharmaceutical Products

Having selected the strongest arguments from both schools of thought with respect to the pharmaceutical market, I will attempt to build a bridge between the two. To accomplish this goal, I must introduce the work of Alasdair MacIntyre. In his 1981 book, *After Virtue,* MacIntyre introduces the notion of "goods" and "social practices."[17] Social practices can be any type of activity that has intrinsic good, such as weaving a basket or playing an instrument. A social practice, without institutional support, can be corrupted by a thirst for profit, power, or status. As a result, MacIntyre argues that "institutions" have to defend practices and their internal goods from these corrupting desires.

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[16] *Catechism of the Catholic Church*. 2nd ed., United States Conference of Catholic Bishops, 2000, sec. 2211.

[17] MacIntyre, Alasdair. *After Virtue: A Study in Moral Theory*. 3rd ed., University of Notre Dame Press, 2007, pp. 194-196.

Transplanting MacIntyre's framework into the world of pharmaceutical products, the pharmaceutical manufacturers must return to the internal good, or *telos,* of their businesses. The true *telos* of the pharmaceutical industry is not to make money, but to provide patients with the best possible medications for their ailments. The institutions within this ecosystem are the drug producers themselves, who have to defend the practice of not only drug-making, but also the provision of those drugs. Drug companies, therefore, have a duty to patients to provide those drugs at a just and affordable price. After all, the provision of drugs has to mean the real provision of medication, not merely the sale of medication at a completely exorbitant and uneconomic price for consumers.

Naturally, this framework brings up the question of how a drug manufacturer is to know whether the firm is living up to its *telos*. My response is that this comes down to prudence, one of the cardinal virtues. It would be unreasonable, not to mention impossible, for a drug manufacturer to be expected to sell all its products at marginal cost. Doing so would prevent investment into the drug company's research and development pipeline and hurt the investors of the drug company. As a result, demanding the sale of pharmaceutical drugs at marginal cost would destroy the institutions of the ecosystem, and thereby hurt the genuine praxis of drug development. Nonetheless, if drug companies charged prices as high as they could imagine, capitalizing on a government-sponsored monopoly and inelastic demand, they would also be hurting their social practice by denying patients meaningful access to drugs. Consequently, prudence, that is, practical wisdom, is required for firms to determine the right price. The equation for determining the right and just price for pharmaceuticals is not one that can be mathematically calculated and mandated by the government. Running a pharmaceutical business is a complex enterprise, given the many business lines of the firm, the convoluted and uncertain product pipeline, the differing levels of insurance

coverage across product types, and the constantly shifting health needs of the public, just to mention a few factors. Therefore, even calling on pharmaceutical companies to only charge prices that will return the cost of capital to investors is far too low-resolution of a solution. The best that can be demanded of business leaders within this unique industry is that they strive to achieve the true *telos* of their industry, balancing the good of preserving their institution through just profits with the good of providing affordable and accessible medication to patients.

Case Studies

To bring the issue to life, I want to provide a case when a company lived up to its *telos* and a case in which the pharmaceutical company lacked virtue. In the 1970s, Merck scientists discovered an antiparasitic medicine that could not only kill parasites, but also their larval forms.[18] This antiparasitic medicine was ivermectin, branded as Mectizan.[19] The company first sold the drug as a veterinary product for both domestic and livestock animals. However, in 1987, it was discovered that the drug was also highly effective in treating onchocerciasis, commonly known as river blindness. When this discovery was verified, Merck & Co. made the drug completely free to all those who needed it. The Mectizan Donation Program (MDP) committed "as much as needed, for as long as needed." The point of this story is not to praise a company simply because it gave away its product for free. Rather, it is to laud a firm that prudently balanced the good of providing good medicine with the good of preserving the drug-making institution.

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[18] Laing, Roz, et al. "Ivermectin - Old Drug, New Tricks?" *Trends in Parasitology*, U.S. National Library of Medicine, June 2017, www.ncbi.nlm.nih.gov/pmc/articles/PMC5446326/.

[19] Colatrella B. The Mectizan Donation Program: 20 years of successful collaboration - a retrospective. Ann Trop Med Parasitol. 2008 Sep; 102 Suppl 1:7-11. DOI: 10.1179/136485908X337418. PMID: 18718147.

Merck knew that it had sufficient capital to give away this drug below marginal cost, while still providing investors with good returns. Moreover, given that river blindness primarily affected citizens in middle- and low-income countries, Merck knew that a high price would put the drug out of reach for many affected by the disease. As a result, the firm's pricing strategy was a bold move that improved global health. A low-resolution solution that forced Merck to price all goods based on a set return threshold would have prevented it from acting in this fashion. Properly oriented managerial prudence is what allowed this case to occur.

On the opposite end of the spectrum is Turing Pharmaceuticals, led by Martin Shkreli. Turing Pharmaceuticals purchased the rights to Daraprim, an anti-parasitic medication used by AIDS and transplant patients.[20] The drug had no real alternatives with the same level of efficacy, making its users reliant on Daraprim to manage their conditions. Shkreli increased the price of a pill of Daraprim from $13.50 to $750 (over 5,000%) overnight in order to increase the drug's per-unit profitability.[21] Shkreli defended this action by claiming that the profits were being plowed into research and development to improve Daraprim.[22] Nonetheless, infectious disease experts continued to ask Turing to reconsider the price increase, saying that an improved

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[20] Pollack, Andrew. "Drug Goes From $13.50 a Tablet to $750, Overnight." *The New York Times*, The New York Times, 20 Sept. 2015, www.nytimes.com/2015/09/21/business/a-huge-overnight-increase-in-a-drugs-price-raises-protests.html.

[21] "US Pharmaceutical Company Defends 5,000% Price Increase." *BBC News*, BBC, 22 Sept. 2015, www.bbc.com/news/world-us-canada-34320413.

[22] Long, Heather. "What Happened to AIDS Drug That Spiked 5,000%." *CNNMoney*, Cable News Network, 25 Aug. 2016, money.cnn.com/2016/08/25/news/economy/daraprim-aids-drug-high-price/index.html.

Daraprim was not required by the medical industry.[23] Rather than protecting the internal good of the pharmaceutical industry, Shkreli merely tried to maximize profits. He took advantage of the unique economic situation of pharmaceutical drugs (namely, inelastic demand and a monopoly) to extract rents from patients. Such practices ought to be condemned as a clear lack of charity and prudence on the part of drug executives.

Conclusion

The pharmaceutical industry is an incredibly complex ecosystem. Determining a just price for pharmaceutical products involves questions of property ownership, intellectual property, healthcare access, and just returns.

In this work, I have attempted to develop a framework for properly and justly pricing drugs. I first determined that both the classical liberal tradition and Catholic Social Teaching had important points to bear on the issue. The classical liberal tradition properly recognizes the right to property arising from labor and toil, and further emphasizes the value of profits and self-interest in incentivizing creativity and entrepreneurship. Nonetheless, Catholic Social Teaching understands the critical nuance of the universal destination of goods and the duty of pharmaceutical companies to provide for the poor and the vulnerable. MacIntyre's work on social practices and institutions helps to elucidate the principles for how to adjudicate the profit-seeking motive of pharmaceutical companies with the internal good of providing patients with access to good medicines. Finally, I examined

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[23] Lupkin, Sydney. "A Decade Marked by Outrage over Drug Prices." *NPR*, NPR, 31 Dec. 2019, www.npr.org/sections/health-shots/2019/12/31/792617538/a-decade-marked-by-outrage-over-drug-prices

case studies from Merck & Co. and Turing Pharmaceuticals to demonstrate how companies have both failed and succeeded to live up to this call to charity and prudence. Of course, the focus of this essay has primarily been on life-saving medications; I can recognize the rights of companies to charge higher prices where demand is not perfectly inelastic.

In closing, I would ask that leaders within the pharmaceutical industry seriously consider the *telos* of their business. Their businesses at their best do not place profits as the highest good, but recognize them as just compensation to investors and necessary for the preservation of the drug-making institution. Instead, pharmaceutical companies are acting in a Catholic and moral sense insofar as they recognize their chief responsibility is to provide affordable and accessible healthcare to all.

A Trinitarian Economics: Considering a Catholic Marketplace Engagement

Shea Nowicki[*]

Introduction

In a 2016 blog post, Joel Edmund Anderson described the necessity of charity in the marketplace: "But the point is that when Christians fail to live Christ-like lives, when they fail to shape the culture in an ethos of Christian love . . . someone else will—and that 'someone' often is someone like Marx, whose solution was ten times worse than the original problem."[1] What he identifies here is the need for an economics steeped in Christian values. Benedict XVI touches on this same need for Christianity in the marketplace in his 2009 economic encyclical, *Caritas in Veritate*: "The Church's social doctrine holds that authentically human social relationships of friendship, solidarity and reciprocity can also be conducted within economic activity, and not only outside it or 'after' it. The economic sphere is neither ethically neutral, nor inherently inhuman."[2] This paper seeks to bolster the free market enterprise by considering how Catholic consumers can act in the system with charity.

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[1] Joel Edmund Anderson, "The Unintended Reformation: Chapter 5–The Goods Life . . . Love That Money! (Part 8)," *Resurrecting Orthodoxy*, May 1, 2016, https://www.joeledmundanderson.com/the-unintended-reformation-chapter-5-the-goods-life-love-that-money-part-8/.

[2] Benedict XVI, *Caritas in Veritate*, 36.

Unfortunately, the modern philosophical tendency rejects the call to interpersonal relationship. Instead, the individualistic paradigm, advanced by thinkers such as Rene Descartes, Thomas Hobbes, David Hume and Adam Smith, lends itself to the view of the marketplace as a mere mechanism, where individuals can enter the system with self-interest, even at the expense of traditional Christian values, including co-responsibility, dignity of the human person, care for the common home, and virtue theory. In this essay, I consider how a Trinitarian paradigm compels us toward charity, love of friendship of God and neighbor, in the marketplace.

Individualism in Modern Philosophy

To tease out this foil,[3] it is helpful to begin with an analysis of the individualistic paradigm so common in various secular disciplines, including capitalism. In the centuries following the Protestant Reformation, philosophers, among them Rene Descartes and Thomas Hobbes, moved philosophy in the individualistic direction, while David Hume, Adam Smith and other Enlightenment thinkers advanced a morality rooted in emotivism. The result was an autonomous, material anthropology and self-interested, individualistic framework.

In order to trace this philosophical history, we will first orient toward the sixteenth-century Netherlands. As the story goes, Rene Descartes, in a skeptical dread about the certainty of his own existence, sat in a room for several days, before he suddenly came to the conclusion "I

[3] I am indebted to the work of Dr. John Rziha, moral theologian at Benedictine College for my understanding of this philosophical history. Everything in the following section comes from lectures I received in a semester-long Theology seminar with Dr. Rziha in the fall of 2023. He analyzes modern philosophy in the teleological-deontological framework and is working on a forthcoming book on these topics.

think; therefore, I am."[4] What this meant was that the material, *res extensa*, and the reasoning, intellectual capacity of humans, *res cognitas*, were entirely separate realities.[5] Because the human person is fundamentally a "thinking thing,"[6] the Cartesian vision divorces the embodied human person from action. Furthermore, Descartes rejected final causality. Instead, he sought truth through his own subjective experience, believing that humans could become their own gods through an exertion of the will. Therefore, the cognitivist and rationalist view wrongly views the human person as divorced from spiritual realities, including a final *telos*.

In England, political theorist Thomas Hobbes advanced an atomistic vision of the human person. A nominalist, Hobbes believed there was no universal human nature, only individual instantiations. To Hobbes, the human person was a material body in motion, while the mind was a "grand calculator suited to mastery of a mechanistic world."[7] For this reason, the person is only an automaton, operating in "mechanistically determined self-interest propelled by self-preservation."[8] His view devoid of an ultimate end, Hobbes viewed virtues as unessential and rejected any sense of objective goodness or evil.[9] Hobbes' conception

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[4] Rene Descartes, *Meditationes de Prima Philosophia* (Meditations on First Philosophy), translated by Donald A. Cress (Indianapolis/Cambridge: Hackett Publishing Company).
[5] Descartes, *Meditationes de Prima Philosophia*, 63-68, 87-91.
[6] James K.A. Smith, *Desiring the Kingdom: Worship, Worldview, and Cultural Formation* (Ada, MI: Baker Publishing Group, 2008), 41.
[7] A.I. Research Group for the Centre for Digital Culture Dicastery for Culture and Education of the Holy See, *Encountering Artificial Intelligence: Ethical and Anthropological Investigations*, ed. Matthew J. Gaudet, Noreen Herzfeld, Paul Scherz, Jordan J. Wales (Eugene, OR: Pickwick Publications, 2024), 60.
[8] Gregory, *The Unintended Reformation*, 222.
[9] Ibid.

of the human person was a mechanistic individual, who exerted himself on the material world and sought to advance his own self-protection at all times.

In their skepticism, these modern philosophers turned to mathematics and science for certainty. They believed that humans could not know first principles and, therefore, ought to deduce higher realities from the created world. Unfortunately, as the skeptic believes that everything could be different in any given time, this mindset effectively removes God from the material world as the primary cause[10]—no longer is it believed that God works through His creation—and instead promotes an agenda of human dominance over creation. As a result, the human person becomes the sole actor in the world. Therefore, these thinkers were operating in a secular deontological sense—advancing a competing causality between God's action and human action.[11] Since God is no longer essential in the functioning of the system, a virtue theory, wherein humans practice virtue to become more themselves and more ordered toward their final end, disappears. This same deontological split is evidenced in the capitalistic marketplace, as well.

Individualism and Self-Interest in Capitalism

In the medieval era, economics was seen as entirely dependent on theology.[12] Because Christians knew the created world as a gift from

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[10] John Rziha, *The Christian Moral Life: Directions for the Journey to Happiness* (Notre Dame, IN: University of Notre Dame Press, 2017); see Thomas Aquinas, *Summa Theologica*, I. Q.44.

[11] John Rziha, *The Christian Moral Life: Directions for the Journey to Happiness*.

[12] Brad S. Gregory, *The Unintended Reformation: How a Religious Revolution Secularized Society* (Cambridge, MA: Belknap Press of Harvard University Press, 2012), 244. As Angela Frank notes, Gregory draws from Jan de Vries in *The Industrious Revolution: Consumer Behavior and the Household Economy, 1650 to the Present* (Cambridge: Cambridge University Press, 2008), and Albert O.

God, they saw their role as one of dominion, per God's mandate to "fill the earth and subdue it."[13] For this reason, every economic act was an act of participation in God's created world. Furthermore, Christians bore in mind the necessity of social relationships, the moral virtues and long-term goal of eternal salvation in their marketplace encounters, thereby sacrificing certain desires for the common good.[14] This worldview meant natural limits on the accumulation of material wealth, in accord with the Gospel mandate in Luke 12:15: "Take care to guard against all greed, for though one may be rich, one's life does not consist of possessions."

In the aftermath of the Religious Wars and the Protestant Reformation, however, merchants sought to establish unity by bracketing theological ideas in the marketplace. This was a philosophical shift with wide reaching implications. While the historically accepted Christian beliefs had tempered the excessive accumulation of material wealth, historian Brad S. Gregory describes the gradual process in which self-interest—what moral theologians might consider avarice—gained acceptance, and even praise, as a secular virtue.[15] One of the first countries to bracket theology in its political and economic framework, the Dutch Republic was one of the most materially prosperous, thereby encouraging other state leaders to adopt the same technique.[16] Unfortunately, however, once devoid of a Christian worldview, the marketplace gradually develops its own. In

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Hirschman, *The Passions and the Interests: Political Arguments for Capitalism before Its Triumph* (Princeton: Princeton University Press, 1977). Angela Franks, "New Aesthetic Vistas on the Metaphysics of Labor," *Church Life Journal* (2023), https://churchlifejournal.nd.edu/articles/new-aesthetic-vistas-on-the-metaphysics-of-labor/.

[13] Genesis 1:28.

[14] Gregory, *The Unintended Reformation*, 244-245.

[15] Ibid., 272-273.

[16] Ibid., 274.

this case, it was marked by individualistic self-interest, evidenced in the thought of Enlightenment philosophers who helped build the modern market society, including Bernard Mandeville, David Hume and Adam Smith.

In his 1714 *Fable of the Bees*, Bernard Mandeville wrote that, while avarice and prodigality are dangerous to one's personal life, they "employ'd a million of the poor" and "turn'd the Trade [of the marketplace]."[17] For this reason, he believed that society ought to accept these virtues as normal, even good. As a result, the division of public and private practice of virtue was normalized. An emotivist, David Hume took the idea of avarice even further. He found avarice to be "an universal passion, which operates at all times, in all places and upon all persons"[18] therefore making it not only a virtue, but entirely normal. If they did not accumulate more material wealth, since reason was entirely "slave of the passions," individuals were irrational.[19] A friend of Hume, Adam Smith, advanced a similar vision in T*he Theory of Moral Sentiments* and *The Wealth of Nations*. Smith equated the private interests and passions of individuals, so that ultimately, as Albert Hirschmann notes, "the material welfare of the 'whole society' is advanced when everyone is allowed to follow his own private interest."[20] In Hirschmann's view, Smith's focus on self-interest "became a real fad as well as a paradigm" over time until "most of human action was suddenly explained by self-interest."[21] This is

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[17] Bernard Mandeville, *The Fable of the Bees* (Private Vices, Publick Benefits), vol. 1., line 180, https://www.gutenberg.org/files/57260/57260-h/57260-h.htm.

[18] Gregory, *The Unintended Reformation*, 285.

[19] Ibid.

[20] Albert Hirschmann, *The Passions and the Interests: Political Arguments for Capitalism Before Its Time* (Princeton, NJ: Princeton University Press, 2013), 1794.

[21] Ibid., 742.

perhaps most clearly expressed by F.Y. Edgeworth, who proclaimed in 1881: "the first principle of Economics is that every agent is actuated only by self-interest."[22] Working within an Enlightenment framework, Mandeville, Hume and Smith rewrote anthropology and metaphysics based on their eighteenth-century experiences, thereby creating new marketplace norms.

Today, there is a continued American tendency toward material gain within the marketplace, in spite of the Gospel warning that humans "cannot serve both God and mammon."[23] Conspicuous consumption encourages a new car, a bigger house or a longer vacation to demonstrate social status—a Nike gym bag, for example, is more prestigious than an off-brand, Walmart one. At the same time, companies, such as Apple and Microsoft, utilize planned obsolescence techniques, where old models expire and need to be replaced. A Chanel handbag is making headlines for its whopping $10,800 price tag.[24] During its July Prime Days this year, Amazon made 14.2 billion dollars over the forty-eight hour period, an 11% increase from 2023 alone.[25] These are simple examples to demonstrate that, for the everyday American, the "good life" is the "goods life."[26] Interestingly, moral theologian David Cloutier notes that luxury products are advertised as

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[22] Francis Y. Edgeworth, *Mathematical Physics: An Essay on the Application of Mathematics to the Moral Sciences* (London, England: C. Kegan Paul, 1881), 16, quoted in Pierre Force, *Self-Interest Before Adam Smith: A Genealogy of Economic Science* (Cambridge, England: Cambridge University Press, 2003), 7.
[23] Matthew 6:24.
[24] Frances Solá-Santiago, "How Much Is a Chanel Handbag?" InStyle, July 30, 2024, https://www.instyle.com/chanel-handbag-cost-8682903.
[25] Annie Palmer, "Tech Amazon Prime Day drives U.S. online sales to record $14.2 billion," *CNBC*, July 18, 2024, https://www.cnbc.com/2024/07/18/amazon-prime-day-us-online-sales-climb-to-record-14point2-billion.html.
[26] Gregory, *The Unintended Reformation*, 261.

able to provide "a more-than-material experience for oneself and love and affection from others," in other words, "mysticism and koinonia,"[27] typical religious experiences that derive from relationship with God. Furthermore, it is easy for the accumulation of goods to become an ideology, which can challenge essential spiritual realities, including one's need for God and others. As a result, the marketplace system as it stands today can push up against the Trinitarian paradigm essential to the Christian worldview.

A Grounding Trinitarian Ontology and Anthropology

To offer a different philosophical vision, it is helpful to analyze a Trinitarian ontology[28] deriving from the most fundamental mystery of the Christian faith, the Trinity. God exists as a trinamic communion of Persons in an eternal relation of love. The Trinitarian Persons are known entirely by their relationships: the Son gives all of Himself to the Father, while the Father receives all that the Son is, and the Holy Spirit is the complete gift of love between the Father and the Son.[29] As Cardinal Joseph Ratzinger notes in *Introduction to Christianity*, the Trinity exists as a substantial relation,[30] meaning that relationality is the

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[27] David Cloutier, *The Vice of Luxury: Economic Excess in a Consumer Age* (Washington D.C.: Georgetown University Press, 2015), 112.

[28] For more on a Trinitarian ontology, see Klaus Hemmerle, *Theses Towards A Trinitarian Ontology* (Brooklyn, NY: Angelico Press), 2020.

[29] As a technical point, the entire Trinity can be referred to as a gift, as evidenced in their perpetual giving and receiving that is drawn up into the "logic of gift." However, Thomas Aquinas appropriates the title of gift to the Holy Spirit, to which I am referring here. Thomas Aquinas, *Summa Theologica,* I. q. 38, a. 1-2. See also John Paul II, *Dominum et Vivificantem* (On the Holy Spirit in the Life of the Church and the World) (Vatican City: Vatican Press, 1986).

[30] Thomas Aquinas writes that relationality for humans is accidental, but I use this point to demonstrate how man, made in the likeness and image of a

Trinity's "primordial mode of reality."[31] Out of the Trinity's gratuitous relationality flows creation and man. What this means is that the Trinity sustains the created world at all times; if God stopped thinking about the created world or mankind, they would cease to exist. Since God works through His creation, Catholic sacramentality teaches that the material of the created world makes present the spiritual. For example, the water becomes the conduit of grace in the Sacrament of Baptism, while the bread becomes the Body of Christ in the Sacrament of the Eucharist. For this reason, in the Catholic sacramentality, it is the material—the content of the truly human *bios*—that directs toward higher mysteries, revealing fundamental human truths.

Created in God's likeness and image,[32] the human person, a body-soul, matter-spirit composite, is also relational. Like the Trinitarian persons, man too "finds himself in a sincere gift of self."[33] Jesus Christ—the Second Person of the Trinity—evidences this reality when He takes on human flesh in the Incarnation. Because of Christ's entry into history,

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substantial relation (God), is made for community. In the words of the A.I. Research Group for the Centre for Digital Culture Dicastery for Culture and Education of the Holy See, "God exists by relations; created persons exist for relationships of mutual self-gift that are both self-expressive and other-receiving. By refusing self-gift, created persons would not cease to exist, but they would live less personally than the persons they are." A.I. Research Group for the Centre for Digital Culture Dicastery for Culture and Education of the Holy See, *Encountering Artificial Intelligence: Ethical and Anthropological Investigations*, 54.

[31] Cardinal Joseph Ratzinger, *Introduction to Christianity* (San Francisco, CA: Ignatius Press, 2004) as quoted in Stratford Caldecott, "A Theology of Gift: The Divine Benefactor & Universal Kinship," *The Imaginative Conservative*, April 20, 2023, https://theimaginativeconservative.org/2023/04/trinity-society-economics-search-new-way-stratford-caldecott.html.

[32] Genesis 1:27.

[33] Second Vatican Council, *Gaudium et Spes*, 24.

all human experiences, even the mundane and mild, possess great meaning. For example, as Ratzinger describes in "The Sacramental Foundation of Christian Existence" in his *Theology of Liturgy* compendium, the meal is no longer only food, digested and excreted, but rather "a very penetrating interpretation of what it means to be a man, of human existence" through which the Christian "discovers that he is not the founder of his own being but lives his existence in receptivity."[34] These fundamental truths—that man is made for community, that man has material needs and that man receives all as a gift from God—encourage an integral vision of the human person as rooted in history and eschatological destiny. Altogether, then, Ratzinger summaries the Catholic sacramental vision as rooted in a Trinitarian ontology: "Creation is an act of the Trinity, and existence is . . . a participation in the Trinitarian act of giving, receiving, and being given."[35]

A Gospel of Catholic Social Thought (CST) Applied to the Marketplace

Some may be inclined to ask whether my assessment of the marketplace matters, given the functioning of the system as it exists today. People of all religions and nationalities consent to participation in the marketplace and do so with great devotion. Furthermore, the focus on material goods at the expense of the spiritual only harms

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[34] Cardinal Joseph Ratzinger, "The Sacramental Foundation of Christian Existence," in *Theology of the Liturgy: The Sacramental Foundation of Christian Existence*, trans. John Saward, Kenneth Baker, SJ, Henry Taylor, et al. (San Francisco, CA: Ignatius Press, 2008), 157.

[35] Cardinal Joseph Ratzinger, *Introduction to Christianity* (San Francisco, CA: Ignatius Press, 2004) as quoted in Stratford Caldecott, "A Theology of Gift: The Divine Benefactor & Universal Kinship," The Imaginative Conservative, April 20, 2023, https://theimaginativeconservative.org/2023/03/theology-gift-divine-benefactor-kinship-charity-truth-benedict-xvi-stratford-caldecott.html.

individuals who choose to participate. However, the Christian ought not be satisfied with this analysis. As the Second Vatican Council notes, the task of the modern Church is to "scrutiniz[e] the signs of the times and . . . interpret . . . them in the light of the Gospel," revealing mankind to himself.[36] While many may be tempted to see the individualistic metaphysics and anthropology outlined above as essential to the functioning of the free market economy, this is not the case and the Church offers this alternative view.[37] In his 2009 encyclical on economics, Benedict XVI writes that, because the economic sector necessitates human relationship in the exchange of goods, ideas and services, it provides a space for face-to-face expressions of fraternity rooted in the Trinitarian "principle[s] of gratuitousness and the logic of gift."[38] In doing this, individuals evidence a likeness to God and image the Trinity to the world:

> [Charity's] source is the wellspring of the Father's love for the Son, in the Holy Spirit. . . . It is creative love, through which we have our being; it is redemptive love,

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[36] Second Vatican Council, *Gaudium et Spes*, 4.

[37] Here, a caveat may be necessary. As Jesus explains in Mark 12:30-31, Catholics are called to love their neighbors as themselves. This means that though self-interest is not bad in and of itself, it ought to be subordinated to charity. Avarice, however, *is* a sin against the Tenth Commandment as noted in Catechism of the Catholic Church, 2536: "The tenth commandment forbids greed and the desire to amass earthly goods without limit. It forbids avarice arising from a passion for riches and their attendant power. It also forbids the desire to commit injustice by harming our neighbor in his temporal goods: When the Law says, 'You shall not covet,' these words mean that we should banish our desires for whatever does not belong to us. Our thirst for another's goods is immense, infinite, never quenched. Thus it is written: 'He who loves money never has money enough.'"

[38] Benedict XVI, *Caritas in Veritate*, 36.

> through which we are recreated. Love is revealed and made present by Christ (cf. Jn 13:1) and 'poured into our hearts through the Holy Spirit' (Rom 5:5). As the objects of God's love, men and women become subjects of charity, they are called to make themselves instruments of grace, so as to pour forth God's charity and to weave networks of charity.[39]

In this light, Benedict's proposed methodology—living with charity in ordinary relational encounters so as to establish larger networks of charity—is an application of the Gospel message. With the Trinitarian worldview in mind, I would like to consider an application of the Gospel of Catholic Social Thought (CST) in the marketplace, marked by a person-first perspective, a sense of mutual co-responsibility, and acts of intentional discernment, ultimately rooted in charity.

The first premise of Benedict's economic vision is a commitment to the advancement of human dignity. For the person who views the capitalistic system as a mere mechanism, an interior "ideological shift" to view the marketplace as a place of "human relations" is necessary for the success of the Gospel of CST.[40] David Cloutier notes that this shift is precisely what Benedict intends in his 2009 encyclical:

> The encyclical has been critiqued by some for offering fluffy or even misguided language that lacks clear application to the actual practice of economics. But, rightly understood, Benedict's message should seem incomprehensible to those who insist on seeking the

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[39] Ibid., 5.

[40] Richard McCormick, S.J., "Current Theology: Notes on Moral Theology: April-September, 1972," *Theological Studies* (March 1973), 101, as quoted in Thomas Dubay, S.M., *Happy are you Poor: The Simple Life and Spiritual Freedom* (San Francisco, CA: Ignatius Press, 2003), 75.

> market economy as simply a mechanism. It is not a mechanism; it is a set of human relations. . . . Thus, what Benedict offers is a basic breakthrough in our understanding of the relation of the material and the spiritual . . . its sacramental potential.[41]

Benedict's conception of the marketplace is in accord with a Catholic sacramentality in that, the material and even the ordinary marketplace interaction ought to become a conduit of encounter with God and others. Furthermore, with a Trinitarian ontology in mind, an integral human development occurs only in the social context.[42] Opposite to popular secular belief, Benedict notes that "true openness does not mean loss of individual identity," but rather leads to "profound interpenetration,"[43] as is evidenced in the Trinitarian communion of love. The Trinitarian personalities are heightened because of their relationality, not lessened, and the same is true for humans. Therefore, interpersonal relationships are vital, especially with the marginalized, poor and outcasts who are essential members of our communities.

From this personal commitment to the other comes intentional discernment and action. While moderated at the individual level, the Gospel of CST bears in mind that each economic act is indeed a moral choice, as Cloutier notes: "Insofar as economic activity is genuinely free and not 'automatic,' it involves choice; that choice needs to be subjected to moral scrutiny."[44] Because humans are not simply material atoms bouncing off of one another, but persons made for relationships, certain practices, such as big game hunting or purchasing tobacco, may not be considered appropriate, even despite society's

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41 Cloutier, *The Vice of Luxury*, 128.
42 Benedict XVI, *Caritas in Veritate*, 36.
43 Ibid., 54.
44 Ibid., 17.

acceptance of these practices as legitimate marketplace encounters.[45] Considering the ethical implications of various marketplace interactions is pivotal and, ultimately, may require countercultural choices, as the Gospel of CST does not end with discernment. "Mobilizing ourselves at the level of the 'heart,'"[46] then, Catholics are called to embody charity in the marketplace. To give an example: at the store, the Catholic consumer is compelled to treat the clerk with respect and kindness and to pay a fair price. On the other hand, the Catholic shopkeeper is required to offer legitimate services for a fair price, to compensate employees justly, and to create a healthy work environment. Acting with charity as marketplace agents make the Trinitarian God of love present in ordinary, yet meaningful ways, thereby sanctifying the marketplace and those within it.

Altogether, one might be tempted to ask whether individual actions in the market can inspire great change, especially given the system as it stands today. However, it could be argued that cultural revolutions are not unpopular within Christianity. At the religion's very origin, Christ, the Second Person of the Trinity, broke into the world, lived alongside the societally unapproachable and ushered in a new epoch of charity with a death fit for a criminal. Similarly, Francis of Assisi's complete renunciation of wealth, even to the point of nudity, scandalized wealthy thirteenth-century Italy, and Mother Teresa of Calcutta's care for the forgotten and abandoned poor encouraged a countercultural revolution of tenderness. In the same way, a proper Trinitarian metaphysics, rooted in a consistent "logic of gift," could launch a new paradigm which sees people and the created world in the proper light. Therefore, as Francis of Assisi and Teresa of Calcutta responded in

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[45] For more on the necessity of morality in the marketplace, see Michael J. Sandel, *What Money Can't Buy: The Moral Limits of Markets* (New York, NY: Farrar, Straus and Giroux, 2013).

[46] Benedict XVI, *Caritas in Veritate*, 20.

their respective milieus, the active choice of American Catholic men and women to "participat[e] in the Trinitarian act of giving, receiving and being given,"[47] could revolutionize the marketplace and the world. In fact, perhaps Saints are to be made here, and perhaps those Saints are us.

[47] Stratford Caldecott, "A Theology of Gift: The Divine Benefactor & Universal Kinship," *The Imaginative Conservative*, April 20, 2023, https://theimaginativeconservative.org/2023/04/trinity-society-economics-search-new-way-stratford-caldecott.html.

Sacred Canopies and Basic Goods: How New Natural Law Offers a Practical Integration of Politics and Morals

*Helen Schlueter**

A PERENNIAL CONCERN OF POLITICAL PHILOSOPHY is the question: what is the relationship between politics and morality? Does politics rest upon a certain moral foundation or does it stand outside of a moral framework, remaining neutral towards different conceptions of what is good for man? In the past century, two Catholic philosophers, Michael Novak and John Finnis, have addressed these questions from two different standpoints: Novak from a political-economic perspective and Finnis from a natural law perspective. While Finnis and Novak both embrace the tenets of classical liberalism—limited government, the freedom of religion, an emphasis upon practical wisdom over theoretical idealism, and the necessity of virtue and morality for government—their respective works contain different grounding principles.

In this paper I will argue that Novak's grounding principle of the freedom of conscience is (on its own) an insufficient foundation for a societal system because it separates politics from natural law. Thus, Novak's democratic capitalism fails to fully recognize the core human goods which are preserved in and through politics. In response, I will argue that Finnis' understanding of natural law in *Natural Law and Natural Rights* offers an alternative framework in which politics and morality are properly integrated around core human goods.

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Novak's Understanding of Politics Within Democratic Capitalism

Novak's political theory is nested within his overarching system of democratic capitalism. Novak defines democratic capitalism as a tripartite structure: "a democratic polity, an economy based on markets and incentives, and a moral-cultural system which is pluralistic and, in the largest sense, liberal."[1] Novak argues that the separation of powers between the moral, economic, and political spheres preserves a free society by allowing a multiplicity of ideas, interests, and groups to flourish.

For Novak, democratic capitalism is pluralist, meaning that it does not attempt to unify all of society towards one "collective sense of what is good and true," unlike traditionalist or socialist frameworks.[2] Novak argues that the proper political system will not "attempt to suffuse political and economic structures with moral values like justice and equality," but instead will provide a space for navigating inevitable disagreement.[3] He calls this system "interest group politics."[4]

According to Novak, "interest-group" politics is fundamentally a *practical* political structure; it allows for unity of cooperation despite a diversity of moral principles. Interest group politics is based on the idea that while people may never agree "in theory about the nature of the substantive goods" they still "may take up the practical challenge of inventing institutions which respect personal liberties while providing large areas of mutual collaboration."[5] Novak argues that

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[1] Michael Novak, *The Spirit of Democratic Capitalism*, (Lanham, MD: Madison Books, 1991), 14.
[2] Michael Novak, *The Spirit of Democratic Capitalism,* 49.
[3] Michael Novak, *The Spirit of Democratic Capitalism,* 65.
[4] Michael Novak, *The Spirit of Democratic Capitalism,* 58.
[5] Michael Novak, *The Spirit of Democratic Capitalism,* 64.

democratic capitalism "was aimed at the discovery of practical principles that would make such common life possible, while holding sacred the singular sphere of each human person."[6] For Novak, the political thought of the Founders emphasizes the practical over a unifying conception of the common good. He argues that they "took aim, not at some abstract good, but at the fairly tangible realities which significant factions and interests judged to be good, each by its own partial lights," thus crafting a political vision fundamentally built upon practical principles over a comprehensive vision of the good.[7] Unfortunately, Novak does not fully explain the mechanics of interest group politics, except to say that the Constitution exemplifies the democratic and realistic process of interest group politics since it builds a practical consensus over a creedal consensus.[8]

While Novak argues that interest group politics is both realistic and practical, his framework separates the political from the moral. His underlying assumption is that politics can substitute a practical structure for a moral foundation. Nonetheless, Novak's separation does not necessarily isolate politics from morality; Novak himself observes several times that a polity depends on a strong moral culture. He even states that, "Without certain moral and cultural presuppositions about the nature of individuals and their communities, about liberty and sin . . . neither democracy nor capitalism can be made to work."[9] However, while these moral and cultural presuppositions influence political structure, in democratic capitalism they remain outside of politics, never undergirding the foundation of the political structure. Novak argues that the political structure should not be integrated with a particular moral vision:

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[6] Michael Novak, *The Spirit of Democratic Capitalism,* 65.
[7] Michael Novak, *The Spirit of Democratic Capitalism,* 59.
[8] Michael Novak, *The Spirit of Democratic Capitalism,* 66.
[9] Michael Novak, *The Spirit of Democratic Capitalism,* 16.

> The political system of democratic capitalism cannot, in principle, be a Christian system. Clearly, it cannot be a confessional system. *But it cannot even be presumed to be, in an obligatory way, suffused with Christian values and purposes.* Individual Christians and their organized bodies may legitimately work through democratic means to shape the will of the majority; but they must also observe the rights of others and, more than that, heed practical wisdom by respecting the consciences of others even more than law alone might demand (emphasis mine)[10]

In other words, besides the individual conscience which cannot be directly translated to the political sphere, there are no common moral principles which can be discerned through reason by all and thus ought to ground politics. Rather, the political sphere becomes simply "the arena in which competing claims are negotiated."[11]

Novak's Separation Between Politics and Morality

However, Novak fails to see that radical differences of opinion can only be addressed if there are universal principles of reason or natural law which both parties must invoke. Moreover, since these principles of natural law are grounded in a conception of what is good, one cannot in every case simply substitute practical cooperation for a moral foundation. In other words, a political system cannot simply be a compromise-producing machine, since every political system contains presuppositions about what the human person is and what good(s) he requires. Even Novak's interest group politics is an attempt to preserve

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[10] Michael Novak, *The Spirit of Democratic Capitalism,* 351.
[11] Michael Novak, *The Spirit of Democratic Capitalism,* 58.

a human good which he sees as essential and non-negotiable: freedom of conscience.

Novak argues that the pluralism of democratic capitalism protects the sacred sphere of conscience. Novak states that "conscience is the taproot of democratic capitalism" and that the separation of power within democratic capitalism exists precisely to preserve "the diversity of human consciences, perceptions, and intentions."[12] For Novak, this means that there cannot be agreement on any "metaphysical, philosophical, or religious presuppositions," because establishing these presuppositions in society violates the individual conscience.[13] Novak argues that "a sense for what shall be taken to be real, true, good, beautiful," a sense which he calls a "sacred canopy," cannot be erected within or by the government. Rather, a pluralistic society allows for many such sacred canopies to compete in the public square.[14] Thus, Novak embraces the conclusion of pluralism, that there is an "emptiness" or "wasteland" at the heart of democratic capitalism which is the price of preserving the freedom of conscience.[15]

Novak's examination of America's motto and the religious language present in the Declaration of Independence describes the implications of his pluralism. Novak states that words such as 'God,' 'the Almighty,' and 'the Creator' are "like pointers, which each person must define for himself. Their function is to protect the liberty of conscience of all, by using a symbol which transcends the power of the state and any other earthly power."[16] While Novak argues that these words still have meaning as a symbol, at the end of the day words which contain a

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[12] Michael Novak, *The Spirit of Democratic Capitalism,* 55.
[13] Michael Novak, *The Spirit of Democratic Capitalism,* 65.
[14] Michael Novak, *The Spirit of Democratic Capitalism,* 53.
[15] Michael Novak, *The Spirit of Democratic Capitalism,* 52, 54.
[16] Michael Novak, *The Spirit of Democratic Capitalism,* 54.

transcendent sense can mean anything according to each person's conscience.

Novak's argument here is rife with confusions. First, what does it mean to protect the liberty of conscience of all, especially if two consciences conflict? For example, how would Novak respond to the conscience of a terrorist whose understanding of transcendence compels him to blow up a building? And what if someone's definition of the transcendent includes devil worship? Should this be protected under liberty of conscience? Novak states that there are limits to the personal definition of God, but he never articulates the nature of the limits or how one might politically enforce them.

Second, Novak never defines the conscience, which is problematic if the conscience is at the core of democratic capitalism. Instead the reader is left to piece together his meaning through phrases such as "openness to transcendence" and "the sphere of the transcendent."[17] Though Novak beautifully defends the dependent nature of the human person (and strongly opposes a radical individualism), the primacy of conscience suggests a sphere of personal autonomy. Democratic capitalism exists to preserve the "sphere of the person inviolable" which leads to a confused definition of freedom.[18]

For Novak, freedom necessitates alienation. Novak sidesteps the critique that his pluralism encourages "anomie, alienation, loneliness, despair, loss of meaning" by arguing that "the experience which some describe as alienation, anomie, purposelessness, and the like" is "the necessary other side to any genuine experience of liberty."[19] In other words, freedom is not rooted within anthropological understanding of

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[17] Michael Novak, *The Spirit of Democratic Capitalism,* 54, 55.
[18] Michael Novak, *The Spirit of Democratic Capitalism,* 65.
[19] Michael Novak, *The Spirit of Democratic Capitalism,* 52.

the human person whose nature directs one towards certain forms of flourishing, but is a detachment from all foundations. He claims, "of course free persons will feel alienation! The opposite would be to feel so connected as not to be free."[20] Thus, Novak seems to draw a false dichotomy between freedom and connection, such that one can either have one or the other. Novak insinuates that freedom necessarily entails an individual solitude.

While Novak does not deny the reality of substantive human goods, his political system is stunted because it is detached from natural law. Because Novak's understanding of politics rests upon the freedom of conscience and its ensuing pluralism, it cannot be oriented around a core set of human goods (apart from the good of the freedom of conscience). Democratic capitalism as a political system can harness vice, but it cannot shape the moral culture:

> Its chief aim is to fragment and to check power, but not to repress sin. Within it every human vice flourishes. Entrepreneurs from around the world, it appears, flock to it and teach it new cultural specialties, of vice as well as of virtue, of indelicacy as well as of delicacy. *Nil humanum mihi alienum,* such a system might well say: 'Nothing from the world's cultures is alien to me.' Outsiders like Solzhenitsyn are often shocked by such a nation's public immoralities: massage parlors, pornography shops, pickpockets, winos, prostitutes, pushers, punk rock, chambers for group sex—you name it, democratic capitalism tolerates it and someone makes a living from it.[21]

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[20] Michael Novak, *The Spirit of Democratic Capitalism,* 53.
[21] Michael Novak, *The Spirit of Democratic Capitalism,* 350.

In other words, the political structure must remain empty of moral prescriptive content; it merely produces whatever the moral-cultural sphere, or competing moral-cultural spheres, insert.

In light of this, we can see that Novak's grounding principle—that democratic capitalism must primarily protect the freedom of conscience and that it does so by separating the moral from the political—rests upon a false dichotomy. Novak assumes that any overarching vision of a common good (outside of the common good of cooperation) through which a political system tries to shape its citizens is absolutist and uniform, thus violating the individual conscience. If there was no conception of the human person and human flourishing outside of religion and attainable by reason, then Novak's opposition to the integration of politics and morality might be justified. However, Novak's democratic capitalism leaves out a natural law-based understanding of morality, and thus problematically isolates politics from a full understanding of human goods besides the freedom of conscience. Novak's democratic capitalism rests upon individual conscience and practical processes rather than upon the foundation of natural law. Using John Finnis' framework of natural law, I will show how New Natural Law provides better first principles of society than Novak's freedom of conscience; in addition, I will show how New Natural Law can account for a proper pluralism and address Novak's concern about absolutism. Before I can make that argument, however, we first need to understand how Finnis' New Natural Law differs from Thomistic or teleological natural law.

Integration of Politics and Morality in New Natural Law

While articulations of the natural law can be found throughout history (such as in Cicero's *Laws* or Sophocles' *Antigone*), the basic principle is

always "do good and avoid evil."[22] Until the advent of New Natural Law, Thomistic or teleological natural law was the most common interpretation of natural law. Teleological natural law argues that from nature man can discern certain moral principles. For example, we can know that murder is wrong because a principle of man's nature is to be self-preserving. Rather than drawing moral principles from man's nature, Finnis' natural law argues that we can intuit moral principles from core human goods which are themselves inherent reasons for action.

Finnis says that "there are human goods that can be secured only through the institutions of human law, and requirements of practical reasonableness that only those institutions can satisfy."[23] Thus, from the beginning of his work, Finnis' theory integrates human goods with the sphere of politics (which includes the institutions of human law); Finnis argues that natural law justifies both moral action and the exercise of authority in political action.[24] According to Finnis, natural law is not an abstract, metaphysical system but is both a set of principles and a set of requirements which distinguish moral from immoral ways of acting.[25] According to Finnis, these practical principles of natural law "indicate the basic forms of human flourishing as goods to be pursued and realized and which are in one way or another used by everyone who considers what to do, however unsound his conclusion."[26] For Finnis, human flourishing consists in a set of goods which intrinsically provide reasons for acting in pursuit of those goods. The principles of natural law are not deduced from the world; they are baked into our experience of the world.

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[22] Aquinas, *Summa Theologica,* 2.94.2, https://www.newadvent.org/summa/.
[23] John Finnis, *Natural Law and Natural Rights* (New York, NY: Oxford University Press, 2011), 3.
[24] John Finnis, *Natural Law and Natural Rights*, 23.
[25] John Finnis, *Natural Law and Natural Rights*, 23.
[26] John Finnis, *Natural Law and Natural Rights*, 23.

According to Finnis, the basic goods provide reason for action. One can understand what Finnis means by the basic good through examining a particular basic good, such as knowledge. Finnis notes that our experience of the world is often filled with questions (such as how does this bicycle work? What are the conditions for a free society? Et cetera) which presumes the attitude that, "*It would be good to find out.*"[27] In other words, our pursuit of knowledge contains the recognition that acting for the sake of knowledge makes sense, while "Ignorance and muddle are to be avoided."[28] As Finnis notes, if someone stated "I did *x* out of curiosity" then we would find their answer (at least based on the context of the action) perfectly reasonable whereas the answer "I did *x* out of cruelty" requires some further explanation.[29] Put concisely, our inclinations (I would like to know how bicycles work) reveal a grasp of value (knowledge is a thing that is good in itself) which contain certain practical principles (knowledge is good to pursue and ignorance ought to be avoided).[30]

Thus, there is a necessary relationship between goodness and intelligibility. According to Finnis, there are seven basic goods, meaning that there are seven forms of human flourishing which provide reasons for action: life, knowledge, play, aesthetic experience, friendship, religion, and practical reasonableness.[31]

While this paper cannot address every basic good in depth, each upon examination properly fulfills the three attributes of a basic good. The first attribute is that every good "is equally and self-evidently a form of good," meaning that each basic good provides reasons for action. The

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[27] John Finnis, *Natural Law and Natural Rights*, 60-61.
[28] John Finnis, *Natural Law and Natural Rights*, 61.
[29] John Finnis, *Natural Law and Natural Rights*, 91.
[30] John Finnis, *Natural Law and Natural Rights*, 60-63.
[31] John Finnis, *Natural Law and Natural Rights*, 155.

second is that "none can be analytically reduced to being merely an aspect of any of the others." Life cannot be reduced to knowledge; play cannot be reduced to friendship. Finally, all the goods are incommensurable, which means that "there is no objective hierarchy amongst them."[32]

According to Finnis, we never really pursue just one of the basic goods, but through practical reason—through examining our own context, responsibilities, and commitments—we discern the proper ordering of the goods. Pursuing play, knowledge, and friendship are equally intelligible ways of seeking happiness in the world. The exact ordering of the goods is discerned (and re-discerned) by the particular person in his particular life. Thus, while one may arrange the basic goods according to one's personal discernment, one should never directly damage a basic good, because such an act goes against reason.[33] Finnis articulates an understanding of freedom and pluralism which are similar to Novak's, but with one crucial difference: in Finnis' understanding, freedom springs from intrinsic forms of human flourishing and entails certain constraints.

If natural law consists in a set of basic goods or forms of human flourishing which provide reasons for action, what is the relationship between politics and the basic goods? According to Finnis, the point or purpose of political communities is "the securing of a whole ensemble of material and other conditions that tend to favor the realization, by each individual in the community, of his or her personal development."[34] Development is not a vague term because it is centered upon the basic goods, the inexhaustible yet concrete ways of flourishing in society. By implication, Finnis' political society can

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[32] John Finnis, *Natural Law and Natural Rights*, 92.
[33] John Finnis, *Natural Law and Natural Rights*, 118-119.
[34] John Finnis, *Natural Law and Natural Rights*, 154.

prohibit those actions which directly damage a basic good, such as drugs (which damage life) or pornography (which damages friendship and aesthetic experience). The purpose of the political sphere is establishing justice which requires that "one must seek to realize and respect human goods not merely in oneself and for one's own sake but also in common, in community."[35] In other words, Finnis' idea of political freedom is communal, not the lonely individual freedom which Novak propounds.

Thus, Finnis' articulation of natural law and the basic goods provides a suitable corrective to Novak's democratic capitalism. While Novak sees an integration of morality with politics as potentially at odds with the freedom of conscience, Finnis' New Natural Law reveals that freedom and the first principles of morality, properly understood, support each other, and thus can be a foundation for the rule of law within politics. For Finnis, basic forms of human flourishing, not a Novakian pluralism which defends the freedom of conscience alone, are at the core of society. Moreover, these basic forms of human flourishing allow for wide personal freedom and diversity, while also generating moral norms that provide the conditions for freedom. Finnis' seven basic goods support a proper pluralism, one which is tied to a concrete vision of human flourishing and which does not carry the vagueness of "transcendence." Moreover, Finnis' natural law provides a "sacred canopy" insofar as the basic goods direct one towards a sense of what is real, right and true. A "sacred canopy" of New Natural Law is not founded on a particular, explicit creed or religion but upon reason and human experience. Finnis' articulation of politics is integrated with an understanding of human flourishing and offers, in the end, a more stable and sustainable foundation for ordered liberty and the freedom of conscience.

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[35] John Finnis, *Natural Law and Natural Rights*, 161.