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## Social Justice: Not What You Think It Is

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**Abstract:** *For its proponents, “social justice” is usually undefined. Originally a Catholic term, first used about 1840 for a new kind of virtue (or habit) necessary for post-agrarian societies, the term has been bent by secular “progressive” thinkers to mean uniform state distribution of society’s advantages and disadvantages. Social justice is really the capacity to organize with others to accomplish ends that benefit the whole community. If people are to live free of state control, they must possess this new virtue of cooperation and association. This is one of the great skills of Americans and, ultimately, the best defense against statism.*

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Let us begin by asking what most people think social justice is. After that, let us review how the term arose. It is a Catholic concept, later taken over by secular progressives. What social justice actually is turns out to be very different from the way the term is now used popularly.

### **When the Academics Take Over: Five Common Usages of Social Justice**

**Distribution.** Most people’s sense of social justice is generic, amounting to nothing more than what we find in the dictionary under “social justice”: “The distribution of advantages and disadvantages in society.” Now, notice that the dictionary definition introduces a new key term, “distribution.” Alas, the original notion of social justice had very little to do with distribution. Worse, this newly added term suggests that some extra-human force, “the visible hand,” does the distribution: that is, some very powerful human agency, usually the state.

### **Talking Points**

- For many, social justice has come to imply a uniform state distribution of all advantages and disadvantages in society, but that is a false meaning.
- Social justice is the capacity to organize with others to accomplish certain ends for the good of the whole community. The sense of social justice as a virtue, or habit, is important in building free societies; in fact, freedom and democracy without basic virtues will not work.
- One of the habits, or virtues, that we need to foster today is the cooperative spirit of association in our communities.
- The ability to build associations that volunteer to take responsibility for the different needs of life is one of the great skills of Americans. It is also the best defense against statism or socialism.

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**Equality.** Furthermore, the expression “advantages and disadvantages” supposes there is a norm of equality by which to measure disadvantages. Consider this professorial definition:

Although it is difficult to agree on the precise meaning of “social justice” I take that to most of us it implies, among other things, equality of the burdens, the advantages, and the opportunities of citizenship. Indeed, I take that social justice is intimately related to the concept of equality, and that the violation of it is intimately related to the concept of inequality.<sup>1</sup>

This definition expresses a whole ideology: that equality is good and ought to be enforced. And note what has happened to the word “equality.” In English, equality usually suggests fairness, equity, or the equitable; but what is equitable is often *not* to give people the same portions, but rather to give what is *proportionate* to the efforts of each.

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In European languages, most thinkers followed the model of the French term *égalité*. *Égalité* means the “equals sign,” *égal*. “This” on one side is *equal* to “that” on the other side. *Égalité* is a quite different notion from the English “equitable.” This French/Continental usage is captured in the *American Sociological Review*:

As I see it, social justice requires resource equity, fairness, and respect for diversity, as well as the eradication of existing forms of social oppression. Social justice entails a “redistribution” of resources from those who have “unjustly” gained them to those who justly deserve them, and it also means creating and “ensuring” the processes of truly democratic participation in decision-making.... It seems clear that only a “decisive” redistribution of resources and decision-

making power can “ensure” social justice and authentic democracy.<sup>2</sup>

In brief, shifting to the French *égalité* changes the entire meaning of equality from equity or fairness to arithmetical uniformity.

This is really a dreadful change, because where people take equality very seriously, they soon insist on uniformity. In the Inca society under Spanish rule, the first utopia was attempted. People were assigned by social class certain colors of robes to wear, and regimented hours were established for everything that was to be done throughout the day—even lovemaking hours, with great emphasis on bringing forth more children.<sup>3</sup> If you are going to make everybody equal, you really have to make uniform crucial items of daily life.

**Common Good.** Social justice is typically associated with some notion of the common good. “Common good” is a wonderful term that goes back to Aristotle, but in practice, it often hinges on a key question: namely, *who decides* what is the common good? In ancient societies, often the wisest and strongest person was the ruler, and it was he who made the important decisions, such as where we will camp tonight or near which source of water we shall build our village. The person with the greatest strategic and tactical sense of what is safe and the greatest ecological sense of where there will be good community life would make these decisions.

In contemporary times, beginning a century or two ago, that responsibility gradually shifted to the bureaucratic state. Decisions became too numerous for the ruler himself to make, and they became delegated to a variety of organizations. Further, such decisions came to be decided by many people at once. No longer is there one clear person to be held responsible and accountable for these decisions. Quickly, the beautiful notion of the common good gets ensnared in red tape.

A central misuse of the term “common good” became clear to me for the first time when, at the

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1. G. J. Papageorgiou, “Social Values and Social Justice,” *Economic Geography*, Vol. 56, No. 2 (April 1980), pp. 110–119.
  2. Joe R. Feagin, “Social Justice and Sociology: Agendas for the Twenty-First Century: Presidential Address,” *American Sociological Review*, Vol. 66, No. 1 (February 2001), pp. 1–20.
  3. Cf. Igor Shafarevich, *The Socialist Phenomenon*, trans. William Tjalsma (New York: Harper & Row, 1980).

Human Rights Commission in Bern, I was prodding the Soviet delegation to recognize the right of married couples, one of whose partners was from one nation, the other from another, to share residence in whichever nation they chose. The Soviets staunchly resisted—in the name of the common good. The Soviet Union, they insisted, had invested great sums of money and much effort in giving an education to each Soviet citizen. The common good, they said, demands that these citizens now make comparable contributions in return. Therefore, the Soviet partner could not leave. Individual desires must bow to the common good of all.

In this way, the common good becomes an excuse for total state control. That was the excuse on which totalitarianism was built. You can achieve the common good better if there is a total authority, and you must then limit the desires and wishfulness of individuals.

As a result, there are many occasions when one must argue for individual rights against the argument of the common good. Most people speak of “common good” when they mean something noble and shiny and good, something motherly. But who decides what the common good is, and who enforces the common good? These are fundamental questions.

**The Progressive Agenda.** The progressive agenda begins with lack of faith in the new discoveries and the new vitalities introduced by what would soon become known as capitalism. Beginning in about 1600, European societies began experiencing a turbulent, dramatic shift from agrarian society to crowded commercial towns.

The first craftsmen of Italy and France and Germany set up their workshops in towns and small cities, which kept growing. They didn’t live on the farms or make their living from the land. They made their living from their wit, from their crafts, from their skills, and they usually had to work together. They were known as town-dwellers, those who live in towns, and they became the first bourgeoisie.

If you were told, “You have such bourgeois taste,” you may have been uncertain what that meant, but you knew it wasn’t meant as a compliment. But if you think about it, the people of best taste in the world have been the bourgeoisie. Who makes the best wines, the best cheeses, the best lace and milli-

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nery? Who makes the best cutlery or fashions the best wooden tables? All the beautiful things of Europe have been made by the bourgeoisie.

In their little ateliers, even the painters had their schools, their little factories for paintings, if you wish, in which apprentices would fill in the background work, which the master would finish. Thus, painters in the 19th century—in fact, from the 16th century on—often created in workshops, not one person alone, and they congregated in cities, because that is where they would have to come to learn these skills, and that is where the market for portraits was.

From Horace and Virgil on, there were those who didn’t like the world created by the bourgeoisie. Such poets of pastoral life preferred to think that farming and fishing are what God gave us to do. But the middlemen, who buy their fish and transport them and sell them, “buy cheap and sell dear” in a way that’s unfair. For centuries, there has been a widespread attack on the bourgeoisie and the unfairness and inequity of a commercial system.

There began to be developed a progressive agenda, first around labor. As you increase the numbers and the range of these little workshops and they hire more than 10—maybe 50—workers, the factory system began to grow. Now, for the first time, you were cutting off from their farms working people who used to be farmers, so they no longer grew their own food. They worked in the factory. Neither in the country nor in the factories did they work only eight-hour days. Nobody worked in the fields for only eight hours; they worked from sunup until sunset, and they did the same in the cities and in the factories too.

The problem is that workers were now entirely dependent on their wages. It used to be that those who had a roof over their heads and enough to eat weren’t poor. When the Bible says, “The poor ye shall always have with you,” it suggests that’s a rather good, normal condition. If you have a roof over your head and enough food, you’re living the good life. But in the new towns and cities where workers

became wage-dependent, some writers now spoke of “wage slavery.” Workers became so dependent on their employers that they lost their rural independence. They lost the solidity of their old way of life.

In this context, the progressive agenda was to “right” some of these wrongs. It meant being on the side of labor, the proletariat, as Marx put it. “Proletariat” is a word invented to mean people who work in factories, something that they thought hadn’t existed before.

However, in 15th-century Venice there was a huge factory for making cannon, the best cannon in the world. In Spain, there were other factories making cannon; some people thought the Spanish cannon superior. Some scholars even argue that during the 500-year sea war between the Muslims and the Christians, the Venetian and Spanish cannons tipped the balance until even the Muslims conceded

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***Modern revolutions are almost all fought in the name of the poor. What actually happens to the poor under revolutionary systems is a different question entirely.***

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the point and began to bribe engineers and others, pay them very well, and brought them to Byzantium, Turkey, to open operations there. There were already factories in earlier ages—and incidentally, contrary to Max Weber, these most often grew up in Catholic countries first.

Not to take on too many themes at once, I want to point out that if you read the definitions of social justice that appear in more recent writings, they go on to include one of the main elements of the new progressive agenda, “reproductive rights.” As one group puts it:

The privileged in this world, for the most part, have unfettered access to the reproductive health and education services to decide for themselves when and whether to bear or raise a child. The poor and disadvantaged do not. Thus, the struggle for reproductive justice is

inextricably bound up with the effort to secure a more just society.

Accordingly, those who would labor to achieve economic and social justice are called upon to join in the effort to achieve reproductive justice and, thereby, help realize the sacred vision of a truly just society for all.<sup>4</sup>

The privileged of this world have a chance to control births and control the number of children they have, but the poor don’t have this, and that’s not fair. So, in the name of the poor, progressives introduced a concept of reproductive rights, by which they primarily meant abortion.

It’s not so hard to get birth control all around the world; that’s by and large happened. What the issue really comes down to is abortion, and abortion is now promoted under the rubric of social justice. How can you be for social justice and against reproductive rights? The situation is the same in the case of gay rights. Consider the following:

How can the [Anglican] Church be taken seriously or receive any respect for its views on the far more important issues of poverty, violence and social justice when the public keep being reminded of this blot on its integrity, the continued discrimination against gays?<sup>5</sup>

**Compassion.** All these concerns fly increasingly under the flag of social justice. One more to note: There used to be a Tammany Hall saying: “Th’ fella’ w’at said that patriotism is the last refuge of scoundrels, underestimated th’ possibilities of compassion.” In addition to “equality” and the “common good,” the third term that came to be used in association with social justice was “compassion.”

The most extraordinary thing since about 1832 is that everything is done in the name of the poor. Modern revolutions are almost all fought in the name of the poor. (Not in the United States, but in the rest of the world.) What actually happens to the poor under revolutionary systems is a different question entirely.

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4. Quoted in Randy Sly, “A Catholic College and Abortion Advocates: Here We Go Again,” Catholic Online, May 22, 2009, at <http://www.catholic.org/collegiate/story.php?id=33617>.
  5. “Gay Minister Claims Discrimination,” *Waikato Times* (New Zealand), June 27, 2008, at <http://www.stuff.co.nz/waikato-times/news/509074/Gay-minister-claims-discrimination>.



The Tammany Hall saying wittily calls attention to the fact that more sins have been committed in the name of compassion in the last 150 years—by the Nazis, by the Communists, and by the African and Asian despots who justify their regimes as “socialist”—than by any other force in history. We must not allow that beautiful term “compassion” to blind us. There are true forms and false forms.

In an entirely different order of magnitude, why did the progressive term “compassion” during the “War on Poverty,” which began in 1964, so destroy families? Half of the pregnancies in Washington, D.C., end in abortion—almost. And then, of those who are born, 70 percent are born outside of wedlock. It’s the largest-scale abandonment of women by men in human history, what’s happening all through this country. And not only in urban areas: It’s happening out in Iowa and all across the country. Charles Murray had a famous article on out-of-wedlock births in Ohio.<sup>6</sup> And such births are now multiplying in the developed countries; they are appearing more in Italy and France and Germany and Great Britain.

This chain of events was unleashed in the name of a war against poverty, a war to reduce crime, a war to help the family. But if you look at what actually happened, that war on poverty has not been an unmixed blessing.

It worked very well for the elderly. The condition of the elderly in the United States since 1965, let’s say, is far better. In fact, if anything, the elderly get too much, and now we’re having great problems with the commitments we made for Medicare and even our inability to keep funding the promised Social Security. The premise of Social Security arrangements was that there would be seven workers paying into the system for every benefit receiver. Today, however, we are no longer having the required numbers of children. We’re getting to the point where there are about two workers for every retiree.

It is therefore already clear that we are not going to be able to meet the obligations that we have assumed. That sword of Damocles hangs by an even more frayed thread in Europe. There is going to be a great crisis of social democracy in the next 10 years.

This is a fairly broad search into what people mean by social justice today. Let me add, though, one more anecdote. I recently read the obituary of a Franciscan sister, I think it was, in Delaware who had worked as a missionary in different countries. The author described her as being especially committed to “social justice work.” She helped feed the hungry, tend to the young, care for the ill. She labored for the neediest. In this usage, “social justice” seems rather like a synonym for “followed the Beatitudes.”

### What Did Social Justice Mean Originally?

**Taparelli—Modern Problems Call for a New Virtue.** Now I would like to consider the way the term “social justice” originally emerged in modern history. Where did it come from?

The first known usage of the term is by an Italian priest, Luigi Taparelli D’Azeglio, who wrote a book about the need for recovering the ancient virtue of what had been called “general justice” in Aristotle and Thomas Aquinas, but in a new contemporary form.<sup>7</sup> He gave it the term “social justice.” The term was given prominence by Antonio Rosmini-Serbati in *La Costituzione Secondo la Giustizia Sociale* in 1848.<sup>8</sup>

Taparelli wasn’t clear what he was looking for, but he was clear about the problems, some of which I’ve outlined to you: the movement away from the country to the cities, moving away from the family food supply, becoming wage-dependent, family members going to work in different locations. The strain on the family was enormous.

**Leo XIII, *Rerum Novarum* (1891)—The Evil of Equality.** In 1891, Pope Leo XIII became the first of the modern Popes to really use encyclicals (an encyclical means a letter to the whole world) as means of communication, because now there were thriving societies in North and South America that a century earlier had been by comparison rather primitive, and Christianity was mostly in Europe, plus a few missionaries scattered elsewhere. By 1890, that was increasingly not the case; there were more and more organized dioceses and parishes all around the world. So an encyclical was a letter to communicate with all of them.

6. Charles Murray, “Here’s the Bad News on the Underclass,” *The Wall Street Journal*, March 8, 1990.

Leo XIII entitled one of his encyclicals *Rerum Novarum*, the new things, the new times. What he meant were the things I've just described, the moving from the farms and the strain on families.

What is a Pope doing writing about economic and social matters? That's not a Pope's province, except that the cradle of Catholicism—of Christianity more generally—has always been the family. That's where children first learn by the look in their mother's eyes when she holds them for the first time and in the warmth of being held—that's where children first learn the meaning of unconditional love and concern for someone beyond self. Then that understanding is nourished in various ways in the family, and this is how Christian faith is first practiced.

The crisis of the family already in 1890 was something the Pope knew needed to be addressed. He wanted to call attention to the fact that societies were now being organized on an entirely different principle than in the whole preceding history of Christianity. Earlier, almost all Christians had been farmers or associated with farming. If you read the New Testament, you'll see that quite vividly; the

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good shepherd, the sower of the seed, almost all of the parables are agrarian in background.

But more and more people were not living agrarian lives, and what does Christianity mean for that? That's what Pope Leo XIII started to address.

I do want to read one stunning passage from *Rerum Novarum*, paragraph 26. The threat the Pope sees is socialism, the theory of giving the state total power. He doesn't use the term “totalitarian.” Very early in his encyclical, he writes first about “civil society.” For Leo, “civil society” is a good term; “civil” comes from the Latin for the town, the city, the citizen. It gains its force from the experience of the medieval towns, centers of safety, commerce, craftsmanship, and prosperity—the highest prosperity and the greatest freedom.

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7. See Luigi Taparelli D'Azeglio, S.J., *Theoretical Treatise on Natural Right Based on Fact* (1840–1843). Friedrich Hayek notes expressly that the Roman Catholic Church especially has made the aim of “[s]ocial justice” part of the official doctrine, while “the ministers of most Christian denominations appear to vie with each other with such offers of more mundane aims.” Friedrich Hayek, *Law, Legislation and Liberty, Vol. 2: The Mirage of Social Justice* (London: Routledge & Keegan Paul, 1976), p. 66. Pope Pius XI incorporated “social justice” into official Church doctrine in his encyclical *Quadragesimo Anno*. Oswald Nell-Breuning, S.J., who wrote a major part of this papal document, published a line-by-line commentary, *The Reorganization of Social Economy* (Milwaukee, 1939), which treats social justice as both a virtue and a regulative principle. In the subsequent debate, no one generally accepted definition has emerged. The index of the famous post-Vatican II Encyclopedia *Sacramentum Mundi* lists only one reference, a single paragraph alluding to the concept, but no specific entry (Vol. IV, p. 204). Rodger Charles, S.J., in *The Christian Social Conscience*, does not even mention the term, but relies on the classical distinctions among commutative, distributive, and legal justice. Rodger Charles, S.J., *The Christian Social Conscience* (Hales Corners: Clergy Book Services, 1970), p. 25. Johannes Messner, in his magisterial 1,000-page *Social Ethics* (St. Louis: Herder Books, 1965), treats the concept only on pp. 320–321. His understanding, however, is not an example of clarity: “social justice” refers especially to the economic and social welfare of ‘society,’ in the sense of the economically cooperating community of the state.” Fathers Yves Calvez, S.J. and Jacques Perrin, S.J., in *The Church and Social Justice: Social Teaching of the Popes from Leo XIII to Pius XII*, conclude that “social justice is general justice applied to the economic as distinct from the political society.” Fathers Yves Calvez, S.J., and Jacques Perrin, S.J., *The Church and Social Justice: Social Teaching of the Popes from Leo XIII to Pius XII*, trans. J. R. Kirwan (London: Burns and Oates, 1961), p. 153. Cardinal Höffner, *Christian Social Teaching* (Ordo Socialis, 1983), p. 71, also adopts the position that social justice is legal justice. He suggests calling it “common good justice, a virtue that is exercised only by the state, territorial authorities, professional classes and the Church.” Father Ernest Fortin drily summarized the confusion surrounding the term: “As nearly as I can make out, social justice, in contradistinction to either legal or distributive justice, does not refer to any special dispositions of the soul and hence cannot properly be regarded as a virtue. Its subject is not the individual human being but a mysterious “X” named society, which is said to be unintentionally responsible for the condition of its members and in particular for the lot of the poor among them” Father Ernest Fortin, “Natural Law and Social Justice,” *American Journal of Jurisprudence*, Vol. 30 (1985), pp. 14–15.
8. Hayek, *Law, Legislation and Liberty, Vol. 2: The Mirage of Social Justice*, p. 176.

Max Weber even wrote: “City air breathes free.” When you come to the towns, you’re free. That’s where the universities were; that’s where the new commerce was; and that’s where people came from far and near to examine the goods that came from many regions and to set up trading arrangements.

Here is Leo XIII’s attack on the very ideal of equality as a social ideal:

Therefore, let it be laid down in the first place that in civil society, the lowest cannot be made equal with the highest. Socialists, of course, agitate the contrary, but all struggling against nature is in vain. There are truly very great and very many natural differences among men. Neither the talents nor the skill nor the health nor the capacities of all are the same, and unequal fortune follows of itself upon necessary inequality in respect to these endowments.

These words are in one of the older translations of the encyclical. Here is the more modern translation on the Vatican Web site:

It must be first of all recognized that the condition of things inherent in human affairs must be borne with, for it is impossible to reduce civil society to one dead level. Socialists may in that intent do their utmost, but all striving against nature is in vain. There naturally exist among mankind manifold differences of the most important kind; people differ in capacity, skill, health, strength; and unequal fortune is a necessary result of unequal condition.<sup>9</sup>

It’s really a rather simple observation, and I would love to linger on this, but I dare not. He goes on:

Such inequality is far from being disadvantageous either to individuals or to the community. Social and public life can only be maintained by means of various kinds of capacity for business and the playing of many parts; and each man, as a rule, chooses the part which suits his own peculiar domestic condition.<sup>10</sup>

The fact that we’re unequal is a benefit, “for to carry on its affairs, community life requires varied

aptitudes and diverse services. And to perform these diverse services, men are impelled most by differences in individual property holdings.”<sup>11</sup> This becomes his defense of the crucial role of the ownership of private property for incarnate beings like ourselves. If we were angels, we wouldn’t need property. But if a human being is going to be free, he has to own his own stuff; he has to have a place to which he can repair that somebody can’t take away from him.

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**“There naturally exist among mankind manifold differences of the most important kind; people differ in capacity, skill, health, strength; and unequal fortune is a necessary result of unequal condition.”**  
**—Pope Leo XIII**

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Thus, Leo XIII did not mean by “social justice” equality. On the contrary, Leo held that it’s good that there’s an unequal society. Some people are fitted for different kinds of work, and it’s wonderful to be able to find the work that fits your talents. This had been an argument that the founders of the United States used to justify a commercial system: that it provided more opportunities for a wider range of skills than farming life did, so it allowed a much larger range of talents to mature and to develop as people found different niches for themselves.

Some people are great as blacksmiths but not as other things. All glory to them for being good blacksmiths. I enjoy very much good waiters and good waitresses in restaurants. There are some who do it as a career—this happens more in Europe than here—but they do it so well that they always give you a very pleasant hour or so. Theirs is not exactly a job I would want for myself, but if that’s their job and they do it well, it’s a wonderful, wonderful thing.

So *Rerum Novarum* addresses the evil of equality. Equality is against nature and against the whole range of human gifts. Human gifts make us necessarily unequal in some sense.

9. Leo XIII, *Rerum Novarum*, n. 26.

10. *Ibid.*

11. *Ibid.*

Naturally, God is not impressed by the talents of any human being. No matter how great anybody's talents are, they don't come anywhere close to God, who created all beauty and all power and all energy and all ability. In that sense, in the eyes of God, we're all equal. Relative to God, the differences between us aren't important in the way God sees us. But in terms of looking at each of us realistically in our social roles, we are very different, and that's what makes society work. Not everybody has to be slotted to be a cog in a machine.

Nothing demonstrates this diversity in individuals better than the difference between raising children and training animals. It's easier to bring up cats than children. My two daughters each brought home a stray kitten that they promised to take care of; we parents would never have to take care of them. Then they graduated from high school; they went away to college; they left home; we inherited the damn cats.

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***If you don't want the state to run everything, you're going to need people who are able to cooperate and associate among themselves, to solve problems on their own level by themselves.***

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We didn't know how to train them very well at first, so they developed very bad habits. A black and white one, a yellow one: two totally different cats. You can't say they didn't have different personalities. Pepé Le Pew was quick and witty, and Le Beau (le Duc d'Orange) was slow and fat and dumb. On the other hand, all you had to do was train them, even though we didn't do that so well. Bringing up children, however, you have to prepare them to be free, to be responsible.

All you have to do with cats is discipline their instincts. They'll always do what their instincts demand, so you just have to shape their instincts a bit, and then they do it. But with children, you can't *train* them, because they have more than one set of instincts. One set of their instincts is warring against another, and they themselves have to learn how to balance these warring passions, recognize them, become master of them, learn self-control to become free. That's what freedom is.

Cats today may well behave roughly the same way as they did in the time of the pharaohs, but your own children are each so different from the others. You have no idea what they're going to be when they hit 17 or 18 or 20—or 30 or 40. They go their own ways in religion, in politics, in what they want to do, and the risks they want to run. That's why Pope Leo was so dead set against the idea of equality understood as sameness, but rather wanted to praise the diversity of human gifts and human vocations and human callings.

### **A New Virtue of Association**

What the Pope was reaching for in *Rerum Novarum* was the same thing Taparelli introduced: that there's a need for a new type of Christian with new habits to come into being. He didn't know the name for this new virtue, but he was groping for it.

But if you don't want the state to run everything, what are you going to need? You're going to need people who are able to cooperate and associate among themselves, to solve problems on their own level by themselves. If you want a playground for your children, you've got to cooperate with others in the neighborhood to build it. If you want to keep its equipment up, you've got to cooperate to paint it. If your village well is inefficient, you've got to organize together to dig a deeper one. This is still happening all over the world.

The Pope was reaching for something that would engender the spirit and the practice of association. He came to be known as the "Pope of Association," and he thought this was the greatest inheritance from the Middle Ages, the way that in all towns one group would adopt the bridge and would be responsible for the upkeep of the bridge, and they'd be allowed to collect a toll to pay for the necessary repairs, and others would adopt roads and so forth. Associations took responsibility for the different needs of life in the village and the town.

If you go through Europe today, especially in Italy, you still see this: associations for this and for that. Each member sometimes wears a different-colored ribbon or special flag to identify him as a member of that association.

In the second half of the 19th century, more and more of the laity were sharing a transition such as



my grandparents experienced in the little country of Slovakia in the center of Europe. My grandparents' central civic and Christian duties for centuries had been simple: to pray, pay, and obey. If they did those three things, they were good humans and good Christians.

But when their children moved to America, much different responsibilities were imposed upon them. They were no longer subjects of the Emperor but citizens of a free republic, sovereign in their power. If something was wrong and needed fixing, they were obliged to organize with others to fix it. They organized their own insurance companies to take care of families of men who were hurt in the mill or the mine. They organized their own clubs, and they organized their own recreation; the Slovak Sokol "falcon" is the symbol for athletics. Lots of beer was served, and the men, even the old men, used to show up at the Sokol to play board games. Meanwhile, the young people would train to march, dance, and sing in yearly festivals. The different ethnic groups did this in different ways, but they all did it, the life of association.

So there's a new possibility in the New World. More and more people are getting educated. More and more are living independent of the land. More and more are getting used to a life of association and working with others, and that's precisely what the Pope encouraged. We have no answer for socialism if we don't do that. You can't answer statism unless you have an alternative. The Pope didn't use the term "statism" then, but I think that's a reasonable alternative for what we're facing today, because today the state is the rapidly growing leviathan.

If the state has all the responsibilities, it gains all the power, and how do you stop that? In *Rerum Novarum*, Leo XIII predicted nine different things that would happen under socialism, and they all did if you looked at it after 1989, after the fall of the Wall. I know many people in Central Europe did. Everything he predicted came true, from the drive for equality resulting in the forced uniformity, the killing of creativity and originality, and the breakdown of the whole system. There was practically no invention of new wealth or new products for the world market (except the splendid Kalashnikov). If the Soviets wanted a new technology or a new tool, they had to

steal it, and they became very good at that. But they were always a generation or two behind.

The last point I'll make is that Friedrich Hayek wrote a really powerful little book called *The Mirage of Social Justice*, in which he picked up on the way the term "social justice" was being used in the first half of the 20th century. He said "social justice" had become a synonym for "progressive," and "progressive" in practice means socialist or heading toward socialism. Hayek well understood the Catholic lineage of social justice, how the term had first appeared in Catholic thought, until almost 100 years later it became dominant on the secular Left.

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***Social justice is learning how to form small bands of brothers who are outside the family who, for certain purposes, volunteer to give time and effort to accomplishing something.***

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The Popes, Hayek noted, had described social justice as a *virtue*. Now, a virtue is a habit, a set of skills. Imagine a simple set of skills, such as driving a car. The social habit of association and cooperation for attending to public needs is an important, newly learned habit widely practiced, especially in America. Social justice is learning how to form small bands of brothers who are outside the family who, for certain purposes, volunteer to give time and effort to accomplishing something. If there are a lot of kids who aren't learning how to read, you volunteer for tutoring.

Tocqueville said the most fascinating and insightful thing about America: namely, that wherever in France people turned to l'Etat, and wherever in Britain people turned to the aristocracy, in America people got together and formed associations. They hold bake sales to send missionaries to the Antipodes, to build colleges. They invent a hundred devices to raise money among themselves. That's what a free people do. That's what a democracy is.

The first law of democracy, Tocqueville wrote, is the law of association. If you want to free people, for them not to be swallowed up by the state, you have to develop in them the virtue of cooperation and association. It's not an easy virtue to learn at first, but it soon becomes a vast social phenomenon.

It's not at all uncommon for 30 college students to show up for a presidential campaign in, say, New Hampshire and organize the whole state for their candidate. They've never done that before, but they know how to use a Rolodex, and they can very soon organize an entire state. It's a skill they learned. It's one of the great skills of Americans.

In America, we mostly go to meetings. Parenthood, you discover, is essentially a transportation service. Your kids go to so many meetings in a day that you need a sign on the refrigerator telling you which times everybody is scheduled for what and where they have to be. Americans are good at going to meetings, and that's a tremendous skill to have. You can send a group of Americans in the Peace Corps, even a dozen of them, and they'll figure out what they need to do and organize themselves how to do it. You don't have to write detailed orders from headquarters. Association is a tremendous skill to have, but it's essential for democracy.

And that's what, in a word, social justice is—a virtue, a habit that people internalize and learn, a capacity. It's a capacity that has two sides: first, a capacity to organize with others to accomplish particular ends and, second, ends that are extra-familial. They're for the good of the neighborhood, or the village, or the town, or the state, or the country, or the world. To send money or clothes or to travel to other parts of the world in order to help out—that's what social justice is: the new order of the ages, *Rerum Novarum*.

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***That's what social justice is—a virtue, a habit that people internalize and learn, a capacity. It's a capacity that has two sides: first, a capacity to organize with others to accomplish particular ends and, second, ends that are extra-familial.***

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Finally, it's important to note that this notion of social justice is ideologically neutral. It's as common to people on the Left to organize and form associations, to cooperate in many social projects, as it is to people on the Right. This is not a loaded political definition, but it does avoid the pitfall (on the Left) of thinking that social justice means distribution, *égalité*, the common good only as determined by

state authority, and so forth. It also avoids the pitfall (on the Right) of thinking of the individual as unencumbered, closed-up, self-contained, self-sufficient.

It is, therefore, no accident that the virtue of social justice slumbered for so many centuries until the profound disruption of social conditions and a new set of civil institutions called it to life and new prominence.

## Questions & Answers

**QUESTION:** You mentioned the French form of equality versus the English form, and I was wondering if you could talk about how that impacted the American and French Revolutions, because there are many people that would consider the two to be one and the same, and then many also that would consider them to be quite different.

**MICHAEL NOVAK:** I've given you a hint of how their outcomes are so terribly different. In France, there's quite a lot of shame about the Revolution just in the last 30 years, after *Chambre's* book and other books, the monstrous acts of bloodshed and so forth, recriminations that we were spared. We have a revolution in which, without ambiguity, people still celebrate the Founding Fathers and honor them. That's not true in most places.

Hannah Arendt makes that point in a book called *On Revolution*, and she points out that almost every revolution—200 of them in the last two centuries—has ended up with its founders either assassinated or killed by a later generation or held as objects of shame and torment: Mussolini, Hitler, a lot of them. But not during or after the American Revolution, and so it's very different.

I'm not trying to make it exactly an American point, but the theory of social justice does fit America very well. You only have to compare with what Tocqueville was writing at the same time Taparelli was writing to see the parallels.

**QUESTION:** I was wondering if you could look at the White House program that started under the previous Administration and has continued under the current one and discuss how that program reflects the state and civil society's balance of social justice and whether the state is leveraging certain groups or merely returning certain roles back to civil society. I feel like a large amount of the debate is

currently focusing on hiring practices, which is bringing to the forefront who's in control of social justice in the U.S.

**MICHAEL NOVAK:** There are many ambiguities about faith-based institutions aligned with government, so even some very religious people, and even socially active religious people, were against President George W. Bush's faith-based institutions. I was not; I was in favor of them, for this reason: In the rehabilitation of people from drugs, even from despair and poverty, there were a number of organizations you could witness around the country. You could go there with your own eyes and see.

Bob Woodson here in this city is one of the best at spotting them and calling them to people's attention. He took a bunch of us down to a ramshackle Christian center in San Antonio. They had something like an 80 percent success rate in overcoming recidivism; that is, most rehabilitated criminals go back to crime. It's very high normally because mostly what state institutions do, since they can't touch the internal life, can't touch the soul, is basically warehousing them. They feed them and clothe them like cattle, give them clean quarters and so forth, but there's very little they can do.

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***When people have a conversion of life and learn how to put their lives in order, it has economic effects that are quite beneficial that they didn't even intend, but they do happen.***

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The religious organizations go to their soul and try to bring about a conversion of life, even if you look at it in the secular way, to put their lives in order. Of course, it does have secular fruits; this is the genesis of the idea of the Protestant ethic and its value for economic development. When people have a conversion of life and learn how to put their lives in order, it has economic effects that are quite beneficial that they didn't even intend, but they do happen.

As I understand it, what the new Administration is trying to do is take the faith out of the faith-based institutions. You can't follow the rules of faith in hiring, and you can't say very much about faith. You've got to be wary of the ACLU or others. It's like taking

the heart out of something and keeping the shell. That may be unfair, but that's what some of my friends who have studied this more closely judge.

**QUESTION:** I think the examples you raised of reproductive rights and gay rights showed that the language of rights raises its own set of problems. How is it that, in a pluralistic society, we can come to a shared and rigorous conception of what is a right and what is not? What's the third option, and what sources do we use to move there?

**MICHAEL NOVAK:** My own solution is to stick to the ones that were written into the Constitution and understand those by strict construction. They have been enormously potent in human history.

And let's avoid manufacturing rights. Just because those original rights work because they are founded on something internal to human persons and internal habits is no reason to trade on their success by calling everything you want a right. I think there are many false rights.

I, for the life of me, can't understand in any Lockean sense how abortion can be described as a right. What the social contract means, according to Locke, is that people give up their ability to use violence against another human being and let the state judge these things. Let the state handle conflict rather than private vendettas. By that ruling, abortions were not only deeply frowned upon; they were the lowest form of moral practice you could have. The worst thing to call anybody was an abortionist for most of American history. You do have to overthrow Locke to call that a right.

**QUESTION:** Given the very little that we know about Sonia Sotomayor, do you believe that she subscribes to the old view of social justice or this new liberal view of social justice?

**MICHAEL NOVAK:** That's a very good question. Somebody should ask it of her. I don't know the answer to that question, but let me give you my guess. I'm not so upset about that sentence of hers about a wise Latina. That's what she was taught in law school, even as an undergraduate. It's as if we should call what we now call universities "diversities."

Some people attribute the rise of the term "diversity" to a book of mine in 1971 called *The Rise of the*

*Unmeltable Ethnics*, in which I gave a very detailed theory of American diversity. But I by no means meant the kind of monster that has grown out of it. Claire Boothe Luce used to say, “No good deed goes unpunished,” and you find it true of ideas too. No good idea goes unabused.

I don’t think she means it to be racist. I think, on examination, that she doesn’t mean it at all, but she says it because she knew it would please the audiences she was with. It’s the way they talk, and there’s this mythology, which has been all through American history, of the wise person of color. Jim and Huckleberry Finn are the noble savages. It’s Rousseau’s idea that civilization corrupts and that, as we come from the hand of nature, we’re noble. There’s a little bit of that in the air, and I can see how she’d take a certain satisfaction out of it.

But I have a hunch she’s a lot more conservative than she’s being credited for being. I heard a lawyer, a conservative lawyer, defense attorney, who has argued over 30 cases before her in her different capacities as judge, say she is tough. She’s a defense attorney’s nightmare. She’s very tough on criminals and defense attorneys. He said that usually she’s described as a liberal, but usually you look for liberal judges. With Sotomayor, you’re going to be very disappointed on that front.

**QUESTION:** Your description of social justice is based on voluntary cooperation and the model of Tocqueville and Burke, which relies on a certain understanding of citizens inculcating certain virtues into their lives. They have to be taught to be free, and we have to practice these virtues in daily life. What happens when you have a society in which the very freedom that they’ve been granted in their model of social justice starts to eat away at those virtues?

What I’m thinking of is a fairly recent article in the *Weekly Standard* on how Ireland, which used to be a very strongly Catholic country, has begun to wither away from within, and it’s been at the same time that their marketplace has taken off. The article describes how, with the financial crisis, they have a weak economy and don’t have the religious basis that used to be undergirding their society.

What kind of social justice model is going to work for them? Is there a way to recover the one that you’ve described?

**MICHAEL NOVAK:** Ireland became one of the economic tigers long before their sexual crisis and the emptying out of the seminaries and the convents. In fact, I attributed it, against the grain of many commentators in Ireland who interviewed me, to the fact that so many Irish citizens were trained in parochial schools. They really learned how to read and write and add and subtract, and they had great penmanship that only nuns can teach you. So I thought they really had all these habits.

I would be surprised if the increasing secularization of Irish society doesn’t bring about a decay of many of those virtues. There will be more unformed families, more and more births out of wedlock. Whatever we think morally about it, what happens in real life is, young men who grow up without a father particularly have no one to discipline them, no one to tell them you can’t behave like that, or no one to support them when they go out for a job interview. There’s nobody to tutor them in the way you have to become a male, and there’s a certain anger that grows up.

I can’t swear for Ireland, but that is growing up over in Europe wherever the welfare state is. Let me say that under Communism, too, there was a tremendous decay of these basic virtues; in fact, the Communists’ effort was to heap manure, garbage, on all the old bourgeois virtues and Christian virtues, and Jewish virtues for that matter. They have the same root.

So when people came out from that and started trying to form free societies, they didn’t have all the proper habits. The last 20 or 30 years has been a process of learning what habits you need to have. It’s not enough to say freedom and democracy. You get them, then what? People have to change the way they live. I think that this sense of social justice as a virtue is very useful to them, very important in building free societies from the ground up.

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