

JUSTICE AND CHARITY IN THE SOCIAL TEACHING OF THE CHURCH

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I. *What is Justice?*

Justice is at the core of human society. In the Bible as well as in Greek philosophy, there are two levels of justice: human justice as it works, and what is considered as a higher or ideal justice. The former is subject to failures and must always be improved. The latter is a heavenly or rational paradigm.

In the papal encyclicals, the main source of Catholic social teaching, justice is considered both in the light of the biblical revelation and under the criteria of social philosophy. The social doctrine of the Church wants to be a non-confessional statement of those principles and values that inform human society and the relationship of the human being with society and its institutions. The social doctrine is a rational discourse based on what is common to all human persons. Its inspiration is based on the biblical vision of creation and of man in creation. The expression of it is rational and coined in terms of 'natural law'.

Since the 13th century the Church has found in the categories of Aristotelian philosophy – because of its realism and distinction between *potentia* and *actus* – a language which should be shared by all human beings, whatever their creed or culture.

Along with Aristotelian and Thomist philosophy, justice is seen as the highest good which society must endeavor to achieve. Without justice, there is no human society, but chaos and violence. It is assumed that a human society exists in order to pursue a goal. An industrial corporation exists in view of the goods or service it produces. A University exists in order to foster research and teaching. What is the objective of society as a whole? The answer is: the common good, which can be defined as the overall conditions which should be met by society in order to make all its members enjoy as many perfections as possible.

Besides justice, social philosophy singles out, among the conditions required for the realization of the common good: the search for the truth, solidarity, freedom (cf. John XXIII, *Pacem in Terris* 1963: PT 35) and non-violence. These values or virtues must be able to interact. It follows that there can be no justice where there is no interest in the objective rights and duties of each person. There is no justice without interdependence of all the members of society. There is no justice where there is no freedom for all and where violence is used by government or by individuals.

Justice means basically that society is founded, not on the power of the strongest, but on universal values which are inherent in the human being himself. Justice means that society is governed by rules of law and that individuals have rights and duties towards each other and towards the community. The need for justice flows from the dignity of the human person. Justice implies that human beings are social beings and that each one recognizes the need to respect the other, as oneself wishes to be respected. Justice is the implicit covenant of society. It is the social bond through which a group of individuals becomes an ordered society. Society as such needs justice to survive, and so do individuals. Justice supposes an objective order of values and norms, recognized as such.

Classical social philosophy distinguishes between:

- commutative justice, which says respect to inter-individual relationships, on a private level, between persons or legal persons. It encompasses as well labor or commercial relationship. It looks for fairness in all kinds of exchanges.
- distributive justice governs the relationship between the State and the members of society, individuals and legal persons. It is also called in the encyclicals ‘social justice’.
- legal justice is established by the legislative body which makes laws and exercises the judiciary power which judges the conformity of individual or corporate behavior with the existing laws. Legal justice is compulsory and can employ the use of force.

Today there prevails a positivist approach to law. Justice tends to be reduced to the elaboration and application of positive law.

According to the social doctrine of the Church, law takes its roots in the structure of human relationship. It has to do with the truth of this relationship. This structure constitutes the ethical order. It cannot be grasped at once and for ever. It is more a goal to be reached. What the social doctrine of the Church calls ‘natural law’ is the ethical structure common to all human beings. Legal justice, then, should discern what is

good and just. Human law permanently adapts its prescriptions to what is considered to be the right norm, the balance between what is due to the individual and to the community.

In the encyclicals, distributive or social justice is subject to a rich development. The duty of social justice is to highlight to all members of the community the requirements of the common good (Pius XI, *Divini Redemptoris*, 1937: DR 51). Social justice deals with the access to the resources necessary for a humanly dignified life, that means to the material, intellectual, artistic goods of the world. Pius XII says that the aim of the national economy is to provide the conditions for fair access to material goods, employment, schooling and health care for all community members (Pius XII, *Radiomessage* 1941: RM 17). This duty of the State should be exercised not as an all-encompassing welfare State, but according to the principle of subsidiarity, by fostering individual and corporate initiative wherever it is desired. Having in charge the common good, the State must provide equal chances for all citizens. This is his duty towards distributive or social justice.

Behind the notion of social justice stands one of the basic principles of Christian social ethics: the universal destination of all the goods of the earth, together with the right of every person to use these goods. The whole world has been entrusted to the whole of humanity. There is equality among all human beings. Each human being has an inherent right to enjoy all that is necessary for his/her growth as a human person living in community with others. It is a constant teaching of the Church, since the times of the Fathers, that every human being has a right to have a share of those things which are necessary for his/her existence. The needy have a right to the superfluous goods of the wealthy. Society should be structured in such a way as to allow all its members an effective share into what the earth provides and human labor produces.

Social justice also governs employment conditions. In the late 19th century this was a crucial point which the pioneer encyclical *Rerum Novarum* in 1891 of Leo XIII courageously addressed. Human beings are not to be treated like instruments in the production process. Each person is an end in him(her)self. This is a requirement of his/her dignity. The encyclicals reject all systems which do not put the human being and its dignity at the center of their concern. Leo condemned socialist ideology because it subordinated the human person to a collectivist view of society, and rejected uncontrolled liberalism as well, because it subordinates the worker class and its basic needs to increasing the short term profit of capital.

In the developing liberal market economy, Leo was one of the first to remind that the State has the duty to regulate the economic system by assuring the rights of the weaker members of society, and so foster the common good.

In matters of employment, measures of social justice cannot be carried through without proper institutions able to balance the interests of employers and employees and regulate the market. The wish for what we call today the social market economy, supported by the recent encyclical of John Paul II (*Centesimus Annus* 1991: CA 35), is already present in the first social document of modern times, Leo XIII's encyclical (*RN* 29).

II. *Is Justice Alone Able to Achieve Its Own Aims?*

The answer of Aristotle was: no. Society cannot work like an engine. Inter-personal relationship, interaction between citizen and State, good legislation and its application need something more than the pure and blind reference to legal norms. It needs a social link able to bind people together, to make them participate in the common destiny, to help them to feel part of the whole and to share the values of society from the inside.

Aristotle called this *philia*, friendship. There is no society which would not tend to become a community, *koinonia*, through the feeling of togetherness called *philia*. *Philia* is the inner dynamic that brings individuals together. The classical concept of *philia* has been taken over in the social teaching of the Church. It has been reformulated in more modern language.

The encyclical *Centesimus Annus* reminds us that Pius XI used the expression 'social charity', and Paul VI called it 'civilization of love' (CA 10). Now it is generally rendered as the more modern concept of solidarity. The deeper sense of solidarity has been picked up in John Paul II's encyclical (*Sollicitudo Rei Socialis* 1987: SRS), where he says: 'The exercise of solidarity within each society is valid when its members recognize one another as persons' (SRS 39). Whatever the language there is a clear indication that there are conditions which must be fulfilled if justice is to prevail. Justice needs the effective respect of those other fundamental principles of social order which are solidarity, truth, freedom and non-violence. This concept of 'friendship' finds its field of application in commutative but also in distributive and legal justice.

Roman law, based on a quite immanent concept of justice, followed by canon law, has coined the concept of equity. Equity is not something different from justice. It is the perfection of justice. Equity looks for a fairer

application of the norm to each particular case. Is justice able to reach standards higher than equity?

Pope Benedict XVI puts in another way that the Church, in the fight for justice, 'has to play her part through rational argument and to reawaken the spiritual energy without which justice, which always demands sacrifice, cannot prevail and prosper'. Faith 'opens up new horizons extending beyond the sphere of reason. But it is also a purifying force for reason itself'. So reason and justice need a higher standard to broaden their horizon and so better achieve their full dimension (*Deus Caritas Est*, 2005: DC 28).

Here comes the input of charity.

III. *What is Charity?*

The word and the concept do not belong to the vocabulary of social philosophy nor to the legal sphere. Charity is a theological virtue. The word *agapè* appears in the New Testament with the specific meaning of self-giving love, self-sacrifice for the sake of others, as Christ offered his own life in order to share with us his victory over death.

Agapè is synonymous with serving. The Son of Man has come to serve and to give up his life for many (Mc 9,10). *Agapè* means the capacity to love unilaterally, without the expectation of any return. The addressee of *agapè* is not only the fellow countryman or the people of the covenant, but any human being you may happen to meet, as exemplified in the parable of the good Samaritan.

In Christian vocabulary there is a distinction between *philia*, friendship and *agapè*, self-sacrificing love, which clearly appears in the dialogue between Jesus and Peter after the resurrection (Jn 21, 15-17). Jesus wants his disciples to be able to love each other with *agapè*. So *agapè* belongs to the new life which flows from the Risen Lord.

Among the gifts of the Spirit are: faith, charity (*agapè*) and hope (1 Co 13). These are the spiritual gifts which nourish the Christian life along its pilgrimage on earth. Among those, St. Paul says, the major one is charity.

Charity is the expression and consequence of true faith. Charity anticipates the perfection of justice in the world to come. It is the visible manifestation of hope. Within the Christian community relation based on charity should prevail

Christians both individually and as a community should relate to their fellow citizens with charity. Charity shows itself in all kinds of services that individuals or Christian organizations can provide in society.

IV. *Does Charity Interface with Justice?*

The encyclicals clearly state that teaching social justice is part of the Church's mission. This mission takes its roots in the Gospel, and is carried out on the level of universal ethical values. It is an invitation to all to consider the ethical norms that are common to humanity.

Social Justice is a universal value in which all components of a pluralistic society must join. At the same time, the Church repeats that she has no specific model to offer. This is not her duty nor her competence. The Church teaches values and universal principles which may be received and transplanted in different cultural settings. At the very heart of social ethics is the human being himself with his/her needs for a social environment in order to realize his humanity. This universal reality should be the foundation of moral behavior in all the cultures of the world.

When justice is boosted by charity, it remains justice. With the input of charity, which is an overall attitude towards the others and their specific situation and needs, justice becomes more open to all the aspects of a case. Justice might be rendered mechanically, without a due analysis of motivations, or be obscured by ideological prejudices, or other forms of moral blindness. Charity broadens the horizon of justice. It does not ask justice to refrain from acting according to its own rationality. It pushes instantly towards solutions acceptable to all. Charity indeed impacts the field of social justice.

In the encyclicals, charity is often described as the virtue which has to accomplish what strict justice does not require. Justice, for instance, cannot require that you freely give from your superfluous to those in need. This, in fact, is a requirement of charity. This goes in accordance with the general principle stating that all the material, intellectual or spiritual goods that we enjoy are for our own growth in humanity. But they are also mediators of divine Providence, for the lessening of the sufferings of others (*Rerum Novarum* 19,6).

Over the last thirty years, a new concept of justice stimulated by charity has appeared (cf. John Paul II, Apostolic Exhortation *Evangelii Nuntiandi*, 1975: *EN*). It has much to do with the South American context. What is meant is 'the option or preferential love for the poor' (*SRS* 39). There is an increasing awareness of a structural injustice in the economic and social system which produces poverty and exclusion of persons and entire peoples. Special attention to the poor broadens the vision of the requests of justice (*SRS* 39). Elsewhere John Paul II says: 'Love for others, in the first place for

the poor...is made concrete in the promotion of justice... This is a matter of orienting [instruments of social organization] according to an adequate notion of the common good in relation to the whole human family' (CA 58).

V. *Charity as the Heart of Justice*

'Justice alone is not able to produce the conditions of its efficient application. It does not by itself foster a common feeling and a common will. All institutions aiming at developing peace and understanding among human beings draw their strength from the spiritual bonds that unites their members' (Pius XI, *Quadragesimo Anno*, 1931: QA 148). Without that spiritual link, the best organizations do not attain their objectives. A spirit of charity makes out of justice an instrument of equity that takes into account the objective needs of all members of society.

Drawing on this consideration, Pius XI examined the liberal economic system and denounced its central principle, namely the assumption that free market and competition are the only regulators of economic life (QA 95). This view ignores that economic life has a social and ethical dimension. There is a need for another, just and efficient principle governing the economy. This principle is to be found, he says, in 'justice and social charity' (QA 95). A stronger sense of justice should lead to the creation of a legal and social order which should shape the whole economic process. As for 'social charity, it should work as the soul of this order'. Pius XI already called for international cooperation in the world economy.

In the encyclical *Divini Redemptoris* of 1937 directed against atheistic communism, the same pope had to point out that charity by no means can replace justice. Charity always calls for more justice. A worker has a right to a fair salary. There is no question of treating him with charity, but with a broader sense of justice. What charity inspires is the recognition of the social rights of the workers, including the right to join trade unions. It is amazing how clearly the Church defended the social rights before supporting the human rights philosophy at large.

In his beautiful encyclical of 1982 on divine mercy (*Dives in Misericordia: DM*), John Paul II, after having singled out the main shortcomings in matters of social justice in our time, asks: is justice enough to resolve problems, when there is evidence that programs built on the concept of justice, not rarely end up in shameful mismanagement and corruption (DM 3). Why? Because justice is not supported by a deeper feeling which precisely calls for justice. I quote: 'The experience of the past and of our time demon-

strates that justice alone is not enough, that it can lead to its own negation and ruin, when the deep feeling of love is not enabled to shape human life in all its dimensions' (*DM* 12,3).

The encyclical even quotes the saying 'summum ius summa iniuria', which entails the wisdom and experience of humanity. It calls for a source deeper than justice, necessary to make justice prevail.

This deeper source is love, merciful love which motivates initiatives for effective justice. The paradigm for merciful love is Christ himself. It could seem that non Christians are excluded from such an attitude. Not at all. Loving one's neighbor is a gift of the Spirit irrespective of confessional borders. But it is at the heart of Christianity. There is an inner link, argues John Paul II, between justice and mercy. Mercy 'is the deepest source of justice'. If justice deals with guarantying to each one the enjoyment of what he/she is entitled to dispose of, mercy is concerned with the sake of human persons as such (*DM* 14,4).

While justice looks for fair exchanges of objective and external goods, mercy and love allow persons to meet in mutual acceptance, recognizing the dignity of the other, and thus realizing a true sense of equality. Only a spirit of love and mercy is able to make human relations more truly human. As characteristic of mercy is the capacity to give and receive pardon and to reconcile those who are divided.

Mercy and pardon do not excuse the harm or the evil that has been done. It calls for repairing what has been destroyed, for rebuilding broken relationships. Justice therefore is not disregarded. Rather, the aim of promoting forgiveness is to reach a higher level of justice. The fundamental structure of justice is included in the sphere of merciful love.

Merciful love is doubtless another name for charity.

In Christian social teaching, Charity encompasses all duties. So it entails justice. Without charity justice can become blind and partial. Charity instead continuously refuels justice without depriving it from its proper nature, which consists in guarantying to each person what he/she owes. But charity never will be ruled out by justice alone, because, 'in addition to justice man needs, and will always need, love' (*DC* 29).