

Dear . . . ,

Thanks for the link. Maybe you'll find the following comment useful.

Given that the state emerged only in the fifteenth century and that political thought in the West before that time was concerned with kingdoms, other principalities, and patrician city governments—i.e., with non-statist systems of rule—it is anachronistic to look for pro-state arguments in early, pre-modern Christian sources.

Here are just a few relevant quotations from Thomas Aquinas and the old Catholic encyclopaedia (1907-1914) on princes, violence, coercion, justice, rights, and taxation.

Thomas Aquinas (Summa IIaIIae, Q. 66, art.8): *Princes as guardians of justice.*

"As regards princes, the public power is entrusted to them that they may be the guardians of justice: hence it is unlawful for them to use violence or coercion, save within the bounds of justice--either by fighting against the enemy, or against the citizens, by punishing evil-doers: and whatever is taken by violence of this kind is not the spoils of robbery, since it is not contrary to justice. On the other hand to take other people's property violently and against justice, in the exercise of public authority, is to act unlawfully and to be guilty of robbery; and whoever does so is bound to restitution."

Thomas Aquinas (Summa IIaIIae, Q.66, art2): *Property.*

"Two things are competent to man in respect of exterior things. One is the power to procure and dispense them, and in this regard, it is lawful for man to possess property. Moreover, this is necessary to human life for three reasons. First because every man is more careful to procure what is for himself alone than that which is common to many or to all: since each one would shirk the labor and leave to another that which concerns the community, as happens where there is a great number of servants. Secondly, because human affairs are conducted in more orderly fashion if each man is charged with taking care of some particular thing himself, whereas there would be confusion if everyone had to look after any one thing indeterminately. Thirdly, because a more peaceful state is ensured to man if each one is contented with his own. Hence, it is to be observed that quarrels arise more frequently where there is no division of the things possessed.

"The second thing that is competent to man with regard to external things is their use. On this respect man ought to possess external things, not as his own, but as common, so that, to wit, he is ready to communicate them to others in their need. Hence the Apostle says (1 Timothy 6:17-18): "Charge the rich of this world . . . to give easily, to communicate to others," etc.

[On the one hand, "It is *necessary* and *lawful* for man to possess property": this concerns the status in natural law of private property. On the other hand, "One *ought* to be ready to *give* to others in their need": this concerns the virtue of man as a property holder; it is not a legal condition of ownership.]

Thomas Aquinas (Summa IIaIIae, Q.58, art11): *Justice as a cardinal virtue.*

"Therefore, the proper act of justice is nothing else than to render to each one his own.

Since justice is a cardinal virtue, other secondary virtues, such as mercy, liberality and the like are connected with it, as we shall state further on (Q. 80, Art. 1). Wherefore to succor the needy, which belongs to mercy or pity, and to be liberally beneficent, which pertains to liberality, are by a kind of reduction ascribed to justice as to their principal virtue."

[Justice, as a cardinal virtue, is not the exclusive prerogative of rulers; and the secondary virtues that are "connected with justice" provide no excuse for injustice, even for rulers.]

Catholic Encyclopaedia: *Justice*

"[Man] is in duty bound to strive to fulfil the designs of his Creator, he must exercise his faculties and conduct his life according to the intentions of his Lord and Master. Because he is under these obligations he is consequently invested with rights, God-given and primordial, antecedent to the State and independent of it. Such are man's natural rights, granted to him by nature herself, sacred, as is their origin, and inviolable. Beside these he may have other rights given him by Church or State, or acquired by his own industry and exertion. All these rights, whatever be their source, are the object of the virtue of justice. Justice requires that all persons should be left in the free enjoyment of all their rights."

[Obviously, it would be contrary to justice if either the Church or the State were to "give" rights to any person that can only be honored by depriving others of the free enjoyment of all their rights.]

Thomas Aquinas (Letter to the Duchess of Brabant): *Taxation*

"Your sixth question is whether you are permitted to make levies on your Christian subjects.

[... L]and revenues were established for rulers so that by living on these revenues they might refrain from exploiting their subjects. [When these revenues are not sufficient] for the management of the country or for other reasonably necessary expenses of government... it is right for the subjects to provide that whereby their common welfare may be secured.... [Where the contributions of the subjects are an ancient custom] the lords [may] impose them as definite taxes, and collect them without sin, if they are not excessive.

"Indeed, rulers' revenues are like wages; the rulers ought to be satisfied with them and not demand more, except for the reason that was mentioned [i.e., a special emergency] and provided that the advantage be to the community..."

[Note that "it is right for the subjects to provide" does not automatically translate to "it is right for the ruler to take".]

The Ten Commandments

With respect to the Ten Commandments, the following dialogue appears to me to give a sufficient and irrefutable answer:

- May a person take from another what justly belongs to the other without his consent?
- No.

- Are rulers exempt from the rule against taking without consent?
- No.
- Therefore, a ruler who unilaterally takes from a subject without the latter's consent acts against the Law?
- Yes.
- So, a ruler who unilaterally takes from a subject by fraud or stealth is a thief?
- Yes.
- And a ruler who unilaterally takes from a subject by violence or the threat of violence is a robber?
- Yes.
- Even when he does so in a spirit of mercy or liberality?
- Yes. Injustice is the road to hell, and that road is paved with good intentions.

The Catechism:

The Catechism is a mixed bag. Some parts of it speak of the eternal truths of the Church but other parts merely reflect the extent to which even churchmen are incapable of transcending the illusions of the day. The section to which you refer, "The Authorities in Civil Society", is not to be commended for its thoughtfulness. It routinely and blatantly confuses state, civil society, and country; the common good and the public interest; and established power and authority received from God. Of course, a country is not the same as a civil society; the latter is not the same as the state, which is the organization that subordinates all civil societies (including the churches) within the range of its power to its own priorities. Moreover, "the common good" and "the public interest" belong to radically different types of discourse. Likewise, political obligation does not imply moral obligation—or vice versa.

Mixing the great theological treatises of the Middle Ages with the ideological positioning of the Church in nineteenth-century, revolution-prone Europe was bound to lead to incongruence. Thomas Aquinas lived and died before the state, let alone the "sovereign state", emerged as the dominant form of *imperium* and *dominium* in the West. He envisaged a stateless society¹, wherein rulers were entitled by custom or property-based claims to their position, not sovereign legislators with pretence to "represent" all other people, and wherein consent of the governed was indicated by ancient custom, not by such formal and divisive invitations to demagoguery as modern elections are. They were supposed to rule in behalf, not in the name, of their subjects. Civil society was primarily a

¹ Aquinas's political philosophy is in many places very much dependent on Aristotle's *Politics*. Aristotle's term 'polis' is often translated as 'state' but this is misleading in that it suggests that arguments about the Greek independent cities (in the case of Aristotle) or about Medieval cities and principalities (in the case of Aquinas) can be applied more or less directly to the modern phenomenon of the state. Neither Aristotle nor Aquinas had anything to say about the state. Moreover, Aquinas often followed Aristotle in the fallacious equation of the general term 'group' and the specific term 'society' (i.e., a union or organization for the purpose of accomplishing some one objective). According to this fallacy, one concludes from "any man is by nature dependent on others" that man is naturally a social animal, and hence, that man is by nature a member of a social organization—at which point the argument turns to the question how an organization should be ruled or governed. The fallacy is evident: the premise, which is true, might as well lead us to say that man is by nature a communicative animal, and hence, that man is by nature prone to engage in market exchanges—which, like interpersonal communications generally, do not require an overarching social "organization" for the purpose of achieving some one objective.

functional (cf., *bonum commune*: the common good of the members of a society), not a legal concept denoting a legally circumscribed “private sphere” within the territorially defined public sphere of the state. The Church’s framework of political thought is still rooted in that tradition, although its repeated flirtations with state power certainly have contaminated its thinking.

Even as late as the seventeenth century, when the traditional concept that the ruler is under the law resurfaced in the demand for constitutional limitations on the power of the “absolute” rulers of the state, the idea was to elect true *representatives*, who would represent the people before the king or regents. Their task would be to hold the rulers to respect for the natural law and the customary law of the land. The idea most certainly was not to elect *soi-disant* representatives who, as “sovereign legislators” (with the power to impose laws of their own making on the people), would be rulers themselves. In contrast, the modern Catechism adopts the “nationalistic” conception of the unitary, sovereign state as co-extensive with civil society / one’s country (hence, of the political authorities of the state as the legitimate authorities of civil society / one’s country). It does so unambiguously in its article 2240, which does not leave much room for the principle of subsidiarity—perhaps the most important of the traditional political principles of the Church. Subsidiarity implies that political power is explicitly delegated “upwards” and that it should weaken in extent and coercive force as it becomes more distant from those who are supposed to live “as free men”. The theory and practice of the State imply just the reverse: the state supposedly receives its authority directly from the anonymous mass of “its” citizens and claims authority to unilaterally determine the limits of the authority of any individual person or “intermediate” (civil) society.

Article 1897 of the Catechism defines “authority” as the quality by virtue of which persons or institutions make laws, give orders to men, and expect obedience from them. In state politics, that quality is the power of compulsion, presumably made legitimate (if at all) by the “consent” of some legal (not necessarily numerical) majority or other—often a continuous process of manufacturing consent by means of propaganda, indoctrination, intimidation, and bribery.

Of course, the Church does not deem all exercises of authority “legitimate”:

Catechism art.1903:

"Authority is exercised legitimately only when it seeks the common good of the group concerned and if it employs morally licit means to attain it. If rulers were to enact unjust laws or take measures contrary to the moral order, such arrangements would not be binding in conscience. In such a case, 'authority breaks down completely and results in shameful abuse.'"

[This is really only about rulers and their subjects, all of them subject to the natural law. It is not about the sovereign State, which rejects the validity of claims based on natural law and justice against the enactments of its rulers. It does not do so incidentally and improperly, as a ruler who falls short of fulfilling his obligations. Rather, it does so according to its self-proclaimed essence as a sovereign, fictitious, artificial entity, to

which the concepts of natural law and justice obviously do not apply. Moreover, the State is not a voluntary association of people sharing a common interest or common good. It typically invokes the “public” interest, which need not be a common interest of all the citizens and subjects of the state. It is often a “raison d’état”, e.g., an interest of the current establishment with respect to maintaining its position of dominance. Rousseau tried to make the public interest the common interest of all the citizens, but at least he realized that doing that requires that the politicians succeed in making natural men and women identify completely with the legal role the state has scripted for them. And that idea implies that the State cajoles men and women—who, according to the Church, are God’s creatures—out of their natural, God-created condition and transforms them into creatures of its own. That is not a theologically sound idea, I would imagine.]

Catechism art.2235:

“Those who exercise authority should do so as a service. ... No one can command or establish what is contrary to the dignity of persons and the natural law.”

[If no one can command what is contrary to these things then neither can the authors of the Catechism—yet that is precisely what they proceed to do in art. 2240 (see below).]

Catechism art.2238:

“Those subject to authority should regard those in authority as representatives of God, who has made them stewards of his gifts: "Be subject for the Lord's sake to every human institution. ... Live as free men, yet without using your freedom as a pretext for evil; but live as servants of God."...

[Did God make the likes of Tiberius, Claudius, Nero, Caligula, Hitler, Stalin, Pol Pot, Mao Zedong, and countless lesser criminals and fools, "stewards of his gifts"? How could anyone live as a servant of God while regarding such men as “*His* representatives”? Theologically speaking, the biblical quote makes sense if one reads the injunction "be subject for the Lord's sake to every human institution" as "be prepared for the Lord's sake to suffer under every human institution" (in other words, "follow the example of Jesus Christ"). Unfortunately, that is not how the authors of this article in the Catechism want us to understand the biblical reference.]

Catechism art.2239:

“It is the duty of citizens to contribute along with the civil authorities to the good of society in a spirit of truth, justice, solidarity, and freedom. The love and service of one's country follow from the duty of gratitude and belong to the order of charity. Submission to legitimate authorities and service of the common good require citizens to fulfil their roles in the life of the political community.”

[Note how the text moves from “the good of society” and “a spirit of truth, solidarity, and freedom” to “love of one’s country” and, in the same breath, “service of one’s country”—as if the word ‘country’ would have the same meaning in both expressions! However, this

rhetorical obfuscation is only preparation for the truly scandalous climax of this section of the Catechism:]

Catechism art.2240:

“Submission to authority and co-responsibility for the common good make it morally obligatory to pay taxes, to exercise the right to vote, and to defend one's country.”

[To refer to just one item in the news: which “country” is a man born in South-Ossetia *morally* obliged to defend? Is it Georgia, Russia, South-Ossetia, only the village where he lives, or some other territorial entity that is perhaps no longer on the map? Who are the “legitimate authorities” to whom he is *morally* obliged to pay taxes? Are they the rulers of Georgia, the rulers of Russia, or anybody who happens to be in a position to compel him to pay taxes? How can it be morally obligatory to exercise one's legal right to vote, i.e., to try to have one's preferences imposed on others, by force, intimidation or any other of the “legal” means of pressure of which the government disposes? The right to vote is not a natural right and it is not a God-given right. Rather it is at best a permission inscribed in a rule proclaimed by others, and one that may be exercised only on the conditions stipulated by those who gave it. Citizens, who are not natural beings but positions or roles in the organizational scheme of the state, do not have moral obligations, only legal obligations. Conversely, natural persons do not have legal obligations to a state unless they have freely and morally justifiably decided to be members of that state. Otherwise, they are just legally obliged by the state—and being obliged is not the same as having an obligation. Frankly, art. 2240 is an affront to human intelligence as well as to the dignity of persons and the natural law.]

Best regards,

Frank