
THE FAMILY A TRUE SOCIETY, OLDER THAN THE STATE

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We have often heard that the family is the basic cell of society. But there are two ways of understanding this claim; let us call them “compositional” and “organic.” Compositional is to think of families as basic cells the way that Congressional districts are basic cells of states. The districts have some basis in history, but mainly they are a matter of state officials imposing a division from above. Organic, in contrast, is to think of the family as a natural unit which the government respects, the way that, say, a cow is a natural unit. It is not because the government decided it that the leg and head of a cow count as belonging to the same unit. The government is not free to gerrymander a cow and count the legs of one animal and the head of another part of the same cow. A cow is a natural organism, which has its unity and life from nature. This lecture is about how it is Catholic doctrine that families are basic cells of society in this organic sense, and what follows from that teaching.

Obviously families are not single organisms the way a cow is. And yet it is Catholic teaching that husband and wife are even more of a single organism than a cow. And their offspring are not strangers, utterly distinct from them. If you were asked to decide, is the newborn baby nursing at its mother’s breast and the mother herself one natural unit or two, the better answer would be that they are one.

And along these lines we see immediately that the government’s authority to separate husband and wife, or mother from children, is extremely limited if not non-existent. It must respect those unities, because it is not responsible for them in the first place.

I want to say right at the start that the moment we begin speaking about something which is so “by nature,” and what follows for us, from this fact, as a matter of action, we are talking about “natural law.” It is a question of finding the right language to characterize what I wish to say this evening. The right language is that I am attempting to explain the natural law of the family.

One finds in Saint Thomas Aquinas that he used the phrase “natural law” in two ways. In one way, it stands for the most obvious precepts, for us, of our lawful relation to one another and to God. These obvious precepts are captured in the Ten Commandments. Do not take what belongs to another. Do not kill him. Show piety to God. And so on. If someone were to ask you, “What is the natural law? What does the natural law say?,” a perfectly adequate response, from the point of view of the Catholic tradition, would be to say, “Look at the Ten Commandments—that’s natural law.”

And it is because of such a conviction, shared by Protestants as well, that the Ten Commandments used to be found in courthouses throughout our country, alongside the Declaration of Independence or the Constitution: not on sectarian grounds, but on the grounds that human law is based on natural law, and natural law is well captured in the Ten Commandments.

But a second and equally important sense of “natural law” for Saint Thomas is that natural law is what we seek to follow reasonably, about the good of a thing and its relationship to others, given its nature, as opposed to given what human beings may think or

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may have decided about it. If *by nature*, not by human convention, mother and child are a unit which should be respected, then *by natural law* they are to be regarded as a unit, and it becomes a precept of natural law, binding on the state, and superseding human law, not to separate them except for extreme necessity. This is why totalitarian regimes love to separate families deliberately. The Nazis for example when dealing with the Jews would separate parents from children and husbands from wives. They did so because, in deliberately disrespecting the family unit, they as it were *negated* and *denied* the reality of natural law. They were asserting, falsely, that the law of the state is ultimate law and may not be judged by a higher authority.

In what I have just said you may have noticed that I implied that husband and wife are a single organism *by nature*. Perhaps you believe that they become so by a distinct act of God and only in a “sacramental marriage.” This is not what our Lord says, or what the Church has taught. In his teaching on marriage, our Lord appealed to creation, to marriage as it was from the beginning. The very creation is such that, from the complementarity of male and female, if they in a valid act give themselves without reserve to each other, they become one flesh. In this instance, God acts *through nature*. To say, “what God has joined together let not man put asunder,” is to appeal to the intention of God *as seen in nature*. Marriage was a natural institution from the beginning, before it was raised for baptized persons to the supernatural level of a sacrament.

“Marriage has God for its Author,” writes Pope Leo XIII in his great encyclical on marriage, *Arcanum divinae* (1880); “marriage was from the very beginning a kind of foreshadowing of the Incarnation of His Son; and therefore there abides in it something holy and religious; not extraneous to it, but innate; not derived from men, but *implanted by nature*” (my emphasis, n. 19). He is speaking of all marriage—marriage among the Algonquins, say, as much as among the French Catholic settlers.

We may add that it would be impossible for

“blood is to be thicker than water,” as we say, if the relationship which is meant to be the foundation of all blood relationships among us were weaker than a blood relationship. No chain is stronger than its weakest link; no structure is firmer than its weakest bond. If in the family just one bond were such that it could be broken by human will, then all human familial relationships would be lowered to that level and begin to acquire the same purely conventional character.

The unity of husband and wife therefore transcends nature. It is the most obvious point in ordinary human life, besides the very existence of a rational creature, where the *natural* immediately opens up into the *supernatural*. The unity of husband and wife cannot be asserted except in a civilization which is minimally metaphysical. If someone can sense intuitively that the Creator of all that is is *more* united with himself metaphysically than he as a human being is united with himself, physically, in virtue of simply having the same animal body as himself, then he can grant that two human beings may be more united to each other, *metaphysically*, through marriage than each was to himself or herself *physically*, prior to marriage².

Leo in *Arcanum* follows our Lord and immediately draws the conclusion that the state

2 The feeling of shock by some at these very basic assertions about marriage considered simply socially, as an institution, would perhaps be tempered if Christians were more accustomed to meditate on the much more shocking “penetration” of the divine into the human, proposed by Christian teaching about marriage as a sacrament. For instance, “the sacrament of marriage,” Saint Josemaría Escrivá shockingly asserts, “is an action of Jesus who invades the souls of husband and wife and invites them to follow him, transforming their married life into a divine passage along the pathways of the Earth.” My emphasis. For the translation, see the podcast of Msgr. Fred Dolan, <https://stjosemaria.org/wp-content/uploads/2021/07/Transcript-Marriage-as-a-Pathway-to-Holiness.pdf>.

has no authority to confirm divorces in any valid marriage, sacramental or not. “As, then, marriage is holy by its own power, in its own nature, and of itself, it ought not to be regulated and administered by the will of civil rulers, but by the divine authority of the Church, which alone in sacred matters professes the office of teaching.”

We are very far from following such an ideal and observing this truth in our society today. Of course. I see that sad fact as much as you do. But in all practical matters we need to begin from the ideal and from the truth. And, as we still live in a free society, it is open to you and to me to follow this truth, and testify to it, even if society at large seems oblivious to it.

You may have sensed that I am using “nature” in a distinctive way. Indeed, I am using it in the classical way, the Christian way, which we need to recover and train our children and students in. Nature, sadly, does not come naturally. We need actually to *practice* viewing the world in the correct way. Nature in the Christian sense is not what is represented by a mathematical model which generates predictions as regards observable evidence—the standard sense of “nature” presupposed in science classes today and which, from a philosophical point of view, is vitiated because of an implicit Cartesianism.

“Nature” means, rather, what people talk about when they speak of “enchanted” nature; or they love the beauty of the world; or they love the *ersatz* personality of animals, or the balance and harmony of the environment. Or when they say that “function follows form,” or that “nature loves simplicity and elegance,” or “hides itself,” or “does nothing in vain.” Or when they regard nature as an intelligent system, so that our interventions will have painful unintended consequences, if we intervene out of hubris. Or even when they misspeak and call nature in general “sacred.” It is nature as found in the Psalms, and Shakespeare, and in the wonderment of our own children. A good liberal education should impart this kind of recognition of nature, and good judgment about it.

Pope Leo in *Rerum Novarum* expresses the natural law about the family by using the language that it is “older” than the state: “Hence we have the family, the ‘society’ of a man’s house—a society very small, one must admit, but none the less a true society, and one older than any State. Consequently, it has rights and duties peculiar to itself which are quite independent of the State.”³

But let us define terms first. By “the family” we mean what Aristotle meant by the family in Book I of his *Politics*: husband and wife; their children; perhaps relatives who live with them; and perhaps live-in help, and domestic animals. Today one would want to add: machines which do the work formerly undertaken by domestic servants and domestic animals.

Looking at the family formally, or structurally, we say that it is a complex structure of three communities: the community of husband and wife, which is as it were the foundation; the community of the children among themselves; and the community of the children as being guided, led, and taught by the parents. These also have specializations in a household in a natural division of labor. Of the father and mother, the father has chief authority, and is referred to by the popes as the “head” of the family, whereas the mother is the “heart” of the family. A father appeals to his authority before his children by saying that he begot them, whereas a mother does so by saying that she bore and nurtured them.

Looking at the family teleologically, that is, with respect to its purpose, we say that its purpose is propagation, that is, to continue the life of the parents and of any broader civilization in which the family is embedded, but also to realize happiness of life, insofar as a family is a communion of life and

3 *En igitur familia, seu societas domestica, perparva illa quidem, sed vera societas, eademque omni civitate antiquior; cui propterea sua quaedam iura officiaque esse necesse est, quae minime pendeant a republica.*

love and, in the family, all of the goods available from nature and from civilization can be brought together in one place, placed in order, and integrated. A family meal consisting of traditional dishes, on a religious holiday, marked by good-natured jesting and serious conversations about, say, religion and politics, which is followed by music, sports, and games, is a good picture of this communion of life and love. In such a gathering, on such an occasion, as I said, all of the goods available from nature and from civilization are brought together in one place, placed in order, and integrated.

Everything other than what I have just described is a broken, dysfunctional, fragmented, or wounded family. We *must* use this normative language; it cannot be avoided. What sense would it make to castigate the Nazis for dividing or wounding families, as many Jewish survivors did castigate them, in trials of Nazi war criminals, unless there were a norm to which they could appeal? This norm did not come from human convention. The Jewish family had no standing in Nazi law. The norm came from natural law.

I mentioned “propagation.” Let me say something about that word, to avoid confusion. There are broader and narrower senses of the term. Human beings are not simply animals. For a horse to propagate, it suffices for a horse to cause to come into existence a new horse, similar to it biologically. But human beings have characters and convictions. These are more important than the body, as shown by the fact that we will die for the faith or to avoid doing an injustice. We *ought* to choose to die rather than harm the innocent. Therefore, propagation for a human being means bringing about the existence of someone like you in ideals and convictions. Therefore, it implies education, and it takes as many as twenty years. Sexual intercourse only starts the process; mere biological propagation as it were *commits* the parents to the remainder of the twenty-year process—which is probably the chief reason for legal abortion, since it seems impossible that a mindless act of hooking up could, by a fundamental requirement of natural law, bind the partners to that act, to twenty years of shared

hard work. They might not even have any ideals or convictions in common, which would give coherence to the idea of shared human propagation for them.

And here we find, too, the chief reason why fornication was so strongly forbidden in traditional societies: that you might cause a human being to come into existence, but not be in a position to oversee its full “propagation” to adulthood, was looked upon with horror. Therefore, intercourse should take place only in a context in which proper propagation could be insured.

The word “propagation” is itself interesting. It comes from Latin, *pro-pago*, which seems to have referred originally to a technique of viticulture, and horticulture generally, called “plant layering.” To multiply a plant by the “layering” technique, you take an offshoot or branch of the plant which is low-hanging; you cultivate the ground below it; you wound the branch at the point closest to the ground; and then you embed the wounded bend of the branch deep into the ground. Keep it well watered, and the wounded part of the branch will begin to put down roots. And then, in about a year or eighteen months—it is a slow process—a new plant should come forth from the ground, already robust and sturdy for a new growth. It is not even a chip off the old block, or an acorn falling near to the tree; it is a new growth from a wound of a branch placed into adjacent soil, where the branch is itself dependent on a parent plant. Everything about this process has an analogy in what we call “culture” or “cultivation.”

I have wondered why, if we must use a Latin term, we do not call the unborn child a *propago* rather than a *fetus*. Why should the technical language of the medical profession be our authority when it comes to how we speak about ourselves, in cases where we are in a perfectly healthy condition? The mother and her unborn child are healthy: why refer to them by words taken from medical textbooks? The word *propago* is

entirely apt: *There* is the offshoot, buried in the soil, well watered, who is within the mother, who herself is an offshoot—the mother, wounded and clearly dependent on others—not some falsely proclaimed autonomous being. In contrast a *fetus* is not even a *being*. Pro-lifers sometimes explain that the word *fetus* is Latin for “offspring.” And yet did you know that the Latin term, strictly, does not even refer to a substance but rather to a process: it is a participle which signifies the process of drawing of nurture from something. To be a *fetus* is to be a *process* of sucking. And then the words related to *propago* are so very evocative. Our words “pact,” “compact,” and “pax”—peace—come from the same Indo-European root. To bear a *propago*, then, is to be pro-pact: it is to affirm an implicit compact, by nature, between mother and child. It is to be pro-pax: it is to create a space for a new human being, where peace reigns. To commit to bearing a *propago* is to make oneself the place where the war of all against all will not reach. In every respect, then, if we are going to use a Latin word at all, we should favor *propago* and reject *fetus*.

In any case, the essential point is that propagation for a human being must include education: because propagation is of like by like, and as we are not brute animals, adult human beings do not succeed in bringing about others like them unless these others are formed and educated in knowledge, character, and also, allowing for grace and freedom, shared religious conviction.

As you have noticed, the title of my lecture come from *Rerum Novarum* of Leo XIII, published in 1891. You may know that this great encyclical is regarded as the foundational charter of Catholic Social Thought. Sometimes people mistakenly conceive of Catholic Social Thought as concerned simply with what my teacher John Rawls would call “the basic structure of society,” that is, the distribution of opportunities, powers, and wealth in the highest levels of organization of a nation. These people then draw a contrast between “the economy” or “political economy” on the one hand and personal morality or

“social issues” on the other hand, and they can even denigrate these “social issues” as purely cultural, or not sufficiently political, or a distraction from the big issues of equality and power. Some Catholics suppose that there can be a tradeoff, and they say, “the left is good on political economy, but the right is good on social issues.” However, this division is a complete and utter mistake, which does tremendous damage to the Church’s witness and to society. Pope Leo in *Rerum Novarum* teaches about the family before he teaches about any other social entity. Teaching about what is more fundamental is itself more fundamental teaching. If the family is the organic basic cell of society, then Catholic Social Thought about the family is more fundamental than its teaching about any other social reality.

Let us look more carefully, then, at Leo’s teaching on the family. You may know that *Rerum Novarum* mainly deals with the “labor question,” that is, the problematic relationship between workers and employers in the wake of the Industrial Revolution. Leo wishes to reject socialism, which holds that the “labor question” can be solved if private property is abolished. In practice, socialism means that the state owns everything and the citizens nothing. Leo says that the individual thereby becomes “absorbed into the state.” Socialism likewise has always wanted to abolish the family, which it regards as a perennial source of inequality. Leo says that socialism wants to absorb the family too into the state, with the result that civil society is destroyed as well.

There are still socialist regimes today, such as in Venezuela, Cuba, and North Korea. But the West generally faces a different problem, which is a loss of the human resources needed to resist socialism, and a creeping, *de facto* socialism. We can quarrel as to details, but I would maintain that a *de facto* socialism is already found in our society, in such things as the exorbitant taxation of families; estate and inheritance taxes; the presumption of the licitness of

wealth transfers; deficit spending to cover unfunded entitlements; a lack of any local control over our currency, which is a fiat currency; the creation of money by the central bank to the direct benefit of central actors like investment banks; looming central bank digital currencies; inflationary monetary policy, which robs families of their substance; and welfare programs which displace fathers and deprive families of their proper role—not to mention a secular state monopoly over publicly supported education.

Or, rather, the incipient socialism is not in such programs considered on their own so much as in a premise which accompanies them, and which grows ever stronger, which is that the state, mainly through taxation and the printing of money, can lay claim to whatever wealth it needs or claims that it needs, without acknowledging any trade-offs, and especially without recognizing any limits on its claims as imposed from above, by a higher authority.

This underlying premise, concerning property, brings along with it a premise about our freedom too, which denies that there is any system of natural liberty older than the state, which the state must respect, and in which the citizens already participate in virtue of their human nature. In the covid lockdowns, we saw our fellow citizens spontaneously concede the premise, that we are free to gather in churches, or visit dying relatives, or dispose of our wealth through business activity, only on condition that the state permits it.

All human wrongdoing is the result of either deliberate choice or neglect. My point is that, whereas Leo was concerned with socialism as a deliberate choice, we face something else, which arises mainly from some kind of neglect—which I have called a creeping and *de facto* socialism, and which implies a real vulnerability to totalitarian state control. When we study *Rerum Novarum*, we must not waste our efforts in fighting the last war. We must take what Leo says and translate it as appropriate to our current circumstances.

To refute socialism, Leo first asserts a natural right to property which belongs to each of us as individuals. “Man precedes the State,” Leo says, “and possesses, prior to the formation of any State, the right of providing for the substance of his body.” A man’s motive for working at all, Leo says, is to enjoy the fruit of his work; as a rational being, he must live according to a plan, and therefore must have reliable control over goods for long periods of time; moreover, through work a man so impresses his personality on what he is working on that this added value, attributable to him, is an entirely different good from the raw materials with which he started. For all of these reasons, Leo says, considering him simply as an individual, by nature he has a right to own property.

But Leo immediately goes on to consider the family. This right to private property, he says, is seen “in much stronger light when considered in relation to man’s social and domestic obligations.” By nature and prior to the state, he says, “all are at full liberty... to bind themselves by the marriage tie” or not. It follows that no “human law can abolish the natural and original right of marriage, nor in any way limit the chief and principal purpose of marriage ordained by God’s authority from the beginning: ‘Increase and multiply.’”

—As you hear these words, “nor in any way limit...this purpose,” I would ask you to consider how Western elites have generally looked with favor upon the “one child” and then “two child” policies of China. These policies have proved to be disastrous, and yet few care to ask why. Our demographers have tended to approve of the policies, even if they are horrified by the brutal means. They discuss whether Western governments, too, will need to limit children, or whether perhaps population will decrease of its own accord, so that harsh policies are unnecessary. But that governments have the authority to limit family size, if they believe they need to do so, is an implicit premise conceded by almost everyone.

If there were loud protests against the “one child” policy by Catholic social justice advocates, I must have missed them. Recall that Saint Pope Paul VI in *Humane Vitae* warned married couples not to adopt practices which would invite governments to limit family size—practices which, he said, implicitly handed over that authority to the state.

And then it is at this point in *Rerum Novarum* that Leo says, “Hence we have the family, the ‘society’ of a man’s house—a society very small, one must admit, but none the less a true society, and one older than any State. Consequently, it has rights and duties peculiar to itself which are quite independent of the State.” We arrive once again at the text which gives the title of this lecture.

We have seen how the family is a society, because it has a formal structure, a division of labor, and a purpose. To say that it is a true society is to say that it gets its authority and its rights from God directly, not through the state. That is why, for instance, if in corrupt regimes the law tells someone to do something wrong or dubious, but the father instructs the members of the household to disregard the law, they will rightly follow the father against the state.

As Leo explains, continuing: “A family, no less than a State, is...a true society, governed by an authority peculiar to itself, that is to say, by the authority of the father.” His mention of the father is not by chance. A father’s authority is not bound to a particular culture but deeply metaphysical and universally true. As Saint Paul says in his letter to the Ephesians, *For this cause I bow my knees to the Father of our Lord Jesus Christ, of whom all paternity in heaven and earth is named* (3:14-15).⁴ Saint Thomas Aquinas comments that if we understand by the word “paternity” a real, causal relationship rather than simply our subjective concept of it, “then [this reality] is primarily in God rather than in us. For certainly all the power to procreate, present

in us, is from God,” (*Commentary on Ephesians*, ad loc).

We are aware that fatherhood has been under attack in our society, and even within the Church, when some people object that referring to God as “Father” is misplaced or offensive. My point here is that to attack fatherhood is to undermine the family as a true society independent of the state, because any attack on fatherhood is an attack on the basis of authority within the family. All attacks on fatherhood assist in the absorption of the family into the state.

We should note that the family, as Leo observes, is an *imperfect society*, unlike civil society and unlike the Church. The precise sense of “perfect” in this connection is “having within it all of the resources need to carry out its proper tasks well.” The family does not have all such resources within it, obviously so. The children cannot marry unless they find someone besides their siblings as spouses. An isolated family on a frontier can only with great difficulty meet even its material needs adequately. Separated from a civilization, it can hardly impart knowledge and culture. Separated from the Church, it cannot provide spiritual goods. It cannot protect itself well; it must be poor; and, as old Aristotle noted way back, the father really does need the support of a generally lawful surrounding society even to impart good character, and especially to his willful sons.

So the family, although a true society, is not a perfect society. But from its lack of perfection, in the precise sense, we must not infer that it is not “true.” It has rights and duties which do not depend on the state’s say-so.

Leo then says: “That right to property, therefore, which has been proved to belong naturally to individual persons, must in like wise belong to a man in his capacity of head of a family; nay, that right is all the stronger in proportion as the human person receives

4 14 Τοῦτου χάριν κάμπτω τὰ γόνατά μου πρὸς τὸν πατέρα, 15 ἐξ οὗ πᾶσα πατριὰ ἐν οὐρανοῖς καὶ ἐπὶ γῆς ὀνομάζεται,

a wider extension in the family group. It is a most sacred law of nature that a father should provide food and all necessaries for those whom he has begotten; and, similarly, it is natural that he should wish that his children, who carry on, so to speak, and continue his personality, should be by him provided with all that is needful to enable them to keep themselves decently from want and misery amid the uncertainties of this mortal life. Now, in no other way can a father effect this except by the ownership of productive property, which he can transmit to his children by inheritance.”

In this statement we have the basis for what in Catholic Social Thought is called the “living wage.” A living wage may be defined as *a wage sufficient for a head of a household to provide for his wife and children in such a way that, assuming that they all exercise thrift, they are able as a family to acquire over a generation some economic “substance,” which the children can inherit.* Obviously a *living wage* must not be confused with a *minimum wage*, which pertains to individuals, who typically are not heads of households.

Sometimes defenders of Catholic Social Thought defend a minimum wage by appeal to a living wage. But the minimum wage, in squeezing out side-jobs, is generally at odds with a family’s cooperating together to attain corporately a living wage. An employer today is effectively prohibited by law from trying to pay living wages in Pope Leo’s sense. Therefore, this ideal would need to be realized, somewhat imperfectly, through tax policy and school vouchers.

I want to call your attention to the teaching Leo next presents, which has important implications. “Provided, therefore, the limits which are prescribed by the very purposes for which it exists be not transgressed,” he says, “the family has at least equal rights with the State in the choice and pursuit of the things needful to its preservation and its just liberty. We say, ‘at least equal rights,’ for, inasmuch as the domestic household is antecedent, as well in idea as in fact, to the gathering of men into a community, the family must necessarily have rights and duties which

are prior to those of the community, and founded more immediately in nature.”

By “the limits prescribed by the very purposes for which it exists,” he means limits as regards procreation and education; and he is indicating the only just basis for the state’s intervention in the family; for example, if parents were not feeding or educating their children, or if they were physically harming them. But these are the only bases. The state has no right to intervene other than on the grounds that it is truly aiding the family to do what the family is obliged to do by nature, or to prevent it from failing to do it. Our “right to privacy,” in contrast, has this backwards: it would empower the state, for instance, to intervene against the authority of the husband to vindicate the mother if she wished to abort a child. In a just society the state would be obliged, rather, to intervene to support the husband in his claim that his child should not be aborted.

Elsewhere in *Rerum Novarum* Leo says more about the family’s right to “the choice and pursuit of the things needful to its preservation.” He says this: “The consciousness of his own weakness urges man to call in aid from without. We read in the pages of holy Writ: ‘It is better that two should be together than one; for they have the advantage of their society. If one fall he shall be supported by the other. Woe to him that is alone, for when he falleth he hath none to lift him up’ (Eccl 4:9-10). And further: ‘A brother that is helped by his brother is like a strong city’ (Prv 18:19). It is this natural impulse which binds men together in civil society; and it is likewise this which leads them to join together in associations which are, it is true, lesser and not independent societies, but, nevertheless, real societies.”

The natural impulse of seeking the help of others is prior to the state also; therefore, all subsidiary associations for honest purposes also enjoy a freedom of association, which is prior to the state. Here is the

origin of the principle of subsidiarity in Catholic Social Thought. The logic which underlies subsidiarity is the same logic which underwrites the independent authority and standing of the family. It follows that any attack on the reality of the family as a true society will inevitably be an attack on the whole of civil society. To undermine the family as a true society is also to undermine all intermediary institutions, not simply bowling leagues, but also religious congregations, considered simply as associations within civil society. The Church's teaching on the family is the bulwark of subsidiarity.

But observe that the most fundamental way in which families seek the assistance of other families is in meeting their material needs. We spoke of this already when we pointed out that families, although true societies, are imperfect societies. Suppose for example the head of one household uses his land to cultivate an apple orchard. A typical apple tree produces 400 apples. Two or three such trees would suffice to supply a single family with all the apples they could ever consume in a year. So such an apple-grower would have a superabundance of apples. But the family down the road, let us suppose, dedicates their land to the cultivation of corn. One row of corn is enough for them; beyond that, they too have a superabundance, but of corn. It is an elementary idea of economics that the apple farmer will want to swap out some portion of his superabundance of apples for a portion of the corn farmer's superabundance, and vice versa. Their agreeing to do so is an elementary association. Their doing so, as Leo says, is based on realities and impulses prior to the state. This type of collaboration, of course, will not be limited to apples and corn, but to every good needed by families, including tools, transportation, and services.

You can see where this reasoning leads. The right to private property, as Leo says, means nothing if the person who acquires the property does not have the right to dispose of it as he sees fit, such as by swapping out portions of his superabundance for various portions of the things he lacks. The means by

which we do this is what is called "the market," the central meeting place in villages and towns for the exchange of all needful goods. Therefore, the free market, that is to say, the right to enter into commercial agreements with others to improve one's lot and to provide better for one's family, is one of those "lesser and independent but nevertheless real societies," based in human nature, and with rights and duties prior to the state.

I am not making the claim that the beneficent general equilibrium envisioned by neo-classical economics has a standing independent of the state, and still less am I advocating laissez-faire, that the state has no competence to regulate markets. Rather, I am pointing out that economic activity has a bottom-up justification, rooted in human nature, analogous to the argument that the family is a true society. We can speak of "the market" in this sense as a kind of natural institution, just as our Founders liked to speak of an antecedent "system of natural liberty." Economic activity is originally a realm of free human activity prior to and independent from the state, which needs to be respected and assisted by the state, rather than absorbed into it. This basic truth and relationship does not change, no matter how complex society becomes.

Near the end of his discussion of the family, Leo says this: "If the citizens, if the families on entering into association and fellowship, were to experience hindrance in a commonwealth instead of help, and were to find their rights attacked instead of being upheld, society would rightly be an object of detestation rather than of desire." An American will find this language evocative, because it seems to suggest some kind of hypothetical social contract. The Catholic tradition has consistently held that although the sovereignty of political authorities is derived from God, any *particular* government precisely in its particularity depends upon the consent of the governed. Therefore, the form and working of their government must be something that the governed

could have agreed to in advance, before entering into political society. Therefore, it has to be something that, from the point of view of the state of nature, looks to them like an improvement, rather than a hindrance.

To be sure, there are key differences in Leo's reasoning. In our tradition, the social contract is entered into by individuals, usually adult males, to protect their property and advance their economic interests. But here in *Rerum Novarum*, the social contract or social contract analogue is entered into by families already related to one another by associations and commercial relationships. The state is judged by its service to families mainly, not simply to individuals.

Again, in our tradition, if the state seems to be violating the social contract, then revolution is justified. But Leo has no sympathy with revolution, and, in fact, the "new things," the *res nova* referred to in the title of his encyclical (*rerum novarum* is the genitive), was a euphemism in Latin for revolutionary change. Leo rejects revolution. But for all that, he sees that families may be justified in wanting to change their form of government if it no longer acknowledges their rights.

We should stipulate that the rights of the family, in the language of our tradition, are "inalienable" rights. An inalienable right, within social contract theory, is a right which cannot be given up when entering into a social contract. It cannot be given up because it is a right which derives from a duty to a higher authority, God. We are created by God; therefore he is Lord over our lives; therefore the right to life, for instance, is inalienable, that is, we cannot make a bargain with any human being in which we give it up. But similarly, the rights of families are inalienable. The right to marry or not; the right to live with one's spouse; to right to acquire property and economic "substance"; the right to educate one's children as one sees fit; the right of the father to order the household; the right of the family to practice its religion—all of these rights, in the language of our Founders, are *inalienable*; they cannot be forfeited, given up, or bargained away.

I mentioned earlier how the religious liberty of the family has a fuller grounding than simply the liberty to associate with others in civil society. The point is well articulated by the Declaration on Religious Liberty of the Second Vatican Council: "Each family has the right freely to order its own domestic religious life under the guidance of the parents. It does so as a society which enjoys its own distinctive and primordial right."

Note that this language of "its own distinctive and primordial right" echoes and is meant to echo Leo's teaching in *Rerum Novarum*. The Council deliberately links its teaching with what Leo says about the family in that encyclical and incorporates it.

The Council Fathers continue: "The parents in particular have a right to determine, in accordance with their own religious convictions, the nature of the religious instruction passed on to their children. Moreover, civil authorities must recognize the right of parents to select, with genuine liberty, schools or other means of education, nor should any unjust burdens be placed, directly or indirectly, upon this liberty of selection. Additionally, the rights of the parents are violated if their children are forced to attend classes which are at odds with the religious convictions of their parents, or if a single type of education is imposed, which entirely excludes religious formation." (*Dignitatis humanae*, M. Pakaluk translation, n. 5).⁵

That is to say, in education, the parents together with the Church are the principals, whereas any teachers, including publicly supported teachers, are simply the agents of the parents.

I do not need to tell you that in the United States today, publicly funded schools practice viewpoint discrimination: they exclude religious

⁵ https://www.academia.edu/23043336/Dignitatis_humanae_A_new_translation

formation entirely, while they permit the teaching of philosophies such as naturalism and determinism.—No teaching of literature or history or psychology is viewpoint-neutral.—And the state typically regards itself, improperly, as the principal authority in matters of education.

Now imagine that Catholic families, prior to their coming together into political society, were offered the following contract from the state: we, the state, as our side of the bargain, will take responsibility for the education of your children, which will entirely exclude religious formation, and which in practice will often be at odds with your religious convictions; while you, the families, as your side of the bargain, will pay property taxes to fund this education, and, furthermore, if you wish to use any other income for a different, specifically religious education, we will impose taxes on your income, at various levels of tax jurisdiction, which together will add up to 50% of your earnings.—Isn't it clear that no families would agree in advance to such a system, since it would be inherently violative of the rights of families? Actually, no family may *licitly* accept such an agreement, as it involves the forfeiting of their inalienable rights.

So, where do we stand?

You have probably heard that Sister Lucia dos Santos, the last surviving Fatima visionary, once asserted that “the final battle between the Lord and the kingdom of Satan will be about marriage and the family.” You probably do not know the circumstances of her assertion. She wrote it in a letter to Cardinal Carlo Caffarra. The Cardinal had been asked by Pope John Paul II to plan and establish a Pontifical Institute for Studies on Marriage and the Family, and, therefore, he wrote to Sister Lucia to explain the initiative and to ask for her prayers. Sister's lengthy letter in return was unexpected by him.

“Don't be afraid” she added “because whoever works for the sanctity of marriage and the family will always be fought against and opposed in every way,

because this is the decisive issue.” “Nevertheless,” she said, “Our Lady has already crushed his head.”⁶

Cardinal Caffarra commented that when he spoke with John Paul II about this letter, “you could feel that the family was the core, since it has to do with the supporting pillar of creation, the truth of the relationship between man and woman, between the generations. If the foundational pillar is damaged, the entire building collapses and we're seeing this now, because we are right at this point and we know it.”

I am not a visionary and have no basis for commenting definitively on the spiritual battle between the Lord and the kingdom of Satan. That the foundational pillar of society is damaged—this you and I can see. That the entire building is prone to collapse, this too we can see. I personally love *the freedom* of a Christian society, and therefore I prefer to describe the collapse as the loss of freedom of families and individuals. As Leo put it, they are at risk of being absorbed into the state. The collapse we are seeing is not caused by runaway individualism, but rather by the deterioration of the family as a true society. (Remember that it is important to Leo, too, that the individual not be absorbed into the state. There is a good Catholic individualism.) Individualism seems salient today, only because the proper counterbalancing of the individual with his original community in the family, has deteriorated, and the true common good precisely of the family has disappeared. After all, the family as a true society, must have a true common good. And if the family is an organic basic cell of society, then the common good of political society must be mainly composed of the common goods of the families which compose it.

In great spiritual battles, or civilizational collapses, individuals like you and me can do very

⁶ <https://www.catholicnewsagency.com/news/34155/fatima-visionary-predicted-final-battle-would-be-over-marriage-family>

little. If one had to identify the chief causes of the collapse, one would have to name, above all, divorce, which always implies the abdication by the parents of their God-given authority, and an illicit concession of that authority to the state. Also, an ideology of human sexuality which denies that sex and marriage are essentially procreative should get much of the blame. Finally, government interventions have played a big role as well, I mean, those which have tended to subvert the family, by replacing the functions of the family.

We cannot reverse divorce, but we ourselves can forswear divorce. We cannot stuff technology back into Pandora's box, but we ourselves can reject any technology that we wish. We cannot roll back misguided government policies, but we can at least begin to see the harm, and recognize what is at stake.

Saint Pope John Paul II in his apostolic letter *Novo Millennio Ineunte* said, "It is necessary therefore to rediscover the full practical significance of [Vatican II's] Dogmatic Constitution on the Church *Lumen Gentium*, dedicated to the 'universal call to holiness'... The time has come to re-propose wholeheartedly to everyone this high standard of ordinary Christian living: the whole life of the Christian community and of Christian families must lead in [the] direction [of holiness]" (nn. 30-31). "These world crises are crises of saints," said Saint Josemaría Escrivá. I see no solution except holiness, and the recognition that living the Church's teaching on marriage and procreation is inseparable from holiness and must, for a Christian, be placed on the same level.

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