

Society of Souls ¹

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¹ Society of Souls is a shortened reference to Human Society seen as a Society of Souls. The same concept could have been expressed as The Social Life of Souls, or Human Society Considered from the Aspect of Relationships among Souls.

² Mr. Enrique Loayza contributed to the initial ordering of these materials in Portuguese

Introduction

In human society, there is a part that manifests itself through its exterior, palpable and visible aspects, but there is also a part that expresses itself through the relationships between souls. We call the latter the Society of Souls.

The expression is somewhat inaccurate since it insinuates that two societies exist, one enclosed in the other: a visible one and an invisible one.

To avoid this inconvenience, we say that there is only one human society, but in it is a social life of souls, or an aspect of social life that is made up principally of the relationships among souls. This is an important aspect to be stressed, because normally it is omitted in Catholic treatises on Natural Law.

These treatises consider society as existing primarily for its material purposes, that is, to conserve the life of man's body for his survival and the practice of virtue. Hence, they take a wrong approach in considering the purposes of government. Indeed, the modeling function of the government is much more pertinent to the life of a society of souls than the life of a society of bodies.

Society can be conceived as being an association of persons who organize themselves to produce goods and consume them, but it can also be conceived as a society of souls. The problem of production and consumption is important, but we consider it more important to know whether the souls feel well, whether that society is accomplishing what the human souls expect from it, and what are the conditions for the psychological and spiritual progress of those souls.

We plan to discuss what the life of the soul is, so that we can understand how souls collaborate in a society. In order to do this we need to enter into the problem of a soul's search for the absolute.

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Part I

The Social Order

Chapter I

The Interaction among Individuals

1. The First Motive for Men to Relate to Others Is the Search for the Absolute

The soul's quest for the Absolute occurs because each man has an essential contingency in his being that asks for fulfillment. Only the Absolute, which is God, can fulfill this essential hunger we have. The soul's quest for the Absolute that completes it is the most profound tendency of our human soul. In religious terms, this tendency is what propels us to know, love and serve God; in philosophical or psychological terms, it is what drives us in the quest for the Absolute.

A. Ensembles of men can find the absolute in a more universal way

Each man has a unique aspect of the Absolute that will complete him and that is different from aspects other men are called to fulfill. He also has a primordial light, different from the others, which illuminates the part by which he strives to know, love and serve the Absolute. This primordial light is also how the individual will be seen and known by others when they view him as an image of God.

God is the Exemplary Cause of the universe, which means that He is mirrored in the universe that He created. He can be known by the contemplation of the universe. Therefore, the more encompassing the contemplation one makes of God, the more perfect his perspective of God becomes.

Consequently, there is a perfection of the ensembles of men that calls for each member to join together to realize it. It is the perfection of an orchestra that calls for each performer of the various musical instruments to achieve that reality which constitutes an orchestra, and to be able to perform the music that only an orchestra can play.

This shows that, besides the individual call that each one of us has to seek our personal fulfillment in God, there is also a call to join with others whose calls are similar to our own in order to reflect a particular general reality that only the ensembles are able to reflect.

B. Hierarchy in the universe; hierarchy in the appetencies³ of man

The Absolute is reflected in the ensemble of the universe in a hierarchical and ordered manner. In a parallel way, man gradually comes to desire these reflections of the Absolute. There is, therefore, a relationship in this twofold gradual aspect of Creation that explains why man is only satisfied when he grows more and more in his understanding and love for the Absolute.

In the hierarchy of the universe, the realities of each rank are symbols of a reality of a superior rank and are indirectly symbols of God. When a soul considers and admires the various things of Creation around it, it embarks on a search for absolute values that is ordered by its primordial light.

C. The absolute can be reached by means of symbolism & syllogism

The absolute that man reaches in this way is an absolute that shines through the symbolic aspects of creation. This is what explains the importance of symbolism in our Catholic doctrine.

On the other hand, given that he is capable of syllogisms and logical arguments, man does not live by symbols alone; he does not reach the Truth only through symbolism. But it is by these symbols and arguments that he ultimately seeks the absolute, which is the absolute truth.

So, either by the senses or by what we call the abstract or intellective way, man seeks the absolute when he corresponds and conforms himself to the inherent law of his intelligence.

D. Love of the absolute & love of self

When, on the contrary, man does not correspond and conform himself to the law of intelligence, instead of seeking the absolute in things, he looks only for enjoyment and considers things only inasmuch as they give him joy and satisfaction. Thus he falls into low and mediocre delights.

For example, when he sees a palace, instead of saying “How beautiful!” he says “How enjoyable! How delightful it is to see this beauty!” He does not love the palace, he loves himself and he loves the palace as a means to give him enjoyment and not as a symbol, an expression, an element by which he can rise to the consideration of an eternal truth, an eternal beauty, an eternal immutability, etc.

And so we have the love of the absolute and the love of self – the latter being the love of the contingent, transitory and relative because the self of every man is entirely contingent – like two poles between which the soul moves even in the natural sphere. This explains the famous phrase of St. Augustine that “two cities have been formed by two loves,” the heavenly city formed by the love of God – and God concretely is the absolute – even to the contempt of self, and the

³ An *appentency* is a tendency, an inclination, a longing or desire. The generally recognized appetites are those of hunger, thirst, etc, but the term *appentency* applies not only to organic needs, but also in a general manner to cognitive, volitional and sensible tendencies of all sorts.

earthly city formed by the love of self even to the contempt of the Absolute, the contempt of God. (*The City of God*, chap. 28)

E. The quest for the absolute & happiness

From this consideration we move to another, which is that this enjoyment of the things of Creation can give a certain pleasure to man, but it does not give true happiness. Happiness only comes in the quest for the absolute.

This is so true that we can indisputably apply to the absolute another famous phrase of St. Augustine: "Thou hast made us for Thyself, O My God, and our heart is restless until it finds its rest in Thee." (*Confessions*, 1.1.1) That is, the absolute is ultimately the true and only happiness of man. The man who rejects the absolute and only considers things on the purely natural plane thrusts himself alive into a real Hell.

In his first consideration of this absolute, man can only consider it without attributing it to God. But the religious man, upon a second consideration, rises to God.

Here one can apply the comparison St. Teresa makes describing the soul's relationship to God: When a mother is in a room and her child is playing, her primary attention is not always on the child. She may even have her back turned to the child for a period of time; nonetheless she is aware of everything that happens to the child. Thus, one can say that she never lost sight of the child for a moment even though she was not looking directly at the child the entire time. Likewise should the religious man perceive the absolute as always related to God.

One more thing needs to be said here: Either the reasoning man admits God when he admits the absolute or he ends by denying the absolute, because an absolute without God is entirely impossible.

F. Contemplation of things & souls

It is not only inanimate beings – even being symbolic – that help us to reach God. What helps us most to reach God is the knowledge of our soul and the souls of others, because the soul is the most faithful reflection of God on earth. It is mainly through this process that we can reach a certain natural knowledge of God.

In this way, we reach the conclusion that, by studying the souls around us, we can arrive at a better knowledge of God. The first reason and first aim of men for entering into contact with each other is to know certain absolutes, which are reflections of God.

With this said, we must study what is meant by "contemplation" in a society of souls.

We understand contemplation, in the purely natural sense of the word – disregarding any and all supernatural meanings the word can have – as a phenomenon in the soul similar to what digestion of food is for the body. In the body, the sensibility of the animal sees a certain thing, and if he craves it, he eats and assimilates it, making it, in a certain way, a part of himself.

This is, properly speaking, assimilation. In the soul we see something that seems to create in us a certain reflection of the absolute, but it is a reflection of the absolute for which we have an ardent thirst as contingent beings; we have the dynamism of contingent beings who seek the absolute. Thus, we see a small bit of the absolute and we focus on it so that we can assimilate it and enrich our soul. As a consequence of that spiritual enrichment we not only become greater and better, but we rest in that absolute.

So, contemplation is the consideration of a certain thing inasmuch as it accomplishes this purpose. It has two concurrent and parallel terms: enrichment of self in function of the thing, and repose, a quietness of self in the consideration of that thing. This is what we would properly call contemplation.

Having said this, we see that the purpose of social life regarding the psychological need of the soul is to seek and to possess the absolute through contemplation, because contemplation is a way to enter into possession of the absolute.

2. Types of Relationships Men Can Have in Society in the Quest for the Absolute

We should analyze what relationships souls can have within society in the quest for the absolute. We could establish the following groups of relationships:

A. Sequential relationships in the order of perfection

The military spirit is characterized in military relationships in differing degrees. Let us imagine an officer who personifies the military ideal in an eminent way, a way I would call exemplary and contagious. That is to say, this model individual is not only the prototype of the military spirit, but he possesses it to such a degree that he communicates it to others, thus in an exemplary and contagious way.

For this reason, others who also have a military primordial light, who are made for the military spirit, have a relationship of cause and effect with that model military man. They assimilate his exemplary and contagious force, and then pass it on to others. In this way the general vivifies the colonel, who vivifies the lieutenant, who vivifies the sergeant, who vivifies the soldier. So, it is a type of sequential relationship, a type of chain reaction, a transmission that occurs in a descending line and by degrees, so to speak.

In parallel, we have the simple exemplary way of transmitting the military spirit. In this way, one does not receive the contagious force from the model military man, but receives only some external expressions of the military spirit of a superior worthy of being imitated. For example, this officer is meticulously clean in dress, his sword is always well-presented, he is courteous. This would be an imitation of external customs that are convenient, but it is no longer a contagious spirit, where a different relationship of soul occurs.

B. Relationships in which a person contemplates different perfections

Let us imagine a reception hall in 1914, following the model of the Duke de Guermant⁴ before the end of the *Belle Époque*⁵ in which generals, admirals, cardinals and celebrities from all spheres of life are conversing randomly among themselves. It is a brilliant ambience where, let us suppose, all are commemorating a great historical event of the past. Ladies and gentlemen are in their finest gala apparel, the high clergy in solemn garb, and the military in their noblest uniforms. In the conversations each one seeks to contribute only with the most elevated thoughts and to express his opinions in the most accessible and refined way.

A person who would enter that hall would have an understanding of the worlds of others, would contemplate the worlds of others; but also, in function of the others, he would be able to better define himself, because comparison with others is the best way for a person to know himself.

So, when a gathering such as this is correctly conducted, the cardinal becomes more a cardinal, the general more a general, etc in the analysis of how he should be, etc.

This is the type of relationship in which one contemplates different perfections.

C. Relationships to know the synthesis of all perfections

Another type of relationship is when the soul wants to know an ensemble of perfections. It does not enter into a particular relationship to know a particular perfection, such as if inside a rainbow the color red wanted to know the color green, and green wanted to know the color orange. Rather, it is when one wants to know an ensemble that is the sum of all those perfections. The person would look for a type of white light in which all colors are fused.

We can say that Louis XIV was that white light which radiated various colors: Boileau, Condé, Turrene, Mansard and Mme. de Sevigné. It is from this perspective that he knew how to be a King.

⁴ In reference to the 1913 novel by Marcel Proust, *A la Réchère du Temps Perdu (In Search of Lost Times*, first translated into English as *In Remembrance of Things Past*.

⁵ After the French Revolution, the end of the Napoleonic Empire (1815) and the Restoration of the Bourbon Monarchy, the members of French nobility who were in exile returned to France. Since they had lost most of their properties in the countryside – which had been expropriated and looted by the revolutionaries – they settled in Paris and established themselves in the *Faubourg Saint Germain*, which became an aristocratic neighborhood. There they started a life of society. It was much less splendid than the one they had enjoyed previously, but still it was very brilliant. That society radiated its influence over all of Europe, including the new bourgeois elite that rose from the Industrial Revolution. This time in Europe was called the *Belle Époque* (Beautiful Epoch). Its brilliance penetrated culture, art and literature. It lasted approximately until the start of World War I (1914).

When a person knows many perfections, he looks for a certain supreme unity representing them all which some men represent or embody as their primordial lights.

D. Relationships to know how others understand a certain thing

For example, in a club where many have gathered to talk, the dominant purpose of gathering together is the conversation. Then, the axis around which all the relationships revolve is the exchange of opinions. They understand their relationship as a means to form a type of higher notion of a topic by knowing how the others understand it; in this way they form a superior notion of that topic.

E. Relationships to verify if others think like he does

There is a relationship of a more subtle character, which is as follows:

If original sin had not been committed, man's intelligence would always have given him the correct idea of the physical reality before his eyes and of the abstract truth his mind can grasp. In this sense, he would be infallible. However, he would not have the full notion of both the abstract and the physical realities because of the limitation of his intelligence. So, as the human race would multiply, man would seek out the opinion of his neighbors on such matters to see how they understood them and to complete them with his own contributions.

The opinion of the many – the public opinion – would be, therefore, much more perfect than the individual opinion of each man. Although both would be infallible, the public opinion would be infallible in a higher degree than the certainty of each individual. This public opinion would have been a combination of the opinions of all men, and each one would have found the complement of the truths that he knew in the truths that others knew.

After the fall, the infallibility of man's intelligence as well as that of the ensemble of men ended, but that tendency to agree with others continued. So, even though man and public opinion can err, we all have an innate tendency to check with others, especially when a majority of the people shares a common thinking.

So, after original sin, man began to doubt his own truth, but was left with a tendency to check with others to ascertain whether others were thinking as he did, as a guarantee and a criterion – albeit relative – of certainty.

F. Relationships of pure study

Another element that enters into the life of relationships is the relationship of strict study, when persons come together to study abstract ideas as a group, such as a society of philosophy, for example, where they exchange purely intellectual data.

3. The Theory of Planets & Satellites

In studying the realization of the interaction of the various primordial lights in order to produce a well-organized society of souls, which would constitute what the good organization of a society of souls is, we must consider a fact pointed out by Fr. Ramière in his metaphor of the planet and the satellite. According to this metaphor the interaction of souls occurs in a way similar to how satellites gravitate around the planet.

Let us begin by trying to enrich Fr. Ramière's metaphor, noting that it seems somewhat forced to say that a soul is either a planet or a satellite. A soul can be a planet and a satellite at the same time, because it can be a satellite in relation to one person and a planet in relation to another. In this way the rich, fruitful, harmonious intermingling of the various planets is constituted.

We now ask if it is necessary for each man to have a planet and if it is necessary for his planet to be a man.

A. Planets following the primordial light

Let us first distinguish the planet following the primordial light from the planet that is not in accordance with the primordial light. An example of the second case would be a person who has his planet following the primordial light and in addition plays chess; in this sphere of chess, he has another planet.

Let us set aside for now this second type of planet (the one that is not in accordance with the primordial light), since it is presumably of little importance to us. We will look at the planet that follows the primordial light.

B. The planet can be an institution or a concept

A planet can be a man, but it can also be an institution. For example, this would be the case of a person in a religious order who finds no man to express the fullness of the spirit of the order as he conceives it. Nevertheless, he finds that the ensemble of the ambiances and religious persons constitute the ideal spirit of the order. Thus, his planet would be the institution; it would be that concept which he formed of the order, but it is an ensemble because no person realizes it in its fullness.

Another type of planet would be merely conceptual or an ideal, which does not even become realized in an institution. For example, let us image a person who – considering a priest, an artist and a writer – finds in each one of the three something that would be in accordance with his primordial light. None of the three, however, realize that person's primordial light in its fullness, but he draws from each the elements that will make up his ideal planet. It would not be a man-planet, but an ideal concept.

Another observation: In the normal order – which includes numerous exceptions that are not bad – the man will find his primordial light living fully in another. This “other,” therefore, would be a living and physical man.

Wisdom is an element that always has a planetary function in all the activities of human life. Wisdom, by its nature, is a directing element. The wise man, in the etymological sense of the word, is the man who directs.

Now, who is the wise man? In the temporal sphere, wisdom is represented by the aristocracy to which it is proper to put society in order and direct it. In the spiritual sphere, it is represented by clergy to which it is proper to put the faithful in order and direct them. But since wisdom is a virtue, it is clear that the aristocracy drinks of this virtue from the clergy’s fountain.

C. The planet transmits his ‘heat’ to others

In this theory of planets and satellites, there is another aspect to consider:

In concrete life we can observe a focus of heat that is inside a receptacle and, at the same time, its walls are designed to receive that heat and conserve it. We find an example of this in the wood-burning oven: There is a part where the wood is placed, and then there is the oven. The heat is generated primarily in the part where the wood is placed, but the oven is a box made of material that very easily transmits the heat and maintains a certain temperature. In this way, that whole core that constitutes an oven becomes hot very easily. It receives and conserves the heat in the same way as a furnace does; the heat is received from the fire and then it is diffused in a particular way. For this reason, there are certain things that are cooked by the flame on the stove, but there are others, such as bread, that must be cooked in the oven.

Regarding the planet-satellite metaphor, we see that the planet has a certain way of generating heat in his most direct disciples and another way with his wife in the family. They all receive that heat from the former and conserve it.

Let us look at the closest disciples. The headmaster dies, but his school can be conserved for some time even without the planet. And it is authentically conserved because of that oven of disciples who are penetrated with that tradition, that heat, that element of life.

The wife in the family is also like the oven of the head of the family. By the participation she has in her husband's personality, she receives more than anyone else all the warmth radiating from the head of the family – who is the planet. This occurs in such a way that, in the absence of the planet, the warmth that is in her passes through her and reaches almost all things. On the other hand, it is the mother’s role to form, to give the tonus, to act over the children in a way that is softer, more uniform and moderate, a kind of action that is different from the direct action of the planet.

D. How the planets influence society

In the relationships between planets and satellites, at times there are gaps, or lacunas, in the production of planets in a given society, a particular group or a specific country. One of the more delicate works of the government of Divine Providence is to arouse those planets so that they move institutions forward, inspire them, etc. To create planets is one of the most important works of Divine Providence.

In this respect, Providence has its normal mode of action and its exceptional actions. Sometimes planets are produced in an amount sufficient only for the maintenance of normal life, and sometimes they present themselves in an extraordinary superabundance. For example, there was at one point a grand bouquet of saints for the founding of religious orders; in other epochs of History saints are raised for the chastisement of mankind, as in the Renaissance. Or as a reward there is an explosion of geniuses in a specific field. This is something that is not done without the special design of God.

It is one of the most sensitive ways that God has to move History forward, either human society, the Church or intermediary societies.

Many times it happens that, by the design of Providence, a planet guiding an institution has a kind of oven, so to speak. In that institution or family, Providence can permit epochs when the planet is not lit but the oven continues to transmit heat; epochs when its action still continues, but its sub-products are increasingly less rich. They are not unhealthy phenomena; they are common modes of operation, until Providence at the right moment once more raises up an exceptional man, a planet, and this planet gives a new impetus to the whole epoch.

This can be compared to the flight of birds that soar with their wings closed for some distance and then spread them again. When they fly with their closed wings, they remain in the air from the impulse that they received when their wings were open. Then, after soaring for some time, they spread their wings anew: They generate a new impulse, and then they close their wings again. At times Providence acts in a similar manner with human institutions.

A nation is a whole planetarium in which we have a huge group of planets with the sun as their center. The action of Providence makes itself felt in an extraordinary way, particularly in this sun.

Regarding this topic, we cannot consider just a nation to be a planetary system. Thus, for example, literature, science or music each has its own planets and satellites. Those planetary systems influence one another and give a certain type of unity. This unity is what properly constitutes the unity of a nation.

These various fields of activities have a proper and natural hierarchy. However, a given activity can push forward tremendously at a certain moment. Whoever is the planet of that activity will become the most active and most propelling element in the nation. For example, at a given moment, the planet of the legists moved Europe. At another moment, it was the planet of the poets in the epoch of the troubadours. Later on, there was Voltaire, the planet of the sophists, etc.

This continues in a chain that unwinds indefinitely, where a certain field can take on a preponderant aspect in a nation at a given moment.

E. Nation, family & planet

A nation is, above all else, a piece of fabric in a planetary system of families that are interwoven to form social groups, which interact to form a society called a city. That city interacts with other cities to form a region, etc. until we arrive at the Kingdom.

A nation is, therefore, primordially a gathering together of families with their respective primordial lights.

It is important to note that, regarding the family, the planetary element in this system is not directly a man but the planetary family while it conserves the warmth and heritage of its planets.

F. Church, State & planets

It should also be noted that both the Church and the State live essentially on the existence of a planetary system that is very active in at least one or several capital points. When this is the case, things move forward; when this does not exist, things go wrong. For example, in the epoch that followed Cluny, the planets were extinguished. There were no planets in any of the key points in the Church. The result was ruin. One can live off the heat until it is gradually extinguished and is finally depleted.

This also occurs with States. If an aristocracy ceases to be in ascension, its planetary system becomes stagnant or decayed and the State also fades. This is the capital point in explaining the importance of the currents and the planets inside a State.

In considering this point further, we can say that this interplay of the planets and satellites takes place in such a way that the planet is much more indispensable for transcendental and complementary societies than for domestic societies.

The domestic society is born by its own nature, so that it can resist the non-existence of planets for a longer time through various generations. On the contrary, other societies resist this lacuna of planets with more difficulty.

Accepting this observation, we can make this addition: Both the domestic society and other societies can live from the memory of a great man who has died. For example, in a family, the eminent members who have died continue to serve as an inspiration to the family. In an institution, one can say as well that the eminent members are its inspiration.

There is another thing to consider: The apogee to which the Secret Forces has reached in our day undoubtedly resulted from the fact that, since the Middle Ages until today, there has been a whole chain of elements that were extraordinarily active and integrated in that garbage. If they had not been so, their work would have also decayed.

4. The Bond of Man to Man, the Foundation of an Organic Society

Organic society must be governed by a political regime based on personal bonds of fidelity.

The most perfect historical example of those bonds was found in the feudal regime. However, even in Antiquity some peoples practiced this type of subordination, which, in final analysis, belongs to the natural order and follows the doctrine of the planets and satellites.

This personal subordination in man-to-man bonds serves as a foundation for the construction of the entire structure of organic society. This is a socio-political foundation, and the juridical and economic structures must be rooted upon this foundation.

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Chapter II

The Social Classes

1. Criteria to Determine the Propelling Class

A. The levels of understanding & love

One of the ways to classify beings is according to the capacity of their understanding. Now then, each one's capacity of understanding varies, that is to say, each one sees reality in different depths. Therefore, we can transfer the problem to the study of realities: How can realities be better and more profoundly understood? This study could serve as the basis for the classification of beings.

Now then, there are two ways of contemplating realities: *One way* is that, when we see that some beings fulfill the end for which they were created, we can observe their actions, study their tendencies, see how they fulfill their duties, examine their morals, and so on. *Another way* is to check how those realities, by their nature and their symbolic aspect – that is, regardless of their action – are similar to God. This similarity to God is due in part to resemblance, and in part to symbolic vocations.

These two ways of observing reality – that is, by their actions and by their nature and symbolic value – are two different categories that clearly correspond to two different depths.

We see that the first and highest group of the choirs of Angels understands in God the reasons why He created things; the second group of choirs understands the universal causes; the third understands the determination of particular effects.

If we apply the same criteria of the hierarchy of Angels to establish a hierarchy of understandings, we see that the deepest understanding of things can be in God, then in universal causes, and finally in particular effects.

In this way, there is a problem of understanding, as well as a problem of love. There are three degrees of knowledge, just as there are three degrees of love and of understanding of the same things.

It would be wrong to believe that we should only try to understand things in God because this is higher than understanding Him in universal causes or in particular effects. The object of understanding is always the same: It is the contemplation of created things. And the highest platform is just a point of reference that allows us to situate ourselves in order to understand something. The higher the reference point is, the deeper the knowledge of the thing itself is. But the other two ways are perfectly good ones.

With regard to this question, St. Thomas speaks more about the understanding of the end of things. But this passage of St. Thomas is more fully understood when it is seen that, in fact, there

is not only the knowledge of the end of things, but the knowledge of things in their causes and ends. Then, it becomes much easier to perceive the connection between the cause and the end, and the cognition it creates has a greater depth.

I am inclined to think that minds very disposed to grasp the symbolic aspect of things are those who are on a higher plane; while the others, the ones who study universal causes, are more disposed to the idea of order. They are more practical spirits, while the first are mystical spirits. Here we find a type of special royalty in the society of souls with the mystical spirits over the practical spirits. Thus, a differentiation in the society of souls appears: The entire society of souls is made up of three choirs, that is, of three types of music, so to speak: one of the mystics, one of practical persons on a universal level, and one of practical persons on a functional level.

This thesis of St. Thomas could aptly be used to classify not only the Angels, but all existing rational beings and even those that could have been created. In this way, in human society those who understand the ultimate reasons for things according to their ends must be highest; those who understand only the universal causes must be the great organizers, and, finally, those who understand things in their determination of specific effects must form the base of the hierarchy.

B. The wisdom of the philosopher & of the King

What exactly would be the reason for the formation of a true hierarchy of elites in society?

Society as a whole can be considered as having a part of its members who can be pulled as if by strings by others; that part can be pulled completely by any of these members. Thus, we must establish, among those thousand possible groupings, a hierarchy and an order in which the traditional notions of real elites find their rational justification.

Some philosophers formulated a solution for this problem more or less in the following terms: We have a hierarchy in the order of knowledge; *first* in this hierarchy is religion, *second* philosophy, *third* sociology, politics, economics, etc. Then, because knowledge seems to be the most noble of the human functions, we can conclude that men must classify themselves according to knowledge; in that knowledge, they must classify themselves according to the intrinsic nobility of the subject that they know.

We have reservations on the criterion adopted by this type of philosophers who think that the world must be directed by philosophers and that philosophy is the apex of knowledge and has the highest intellectual value.

Our reservations about this false solution are:

First, we recognize that the world is guided by intelligence, but we reject the idea that the world is guided solely by intelligence.

Second, we reject the idea that intelligence is guided only by philosophy. So, with these rejections, the whole thesis falls, which was, in point of fact, the target we raised to shoot.

Well then, when we considered the doctrine of St. Thomas regarding the Angels, we saw that in Heaven there are three orders of values that always remain on the same steps or levels, forming the same hierarchy:

- *First*, a hierarchy of nature,
- *Second*, a hierarchy of intelligence, and
- *Third*, a hierarchy of sanctity.

In other words, the Angels, who are highest in nature, for that reason have the highest intelligence and are also the most purified and perfect with the greatest sanctity, to the degree that in Heaven those three values – nature, intelligence and will – are not different but are one and the same.

Now, among men this order of things is different. First of all, men, by their nature all are the same; they are unequal by accident; in their substance they are the same. This does not apply to the Angel, for each Angel is a species *per se*.

Thus, the whole problem of the hierarchy of nature in man is different.. The hierarchy of intelligence and holiness among men is also different and varies. There can be men with great intelligence but called by God to less sanctity than other men of a lesser intelligence. Because of this, we can understand that one cannot apply this criterion to men as purely and simply as it can be applied to the Angels. This was already true prior to original sin, but became much more so after original sin.

So, how does this division apply to men?

There is in men a hierarchy that is subject to virtue, because in man virtue is more important than intelligence. And all the virtues are commanded by the virtue of wisdom, which is at the same time a virtue of the intelligence and the will.

In the virtue of wisdom we must distinguish two aspects: the *first* is the intensity of wisdom, and the *second* is the way of being of wisdom. With regard to intensity, a man can have a great wisdom, but a wisdom that is incomplete because it lacks two accessory elements: “*recta ratio agibilium*,” that is, the correct way to behave, and “*recta ratio factibilium*,” the correct way to do things.

I can also say the opposite: A man can have a wisdom that is less eminent but encompasses those two accessory elements.

So, I would say that the second wisdom, although less global and less perfect because wisdom is not in these accidents, is, however, more complete because it encompasses those two accidents. It is wisdom plus something.

That wisdom seen together with those two accidents – *recta ratio agibilium* and *recta ratio factibilium* – is absolutely not in the sphere of philosophers. Philosophers are specialized intellectuals who study some aspects of that wisdom, reducing it to explanations, etc.

But wisdom can be possible in someone who knows how to behave and how to do things, that is to say, in a person who does not have the knowledge of the philosophic principles that justify it. And, as such, a person who may have heard neither of Aristotle nor of St. Thomas Aquinas can possess more wisdom than someone who has studied Aristotle and St. Thomas Aquinas.

This wisdom hovers over philosophy and characterizes the wisdom of the King. Why does it characterize the wisdom of the King? It is because the King, properly speaking, is not a specialist or expert in anything. The King understands less of his Royal Navy than his Minister of the Navy. He understands less of financial matters than his Minister of Finance. In none of those fields is the King a specialist, but he has a wisdom that is the nectar of all the other wisdoms, by which he reduces all those fields to a unity. It is a quintessence that hovers above all the others. Through it he has, so to speak, the juice of the other specialized wisdoms.

Thus, the King is a man who has wisdom, and, because he also knows at the same time how to behave and how to do things, he has a complete wisdom that allows him to command. It is this that fully characterizes his royal wisdom. This is the true depiction, the true description of the King. A King like this is more than the philosopher.

Can we say that every man who has wisdom is capable of being a King? Is every King called to the perfection of a wise man? No. In the human mind one can distinguish two types of wisdom: that of the specialists and that of those who have a general wisdom.

The specialist knows a certain topic. One who has a general wisdom can harmonize all those particular subjects and, because of this, he is superior to the former. Now then, among these wise men there are great sages known for their wisdom in that specific sense of the word, but they do not know how to behave or how to act; they can have more wisdom than the King, but it is an accessory wisdom that is less complete than that of the King.

In order to better understand how this wisdom with secondary elements can be more complete, we must remember that this occurs even in Heaven: There, the more man has loved God, the higher his state is. It is incontestable. But, on the other hand, there is a glory proper to certain ways of being regarding virtue. For example, St. Mary Magdalene may be in a place that is higher than thousands of virgins who are in Heaven; but the virgins have a special glory that St. Mary Magdalene does not have, due to a way of being determined by their virtue, which is their virginity. That is to say, the accessory elements, the complementary and circumstantial ways of being, have their own value even in Heaven.

Another point: In Heaven to be a priest or a Bishop confers a glory that others do not have, which is not to say that the Saints are not much higher. Rather, it is to explain that the circumstantial elements have their own value and to justify the great importance those circumstantial elements have in the King. This importance is increased by the fact that on this earth we are inside History, and History is acting and doing and, therefore, circumstantially speaking, knowing how to behave and how to act have a special importance. And this, therefore, characterizes the King. We would say it thus: Complete wisdom characterizes the one who has the highest power, the highest position.

C. The wisdom of the noble

What is the noble? The noble is a miniature of the King and for this reason his wisdom is directed toward the practical order of things. He has an eminent and special wisdom that places him above the other social classes. The same reason that the royals are placed above everyone in society is what gives a super-eminence to the noble over all the other specialists.

Let us note that this explains precisely why the noble should not be a specialist. For example, consider this common complaint: “Look at so-and-so, he is a noble but he understands much less about botany than Professor X, and much less about mineralogy than Professor Y.” This is a perfectly stupid consideration because the noble should not be a specialist in these topics. That is the role of the bourgeoisie, of a bourgeois knowledge, just as mechanical knowledge is a more or less plebeian knowledge.

So, we conclude that, considering these many aspects, this is what characterizes the very essence of nobility.

In his address to the Pontifical Noble Guards, Pope Pius XII reminds them of a passage from the *Summa against the Gentiles*, where St. Thomas says that the nobility is inherent to the goodness of the being, and the more a being is ontologically or morally better than another, the more noble he is in relation to the other.

And so we could say that human fullness and true humanism are found in the distillation of an aristocracy formed following the rules we have just laid out. This is what true humanism is. And, for this reason, true humanism calls for a true aristocracy, and all of society should participate in one way or another in the goods of this aristocracy.

To democratize is to dehumanize. We see this was the great lie that existed in the Humanism of the 16th century. As always, the Devil promised one thing and ended up taking what he promised; he was establishing democracy and taking away true aristocracy and preventing the people from sharing those goods that make them better.

From this study of nobility came another very important consequence: the idea of an hereditary aristocracy. For this aristocratic way of being is biologically inherited and must come from a profound formation that starts in the cradle; it purely and simply is not acquired by study. There is no other way to transmit this way of being.

However, there can be rare exceptions at times of very well-endowed men who by their nature can reach this level by themselves. But those men are so rare that the organization of a perfect aristocratic humanism on a stable foundation cannot depend on them. The way to do this is through heredity alone.

And so, the hereditary elites are not made up of specialists, but are gifted with a true wisdom that is a general and not specialized wisdom, gifted with a correct way to behave and a correct way to act. They normally direct society and constitute the first social class above the so-called intellec-

tuals – who have a bourgeois form of knowledge, which is not transmitted in their life and their family but in the classroom by means of courses, erudite study, etc.

D. The primordial light

One way of classifying the elites is to consider their action: What is the hierarchy among the various fields of activity – religious, ethical, social, political and economical?

Another way is based on their hierarchy in the different networks of power and command:

- The hierarchy in the system of planets and satellites;
- The hierarchy in activities that govern other activities, in accordance with the excellence of the different activities;
- The relationships among the hierarchies in the different social milieus found on the levels equivalent to certain activities (e.g. the level of Cardinal-Marshall-Duke-Celebrity-Writer, followed by that of Colonel-Bishop-Count-Eminent intellectual, etc.)

Such classifications do not have an absolute fixity but contain some flexibility.

How can one activity govern the others? For example, in a people with a military primordial light, the military class is the driving force of everything, including the ecclesiastical class when it is an organic part of everything.

Hence the principle: The primordial light of a people determines what class will be the driving force. The nature of the driving force class determines the form of society. The form of society determines the form of government.

2. The Elites

A. Origin & formation

There are two approaches that can be taken in the study of the formation of the elites:

The *intrinsic approach* considers that an elite is seen and known by means of its laws and its internal functioning.

The *psychological approach* considers that an elite is at its best when it serves and satisfies the desires of the human spirit, its primordial light.

a. Intrinsic approach

First, we will study the problem of the formation of the elite intrinsically. So then, why are elites formed? Why is it necessary to have elites according to the laws of nature? What is the ultimate

reason for them, not viewed from the point of view of the plan of the universe or the psychological needs of man, but considered as something that nature itself demands?

An excerpt of Sacred Scriptures says that it is good for the potter to be a potter (Wis 15:7, Rom 9:21). However, because he must be constantly thinking about his pots and clay, he cannot consider things that are more elevated. So then, there must be men who think about pots and men who govern nations.

This leads us to consider the identification that exists between a man and the work he does. Thus, in a certain way, the potter resembles the clay, because he thinks about the clay and works with it. Likewise the shepherd resembles the sheep: by resolving the problems of sheep he ends up acquiring a state of spirit that fits very well with his condition as a shepherd. Similarly, in a university that has its own customs, styles and ways of being these things are also reflected in the professors and students.

We could construct a theory from these observations on the resemblance that exists between a man and the work that he does. By a requirement of nature, men must be classified on the different strata of society according to the jobs they perform. It is not possible in a society for all men to mold clay or for all men to govern.

This requirement of stratification, which can be verified on a large spectrum, seems to be, on an intrinsic level, a magnificent base for the principle of the formation of elites. The very principle of a division of work creates the need for elites.

There are two types of elites that proceed from these situations: those in the same profession who excel in that field and better identify with it, and those who pursue professions of a higher order – for example, the lawyer is superior to the shepherd. In both situations, elites are established.

Those elites have a dual function: a contemplative function and an active function.

- **Contemplative function of the elite**

The contemplative function consists in the person better identifying himself with his profession. This makes him better able to infuse into others and diffuse around him those values that are no longer of the mere technical order, but that already touch those states of spirit and ways of being of the soul by which the person has identified himself with the profession and contemplated the values existing in it.

It is evident that there is a type of elite – and this is the most important type – that contemplates in a higher way, and he is an elite inasmuch as he is more contemplative than the others in the same profession. Thus, he exercises that action of diffusing around him the perfections that he contemplated.

- **Active function of the elite**

Distinct from this is the active function. Through that function, a person no longer contemplates, but excels over others in the execution of the service he performs. Among the shepherds, those who are more skillful as shepherds constitute an elite in relation to the others.

It is very important, however, not to dissociate these two functions. We must understand that normally they exist perfectly when the two coexist in the same person. We have the example of the general: We cannot imagine that a general who has all the exterior and interior ways of being of a general would not also normally be a very capable commander of his troops.

Therefore, normally these two functions are concentrated in the same person or persons. But because the human order is not a mathematically precise order, oftentimes these two functions – the contemplative and the active – do not coexist in the same person in a perfect way. This is partly due to original sin and partly due to the plurality of conditions in which a man moves.

For example, in literature there are persons who make up part of an elite in literature even without ever having written any book. This is the case of a Monsieur Gilbert praised by French literary critic Saint-Beuve. He did not write, and thus all the possibilities of literature were not concentrated in him. He exercised only one of the two functions – the contemplative function – but he exercised it well.

We could give many examples of how the plurality of fields wherein man acts allows a rich harmonization of the contemplative and active functions.

- **How prestige is formed**

These functions point out two approaches of the human spirit regarding everything in the universe. Man is either contemplative or active in the following ways: In face of the universe, he takes a contemplative approach when he lets himself be permeated by those things, and he takes an active approach in order to reach a determined end.

But there is a relationship between the contemplative and the active functions. They are not two different things, because in contemplation man considers and is permeated by what will be his end or purpose in the realm of action. Hence, contemplation and action fit together. This is very important in order to understand not only how prestige is formed, but also the elites.

Let us take, for example, a man who is born to be a shepherd. For him to observe and contemplate a veteran shepherder – who personifies shepherding very well – is to be permeated with a series of moral values that the latter represents. And even should this man not help the former to actually care for the sheep, he represents a great value in which the former sees something superior to himself.

This superiority flows from the fact that the veteran shepherd is a symbolic personification of the end toward which the first one tends. Since this end is excellent, the newer shepherd feels a sense of respect and veneration for the man who personifies that end. This is in large part the function

of the elderly in human society: An elderly man, in the active sense, does very little for humanity; but in the contemplative sense, he plays a huge role. During his long life he absorbed many values, which he makes present in himself even when he is no longer able to assist in their practical realization. This is one of the elements that give venerability to the elderly.

This representative and contemplative function resulting from the personification of values is a source of inequality of a special nature, which is well expressed by the word “prestige,” which is the respect and admiration the person has in the eyes of the one who observes. This prestige is born neither from imagination nor from convention, but from the deepest reality in the natural order of things. It is born from the fact that man tends toward a determined end; then, because he respects and admires this end, he cannot help but recognize the superiority of another person who personifies this end. Here is a type of prestige that is representative and contemplative.

We have another form of prestige, which is active.

Active prestige is the admiration and confidence that man has for one who helps him to realize what he desires. The person is better able to achieve that end which he also pursues and thus helps him to reach it. Here, then, prestige is not a static value, but a dynamic value. Man feels the superiority of one who, in the order of action, is greater than he is. Thus, he dedicates himself to serve him.

These two forms of prestige are two notions that we should keep in mind as we continue the study of the formation of elites.

- **Prestige causes the inferior man to step back from the superior**

In every society that seeks a determined end, the healthy movement by which it pursues this end causes men by their admiration to take notice of and step back from those who personify this end or help them to reach it. It is their veneration for the other that causes them to step back.

This is not to say that the elite man separates the people from himself; rather, it is those healthy persons who step back reverently and lovingly from the elite man, and thus create a sacred space – a sort of presbytery – between the elite man and themselves. This is the healthy phenomenon caused by the virtue of humility.

We see examples of this in the Gospel, especially in the relationship between Our Lord and St. Peter: Our Lord in His infinite goodness approaches St. Peter to perform an act that should be given to an authority. And St. Peter, in his professed but not fully authentic humility, did not want Our Lord to wash his feet. It was a healthy movement of the differentiation of elites. He did not want the God-Man to perform an action of humility toward him.

Something similar happened when St. John the Baptist said that he was not worthy to loosen the strap of Our Lord’s sandals. If Our Lord were to come near him, he would not even dare to touch His sandals. He would move away, a self-withdrawal that would not break the intimacy or love. Our Lord’s prestige gave rise to the withdrawal on the part of the one who was inferior, and it was this withdrawal that made goodness possible to be manifested in the one who was superior

to him. Goodness fills this vacuum without eliminating it. This is the role of goodness in this type of relationship.

This is how men of prestige are formed by a mechanism that is easy to perceive. Also, prestigious families are formed in the same way insofar as this superior respectability of a man is unfolded for the family.

Here we have the profound reasons for the formation of elites.

- **Prestige & the *Law of Love***

Let us look at the connection that this topic has with the law of love.

It is clear that elites are produced insofar as a given good is pursued by them. The formation of elites is the normal consequence of an interplay of the Law of Love. The Law of Love begins by forming elites, who in turn propel the Law of Love as a consequence.

The elite can be said to be a condensation of love in the sense that it is the love for a determined end that is concentrated in the elite in certain points.

Let us look, for example, at the musical sense of the city of Salzburg in Austria. I suspect that in the origin of that musical sense and extraordinary plethora of composers and musicians in Salzburg should be the influence of a family or an inspiration coming from the Church. Since I do not have the historical elements at hand to verify this, let us remain in the realm of hypotheses.

So, let us say there was an elite family of feudal lords who had a position of government and influence who had concentrated in itself a great love for music. It would promote public presentations of music. The people who, in their turn, were also prone to music because it is their primordial light, would see in that family the ideal they should follow. Then, the family, under this influence, would feel the need to improve and refine its taste as the people gradually became more refined and demanding. After this dual process of interactions - both up and down in the social scale - has taken place harmonically for a long time, the city becomes fertile soil for the appearance of a Mozart, or later, to give birth to the *Stille Nacht*.

There is a curious interplay in this phenomenon: The elite person thus formed becomes much more equipped to improve himself than before. From a healthy people he receives a type of constant pressure to excel since he notes that people are expecting him to continue in that superior way. Then, by his own effort, he improves even more in a particular way because the theater audience, so to speak, awaits his performance.

This is the action that a first-class audience exercises on an actor, who feels the demands of that public and tries to take them into consideration as much as possible. There is a consequence to this action: As the elite person improves himself in that particular way, he improves the people as well. This forms a type of good cycle that repeats itself.

b. On the psychological level

The formation of the elites on the psychological plane can be considered from two aspects: the static and the dynamic.

From the static point of view, persons who have a certain primordial light, by the very nature of that primordial light and their human appetencies, will tend to be glad when they find someone else who has that primordial light in a more perfect way. Thus, in a room where there are five persons with primordial light "X," and another man enters who has that same primordial light in a much higher degree, that man, by the very nature of his primordial light, tends to be the center of attraction in the room. He naturally tends to be a model figure of the elite in relation to the others.

On the other side of the coin, we have the dynamic aspect: Persons who have a certain primordial light, usually need another person who has more fully developed this primordial light in order for them to realize this light. At the least, when this person with a more developed primordial light exists, the others will follow him.

B. The role of the elite

Following the thesis that the fish starts to rot from the head, does it necessarily follow that all the corruption of a society must come from the elites? Does it necessarily ensue that the common people of that society have to follow the elites? Or, on the contrary, can corruption be only in the people without the elites being engaged in it?

These questions call for a study of the role of elites in society.

First of all, there is a distinction to be made, that is, between the role of the elites in a Catholic people and, then, its role in a non-Catholic people. Where the Catholic Church exists, all the defects of the elite evidently pass through a true regeneration. The bad life of the people as well passes through a transformation. For these reasons, the problem of the defects of the elites can be analyzed from completely different perspectives: in Catholic terms and in non-Catholic terms

Even in regard to evil and, therefore, to the process of putrefaction, this is true. For, if the agents of preservation are greater in a Catholic people, the elements of corruption are also greater. It is like the soul of a priest where sin produces a graver damage, although it is more difficult to occur because of his preservation. The dynamism proper to apostasy becomes worse the more elevated a person is. In this way, the whole struggle of good and evil in a priest's soul is different from what happens in a layman's soul; and in the layman's soul it is different when it is a baptized soul. However, it must be noted that the mechanism is not entirely different, but somewhat different.

If we introduce the supernatural into this picture, we must immediately admit that, regarding the role of the elites, the actions of a people are influenced by beings with natures greatly superior to man. The actions of these beings are intrinsically very powerful because of their spiritual and invisible characters. Those beings, who hover infinitely above men are, on one hand, God Our

Lord, Our Lady and the Angels, and on the other hand, the Devil with all his agents of dissolution.

Thus, human society suffers the ontological actions of elites, which are the actions of the good and the bad Angels, of Our Lady and God. These actions are exercised over human society and constitute the two poles between which the actions of man gravitate.

After that, men are more or less staggered between those two poles depending on their permeability to these actions, whereby they serve as the vehicle of such actions for others. Indeed, men can be vehicles for these actions not only because they are aware of this supernatural/preternatural reality and follow their examples, but also because they can communicate grace or, in opposite sense, they can communicate what we call an “anti-grace.”

We have there, on the positive side, the Holy Church, which is extremely luminous and transparent, and open to the action of God. Inside the Holy Church we have again the category of elites. Among these, we can identify at least two degrees: the Ecclesiastical Hierarchy and holy men and women who, by the planet-satellite mechanism, can spread goodness and constitute an elite inside the Church.

We affirm that the planet-satellite system is the avenue grace normally uses; but very often grace makes an exception to this system; this is when something beautiful is added and placed above this order. In the Church the exceptions are not a path to disorder, but are greater beauties, just as a precious stone is an exception and a beauty when it is set in a ring.

So then, these would be the souls on a lower level that God elevates because He wills it, and which take on a great role in that mechanism of satellites and planets inside the Church. A typical example is Sister Josefa Menéndez, a simple contemplative Spanish sister who was given a mission to communicate the secrets of the Sacred Heart of Jesus. This consideration recalls the words of the *Magnificat*: “He hath put down the mighty from their seat, and hath exalted the humble.”

On the other hand, we have the anti-Church, which is very permeable to the action of the Devil.

Through this permeation or filtration the more permeable men pass; Those who constitute the poles of History, that is, those who make up the Church and the Secret Forces.

But, this process of permeation by the invisible and spiritual actions concerns much more supernatural than nature.

We must also consider society in its natural laws.

Every society can be compared to a social or political body that is moved by different strings, where, for example, the people are manipulated by an advertising campaign for a particular brand of soap, the campaign announcements of a political candidate, etc. And each of these campaigns is organized by a group that has a special insight into the spirit of a determined country.

Thus, we see the country from one perspective, the Army sees it from another (it divides it into military regions, etc), the promoters of Gessy soap see it from yet another perspective, etc. Thus

a thousand different maps of Brazil are drawn that overlap on the geographic map and that are in some way connected to form a social-psychological map of Brazil. But from those one thousand strings that intertwine a unity is born. This unity is similar to the unity that exists in the human soul, which also is touched by all these influences, but then makes a decision and follows a certain path.

We believe that the nobility has a special gift to understand this unity and transmit it to others. It has a duty that comes from Natural Law to represent this unity, to establish it in society and to transmit it to others.

Now then, since the Church was established by Our Lord Jesus Christ, the natural role of the nobility unfolds into two missions: on one hand, to the nobility belongs the task of cultivating the primordial light of a people and the role of modeling human life in its proper natural and earthly manifestations. It does so in such way that it filters those values to the people. On the other hand, the strictly spiritual, doctrinal and supernatural values of the primordial light of the elite and the formation of the souls of the people fall to the charge of the Church.

One could say that the exemplary cause of the work of the nobility is, therefore, the work of the clergy. The work of the clergy filters to a supernatural level the primordial light of the elite and, by doing so, established an essential link with the nobility. It then paints the whole reality, giving a type of *leitmotif* that the nobility unfolds.

We have, in this sense, a work of the elite that is realized by finding the unity where these strings of influence cross. It is a work different from that of the more specialized elites who pull this or that string in society. With this we have a true classification of elites: On one hand, there are the elites that control the strings of a certain social group and bring a small unity to it; then there is a superior elite that sees a higher unity in the crossing of the strings of various social groups, right up to the highest elite that plays the role of actually crossing the strings in the various levels of society.

There is still another type of elite that prepares the strings. It is one thing to cross the strings and another to prepare them. Therefore, we have the intellectual elite, the artistic elite, the commercial elite, etc. whose repercussions flow through all the social groups. Then, inside each of these groups, there is an elite that receives those influences and reduces them to a unity desired by it, that is to say, it accepts or rejects the influence that the specialized strings seek to exercise inside it.

We have, therefore, two sets of the elite that we must not confuse. One thing is the elite of a family that gives the tone to a city, and another thing are these different elites we have just discussed, which come from the discernment of the different activities of society and the influence they exercise over the public, as we just mentioned.

C. Classifications of elites

The classification of the elites was made according to two criteria: 1. the classification of the elites *per se*, according to the hierarchy of their activities; 2. the classification of the elites with regard to the different networks that are established in society, how they are, how they function, etc.

We have now a new classification:

There are some elites that are born and grow naturally; for example, the elites based on the family. They are founded in certain laws of heredity. They would be the natural elites.

Besides these, there are elites that we could call non-natural, or free, which are not founded on elements of their own nature, but establish themselves in a particular field where the natural elites already exist.

For example, let us look at a university elite in this special case. Among the good families of Coimbra, it becomes a point of honor to have a professor among its members at the renowned medieval Coimbra University. At their family gatherings, those professors would tend to join together to discuss teaching matters. They would follow a different hierarchy. For such a university elite the laws of heredity would not work; their structure would be based on the institutional traditions of the University of Coimbra, the customs and ways of being of that University, the university codes, regulations that govern the students, etc.

3. The Nobility

A. Temporal image of the celestial order

What is the concept of nobility? Initially we are not concerned about defining the noble class, but rather defining the quality of something being noble. Thus, there is the nobility of the noble, the nobility of a patriarchy in relation to a father who has only one son. But also the nobility of something like silk, e.g. the quality of a silk that allows us to say that it is noble, while the same cannot be said about a simple cotton fabric, etc. In everything that we can call noble, what does this nobility mean?

Gold and silver are called noble by the fact that, on the one hand, they are incorruptible and, on the other hand, they symbolize by their color a certain super-excellence of qualities of soul. Incorruptibility is something in the material that transcends the actual material. That incorruptibility of silver and gold, while restricted and limited, is an image of a property that is of the spirit. These metals are noble because they present a quality that gives them the appearance of belonging to a superior category.

The nobility of a thing lies in the fact that it presents a quality to such a high degree that it appears to belong to a superior category.

What we say about gold and silver can be said of other things insofar as they reach a sublime level that makes them a particularly proximate, eloquent and expressive image of God.

Another example: There is an inherent nobility in the *jatobá* tree (a Brazilian tree that commonly reaches a height of more than 130 feet and a width of six feet, although some of these trees in Amazonia are 300 feet high). This tree lives 200 to 300 years, is strong and splendid, and has a hard, unbreakable wood. It has such force and richness that it borders on the sublime. In that genre it is an eloquent and expressive image of what God is. In this regard, the *jatobá* tree is noble in relation to a simple shrub.

We should keep in mind this general idea of nobility in order to return to it later.

Let us now study the notion of the nobility as a class.

The hierarchical nobility established inside the civil order must have a superexcellent quality of soul by which its virility presents attributes that transcend the plenitude of nature and, by its sublimity, is evocative of something angelic.

The super-distinct, the majestic, the excellent, the dignified, the upright in every field of life belong to this class insofar as this excellence is not just the fullness of man, but of something that transcends him and is more proper to the angels. This makes nobility become a temporal image of the celestial order.

The clergy presents a spiritual image of the celestial order. In this regard, the bourgeois is different; the bourgeoisie represents health, goodness and the uprightness of something more earthly, but it does not possess this *quid* [actual characteristic] of imponderable perfection and excellence and almost celestial perfection that the nobility must have.

The characteristic of the noble is to personify in temporal society certain values of the universal order, of the aesthetics of the universe, which in final analysis are values of an angelic character.

In this sense of the word, to be a priest is not automatically ennobling, although in a certain sense the priest is of a social category superior to that of the layman. But the priesthood does not ennoble the priest in the same way that the layman is ennobled. Nobility is a temporal category that would not make sense in the spiritual society that is the Church.

B. In nobility a ‘marriage’ with values of the universal order

Part of the essence of nobility is the “marriage” of the individual noble with the values of a universal aesthetics, by which the predominant note of the noble's personality consists not only in understanding and loving these values but in somehow realizing them in himself. This, described psychologically, is what constitutes the noble. He has such a love for certain principles of universal aesthetics that in a certain way he personifies a specific principle of universal aesthetics, which is the principle of inequality.

For example, in History Charlemagne represents the ideal of the European Emperor. Since the year 800, when he was crowned Emperor by Pope Leo III, no one has surpassed him in

representing the perfect model of the Catholic Emperor. When we say Charlemagne, we say the just ruler of all the peoples of Europe, the protector of the Church, the commander-in-chief of the armies, and the terrible warrior who caused cities to surrender just by appearing outside their walls. He thus represented these principles of the order of the universe, which conferred nobility on him..

Roland, a Frankish military leader under Charlemagne and one of his 12 peers, was the person who represented heroism for the Middle Ages – an epoch where heroism reached its apex. A courage before the enemy, a perfect dedication to his Lord to the point of giving his life for him, a fraternal friendship with his fellow peers: These were characteristics that made Roland the *Knight per excellence*. When we speak of Chivalry, of Knighthood, we think of Roland.

In this identification of a man with an ideal, there is something angelic that comes from the fact that the man “married” those ideals and was transformed by them. This is another example of what we consider to be the essence of nobility.

C. The military class *par excellence*

There are various reasons why we say that the nobility is a militant class and, also for this reason, is a military class in some sense of the word.

First, let us take a noble who is the father or patriarch of a region. We see that he, as a father, must have what most genuinely identifies the condition of a father: a dedication that calls for the highest degree of sacrifice. The noble, like the father, must sacrifice himself unrestrictedly for the good of his people. Because of this, at the hour of danger he is the main bulwark; he is the greatest defense; he is the person who takes the initiative. Therefore, it is natural for him to be militant.

Second, the noble is a man in the fullest sense, and, because he is truly a man, it is clear that he is the leader in the fight.

Third, since the noble represents the principle of hierarchy in the most eminent way, and since the nobility is an image of a specific difference between beings, we can say that the nobility is the main target of the Revolution. Further, its link with the aesthetics of the universe is the point most targeted by the Revolution.

These three reasons establish the nobility in the position to fight and react.

Fourth, the nobility also has a special governing function. Now then, it belongs to the governing function and the aptitudes that those functions presume to fight against the Revolution.

Therefore, a nobility that is not a military and a militant class is not a true nobility.

We must distinguish between the nobility seen from this perspective and the Prussian nobility, which erred in some of its aspects. It became much more a military nobility than a paternalist one; thus, it produced a hypertrophy in the military function.

The nobility achieves a balance by having a long history of exercising its paternal function in the farm lands and countryside. That is, it should not reside strictly in the city or at court – as happened at Versailles – nor should it be exaggeratedly military; rather it should harmoniously have all these things: a normal paternal life in the countryside, some influence in the city and a reasonable court life, as well as a military preparation so that action can be taken when needed.

D. Patriciate

We cannot conceptualize the urban nobility as simply being a country nobility that habitually passes some time in the city. It is evident that this is not an urban nobility.

We must recognize the city as being a reality of the temporal life as much as the countryside, although the city should not be too large and should be dominated by the atmosphere of the countryside. I am prone to the idea that the city must not expand beyond certain limits.

If a city exists in this way, the elite of the inhabitants who reside in the city must constitute the nobility of the city. What constitutes this nobility is first an elite of families.

What families are we considering here? The administration of cities does not propitiate the direct jurisdiction of one family over a group of other families because of an inevitable mixing that exists in the life of the cities. So then, the life of the cities must be an ensemble of families that exercise a paternity over the city and thus constitute a nobility, just as one noble family constitutes the nobility of the countryside.

I would make a distinction here: I am calling the patriciate the nobility of the city, and nobility properly speaking the nobility of the countryside.

We must still study whether the nobility of a city should be as combative as that of the countryside. Also, we would need to ask if the function of the nobility of the city requires – at least in some cities – the exercise of professions that are normally incompatible with the condition of nobles. Thus, would it be legitimate to admit patriciates who have reached a high quality, but who remain bourgeois. Here we should take the local circumstances into consideration and respect them very much.

This is, for example, the case of the “doges” and aristocracy of Venice. In theory, the principal function of that nobility was commercial. The commercial function is, in itself, incompatible with the condition of the noble. Because of this, the city should not have had a true nobility. Although in theory this appears to be true, in fact there are some exceptions.

The Venetian nobility ended up by constituting a true nobility, which was recognized as such by all of the European nobility. A Venetian prince could marry any European princess as an equal. That Venetian nobility participated in the direction of political affairs, had a cultural *élan* and an aristocracy of spirit that allowed it to adorn itself in a noble way. In short, it was noble despite its function, which was bourgeois.

Could there be cases, for example, where commercial enterprises that have their own armies, warships, ambassadors, etc could ascend to the condition of nobility? This depends upon how they would concretely live the aristocratic condition. It is possible, but it is not necessary. We could say that this kind of nobility would represent a sublimation of the condition of merchant, and that it can happen when extrinsic circumstances which sublimate trade are added to the condition of merchant.

E. Royalty, nobility *par excellence*

All of this brings us to the idea of royalty. Matters of State have something of the sublime, of the super-eminent noble, that gives it a religious character even when it is not delegated by the Church.

The State is a perfect society, one that is a complete ensemble, a complete colonnade, according to the expression of St. Thomas. Just as a complete colonnade represents a complete and global idea of beauty, so does the State represent a complete and perfect idea of beauty. From this perspective it has a dignity that the municipality and the province do not have and that reminds us of the dignity of God.

The King is an image of God because he is the personification of all the excellence of the State; for this reason he is the noble *par excellence*. The other nobles are the King's subjects, participating in or emanating from the dignity of the King; they are the image of the King in their respective fiefs. They are to the King in a certain way what the Angels are to God. Thus, we understand that the noble is the image of the Angel, while the King is the image of God, and the bourgeois is the plenitude of man.

4. The Harmonious Repose of One Class over Another

Because there are diverse social forces in the State – a dynasty, the nobility, the people – a society can be directed by a dynasty, a nobility or a political class that does not orient the society to its highest end. In any of these cases, we would say that if a good harmonization exists among these groups, then, by the natural order of things, when one element of a social class fails, his peers or his superiors will come to rescue him. The lower social force speaks through the superior social force. Although the lower social force can and even must have its own representative organs, normally they speak in hushed tones in order to let the voice of the higher body speak.

This is what takes place, for example, in the Church: There are Cathedral Chapters, or *Cabidos*⁶ that meet to decide canonical problems; normally the Cathedral Chapter speaks through the voice

⁶ *Cabido* is a counsel of priests who are experts in Canon Law whose purpose is to advise a diocesan Bishop. It normally meets at the Cathedral, which is why it is also called a Cathedral Chapter. It has a consulting character to help the Bishop decide the Diocese's juridical and administrative questions. The title of a member of the Cathedral Chapter is Canon.

of the Bishop. That is to say, it agrees with the Bishop when the Bishop is good. At times it even sets aside its personal opinion to follow that of the Bishop when it is different but still good, since it is better to be in agreement with him than to disagree. The Bishop can also sometimes speak on his own, simply supposing the consent of the Cathedral Chapter. But this does not mean that the Cathedral Chapter should be abolished.

Something similar can be said about the civil order regarding the social classes. It is normal to have consent – in the etymological sense of the word – between the nobility and the people. The organs of the people should habitually express themselves through the nobility and the nobility should allow itself to be expressed by the King. It is a type of harmonious repose of one class over another, as in a family where the younger brothers allow the oldest brother to speak for them. This is not, however, a renunciation of their natural right to speak.

This can give the social classes and governments the appearance of something they are not: that is, the appearance of an absolute monarchy since it appears the King can do everything or the appearance of an absolute aristocracy because it seems that the nobility can do everything. But this is not true.

By a type of harmonious dormancy of one social class over another, by a perfection of the social organization, it can happen in some cases that the people are expressed by a group. Thus, for example, in order to manifest all the execration of a country against an invading enemy, the popular manifestation inspired by the sovereign can be the most eloquent voice of the country. This partly explains why the Estates General have their *raison d'être*.

5. Social Ascension

A. The law of stability & the law of ascension

In the matter of social ascension, there are two laws that coincide: the principle of stability and the principle of ascension.

It is normal for the vast majority of families that constitute mankind to maintain a stable social condition through the centuries. Some families may ascend from one social class to another by a phenomenon of the super-excellence of progress, health, vocation, etc. It is normal to have a continual movement from one class to a higher, but this transfer should be made only by a minority of families.

This rule that we apply to ascendance, we also apply to decadence. It is inevitable that there be decadence in some families, but it is also normal that the number of such families should be small.

Over the centuries the same families should normally maintain their same social positions.

Here the principle of Abbé Saint Laurent is applied: Normally God does not cause a family to decay; except in the case of a punishment, it is normal for families to not decay and, consequently, to have a solid social stability.

So, where is the progress? It is in each family raising its own condition to its quintessence.

B. Role of the virtue of magnificence

a. Regarding the ascension of an entire class

There is a way by which an entire class ascends. Let us look at the peasants of Europe in the Middle Ages: In the beginning they lived quite rustically, but, as the century progressed, the peasant class of Europe, without ceasing to be authentically peasant, created what we could call a much more cultivated, comfortable and well-established peasantry.

This type of progress is possible for all diligent men to realize. This type of ascension is within the reach of all men. This is a type of legitimate ambition that is conditioned to the idea that this world is transient and, thus, man was not born to remain here forever. On this note ascension is perfectly legitimate and is in fact a virtue. It is the means by which an entire people can rise.

When this type of ambition and virtue exist in a country, one can say that all the social classes rise together. This is what took place in Europe. The clergy, the nobility and the people all rose. If we compare the standards and human importance of the clergy, the nobility and the people of the 13th century to those in the 8th century, we can note the enormous ascension that took place in 500 years.

This type of ambition is not only a thing that is permissible, but it is a virtue: the virtue of magnificence.

Concerning the rise of a class in society, one should consider that an aristocracy is born from sovereignty only when that political, juridical or commercial sovereignty is important enough and the nature of the dominant class can maintain, in the long run, the condition of aristocracy. Consider, for example, the burgomasters of free cities of Flanders or Germany, the magistrates of the Parliament of Paris, the heads of the Hanseatic League or the doges of Venice. The commercial trade of Venice produced an aristocracy because their directive class was sovereign and because the dignity existing in that social class was proportional to a nobility, so long as it was a very important commerce and this class directed a sovereign State.

The artisan elite of a company of workers, such as that of Zeiss, will never ascend to nobility. This does not prevent that company of workers from having an aristocratic tone, as Pope Pius XII has noted.

b. Regarding the ascension of an individual both inside & outside of his class

There is another type of ambition, which is not the ambition of an entire class to ascend, but rather the ambition for an individual to ascend inside his own class. To make this clear, this ambition can be distinguished from the ambition of the individual to rise outside of his class.

The common help that Providence gives to an ensemble of men is the one we mentioned to make a whole class rise. But, Providence gives to some men qualities that allow them to ascend inside their own class. So, without considering it shameful for one not to ascend, without giving a higher value to this ascension than what it has, it is nonetheless understandable for a capable person, by his own virtue of magnificence, to have the desire to rise inside his class.

Where is the path of vice in this ambition? Where is the path of virtue?

When a man presumes qualities that he does not have and desires to rise outside his means, he sins in trying to ascend. This is because he departs from an erroneous presupposition, of imagining he possesses qualities he does not have and because he has the necessary grace to see that this path is wrong for him. In fact, this is pride because he imagines that he is more than what he is.

When the individual truly has excellent qualities and effectively tends to rise in his own class, this cannot be considered a vile ambition, but a commendable desire for more noble things. This acts as a stimulus in human life. To assert that having a person dedicate himself to an activity of this nature is an evil and a sin against humility is, properly speaking, a stupidity.

Now then, if the qualities needed to elevate oneself inside the same class are rare, those that allow the individual to pass from one class to another are still rarer.

But, a person can aspire to this so long as circumstances favor it. Here there must already be an ensemble of circumstances established in a well-ordered society for the aspiration to be met. It is not enough for an individual to simply desire it. But when the circumstances are present that favor such a transition, then one can say that the individual who is bourgeois but aspires to be noble has a noble spirit

Now then, it is understandable how easy it is to fall into presumption in matters like this and how dangerous it is to not to emphasize that such occurrences are exceptional. In such a case, the person should carefully examine himself to see if presumption does not exist in the position he has taken.

It also must be understood how stupid it is for a man gifted with a special spirit like this to imagine that he should scorn others who did not receive such a gift from Providence. Likewise, how erroneous it is for someone to envy another because he rises in this way. We see that History presents numerous cases of persons who, because of special circumstances, have changed classes and risen.

C. Role of the holy virtue of exigency in the adaptation to the noble state

When the commoner is ennobled, his adaptation to the noble state often is not difficult since he often had a long preparation for the change of state. We can observe a family that rises through the centuries and finally reaches, by a harmonic movement, the point of intersection, passes it and enters the nobility.

But there are cases where a family is projected into the nobility overnight, so to speak. For example, a soldier in the field of battle, without prior preparation, performs a great deed and is raised to the nobility. The family had no social preparation whatsoever for this change. This requires the newly elevated family to have a greater humility than before in order to understand that it still needs to be formed and educated so that its members may take on that tonus and way of being of nobility, etc.

This also requires a great exigency regarding customs of the noble class that receives the new family, so that it imposes the high standard of its class on this new family in order to avoid the degradation of the whole class.

Here, it is not a question of disdain, but the practice of a virtue that nowadays is very neglected: the holy virtue of exigency. The nobles must be demanding. This newly received family did not prepare itself for this change of state; it does not have the qualities of those who compose it. Therefore, it must prepare itself. And the preparation must be integral. One of the things that make me think that France is not as decadent as people say is precisely because I notice that the French spirit is still very demanding. And where true exigency exists, decadence does not exist.

For me, the decadence starts when this demanding spirit begins to decline. Exigency is not the spirit of pettiness or the spirit of being fastidious; rather, it is to clearly state when something is not what it should be. Integritism is nothing but an exigency in the matter of Faith. The noble class must apply this virtue of exigency toward those who enter the nobility, keeping them on the periphery until they have properly adapted, and only fully accepting them when they are fully adapted.

Historical facts demonstrate that at times families can reveal a remarkable capacity to adapt. One exceptional and noteworthy case is that of the nieces of Mazarin, the Italian cardinal, diplomat and politician who served as the chief minister to the Kings of France Louis XIII and Louis XIV. His nieces were able to adapt themselves quite well to the French nobility, and their sons also learned to move well in highly aristocratic environments and became nobles who shone in the courts where they lived.

I do not know if the sisters of Mazarin had the same elasticity. The fact is that one of his nieces, Marie, became a Princess of Colonna; another, Laura, Duchess of Mercoeur; another, Hortense, Duchess of Mazarin; another, Marie Anne, Duchess of Bouillon, and finally, another, Olympia, became Countess of Soissons and was the mother of Prince Eugène of Savoy. The fact that some families have this exceptional virtue of adaptation does not mean that the nobility should not take the necessary precautions.

Applying this to the clergy, a Bishop once told me: The clergy is a class that is noble in itself. The Church receives persons from all classes into the clergy, but requires a long and rigid ecclesiastical formation, which generally elevates this person to the noble condition. Toward this end, the candidate to priesthood must show an aptitude; if he does not show this aptitude, the work of elevation is impossible.

Since the clergy is a totally exceptional class and it is situated above the natural order of things, the power of the Church secures the ennoblement of the clergy. When there is a relaxation in this formation, the clergy begins to diminish and becomes proletarian.

D. The distillation of the nobility in war & in civil life

In theory, it is not just any soldier who fights well in battle who should become noble, but it is the warrior who performs a valiant deed and reveals a type of super-eminent noble soul, which, in turn, reveals at least the capacity to have the soul of a noble. Thus one understands that it is an act of justice to promote such a warrior to a state for which he shows such openness of soul. The valiant deed that reveals a particular nobility of soul is what can justify that orientation.

Because of this, it is hard to understand should nobility be conferred upon an extremely rustic commoner, perhaps a very dedicated man, but whose soul is in no way oriented toward a permanent marriage with certain values of universal aesthetics. He is not in the condition to assume the position of a noble.

The valiant deed does not necessarily indicate that the person who accomplished it has a spirit that should enter the nobility. The valiant deed is a sign that assumes the characteristic of nobility in a person who seems capable of assuming it, but who still needs to be carefully scrutinized. Let us suppose that a person performs some eminent service for the State but he is a very rustic person: The State should reward him with a monetary gift or a civic honor, but not a high decoration, because this would imply a degradation of that decoration. In the case of raising a person to the nobility it would be a social elevation for which that person is not fit.

How was it that in the Middle Ages nobility was conferred many times to rustic people? It should be noted that to have some rusticity of the people is not always to be rustic. There are conditions of life of an ensemble of a people where there can be many persons capable of ascending to the category of nobility.

In Brazil, for example, the most miserable *Cearense* (a person born in the State of Ceará) has an openness of soul and understanding of higher things that a plump and well-bred *Paulistano* (a person born in São Paulo) does not have. In the Middle Ages this also occurred to some extent; it should also be noted that this era was much less demanding with regard to rusticity.

Could we not say that a commoner who has a great love for hierarchy is able to assume the condition of a noble? There are two ways of loving a thing: It is one thing for a man to love something very much without feeling a propensity to transform himself into it; it is another thing for a man to love it and to feel a propensity to transform himself into it.

For example, I love the clergy very much, but my love is not a love that causes me to want to be a priest. It is another thing for a boy who has the priestly vocation and whose love for the clergy causes him to want to be a priest.

These are two positions of authentic love, but each one corresponds to the vocation and the progress of the soul of the particular man in accordance with the designs of Providence for him. So, we can understand a commoner with a profound love for the hierarchy, but this love does not cause him to want to be a noble.

How can we explain the fact that in those same Middle Ages great bourgeois families entered the nobility because of their wealth? If we think that being rich makes one worthy of having the title of noble, it would be the worst thing possible.

The truth is that those bourgeois families, to the measure that they were becoming wealthy and rising in society, began to slowly assume the requisites to be noble. They hastened that natural evolution by using their wealth to be admitted into the body of the nobility. But they entered the nobility with great seriousness and respect for the class. Thus, they soon assumed the manners and way of being inherent to the nobility as well as its dedication. The next generation of this new nobility was already one of warriors. We can see, then, that it was an authentic evolution that had been hastened by circumstances. So, the benefit to the common good through the provision of money was a legitimate entry ticket.

To what degree is a nobility that is distilled by a social evolution, through the phenomena where the condition of the noble is a product of civil life, different from a nobility born from the life of combat, a life of war?

They are different nobilities: One is the “*noblesse d’epée*” [those who ascend to nobility by deeds of war], and another is the “*noblesse de robe*” [those who ascended to nobility through the civil magistrature].

We might say that they are two ways of distilling that produce the same liquid. But, are they the same liquid? What in these liquids is the same?

The nobility distilled through civil life has the particular distinction of distilling excellent qualities and is made in order to govern and reign. Not only does this nobility have this function, but it embodies the qualities necessary for the exercise of that function. In it there is a marriage of the individual with the common good, with the public cause, with the supreme ideals with an already aesthetic, ethical and religious character that the public good represents.

Through a different road, that is, the military life, there is also a marriage with those ideals and a service to them; there is also a preparation for the fight on that same field. Through the door of war one enters the same palace that one enters through the door of peace.

And the typical characteristic, the refinement, the trait common to nobles is the spiritual marriage of the individual with the primordial light of ethical and aesthetic goods of a higher character for the glory of God.

In terms of temporal society, the ennobling activity is to personify certain values of the aesthetics of the universe. The noble who is the product of the aristocracy and of local families makes this marriage by means of a process, and the warrior makes this marriage through another process. But, in the final analysis, they espouse the same ideal, they irradiate the same light.

This explains how in some cases the merchant can be considered noble in Europe, where commerce generally was not considered an ennobling activity. In the specific case of Venice, it was commerce that was the life of the city and to direct that commerce was the primordial light of the city. Hence the fact that the nobility of Venice had some characteristics of reigning and governing that were different from businessmen in the private sphere.

E. Sublimation

We now move to the question of sublimation. What does this word mean?

There are two ways that sublimation can occur:

- a. Of the species: The person passes from one species to another within the same genre;
- b. Of the genres: The sublimation is so great that the person passes from one genre to another.

Some examples will follow.

a. Sublimation of the species

It is true that the beadle or the doorman of a college can end up playing such an integral role in the life of that college that he is incorporated into the history of the college. He becomes a person so integral to its ambience that a small monument is erected to him on the campus grounds that represents the crystallization of the idea of the college doorman.

This type of person sublimates himself. In the case of the doorman, this happens because, as a doorman, he assumes a type of universality in the sphere of "doorman-ness." So, in all the possible species of doormen, that particular man transcends the others to attain something that is like a "super-doorman-ness." He in some way hovers like a legendary figure over the ambience of "doorman-ness."

b. Sublimation of genres

Another thing would be a very intelligent beadle in a College of Law who listens closely to the classes and comes to be formed in the culture of law. Aided by a very keen intuition, he ends by being able to answer with triumphant correctness questions of Law that are proposed to him without ever becoming a professor. He becomes a personage in the college more glorious than the professors whose classes he heard. This man sublimates the condition of the beadle because he has already risen above being a beadle to be an expert in jurisprudence.

These are the two species of sublimation. We can say that, in a certain way, this sublimation occurs when a class enters the nobility: for example, the “*noblesse de robe*” was a sublimation of the bourgeois magistracy. One of the most interesting questions regarding the French Revolution is to ask if there were some classes that were at the point of being sublimated to enter into nobility, but, because of its rigidity - which already had the rigidity of death - they were not received into it.

The Secret Forces took advantage of this rigidity and emphasized it to create unrest. The high bourgeois of the 18th century had generated elements of distinction so high that it makes it difficult to understand what was lacking for its assimilation by the nobility. This is all the more remarkable when we see that the nobility itself had become decadent through the influence of the King.

6. The Intermediary Bodies

A. Formation

The first guilds of a society are formed by reason of its first difficulties and needs. When a practical problem appears which affects various men who have similar jobs, those men gather to resolve it. This gives rise, naturally, to professional associations. Sometimes a guild is formed that encompasses only a part of the professional group: For example, only the merchants who sell meat retail, and not those who sell meat wholesale and export it outside of the municipality, the county and even the country.

Since this first guild is formed as a closed body and goes on to have its own life, it is legitimate for the other parts of that group to also form their closed bodies to the degree that they become aware of their social reality through a socio-psychological phenomenon often precipitated by certain problems and difficulties that arise. Hence, even if, in theory, the same human activity should have only one guild, it can be understood that, by perfectly legitimate historical circumstances, one human activity can end up having two or three guilds that meet their particular needs. I repeat: necessity and the socio-psychological problem of creating a common consciousness are the preponderant factors for the formation of guilds of this type.

B. Sublimation of guilds

In the Middle Ages, the first guilds to be formed were the professional guilds. As civilization progressed, new associations of a cultural and artistic character began to appear – and these certainly would have been more numerous if the development of the Middle Ages had not been stopped. These groups would recruit members of the same profession to enter their ranks.

The members of lower professional guilds, by virtue of their significant action in cultural and artistic associations of a higher level – for example in a university – could leave their guilds and

join the guilds of the more elevated societies. That transfer to another guild, however, should only happen when those more elevated guilds have acquired a strong personality, stronger and more eminent than that of the initial professional guild.

This gives rise to another problem, which would be to know what the guild system would have become if the Middle Ages had progressed as it should have.. We arrive at the following conclusions: By various forms of sublimation new organisms would have been formed. Society would have been increasingly more guild-like.

For example, the locksmiths would have engendered such elite groups of locksmiths that new organisms would be born that represented the best of what the locksmith is. This is not to mention the possibility that certain privileged individuals who had discovered in locksmithing knowledge of the absolute principles of its art could jump from the locksmith shop to a superior sphere. This extrapolation could be made by individuals or of groups who, for example, would form inside a guild of locksmiths an elite group that would rise to a higher cogitation.

Hence, the phenomenon of the ennoblement of a society would occur. We could add that this ennoblement would take place in two ways: an ennoblement inside a profession and an ennoblement that transcended a profession. But there would be another form of ennoblement: The profession would begin to be exercised by the mass of its members with such a refinement that the entire social class would rise and advance.

For example, this would be the case of the profession of lawyers and judges who became a new type of nobility, the *noblesse de robe*. These are the most delicate reasons for corporatism. We could admit, furthermore, that some societies should be formed for individuals who are experts in one particular aspect of the guild's activity. It is natural that in each guild of chess players there would be a small group of members who are the better players. But a chess society could also be formed that would encompass the best chess players of all the guilds in the city.

7. Goals of the Intermediary Societies

A. Each intermediary society has a determined human activity as its objective

It is necessary to analyze the intermediary societies in the realm of human action. It is possible to affirm in a general way that each intermediary society has a determined human action as its objective. For example, aeronautics is a human action: It is the action of transporting humans by planes. This human action of aviation can have many subsidiary operations: preparing the planes, oiling the parts, supervising the landing ground at the airport. It would include all of the airport administrative offices: the accounting department, the communications system, the restaurants, etc, as well as everyone who works on the sidelines. The unity of that social group is determined by the unity of the action of aviation. And within this social group, we have formed many sub-differentiations, which have as their objective assisting in the realization of the goal of flying.

All of these operations revolve, as on an axis, upon the concept of human action, because human action is understood, philosophically speaking, as a thing that has a particular defined purpose. Sometimes it is a human action that assists a society; at other times it is a social activity.

For example: the action of curing diseases. Here we have not one human action, but many parallel human actions. One person cures a leg, another fills a cavity, etc. But it is understood that this action of curing has a single goal in a society: to reestablish normalcy by fighting against diseases.

Here we also find unity of action, a unity of social interest: to cure. In other cases it is a unity of the human action itself: for example, to paint. Whether it relies on a unity of social activity or on a unity of individual activity, the fact is that this activity – social or individual – serves as a basis for many social groups.

It is more or less like a type of funnel where the ingredients of the emulsion flow to make the egg threads in the *fios de ovos* (a Brazilian/Portuguese dessert). This is to say, all the activities flow toward that goal, like the elements that mix together in the emulsion to produce the egg threads. This generates a type of collective activity that will form a collective personality and thus constitute a social group.

B. Human activities have an intrinsic merit linked to the Aesthetics of the Universe

There is a school that teaches that the Commandments of God were arbitrarily chosen by Him without any intrinsic reason of goodness or order. God could have equally mandated something different. Because of this, the only reason why one must love the Commandments is because they are the will of God, and not because any beauty or goodness exists in them.

Contrary to this is the German school that orients the whole spirit in a completely different sense. When a person does a certain thing, he does it because it has in itself some good. That thing is meritorious because it pleases God; it is good; it is according to the designs of God. The thing in itself has something good.

Pius XII noted something along these lines various times in his allocutions to professional groups: He affirmed that the professional is only an authentic professional when, besides doing his work for a salary and to develop his capacity to work, he has an ideal of doing that work insofar as it is an action that is in itself good, beautiful, noble and upright.

This is in accordance with the principles of the medieval guilds, whereby an individual – for example, a furniture maker – builds furniture for the love of the art. And this love of the art, some philosophers say, is a type of disinterested end of an action. I am opposed to this theory of “disinterested end” insofar as the expression is used to mean an end without an end and, therefore, it is foolish.

It is actually something different. Without taking into account the factor of religion, it can seem like an end without an end, because to make a table just to make a table is a stupidity. What is the purpose of this table?

But this idea of making a table to make a table finds its explanation in religion. When a man makes a table, he has the sensation that he is making something that is inspired by the rules of the aesthetic of the universe and that will augment the beauty of this universe that he knows. He does not make the table for the table's sake, but makes it for its beauty and for the love of beauty that exists in the universe.

This love of the beauty of the universe is also a stupid thing if we do not admit a personal God – because only a personal being can be an object of love – a being who is the Exemplary Cause of that table the artisan constructs.

So, what we find in human nature in the making of a table for the love of the beauty of the table has its rational explanation when we find in the center of this process a personal God who is the Cause of the universe.

C. How intermediary societies advance the glory of God

In every society we can distinguish two categories of goals: general goals, which are proper to every society, and specific goals, which are proper to a particular society.

For example, a chess society has a general goal proper to every society and a specific goal that is to promote the game of chess.

This classification of goals is linked to the principle of *universitas*,⁷ according to which every society that has a determined near goal will reverberate, radiate and diffuse a series of collateral and subsidiary goals. It is not possible to consider a society with only one goal that is entirely separate and isolated from the other goals.

If we consider these specific and general goals in the light of Faith, we see that everything that exists, exists for the glory of God. Thus, the advancement of this near goal must have as its indirect objective that which is the common goal of all societies: the advancement of the glory of God.

This advancement of the glory of God has many different modalities. It would be conceivable for a prosperous chess club to take advantage of some occasions in its collective life to make pious acts. For example, it would be conceivable for a chess club of São Paulo to promote the Easter Communion for its members; to promote prayers before tournaments; to promote devotion to the saints who had played chess, etc. But all of this – which is good and is a way for that society to realize its general goals – does not directly touch upon the point that we are studying.

We must consider that every human action gives glory to God according to various aspects that we can note in it. For example, in the game of chess there are different ways to give glory to

⁷ In an ordered society there are two complementary principles: the principle of *universitas*, according to which every particular social organism should contribute to the ensemble of society, and the principle of *subsidiaritätis*, according to which the ensemble of society, represented by its superior bodies, should assist the inferior bodies only in those things that are beyond the limits of the latter's capacity.

God: *first*, by playing the game following the rules of honesty, morality and decency, and to play as a form of recreation, distraction, formation of spirit, etc. This would be a primary way for every society to carry out actions that follow the natural and moral orders, and, by doing this, to glorify God.

Second, by playing chess well. This concerns not only the activities of every society, but the specific activity of the chess players in the society. That is to say, when one plays the game of chess well, a glory is given to God. Thus, we can arrive at the conclusion that a society concerned about the game of chess should encourage persons to play chess well for the glory of God. And thus we can insist upon the relationship that exists between exercising a temporal activity well and the glory of God.

Not only does God receive glory by having a temporal activity carried out well because it is a consequence of the creation He made, and not only by this consideration are spirits formed and give glory of God, but there is something more: Since all earthly activity is the symbol and mirror of something in the supernatural and celestial order, it is necessary that those who make that earthly activity know how to see specifically this symbol, this mirror, this manifestation of a higher reality and know how to consider it in the well-played game of chess.

This, without a doubt, is the most nebulous point of this whole study, but in the concrete order of life, it is its central point.

Regarding the game of chess, it is not just to say: “See how God created human intelligence!” This is good. But the most important thing is to see in that action of the game a special manifestation of the glory of God. This is most probably where the theme of Fr. Thills’ book *Théologie de la Réalité Terrestre* fits.

There is still an observation to be made on the psychological position of those who enter or form a society. The main objective, the determinant objective should not be the glory of God, it should be a lesser goal of each society. People, for example, play chess because they like it. This is the lesser but determinant end of those who enter a chess society, although they realize and desire as a principal aim giving glory to God when they play chess.

Role of the ecclesiastic in an intermediary society

Moving on to another point, let us consider the function of the ecclesiastics in an intermediary society. We could understand an ecclesiastic whose goal would be to avoid and prevent evil in a non-religious society (one without a specific religious goal), e.g. to oppose immorality, fraud, curse words, etc and to encourage pious acts, good morals, etc.

But the true ecclesiastic should also have the task of forming persons in such a way that they would see the invisible theological aspect linked to every earthly reality.

Furthermore, he should have – at the very least in a supplementary way in relation to the leaders of society – the task to give advice and suggestions so that in the temporal order, society would go forward. This would be fitting to his calling.

In this regard, we see that the Church of the Middle Ages had a very important temporal role of promoting the temporal common good from all its various aspects – from the production of liquor to the constitution of a guild of workers who would build bridges to facilitate commerce and prevent robberies in dangerous places. They were called the *pontifical brothers* because they made bridges, and bridge in Latin is *pons, pontis*.

This promotion of the temporal common good naturally falls to the Church, not only because the Church does good for souls, but because this promotes the glory of God – and anything that concerns the glory of God cannot be an indifferent matter to the Church.

To conclude, we underscore the general principle upon which these considerations largely depend: Nothing is lawful or has the right to exist except in function of and for the glory of God.

8. Classification of Societies

A. Societies that fall under the spheres of Public Law, Private Law & a mixture of the two

Between the societies that plainly fall under Public Law and those that clearly fall under Private Law; there also exist private societies that exercise some public functions. The theoretical distinction between public societies and private ones is very clear.

In practice, a difficulty often arises in determining to which class a certain society belongs. To demonstrate we will make an analogy: In theory, the distinction that exists between a solid and a liquid is very clear. Specifically, however, there are many beings that can have both states at the same time – animals, for example, have solid bones and liquid blood. So also, in practice, many groups are a mix of both public and private societies.

The mixed intermediary societies, which are the most important, should also be the most numerous in a healthy society. If we were to sketch a picture of a healthy society, distinguishing the social groups according to their degree of sovereignty, the mixed zone should be very large, and the zones that are only solid and solely liquid, so to speak, must be small. This mixed zone must exist in all large normal societies. The little group on the top under the Public Law does not have much importance. For this reason, what is essential is not that a society be monarchical, democratic or aristocratic. What is essential is that inside it a people exists and not a mass. It is the mixed zone that indicates the existence of the people.

That mixed zone necessarily has both democratic and aristocratic characteristics: Democratic, because it is the people who compose it and who govern it. Aristocratic, because it is natural for the families that are part of this zone to begin to form themselves into a hierarchy, in accordance with the functions that they exercise.

B. The 'liana family' unites the intermediary groups

We find that the family lives well in intermediary groups. It is normal for the family to enter into and penetrate those intermediary groups like a liana (a thick forest vine) that winds through different trees without losing its characteristics: It would be a liana family. Only a liana family can be a great family since only a liana family has the authentic, vast and solid support of the society where it lives. It is the liana family that unites, merges and harmonizes the intermediary groups. It is easy to understand this if we consider a great family that has among its members a bishop, a feudal lord, a general, an ambassador, etc.

C. The vertical & horizontal groups

We can consider that alongside the elements that constitute the great pyramids of social life, small pyramids form. Here enters the problem of verticality and horizontality in the organization of social groups. Some social groups can be called vertical because many hierarchies exist inside its interior elements.

Certain social groups, in appearance, would be horizontal groups, because they are composed of individuals on the same level. For example, let us say that in a certain city, for some practical reasons all of the shoe-shine shops belong to the shoe-shiners who work in them. The result: the guild of shoe-shiners will seem to be a guild that is perfectly horizontal, because in the profession of shoe-shiners a hierarchy was not formed. But this apparently horizontal guild is only horizontal because of the peculiar circumstances of that profession. It is not proof against the principle of the verticality of guilds. This apparent horizontality can also occur when the differentiations among members are very small in relation to its numbers; thus, a hierarchy almost does not appear; it is unnoticeable.

Could there be social groups that interpenetrate those vertical societies and also those horizontal societies? We have just seen the phenomenon of apparently horizontal groups existing alongside vertical groups. Could there be groups that interpenetrate the vertical groups? We would respond yes, in a certain sense.

This is because when a tension forms in various vertical societies, the congeners of the same level can join together and support one another. For example, suppose that one beadle is gravely offended by another beadle, and that all of the beadles of the various universities of a region support him. The result of that solidarity can lead to the formation of an association of beadles. It is a phenomenon that may have originated from the unhealthy fact of an internal struggle. But at times the association it engenders endures and comes to harmonically represent the legitimate interests of the beadles, even after the tension has passed.

D. The subsidiary groups

Inside intermediary societies we can observe the possible formation of harmonic sub-groups, more or less like the segments in an orange. Thus, let us say that all those who work in an

enormous bar in a huge train station like that of Cologne constitute a cell that has its own interests and mentality inside the great common mentality of the barkeepers of the city of Cologne. They are not different bodies; they are organs of the same body. This sub-group represents the health of the body. We could even say that the more the internal life of a large body is perfect, the more it is differentiated in its various organs. Thus, having these organs allows us to draw closer and closer to perfection.

Well then, let us say that a certain entity has a segment with so much activity and vitality that it is transformed into a society, or even that this entity is already born as a society. For example: a Marian Congregation in a hospital: It can be that the lesser society inside the larger society can take on so much vitality that it assumes some sovereignty over the larger society, a sovereignty that become embedded in the other. It remains a society that is perfectly constituted, but one that lives inside another. These small societies can be compared to certain small fish that live inside the throats of whales and other large fish. They are beings completely distinct from the whale, but it is proper for them to live inside the whale.

We could also imagine that for various reasons some societies, instead of establishing themselves inside another society or being mere segments inside another society, establish themselves as bodies already living outside of that society, even while living from the sap of this larger society. It would be more or less like the parasite plant and the tree. The parasite is a plant that is completely distinct from the tree from which it lives; but it draws life from the sap of the tree in such a way that, if removed from that tree, it dies. This is a subsidiary society. By the way, the word “parasite” is used here without any pejorative sense. The subsidiary society constitutes a richness for the principal society and not something that exhausts and depletes it.

We could say that this goes even further and that these subsidiary societies become interstitial societies⁸ as they develop. That is to say, they develop and, suddenly, in order to serve other categories, they become interstitial societies by a legitimate phenomenon.

There could also be a subsidiary society that grows in such a way that it absorbs the larger society. For example, the *Beneficência Portuguesa* was initially formed with the goal to help and provide recreation for families in the Portuguese colony in São Paulo. For this purpose it had a football club, the *Portuguesa de Desportos* (the Portuguese Sports Club). Another of its goals was to build a hospital for the Portuguese in Brazil. The hospital – with the same name *Beneficência Portuguesa* – developed so much that it overshadowed the initial society with its aims as well as its football club. Today it has become a huge complex of hospitals. The Portuguese Sports Club, which continues to exist, probably no longer has anything to do with the Portuguese colony, the initial *Beneficência Portuguesa* or the complex of hospitals.

Another example is the Automobile Club, which was born to encourage motoring and ended by being overshadowed by the recreational and social functions it took on.

⁸ An interstice is a space between two bodies or defined organs. An interstitial society is the one that lives or emerges between two other societies and establishes a sort of liaison between them.

E. Societies that invigorate the life of its members

Turning these considerations to the problem of sovereignty, we could say that interstitial societies are also capable of generating sovereignty like the other societies. However, as sovereignty is more easily generated by societies that have a greater fullness of life, we could say that those which exercise greater influence over individuals allow us to better understand sovereignty

Thus, we could consider three gamuts of societies, from the point of view of their invigorating influence over individuals and, therefore, their dynamism:

- The societies that do not invigorate anyone;
- Other societies that give an invigorating tone to its driving members;
- Those societies that give an invigorating tone to all of its members.

The higher we go in this hierarchy, the easier it becomes for sovereignty to appear inside these societies.

It is important to know in what way or under what circumstances a society can give an invigorating tone. There are activities that, by their nature, constitute a major part of the common life of those persons who dedicate themselves to them. On the other hand, there are other activities that by their nature do not demand a great part of the life of those who dedicate themselves to them.

For example, there are societies that are turned toward giving assistance to people who are victims of natural catastrophes – these societies are common in the United States, a country constantly afflicted by earthquakes, tornados, fires and floods. They normally have a strong influence on most of their members since their cause is noble and requires a special training for each person; further, those emergencies can arise at any moment.

On the contrary, a society of philately is much less engaging to the ensemble of its members. Even when some philatelic event takes place in its city, the stamp collectors' group has much less influence over the members of that society than those emergency assistance societies have over its group. This is because philately is primarily a hobby that interests a small group of persons.

It is evident that societies that assume the first type of activity have a greater invigorating influence on the whole because they completely absorb all of their members. This is very difficult to happen with the other type.

Thus, we arrive at the conclusion that it is not only vitality but also the actual nature of the activities of a society that give a greater or lesser capacity to have an invigorating influence and to generate sovereignty.

9. The Individual & the Intermediary Bodies

A. Need for intermediary bodies for the psychological balance of individuals

A very clear thesis is the following: If you do not want psychos, make intermediary societies. For example, human sight is meant to see both close and far away by the movement of the eye muscles. Imagine a man placed in a situation where he only looks at objects at an enormous distance from him. He would end up worsening his eyesight, because sight requires that he also look at things close to him. Analogously, the man who could only see near objects and not faraway ones would also end up damaging his sight.

Now then, analogously, men must have small, medium and large societies that he can see. But to turn them only towards himself or towards the State is to want the man to engage in either micro or macro realities but to have his eyes closed to all the intermediary human realities the rest of the time. He ends up damaging his psychological balance. The psycho is generated in large part by the failure to have intermediary societies.

B. Individual & intermediary societies

Most frequently – but admitting many exceptions – we understand that each man should belong to a determined sovereign body because of the unity of his spirit and the unity of his primordial light.

Consequently, we understand that, normally speaking, each man has only one profession that determines to which sovereign body he belongs. It is the profession that forms his psychology, customs and habits. In turn, his choice of a profession is also made for psychological reasons: It is this or that professions that best suits his mentality and way of being. This principle does not involve, therefore, a predominant economic factor.

Despite this, we could admit that in a society that is progressing with very noteworthy elements, there can be a type of richness of personality that produces societies different from the professional society to which the man belongs. This can happen by a twofold process: either by *sublimation*, in which case it would be a vertical formation, or by *derivation*, which would be horizontal.

It would occur by a *process of sublimation* when, for example, some engineers would acquire such an extraordinary knowledge of engineering based on high principles that they would form specialized social groups in this milieu of engineering precisely to consider those high principles, let us say, the philosophy of engineering. It is even possible that this body could have a certain sovereignty that comes from the sublimation of that body of engineering. Regarding this sovereignty, they are like the clouds that surround the top of a mountain; they complete the mountain, but the tip of the mountain is above and beyond the clouds.

The *process of derivation* would be, for example, if in the various societies of engineers, lawyers and physicians, there would be a strong cultural interest in music. Since each of these societies is good, each would have its music center. Thus, they could form a central music center that includes engineers, physicians and other professions, perhaps composed of those who admire Mozart, Beethoven or another composer. It would be much more difficult for such a music society to have the character of sovereignty. But, strictly speaking, societies such as these could have a sovereign character.

Thus, a man could belong to various societies having a sovereign character, but this belonging has nuances. We believe that the man belongs to these various societies in the sense that he participates in them, but not in the sense that he principally belongs to them all. The man belongs principally to the sovereign society that most touches upon the dynamism of his life. Therefore, if outside of his main profession he is preponderantly a musician, he can belong preponderantly to a music guild that is not of his profession.

There is a vital and natural process by which this occurs and there must even be principles that govern this. Well studied, we could arrive perhaps at a clear definition of this process. But this does not invalidate the idea that, since the dynamism of a man's life usually comes from his profession, normally – barring exceptional circumstances – he will belong primarily to that particular professional society.

The more we ascend in the social hierarchy, the more there is a tendency for the exception to occur, for the man to find his dynamism outside of his profession. This is because there is a great perfection of life and culture in the higher social classes. With this we conclude this part of the exposition.

If it is true that the more one ascends, then the more duality or plurality of interests will be admitted. The opposite rule is also justifiable: The more one descends in the social hierarchy, the less the exception takes place because people are absorbed by concrete day-to-day needs and there are no psychological or human conditions for differentiation.

10. Primordial Light & the Intermediary Bodies

We can say that for each human activity there is a corresponding primordial light: for example, to cure, to paint, to fly, etc. But there are two families of spirits: those who have a high primordial light and are content only with curing, flying or painting; and those who have an inferior primordial light and are content with much more modest things. For example, in aeronautics, there is the man who has the ideal of flying; then there is the modest launderer who is obsessed with cleaning the captain's gloves well; he cannot have the ideal of flying but more directly has the ideal of cleaning the gloves of that flight captain.

It is necessary to not confuse this duality with another that would be the following:

A person can have a lesser elevated spirit and a lesser elevated primordial light, but, by the practice of virtue, he can see the entire firmament of his primordial light. He can be a very virtuous

man even if he only knows how to clean clothing. But in the actual cleaning and the problems of cleaning he sees extraordinary things with greater clarity than another less virtuous man with a similarly small primordial light.

Therefore, we have two divisions: one according to the primordial light that is more or less elevated; and the other according to personal virtue, which makes one see more or less in accordance with one's own primordial light.

We should consider, finally, the question of the amount of influence that the primordial light can have on associations. We should recognize that some human acts and, therefore, also some associations, have the primordial light of man as their direct end, for example, to fly a plane.

Regarding some acts, and eventually some associations, they only have participative primordial lights. Their objective is to facilitate the execution of things to which the primordial light tends. For example, to be a barber is an action that clearly does not have the primordial light of flying, but it is understood that there is an association of airport barbers that would be included in the general objective of flying.

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Part II

The Political Order

Chapter I

State, Government, Society

1. Notions

The government is the organ that directs the State, while the State is the society that is politically organized, and society is the simple moral union of men.

2. Origin of Public Power

Regarding the problem of the origin of public power, it is necessary to distinguish three closely related but different questions: *first*, the origin of public power as such; *second*, the designation of the ruler, and *third*, the investiture of power. The fact that these three topics are not generally distinguished with the necessary clarity is the cause of much of the confusion that reigns over the problem.

In the *first question*, the origin of public power as such, we ask: Where does the power to govern men originate, considered in itself? We still do not know whence the right of this or that concrete ruler to exercise power comes. So we ask: What is the origin, the foundation of power as such, considered apart from the person who exercises it? Catholic doctrine teaches, as we will demonstrate further on, that public power as such comes from God.

In the *second question*, the designation of the ruler, we ask: To whom corresponds the right to designate the man who must exercise public power? Although power as such comes from God, it is very rare for the man who must exercise it to be designated directly by God. In normal cases today, the ruler will be picked by the people, or – dealing with hereditary regimes – he would receive power in accordance with the historically established laws and customs in a determined society.

In the *third question*, the investiture of power, we ask: What means is used to make this designation? When it falls to the people to determine how the ruler will be selected, they could do so by means of an election, by popular acclamation, by agreement, by choosing lots, etc.

In the *second question*, as we have seen, we ask: To whom is given the task of designating the one who will hold power. In the *third question*, we ask: Through what particular means is the selection made?

The present exposition will be divided into three parts, in which each of these three questions will be studied separately.

A. The origin of public power as such

It is not just public power, but any and all power that comes from God. St. Paul expressed this truth in the Epistle to the Romans (13: 1-2) : *“Omnis anima potestatibus sublimioribus subdita sit non est enim potestas nisi a Deo quae autem sunt a Deo ordinatae sunt. Itaque qui resistit potestati Dei ordinationi resistit qui autem resistunt ipsi sibi damnationem adquirunt.”* (Let every soul be subject to higher powers: for there is no power but from God: and those that exist are ordained of God. Therefore, he who resists the power resists the ordinance of God. And they who resist purchase damnation to themselves.)

The demonstration of this truth presented by Catholic doctrine is classic. Let us summarize it very briefly since it does not present a special interest for us.

By his very nature and, therefore, by a disposition of God, man is a social being. Since life in society requires someone to have authority and, therefore, to enjoy the power to decide, impose and punish, even against the will of the subordinates, we see that obedience to this power is only accepted by the fact that all power has its origin in God Himself, the Author of nature.

It must be noted that that power descends immediately from God upon the one who holds it without the need of any intermediary: neither the people nor even the Church.

One could perhaps object that there is an intermediary: human nature. But this also is not true. If we were to consider only human nature, ignoring the idea of God, we could not find a solid foundation for power. Only God, a Being who is personal and infinite, to whom every right belongs, can oblige us to obey another person. Excluding the idea of God, obedience can be useful and convenient, but it will never be obligatory.

B. The designation of the ruler

The designation of the ruler can occur in three ways:

a. Direct & supernatural divine source of power

We say “divine” to remind us that power as such comes from God, “direct and supernatural” because God personally indicates who must be the ruler. This is what took place with the Kings of Israel. Later, King James II, who strongly upheld the principle of Divine Right, and others defended that every King is designated directly and almost charismatically by God.

b. Indirect divine origin of power

We say “indirect” because it is the people who indicate the ruler. It is said that Suárez and St. Robert Bellarmine defended that this is the only legitimate way to choose a ruler except, of course, in the case of a direct designation by God. To us, this seems legitimate only when there

are not families in the general public that have risen naturally – through the process of transcendence discussed previously – and, for this reason, have the right to indicate the ruler. In Andorra or in some cities of Switzerland, for example, this principle defended by the theologians can be legitimate.

c. Historic-natural divine origin of power

If a person or a family has special qualities that give him a capacity to govern better than others, the government should belong to him. The most perfect and the most normal way to know this is through custom, tradition.

In a descending order of perfection, we could establish a scale on the ways to choose a ruler that would be more or less the following: designation by the aristocracy, by the Supreme Court, by popular vote or acclamation, by force. Evidently this list could be expanded.

In the cases where God wishes to directly designate the ruler, it is evident that it is not for men to decide the matter.

But this direct designation by God by supernatural interventions in History is rare in the life of peoples. It was common among the Jews: in the choice of Saul, David, etc. But it cannot be the only way that rulers are indicated. It is necessary to establish principles for the normal cases, which are designations made by human and natural means.

If God does not manifest Himself supernaturally to indicate the ruler, it falls to men to make the selection; likewise they should determine the process of succession in the transmission of powers.

We say that, in these cases, it is to the people that the selection of the power-holder falls. This expression is true so long as we do not understand “the people” as the numerical majority of the population, established by the universal vote, but rather as that part of the population which is most expressive of the society.

A problem that is difficult to resolve arises: In hereditary regimes it is not the people who select each new ruler. In such cases, then, could one say that the King is designated by the people? Or must we establish a third mode of designating the ruler?

For this problem, diverse solutions have been presented:

First, James II of England, among others, sustained that the hereditary monarch is always a charismatic person who is chosen directly by God. Although that selection is not made in a way that is miraculous – he affirmed – the King is always designated by God Himself; men have nothing to say about the choice of the monarch, they should only obey.

This thesis was called the “monarchy of divine right.” This is a problematic expression, because it is true if it is understood that the power in a monarchy comes from God, since the power in any regime always comes from God. But it is false if it is understood that the monarch is always designated directly by God.

Second, scholastics such as Suárez and St. Robert Bellarmine appear to have defended the thesis that the designation of the ruler is always made by the people. To explain the case of hereditary monarchies, they affirm that the monarch rose to power with the tacit assent of the people. In this assent, they saw the expression of the popular will. Thus, they sustained that in some nations the selection was made by means of this tacit assent, as in others it was made by vote or by acclamation. They considered this assent to be indispensable for the legitimacy of power.

This conclusion does not appear to us to be true, because there could be cases where the monarch would be legitimate even if he were not desired by the people. We cannot admit that the people have, in a normal and ordinary way, the right to depose a monarch. Only in extraordinary cases and under certain verified and extremely grave conditions do the people have the right to rebel.

Although false when taken in its full amplitude, there is an aspect of truth in this thesis, which should be emphasized. We could say that the assent of the people is for the hereditary monarch what the inauguration is for the elected president of a republic. It is not the inauguration that makes the president legitimate, though presidents always are inaugurated into office. The inauguration is the ratification of a process of selection that took place previously. If the Chief Justice of the Supreme Court does not want to inaugurate the elected candidate, he could be forced to do it or be replaced by a substitute. Similarly, the assent of the people to the new monarch is not the foundation of his legitimacy, but this foundation is the recognition, the proclamation of a right that is received by inheritance. Because of this, the ascent of a new monarch was announced to the whole nation.

Louis XVII was a true King of France because, besides his right to be a monarch, he was officially recognized as such by the royalists. Let us suppose, however, that on that occasion the Revolution had been so fully victorious that no one would recognize Louis XVII and proclaim him as the King of France. Would he have been a true King? No. He would have had the right to be King, but he would never have actually been King. His situation would be comparable to that of an elected president of a republic who was never inaugurated. The assent of the people is, then, indispensable for the effectiveness of royal power, but it is not the ultimate foundation of its legitimacy.

Third, the designation of the hereditary monarch can be explained by the historic-natural theory. Jesuit theologian Viktor Cathrein, among others, adopted this thesis, giving it the following formulation: “*Determinatio originaria subideti potestatis civilis fieri potest variis causis, quae alicui personae in concretis circumstantiis tantam morale praeponderantiam et auctoritatem conferant, ut ipsa sola ad regendam societatem idonea sit; inter has autem causas praecipua esta dignitas patriarchalis, coniuncta com dominio fundorum.*” (The determination of the origin of the mentioned civil power can have several causes, whereby some persons in certain concrete circumstances can have moral predominance and authority, and thus the society is ruled in this way; among these causes, of greatest importance is the dignity of the patriarchs in conjunction with the way the place has been ruled.)

In the *status quaestionis* of his thesis, Cathrein expresses himself thus: “*non excludimos alios modos determinationis ut posibles, sed solum affirmamus fieri potuisse, ut absque pacto per cir-*

cunstantias aliquis esset moraliter loquendo solus capax societatis regendae, ideoque obligation ei parendi in ordine ad bonum commune immediate ex lege naturali oretur; unde etiam consequitur eum immediate e lege naturali accepisse potestatem politicam. Porro sub nomine exclusivae idoneitatis non tam intellegimus dotes mere personales, v.g. ingenium, sed potius totam condicionem socialem alicuius personae, vi cuius fiebat, ut ipsa sola posset supremam potestatem exercere, si volebat, et de facto exercebat, nec quisquam alius posset contra ipsius voluntatem eam habere.” (We do not exclude that other ways to determine [the origin of power] can be possible, but we only affirm that it can have these causes so that, morally speaking, it is only by means of a pact that society can be ruled in certain circumstances; therefore, it follows that there is an obligation for the rulers to strive for the common good and obey the natural law. Consequently, the political powers must accept the natural law. Further, under the name of complete honesty, we do not consider personal gifts, for example, creativity, but rather the full possession by some persons of the social conditions necessary to exercise the supreme power, if they so desire to do so, but this could not be imposed against their own will.)

By quoting Cathrein, it is not our intention to affirm that he gives a complete and perfect solution to the problem. On the contrary, many faults are noted in his thesis, which we will enumerate below. In citing it, we only want to show that our solution is not novel, as well as to utilize some of the very precise formulations presented by him.

Cathrein’s thesis has the following restrictions:

- The thesis and argumentation he uses are true for patriarchal societies or for those that come directly from patriarchal societies; but they would need another dimension to be applicable to societies that are highly developed and far removed from patriarchal periods. In particular, how would Cathrein explain the change of dynasties that occur?
- As explained in the *status quaestionis*, Cathrein admits that the monarch is, “morally speaking, the only person capable of governing society.” This formulation, which adapts itself perfectly to a patriarchal society, cannot be applied to an extensive kingdom that is very populous and has a developed culture. Who would dare to say that the heir – sometimes a boy or a woman – is the only person capable of governing a kingdom? Although we admit that the argument is true, it must be seen in a much broader way if we want to apply it to a developed society.

In the exposition of our theory regarding the historic-natural designation of the ruler, we will proceed by parts.

Initially we will show that there are rudimentary societies – patriarchal or not – in which the natural order of things itself requires that, due to various circumstances, the power falls to a certain person. This first part of the exposition is nothing more than a summary of the argumentation presented by Cathrein.

In the second phase, we will extend the argument to more developed societies with different parts.

Let us suppose that there is a family group that lives isolated from civilization: the patriarchal father, the children, grandchildren and servants, all forming a numerous human group. It can easily be said that this family society has already been transformed, at least to a large extent, into a political society, given that the elderly father judges the disputes that arise and punishes – perhaps even with the death penalty, etc. It can also easily happen that only the father has the necessary moral authority to maintain harmony in that society. Then, if the father dies, that same authority can easily continue in his first-born son.

In order to strengthen our argument, we would like to observe that herein lies the one fault in Cathrein's thesis. Is it not excessive to think that the only person capable of establishing this harmony and promoting the common good should always be the first-born? Why not his brother or an uncle – or ultimately anyone else – who is superior to him in capacity and qualities?

To turn to a society that is not a family society, let us suppose that there is a ship that is wrecked and leaves several families stranded on a deserted island. They are then forced to form a political society in that place. Then, let us suppose that among those families there is one family of highly civilized nobles, while all the others are savages. It is evident that the head of the noble family should command the government of the rudimentary political society that is constituted. In light of these supposed circumstances, the natural order itself requires that this particular man should have the power. Further, when he dies, it is likely that this prerogative should fall to his son, and then perhaps his grandson.

This would be the historic-natural designation of the ruler of rudimentary societies. We will continue now to the second part of this item, extending the argument to more developed societies with different parts.

If it cannot be said that there is only one man capable of running the government of small societies, then this is absolutely impossible for societies with multiple and different parts. For these, there can be, perhaps, one single family that is designated to exercise power. This would be the foundation of the principle of heredity.

But the argument would be clearer if we first state in what sense the family can be the only one designated to run the government, because it is impossible to suppose that only one family can create laws, execute them and judge according to the needs of the people. To affirm this would be to adopt an unsustainable position. What we affirm is something different, and it will be only understandable if we first explain the difference between administrating and governing.

In the exercise of power, we must distinguish two different fundamental functions: the administration and the governing. The administration, which is of lesser dignity, consists in judging with equity, resolving problems that arise in the common life, making laws that effectively resolve emerging situations, organizing bureaucratic systems, supervising workers, guiding the economy, directing the military, etc. Today, when speaking about public power, one only refers to this administrative function.

Besides the administrative function, however, there must be another function that is superior in importance and dignity: the function of the government. Each people must practice some particu-

lar virtues; they must admire certain ideals of beauty; they must cultivate certain values of the spirit; they must have their defined mentality. Just as individuals must cultivate all the virtues even though each one will distinguish himself by the practice of some special virtues, so also must peoples admire, practice and praise everything that is beautiful, just and true, even though each people should distinguish itself in its own particular way of being and living. Cultivating the specific values of the spirit of a people is the most important aspect of the common good.

Having food, roads, efficient bureaucratic organs, universities, etc. are certainly requirements for the common good. But, what is incomparably more is the development of those values of souls that constitute the actual spirit of the people, in which they find the perfection of themselves. To govern is to promote this superior common good. It is to orient souls in the search for the goods that form the specific spirit of that people.

The qualities of the good administrator can easily exist in the father but not in the son. By running a newspaper ad, one can find a skilled administrator for any company. However, the ruler who incarnates the perfections of a society, be it large or small, can only be someone who has a soul that identifies with the ideals of that society. Without heredity, a good ruler is rarely formed. This is above all true when it comes to a great people whose soul has unfathomable riches, exceedingly vast horizons and perfections difficult to put into words. A man capable of governing such a people can only be found if that man has been prepared by centuries of tradition, a wise education and a rich legacy of those values of soul.

It is exactly in this sense that we say, then, that there can be and normally should be a family in a people so superior to the rest that the government should fall to it. In the hypothesis formulated above of the families that were stranded on a deserted island, it was clear that the government should fall to the one family that was not savage; so also in a civilized people the government should fall to the family that better represents the spirit of that people, if such a family exists.

In a separate study we could show the importance of heredity in the formation of dynasties capable of symbolizing, living and guiding the spiritual perfections that a people must practice; for this reason, they are able to govern it in an excellent manner.

St. Robert Bellarmine and Suárez, along with many other scholastics, did not consider the possibility of the historic-natural designation of the governor. They said that the hereditary monarch receives his office from the people, who give him at least a tacit consent.

This conclusion seems to us to be unsustainable, as stated above. We must, however, ask ourselves if there is any truth in it, since it does not seem probable that a Doctor of the Church such as St. Robert Bellarmine would have admitted a position that was entirely false.

Actually, we find in this argument an aspect that is true and very important if we make a distinction between the *right* to a position and the effective *exercise* of that position.

Let us return to the hypothesis of the several families that disembarked on a deserted island and were forced to constitute a civil society there. Let us consider the situation of the only non-savage family that we have proposed exists in that human group. When those people first arrive on the island, can we say that the head of that family is the ruler of the island? Or would it be

necessary for his condition of authority to be first accepted by the other persons? It seems evident to us that he can only be called a ruler when he has been recognized as such by at least a considerable portion of those persons. Until then, he would have the right to the post but still would not have possession of it.

In effect, he has the right to the post since he is the only person capable of ruling that community. If the others persons do not recognize him as their ruler, they would be acting wrongly. Another ruler, perhaps elected by the people, would be illegitimate and a revolt against the latter would fulfill the conditions of a just revolt. But this still does not allow us to say that the head of that noble family had the effective right of his position.

Therefore, it should be noted that the factors of the historic-natural order are those that give legitimacy to the hereditary monarch. Popular consent, tacit or explicit, is not sufficient to confer that legitimacy; but it is the popular consent that invests the one who already has this right to govern. We have thus reached the theme of the third part of this exposition: the investiture of power. And it is only after having received this investiture that we can say that the monarch truly assumes his office.

This distinction becomes very manifest in the case of legitimate monarchies that were dethroned. We would never call a prince who had the right to govern - but never actually governed - the King. On the other hand, we would never say that a usurper is legitimate simply because the people gave him their tacit consent.

From this various concrete consequences come. Since it is not possible to study them all at this moment, we will only list some of them:

- An unjustly deposed King can be considered a King so long as he is recognized as such by a considerable and representative portion of the population (Louis XVII).
- An unjustly deposed royal family would have the right to the royal office even though it does not effectively occupy the office so long as it is the first family of its kingdom: that is, the family that best symbolizes, expresses and is capable of orienting the spirit of that people.
- A monarch, who under the pretext of avoiding bloodshed, allows himself to be unjustly deposed since he is thus an accomplice of the violation of a right; that is, the right that he has to occupy that office. We must note that this right is not only his, but it is above all the right of that community to be governed by him: It is a requirement of the common good.

As we have previously demonstrated, the legitimacy of a royal dynasty rests upon the existence of certain historic-natural factors. We can at the same time ask if there are not still other factors that are fundamental for this legitimacy.

We respond: No, it does not seem so. It appears to us that any other elements essential for this legitimacy end up being included in what we have already set forth.

There are motives that demonstrate the excellence of the monarchical regime. We will not enter into this problem now since this is a parallel topic. But those motives are of a merely abstract order and prove that the monarchy is the best form of government. They prove that, in peoples who have reached a certain degree of cultural development, it is normal and desirable that a monarchical regime be established. But we do not conclude from this that the royal family must be this or that particular one. To enter the concrete reality, it is necessary to set aside abstract speculations and inquire if there is a family among that people that meets the conditions that we have mentioned.

The following objection could be raised against our exposition justifying the heredity of a royal dynasty: If the heir to the crown is incapable of symbolizing and guiding the spirit of the people, that is, to govern, he should not occupy the throne; there is no justification for it. He can belong to the family that best possesses these qualities and yet he may have none of them. Therefore, he should not govern, and if this is the case regarding the whole family, perhaps the whole family should lose its right to the throne.

The answer to this question would be quite lengthy if we were to address all its aspects. Furthermore, many of those aspects are well known and have been addressed in almost every political manual that addresses the monarchy. Thus, we will simply make a brief list of these aspects of the problem of lesser interest to us; we will then focus on the question related to the theme we have been developing.

We will not concern ourselves at this moment, with the defense of the following theses:

- A monarch does not lose his right to the throne because he acted badly in one or another case of non-essential importance.
- The monarchy is the best form of government, and its abuse – tyranny – is the worst.
- Monarchy should not be considered as the unrestricted government of just one man; rather, the whole royal family influences in some way the direction of public affairs (Royal Councils).

Setting aside these aspects of the problem, we arrive at the point of greatest interest to us at this moment: As we saw, the principal function of the monarch is to govern his people, that is, to symbolize the virtues that characterize them, to express their perfections and to guide their spirit. Now then, if the heir of the throne does not possess the necessary qualities to realize this mission, it seems that the right to occupy the royal office should no longer fall to him.

To resolve this objection, we must first remember that, as we said, it is the family of the monarch, and not the monarch personally, that must symbolize the perfections of the people, even when, after one or more generations, the head of the family continues to be the one who better symbolizes them.

In analyzing the value of tradition, we can verify that it is highly probable that the riches of the soul of that family will be preserved, although there may be some unworthy members.

For a nation, it is a lesser evil to bear an inexpressive monarch for some period of time rather than to give up the principle of heredity. It is not necessary to repeat here all the advantages of the monarchical regime that would justify this assertion.

Having said this, we will complete the response to the objection mentioned earlier by admitting the hypothesis that a dynasty could actually lose the right to rule.

Indeed, if a monarch who is incapable of governing is followed by another equally inexpressive monarch, and then another and this were to continue for several generations, it could easily become apparent that this weakness of personality is no longer a sporadic case, but has become an integral part of that family. In the same way that we defend the thesis that families can acquire riches of soul and assimilate them in their hereditary patrimony, so also we must admit that those riches can be lost and that they can be replaced by vices. In the latter hypothesis, this royal dynasty loses the right to the throne.

What should be done in such a case? Would it be the case then to proclaim a republic? To give a wise solution to this very serious possibility, it would be necessary to observe the concrete situation of that people, to verify if there is another family that has conditions to replace the first, etc. It is only by studying the concrete case that one could find the solution to the problem. Nonetheless, some general principles can be established:

- The proclamation of a republic would be the last of the solutions to be considered, since to take the monarchical regime from a people is equivalent to cutting off its head.
- Even should it become clear that the royal family had lost its riches of personality that made it worthy to occupy its position, the family must not be deposed before another family appears that is capable of replacing it.
- Of all the possible solutions, the most desirable is that another family should appear that can replace the one that fell into decadence. This is what occurred when the Carolingians took the place of the Merovingians on the throne of France.
- Should such a family not appear, there are still various solutions that can be preferable to a republic: to transfer the crown to a foreign monarchy, for example. Or, supposing there is not a family that is evidently superior to the others, but there are five or six that clearly stand out, it could be possible to confer to them the right to elect the King (an elective monarchy, like the Holy Roman German Empire) until a dynasty arises with the necessary elements to occupy the throne by heredity. But in this study of imprecise hypotheses, we fall into a casuistry⁹ that is too vague to expand upon further.

There are many names given to the three modes described above (Letter B, pp. 58,59) by which rulers may be designated:

⁹ In the language of lawyers, casuistry refers to the study of particular cases in which the general rules apply in specific ways.

a. Direct & supernatural divine origin of power:

This indicates the case of a ruler selected by a divine revelation. We say “direct and supernatural” because God, without an intermediary and in a supernatural way, appoints the holder of power. And we say “divine origin” because, as we mentioned above, all power comes from God; one must always remember this truth.

b. Indirect divine origin of power:

This indicates the case of the ruler selected by the people. We say “indirect” because the selection is not made by God Himself, but by an intermediary, who is the people.

c. Historic-natural divine origin of power:

This indicates the case of the hereditary ruler, whose title of legitimacy resides in factors of the historic-natural order.

Having said this, we ask: Are these expressions good? Although we do not pretend to speak definitively on this matter at the moment, we will present some observations that could inspire in the future a more precise conceptualization of the difficulties we encountered:

- Initially, it would seem unwise to give the name “origin of power” to the designation of the ruler, which we have been studying in Item 2B of this Chapter 1. “Origin of power” is an excellent expression for the problems we dealt with in Item 2A, relative to the philosophical foundation of power as such, that is, of the right that authorities have to impose norms, apply sanctions, etc. But extending this expression to the problems of the designation of the ruler can lead to bad interpretations, as we will see later on.
- The principal confusion is born from the classic expression “indirect origin of power.” Why? Because this expression leads one to suppose that God grants the power to the people, who, in turn transfers it to the ruler. Now then, this conceptualization of the problem is entirely false, as we have seen. Power comes immediately from God; it falls on the man who has it without an intermediary. The people can designate the ruler, but the people cannot be the intermediary of power as such. Only God, the Creator and Supreme Lord, can confer the power.
- Obviously, there is a case in which the power can reside in the people: that of direct democracy. But then the government is exercised by the people and there is no designation of rulers; the authorities are mere executors of the deliberations of the people.

C. The investiture of power

After having studied that all power as such comes from God, and that the man on whom this power falls can be designated in three ways, we will now analyze the concrete actions by which a man takes possession of his governmental office, that is, how he is invested in power.

Indeed, it is not enough for a man to have been designated to a certain post. It is necessary for him to take possession of his new office, and only then will he begin to exercise it effectively.

This question presents less interest for us than the previous ones. But we will study it to avoid confusions between this question and the two that preceded it, because the topic opens itself to misunderstandings.

We must initially distinguish between the close investiture and the remote. The close investiture is the actual act itself: the inauguration of a president of a republic, for example. The remote is the way by which the ruler is designated. It is not an investiture in the proper sense, but rather the election of the president of a republic, the selection of a King by God, etc.

There are cases where this investiture is an unfolding process, such as in the case of King David. Scriptures tells us that God gave Samuel the order to anoint David; this was a 1st phase. Samuel anointed him, which was the 2nd phase. Only much later, when King Saul died, was David successively recognized as the King by the 12 Tribes: This was the 3rd phase of the investiture. It does not seem necessary to us, however, to exhaustively analyze that problem, establishing detailed and complete classifications. It is enough to point out the question with the goal of avoiding confusions.

In the cases of the selection of the ruler by the people, the remote investiture can be made in various ways by different types of election: by direct or indirect election, by the universal or qualified vote, by acclamation, by lot, etc. Whatever the means of selection, afterwards the ruler must be sworn into the office by a solemn ceremony, that is, he would receive the close investiture.

Investiture also breaks down into various phases in hereditary monarchies. First of all, there is the tacit acceptance of the heir by the people, which already occurs while the former monarch is alive. When that monarch dies, there is always a very significant ceremony by which that tacit acceptance somehow becomes explicit: the proclamation of the new King by the heralds in all of the corners of the kingdom. Or, as it was done in France, a solemn proclamation in the Royal Palace: "The King is dead, long live the King!" Afterwards, there was another ceremony confirming the previous investitures: the coronation where the King was anointed and crowned.

Another type of remote investiture, which does not merit further study, is imposition by force.

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Chapter II

The Political Regime

1. Meanings & Characteristics of the Different Regimes

A. Meanings

In the words monarchy, aristocracy and democracy, we must distinguish various meanings:

a. Classification

- The etymological meaning of the three terms: the government of one (monarchy), of the best (aristocracy), or of all (democracy).
- The classical meaning: According to St. Thomas, monarchy, aristocracy and democracy are the good governments of the one, the best, or all. The corruption of those governments would be tyranny, oligarchy and demagoguery. It should be noted that in St. Thomas, democracy at times indicates the bad government; in such cases he calls the good regime the *politica*.
- The modern meaning: According to current usage, in ambiances that are not scientific this division no longer suffices because it does not encompass all the cases. For example, a good dictator is neither a monarch nor a tyrant.

b. Meanings of democracy in our days

- The etymological meaning: Government of the people, by all.
- The classical meaning in St. Thomas: The government of all when it is good, but also when it is bad.
- The meaning in Leo XIII: Good government, even if it is monarchical or aristocratic.
- The meaning in Pius XII: An organic democracy, the opposite of the government of the masses.
- The liberal democracy, or representative democracy: A three-branched distribution of power in which the Executive Power, the President, is elected by the people either directly or indirectly through an electoral college, as in the United States; the Legislative Power is elected directly by the people, and the Judicial Power is chosen by the President and ratified by the Congress.

- Constitutional monarchy: A democracy very similar to the liberal democracy in which the State is symbolically governed by the King, but actually by a Prime Minister elected by the Parliament.
- Democracy in South-American dictatorships: A totalitarianism that takes on a certain democratic mask that can have some real foundation when the people accept the dictatorship. Without that foundation, it would only be a democracy *de jure*, not *de facto*.
- Communist popular democracy: A radical totalitarianism, or tyranny, in which the people have no voice in the State. However, for propaganda effects, it is called a democratic system and has fake elections to give the appearance of democracy.

B. Characteristics

a. Types of monarchies & republics

The division that applies today is the one that distinguishes governments as republics or monarchies. In turn, the monarchy can be absolute, constitutional, etc.; and the republic can be dictatorial, liberal, totalitarian, plutocratic, etc.

b. Some characteristics of democracy

Moving on to some considerations about democracy, we can say:

First, that even if it is true that the direct representative democratic regime works for small collectivities, we cannot deduce from this that it necessarily works for small countries or can be applied to small collective bodies of large countries, such as the Municipal Chambers of Brazil (*Camaras Municipais do Brasil*) or those in the old Portuguese Empire. The Empire, in its entirety, formed an immense country, but for small local interests, the representative democratic regime could work.

There are social situations where this type of democracy is legitimate, but they are so rudimentary and primitive that only in an exceptional way can a people legitimately remain for an indeterminate time -and perhaps even definitively – in this stage. So then, without being able to state that this type of government is contrary to Natural Law, we must nonetheless say that it is a natural development that could be compared to the dwarf, who is not *per se* a sick man, but is less than what a normal man should be.

Second, it is necessary to point out that direct democracy could not justify universal suffrage, where everyone can vote. Because in the group that constitutes the family, it is the head who should vote for the group. So, although there can be a direct democracy in the sense that a representative regime exists, it is not a direct democracy *per se* since everyone does not participate directly in the public decisions. The members of the family participate indirectly since they are

represented by the head of the family. In this way a rudiment of organic society is conserved both in that society and the State.

Third, the expression *direct democracy* may be used as long it does not imply a universal suffrage. This expression is used normally to distinguish it from a representative regime where those who are indirectly elected rule, whereas in the direct democracy the people play a direct role in the government. We could say that the former may also be qualified direct democracy.

c. Revolutionary democracy

Turning now to analyze the revolutionary sense in which the word democracy is used, we could say that:

- Democracy is complete equality in all aspects of life: political, social, cultural, religious, etc.
- It only exists wholly when there is complete equality in all the fields of life.
- The word is applied in an accommodative sense in two cases: a) When it is applied to an order of things that, generally speaking, are democratic, although not in some aspects: for example, the English political regime; b) When it is applied to an order of things that are comparatively more egalitarian than others, for example: the South in the United States before the Civil War was more democratic than Europe at the time, yet at the same time more aristocratic than the rest of the United States.
- Two types of order of things are anti-democratic: a) those based on the existence of rights that establish legitimate inequalities among men; b) those based on the idea that force is a legitimate justification of dominion, as, for example, the Roman Empire.
- These tendencies are noted among advocates of democracy: a) some, as in the 1789 French Revolution, decide that the people are ripe for full political equality and use democracy to impose equality in every sphere of society; b) others consider that the people are not yet ready and that a group of pedagogues should exercise the power – either openly or behind the scenes; only after the people are sufficiently educated will they be able to have full social and political equality.
- The final end desired in both cases (whether people are ready or not) is anarchy, a situation where all men would all be equal, there would be no government, no restraints placed on the passions, which would be naturally under control in the re-educated man and would permit him to violate all the natural laws without the destruction of himself or society. The psychological profile of the newest generation is already the start of this.

Who knows whether or not this equilibrium would indeed be realized in the Satanized society of the future, where the Devil will even appear to men?

- According to some types of propaganda, the word democracy is reserved for Western countries under the pretext that they have achieved political democracy, while countries of the East have not.
- Dictators are considered by some to be democratic insofar as they proclaim to receive power from the people and then exercise it to promote egalitarianism. The dictators themselves use this justification to defend their regimes. Others, however, do not consider them democratic because it is a regime of force in which a strong man necessarily imposes himself on others. This can only be avoided by means of representative democracy.

2. Monarchy

A. General appraisal

I would say that monarchy is the best form of government, not only from the executive point of view – because it makes matters of the State flow better – but because it is the best human order from all points of view. And, being the best human order, it must be the object of the preferential sympathy of all.

We are grieved when we see a country decide not to accept monarchy. It is legitimate for it to do so, but we feel only sorrow upon seeing this. I think that this point is of absolute importance. If a certain epoch determines that monarchy is obsolete, it is a sure proof that such an epoch has become decadent. If monarchy becomes obsolete, it is because the best human order no longer suits the world, which can only mean that the world has become decadent.

B. Functions of the King

a. The repressive function

The function of governing in this historical order – which is an order of the struggle between good and evil – principally involves a fight against evil. If evil is fought and destroyed in every sphere, good – by its own force – tends to expand and to give dynamism to all the social energies of which the government should only be a subsidiary. So, the fundamental and preliminary function of every government is to ensure the free expansion of those good energies by fighting evil and by protecting and stimulating the good.

We would say that the *first function* is properly repressive, or constraining; the *second* is to reign, and the *third* is to govern, which is to direct those good energies following the principle of subsidiarity. We have here, in our view, a perfect specification of the functions of the State and of every form of power.

There is a nexus between the supreme function of reining and governing and the supreme importance of the function of military command. This is because the highest function of reigning and governing is to fight evil. The Head of State has something preponderantly military in himself that is linked to the preponderantly military condition of the function of the government.

Until now, this explanation of the preponderance of the military function has not been pointed out. They are, however, complementary roles. Herein we find one of the profoundly instinctive reasons why – until recently – kings normally would appear in uniform. The function of fighting is proper to the King. This is why, even when the kings were not in uniform, they were armed: The sword was inseparable from the scepter. Many kings were painted with a helmet on the table, or with a battle scene as the backdrop in the painting, etc. This is to express the predominantly militant function of reigning and governing.

Since those functions must coexist in the same man and constitute a single whole, the man who must exercise those functions *a priori* must personify the primordial light common to these three functions: to fight, to reign and to govern.

We have already studied how the leader must personify the primordial light in order to reign and govern. Let us now focus on the fight.

In a war that is conceived in a completely different way than today's war, in a war conceived as a fight for an ideal and is moved by individual leadership, the King is the one who advances and who – as a symbol of his country – runs all the dangers and risks, and draws the others to follow. It is necessary for the head of a nation to expose himself to risks. To link the role of personalization with that of fighting is very important.

b. The personalization of the government & of the kingdom

To deal with this topic we must answer a preliminary question: In what sense is a society, a government and a State personal?

We could call a society personal in the sense that we could also call an association personal. In this sense we would say that the association is a personal type of society, government and State. But, in what sense are they personal? In an association, the goods are the personal property – albeit collectively – of the associates. Thus, in such an association, the goods can be changed: for example, from a charitable association to a commercial association since its associates are collectively its owners.

This does not happen in a foundation, since the goods do not have an owner, but are placed at the service of a determined objective, ideal or even myth. For example, the Holy House of Mercy (*Santa Casa de Misericórdia*) could never be transformed into something else; it will be the Holy House for the poor until the world ceases to exist.

An association is a type of society in which the living members of the social body are the holders of all the rights in that society, and that society is in fact the ensemble formed by them. So then,

this ensemble can never lose its personality, on the contrary, it encompasses these rights in a single unity.

The foundation would have as its prototype the Communist State or the Nazi State. In the Nazi foundation, for example, there is a theoretical and abstract ideal: the homeland. In homage to that concept, which is not to be confused with any of the German persons living in a certain epoch, one can impose on a generation all types of sacrifices and even the death of the majority of its members, provided that in 500 years it will result in the glory of Germany. That is to say, the proprietor of all things is a certain concept, a certain entity of reason, and the men who compose the society at a certain moment are proprietors of nothing.

The society, the State and the government can also be personal in another sense. This is when the society is structured in such a way that it is personified by a certain social group and this group is personified in a particular man. For example, the aristocratic societies are personified by their aristocracy; the authentic monarchical societies are personified by their King. Sometimes societies are personified by a social group that is marginal: for example, the Kaiser's Germany was personified by its army, to the point that someone defined that Germany as being not a country that had an army, but an army that had a country. Thus, the German army personified Germany.

The impersonal society – that is to say, the type of society based on a foundation – is one at the service of a myth in such a way that it is not personified by anything.

Now, turning to the personal government instead of the personal society, we can add that this society is still personal in another sense. It is personal when the holders of the government have personal right to govern. That is to say, they were elected in some particular way, and, after being designated, have a personal right to govern. In the case of the foundation those designated to govern it do not have a personal right to govern, but can be deposed at any moment, following the formula of Rousseau.

We can then ask in what sense the concept of personal and impersonal is realized in society, in the State and in the government.

First observation: According to the terminology that we have adopted, the King or a group of aristocrats can be the proprietor of the State and the government, but they cannot be the proprietor of society. The King or the aristocrats can personify a society, but they cannot be the proprietors of it.

Second observation: In the personal State, what is the position of the King? In this sense the King is the proprietor of the State. What is a personal State? It is where the King is the proprietor of the State, but the secondary functions of the State belong to other persons. Consequently, for example, the small tribunals, the notaries and all the other public functions are the properties of certain persons. The King has the eminent right over the property of the State, but this property is distributed and other persons participate in it.

Third observation: When it comes to the government, the King is the head. The government, we say, is the head of the State, and since the King is the proprietor of the government, the King ends by being in some way the head of the State. What does it mean to be the proprietor of the

government? It means that the configuration of society with regard to the King and the nobility is such that the most important social interest is identified largely with the ideal of a determined family or a determined group of families. Consequently, it is the King or that group of families that rules in his own interest and in his own personal interest as well. It has, therefore, not only a right to not be deposed, but it has – in another sense of the word “personal” – the right to govern for its own advantages.

Here we could recall the second meaning, whereby God protects the Emperor so that he unites the glory of God to the grandeur of Austria. For, in Austrian society, the Habsburg family plays a role that is a preponderant part of society. The common good of society that the State must aim to fulfill is realized in an important way by the House of Austria. For the Emperor of Austria, governing ends by being in large part to promote his own individual interest.

This does not occur with the Co-Princes of Andorra.¹⁰ For them, to govern is not to properly promote the grandeur of the Urgel family. It is, on the contrary, to sacrifice themselves in a certain sense for Andorra. Since the Urgel family no longer plays a preponderant role in the State, the Princes must rule without personal interests. Nor can we say that his personal good is identified with the public good. This is because of the nature of society, which is homogenous, where one element is not differentiated from the others.

Thus, we could say that the political regime of Andorra does not generate a personal government. Rather, it is more similar to a foundation – but more from the president of a foundation’s point of view rather than the point of view of its components. Therefore, it is something like a foundation, one that is based on the relationship between the government and the common good.

A question naturally arises: In such a concept, how does one resolve the problem of the divine origin of power? In Andorra, as in all of the States of the world today, there must be a public power. This public power must exist by virtue of the natural order of things created by God and that exists by the will of God Himself.

No matter who is the man invested by the people of Andorra with the office of governing, he governs in the name of God. The people of Andorra only hold the right to have a government that must be exercised for the advantage of the people, and not in the service of an abstract myth.

¹⁰ The Principality of Andorra is a sovereign country on the Iberian Peninsula bordered by France to the north and Spain to the south, ruled by two Co-Princes: the Bishop of Urgel in Catalonia, Spain, and the President of France. Until 1993, Andorra had a feudal regime that came from the time of Charlemagne; it was his grandson Charles II who gave Andorra to the Counts of Urgel. After quarrels between Spain and France about the ownership of the Principality, it was agreed that it would pass to both the Bishopric of Urgel and the Head of France, who is today its President. Those Princes exercised their power through 28 delegates who met in the General Council of the Valleys. In 1993, Andorra adopted a Constitution and the power of these delegates grew to the point of effectively absorbing the power and functions of the Co-Princes, which became a primarily nominal office.

This is what we call a personal form of the State, in opposition to the impersonal, where the abstract myth replaces the common good.

It is evident that the government of Andorra is exercised for the common good of its population because God wants it to be exercised for the common good of those men. They have a personal right to the common good, which is why the State has a personal character.

For this reason we affirm that the impersonal State is contrary to Natural Law. The consequence is that once the president of the General Council of Andorra is elected, he cannot be deposed; he rules in the name of God. We certainly do not affirm that the people of Andorra have a sovereignty. Their personal right cannot be identified with sovereignty; their personal right is identified with the common good. All men have the right to have a government that works for their advantage. One goal of society is, in fact, to promote the advantages of the concrete men living in a certain epoch. It is the personal State that strives for the common good; the impersonal State is one that strives for the realization of a myth. It is in this sense that we affirm that the government of Andorra is personal.

Someone could raise an objection: Having admitted this notion it should be said that the King must also rule in the interest of the common good. If he does not rule in the interest of the common good, he rules in the interest of the private good, which is opposed to the common good. We would then fall from a monarchy into a tyranny.

We respond: When a monarchy exists as it should exist, that is, as the juridical realization of a society whose form is monarchy, we must admit that a family, by the position it has in society, incarnates a great part of the common good; further, a great part of the common good is realized in the good of that family. That is to say, it is a vital interest of society that this particular family should live, develop, prosper and be eminent, because this situation is a natural result of social relationships.

Thus, there is an identification between the good of that family and the social good, from which flows a form of government where the common good is maximally interested in the good of a certain family. Here we have the monarchy. It is different from the president of the General Council of Andorra.

St. Thomas shows that where there is a true subjection of inferiors to superiors, this subjection occurs for the good of the superiors (*Summa Theologiae* Part I, q, 109, a. 2, 3rd obj.). In this way, in a society the people exist for the good of the King.

Writers of the 16th century and those who came afterwards had before them the example of bad and debauched kings. For this reason, they stressed that the King exists for the State, and not the State for the King, to show that the King had the obligation to govern well. In fact, that truth holds even when the King seeks to take personal advantage of the State and this advantage is against the ultimate goal of the King as well as the ultimate goal of the State. When the King seeks virtue, however, this truth has its complete application.

There is an inter-relationship between the proprietor and the property in the sense that the personality of the proprietor is enriched by the quality of the properties, and *vice-versa*.

Complementing what we have said, I think it is interesting to remember that the word “personification” is applied here in two different senses: in a juridical sense and in a symbolic or vital sense.

Here we must demonstrate that the word “personification” can represent different realities. We can say that all beings are able to be “personified,” so to speak. I could say that a civilized society marks even the animals that serve it with a personal character. A Pomeranian dog could not be born from a barbaric people; therefore, the personal mark of a particular civilization was communicated to that dog.

I could also say that the elegance of an aristocrat communicates to the horse a certain tonus that a wild horse could not have. We could say, then, that there are many ways that the presence of a human person in Creation models and, conversely, that there are many ways by which the human person allows himself to be modeled by Creation. All of this is personification.

c. What does personification of power properly signify?

We have sufficiently studied the idea that the power in a Catholic State must be personal and that, therefore, the more personal the power, the higher it must be; that power is the royal power. But let us further inquire what the personalization of power properly signifies. Evidently, it is not the fact that this power is exercised by one person, but it is a relationship that exists between the person and the way of exercising the power. This is the topic that we will now discuss.

Speaking about idolatry, Bossuet aptly shows that the sensual man has the tendency to only accept what falls under the action of his senses; with this, the man falls into idolatry. But this tendency must not be confused with the need that man – composed of body and soul – has to see universal ideas represented and incarnated by persons or concrete things. This tendency is not an immersion in the concrete, but rather it is to use the concrete as a kind of trampoline to rise to the region of the abstract.

This occurs in such a way that some persons become so strongly penetrated by ideas, principles and doctrines that these ideas, principles and doctrines end by constituting, as it were, a second personality. When they have a high degree of this co-penetration, the characteristics of these persons, without ceasing to exist, are surmounted by the transparency of values of an ideological and abstract nature that completely conquers them.

This could be formulated as a union between a man and an idea so profound that the idea transforms the man. In mysticism there is an expression called the transforming union. The phenomenon that we are studying has nothing to do with the transforming union of mysticism; we use the expression simply to help show the special union a man can have with an idea, to the point that he is marked and transformed by it in everything, according to his nature. His personal peculiarities lose their relevance and become obscured, and the abstract principle shines in all of its purity in his person. From this phenomenon – which for lack of a better word we shall call the transforming union – comes a kind of second nature of man.

It so happens that when one man passes through this transforming union, and then a human society with many men pass through this transforming union, we have a society with truly rich spiritual horizons: In one man we see chastity, in another honesty, in another strength, in another courage, in another loyalty, and yet in another wisdom.

It is not only ideas that mark men thus, but also professions. From this the man ends up assuming what the French picturesquely call “*le physique du rôle.*” That is, the man so profoundly assimilates the principles of his profession or his role in society that his very physique becomes marked by those principles. We see how this extremely rich concrete reality – worked and vivified in this way – can lead man to the terrain of principles and of abstractions.

If we take this doctrine of transforming union and transpose it to the problem of the monarchy, we could make the following observations:

If we take various families that express their distinctive primordial lights, we would end by having other families that, by a phenomenon of selection and a designation of Providence, would be able to completely assimilate the primordial light of a country or a nation. In assimilating its primordial light, they would be capable of exercising the function of modeling society, which is properly the inherent function of the King.

Regarding the personalization of all the things in a society, I believe that we could justify the principle of St. Thomas of Aquinas when he proves the natural superiority of the monarchy with another argument. It is the following: The principle of the unity of a society requires that a supreme value dominate the whole society and that this supreme value be personalized – not only in a group, but in a person who would be an exponent of that group. This, in turn, gives to every society a type of higher symbolic coherence. Because when there is a single man who is the head of a society, this man is a type of human symbol and he is the one who makes the symbolic life in society work and makes it correspond to his own dominion.

These principles suppose another idea dealt with only in passing, which can be outlined in the following way: This identification of a man with various ideas that accord with his nature ends by assuming a hereditary note. Indeed, it is in this way that heredity is established in a monarchy.

Once the man is entirely transformed by those ideas, his family also becomes more capable of receiving this transformation. It is this type of transforming hereditary union by which a hereditary second nature is established, alongside the formation received and other circumstances. It is in this way, therefore, that this function is inherited.

C. The modeling & the executing functions

In the power of the King, we must distinguish the modeling power and the executing power. Both powers belong fully to the King.

The modeling function is that action by which the King, as the personification of various primordial lights of the nation, is capable of stimulating the dynamism of a country or nation in the way that promotes the good. This function has many imponderables in it. It has a pedagogical, sym-

bolic and representative character, which is not the same as the function of organizing the State, which we properly call the executive power.

This modeling function can only be exercised by the King, and its implementation is a characteristic prerogative of royal power.

The executive function, on the other hand, belongs to the King fully in the sense that either he can exercise it himself or, if he prefers, he can delegate it to be exercised by others who follow his inspiration. So then, we have between the King and the executive power this very wise distinction, which is established in the Church between the Bishop and his Vicar General.

The Bishop is the one who models the Diocese; he is the one who resides in the Bishop's Palace breathing an atmosphere of grandeur and benefiting from its constant source of moral values; he is the one who inspires the Vicar General, who is united with the Bishop. But to properly administer the Curia is much more the function of the Vicar General than that of the Bishop. The Bishops would be like the Kings of old in relation to their first ministers.

Thus, we understand a type of King like Louis XIV, who partially exercised the executive power, just as we understand a King like Louis XIII, who confided that executing function to the extremely competent Richelieu. Both ways are understood, just as one understands the owner of a farm who delegates the function of administrator to someone else. The owner's function is to model the administrator. The administrator implements the executive power on the farm, even while the owner continues to hold the power to govern the farm. Thus, the functions are clearly different.

We also understand that, regarding the functions of the executive power, some hereditary elements can also exist, although normally they do not. For the executive power, heredity is not necessary. What is necessary is heredity for the function of the modeling power, which exists *ex natura rerum*, by the proper nature of things, by the very order of things.

The modeling power is a power that is in the order of the being: It is necessary to be in a certain way. On the other hand, the executive power is in the order of the doing. Now then, to be is more properly transmitted by hereditary factors than the capacity to do.

If one applies the hierarchy of the three levels of comprehension to our concepts of reigning and governing, it would appear that to understand the final end of created things belongs to the function of reigning and, therefore, to the quest to reach the final end of things

In human society, the one who realizes this in a complete way is the King as long as he symbolizes the virtues of the society over which he reigns. In human society, the two concepts can be dissociated: There are kings who only reign and do not govern – as in the case of the Queen of England – and there are others who both reign and govern. Clearly, what would be more perfect would be for the King to do both, because the government, and even its execution or administration, at least potentially should be present in the qualities of the King. For example, a Merovingian King who could not yet exercise the role of symbolizing France would not be a complete King.

Applying this concept to human society, we see this dissociation can be made to show the complete gamut of the King's functions. According to our doctrine, to reign is more important than to govern and administrate. In order to reign, the King must have this symbolic role, which at times can be subconscious in him. Even a King who is not very intelligent, one who lacks the capacity to govern and administrate, but who subconsciously understands the final goals of that society, can perfectly carry out his role.

There are other rulers, as is the case with modern governments, who carry out only the second and third functions: They merely govern and execute orders or administrate. Since they have nothing of this representative or symbolic role, they are mere bureaucrats. There are others, on the other hand, who are symbolic of the vices of a society and, in that sense, they reign for evil, just as we can say that in Hell there is an inverse hierarchy where the devils from the first heavenly hierarchy better understand the final causes of created things in God, even while they hate Him.

The superior choirs of Angels include the attributes of the inferior choirs by sublimation. For example, by transcendence the choir of the Seraphim includes in itself the capacities of the Dominions, the Virtues and the Powers, although they do not exercise the actions of the Dominions, Virtues and Powers. This also explains how a superior choir of Angels can illuminate the ones inferior to it.

In human society, by virtue of original sin and the deficiencies of human nature itself, this transcendence is not necessarily established in the same way. If we consider an emperor like Charlemagne, who was almost perfect, he indeed included by transcendence the capacities of a *missi dominici* (a delegate of the lord), a menial servant, a minor tax fiduciary and a soldier. But it often happens that a King does not have administrative qualities, and so he does not sublimate the qualities of his official because he does not possess them. But he has the most important quality, which is to reign. And, according to our concept, what is most important for a King is to exercise this role of being a symbol and to govern.

But, let us not forget that it was the incapacity to govern of the Merovingian kings that caused their line to be deposed, according to the express declaration of Pope St. Zachary in 751. Faced with the inadequacy of Childeric III, the Pope was consulted. He determined that this Merovingian King, who only had the title but was not exercising the power, should be replaced by Pepin the Short, who was actually exercising the power. He affirmed that it was more convenient for the one who actually exercised the executive power to receive the honors and the title of King. This was the end of the Merovingian dynasty and the start of the Carolingian.

3. Comparison between the Monarchy & the Revolutionary Republic

Next, we will study the characteristics of the monarchy and the republic:

Characteristics of the Revolutionary Republic

- a) Gnostic egalitarianism;
- b) Government of the one, many or all;
- c) A representative of the people. For this reason, the office is temporary and he can be dismissed;
- d) Secular character of public power;
- e) Equality of rights under the law. No social classes;
- f) Need for a Constitution for the regime to be considered legitimate and normal;
- g) Individualistic foundation, and never hereditary;
- h) Impersonal and artificial symbols. The nation is symbolized by flags, anthems, etc.

Characteristics of the Monarchy

- a) Principle of hierarchy;
- b) Government of only one man;
- c) Personal right to govern for life;
- d) Religious character of public power. External ceremonies that evoke the divine origin of power;
- e) Inequality of rights. Social classes;
- f) Historic-natural formation;
- g) Familial foundation, generally hereditary. Personal symbolism.
- h) The royal family symbolizes the nation.

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Chapter III

The Sovereignty

1. Social Sovereignty & Political Sovereignty

Let us present the example of a hamlet where there is no defined public power, but one where the people live and work together with a certain consensus. Among them there is a natural leader. This natural leader is the one who decides the solutions for the problems that arise and whom the others obey more or less spontaneously. He represents an authority among them, but an authority that is more or less instinctive and does not have a title or a limitation of power.

If we expand this concept to a village, we see that there the local authority is already exercising his functions in a limited ambit that is recognized by the others. This authority also has a defined coercive power to impose his will. What is most important is that those who are subjected to this authority can have different opinions on how to execute things and to achieve the common good; then the authority imposes itself by selecting one of those paths and obliging everyone to follow it.

We can say, therefore, that an organism inside the State has a public right when it has the following characteristics:

- A. It has the authority to impose a decision and to choose who should execute it – for example, to decide the amount of taxes to be collected, who should collect it, the dates the collection should be made, etc.;
- B. It has the effective power to oblige those who do not want to pay taxes to pay them;
- C. The subordinates necessarily have differences of opinions about how to do things or, at least, have the possibility of having different opinions. It is this authority who should decide from those multiple differences which one should be executed.

On this point this system is different from the families, in that the father generally does not decide which of the different opinions of the sons is to be executed; rather, he represents a supreme will that encompasses the wills of the sons. It is not necessary for him to coercively impose himself on his sons. The sons can disagree, but there is normally a unanimous consensus in the family that is encompassed in an eminent way in the will of the father.

To complete these three differences, it is necessary to say that the sovereignty of the public law as it exists in a constituted city is a natural evolution in the government of the social sovereignty that existed in that first hamlet. The natural leader of those peasants exercises a social sovereignty, but not a political sovereignty. We will look more at this further on.

In many cases we can recognize that a political sovereignty is a historical consequence of a social sovereignty. This is how the French historian Funck Brentano defines feudal sovereignty.

When a social sovereignty becomes a political sovereignty, it encompasses the two powers. A decaying political power generally conserves the political titles of sovereignty and loses the social titles. For example, this was the case of the decadent Merovingian dynasty when it continued to reign but no longer effectively governed..

We could compare this birth of a political sovereignty inside a social sovereignty with the birth of a pearl inside an oyster. In the beginning, the pearl has only the form of a protuberant shell that gradually detaches itself from the oyster; it does not have a defined autonomous existence until it takes on its form and stands on its own.

2. Nexus between the Common Good & Sovereignty

The essential elements concerning a nation's body and soul rest on a presupposition that the common good – which is different from the individual goods – is formed inside the nation in two ways:

- It is different from each of the individual goods considered in itself;
- It is distinct also from what is the sum of the individual goods.

That is to say, it is of a different and superior order.

Regarding the individual goods, the common good is similar to the life of the body in relation to the life of an organism. The body is not just an ensemble of organs; rather, it has the organs as elements. It has a type of interaction with those organs but its life is distinct from them. For example, if the body of a man were mutilated, it would be different from a non-mutilated body, but the man with a mutilated body would continue to have life and to desire a better situation, just like the man with a healthy body.

Now then, everything that was said regarding sovereignty has as its object the common good. Sovereignty is the right to decide and to coerce in those things that refer to the common good. It does not have this right in regard to the things that concern the individual good of a person, a group or even a society. Sovereignty refers to the common good of every civil society or the common good of one of those bodies of society that constitute its foundation, that is, the parts basic to the State itself.

3. Sovereignty of the State

The State can be defined as being the ensemble of all the rights expressed by laws and exercised in a certain society. It is not just the private rights but also the public rights based on the Natural Law. Thus, when a society has in itself the plenitude of the exercise of all the natural rights, then one can say that this society is sovereign.

It is very pleasing to think of the idea that the State is the ensemble of all the rights and laws because it situates man well before the State. Since there is not a right that does not have, in the final analysis, a man as its holder, we arrive at the conclusion that men are the holders of all the

rights that exist inside the State. This is something concrete, and not just an abstract concept that is transformed into an absolute good to completely govern the State.

With this concept of sovereignty, we can see the difference between what derives from it and what comes from other concepts of sovereignty born from Liberalism.

Sovereignty, according to the liberal doctrine, is one and indivisible. It is one because a right itself cannot have multiple holders; it is indivisible in the sense that it cannot be fragmented and shared among various organs.

We would respond that the meaning of the word one in this definition is admissible. But, to say that sovereignty is indivisible is absolutely false. Sovereignty can and should be realized in the State in the various associations and organs that are sovereign bodies of the State, each one sovereign in its sphere.

What comprises the sovereignty of these sovereign bodies? It is simply to require that each of those bodies conforms to the Natural Law and serves the common good. Nothing else. According to the norms of legality, these bodies are sovereign.

We conclude by presenting two images to express the difference between the liberal concept of sovereignty and ours. According to the liberal doctrine, sovereignty is like the apex of a mountain that stands above the mass of land below it. For us, sovereignty is a mountain range that has one mountain higher than all the others; it has, therefore, a type of preeminence over all the others, but it does not hover above the others or crush them. The light of the sun hovers over the peaks of all the mountains. That highest mountain has preeminence, but it does not crush the other mountains or overshadow them.

4. Sovereignty of the Nation

A. The soul & body of the nation

In order to be complete, every nation must have its own body and soul.

The soul of the nation consists in a collective psychology and, at the same time, in a primordial light that corresponds to that collective psychology. We say that the soul of the nation is complete when all the elements of that soul are entirely differentiated and defined. We say that a people has a complete soul when it is equipped with all the elements it needs to constitute a common collective spirit and is capable of producing a culture.

That which constitutes the collective soul of a nation in the natural order corresponds in the supernatural order to a grace, a primordial light that leads this nation – according to the dispositions of its nature – to reach a certain type of perfection.

Considering all the different nations, together they constitute various perfections that harmonize in a common perfection, which comes to be the spiritual perfection of Creation.

In this way, the nations are inside a society just as the religious orders are inside the Church. Each religious order has a mission, its own collective spirit, a primordial light. The ensemble of the religious orders gives a global notion of Christian perfection, which is the spiritual face of Our Lord Jesus Christ.

Inside this universal society, each people has its own primordial light and is called to adore God under a certain prism. This, so to speak, makes the religious absolute for each people concrete. And when a man fights and dies in the field of battle for the love of his country, he does so above all else for the love of this absolute value of which his country is the collective personification on earth. This is the primary foundation of patriotism.

Thus we could say that the patriot loves his country with the twofold love with which the religious loves his order. He loves the order, *in the first place*, with the love that he has for the absolute of the order; and, *in the second place*, because it is the society where he lives and which provides for the common good in which he participates. They are two different loves.

In this mystical sense of the word, the possibility appears in the temporal order of another guardianship, which is that of the Holy See. As everything that is religious is understood not just in the purely natural order but as dependent upon the Church, if a country should violate or destroy one of its religious values, even if it be of a temporal character, the Pope can prohibit it.

At the same time the nation must have a body. It is a fact that there are nations that do not have one, such as the Gypsies and the Jews [before 1948, when the State of Israel was founded], but these are not normal situations.

The constitutive elements of the body are a defined territory, culture, goods, customs, assets, etc. The body normally must be well-equipped to provide for the nation. Thus, it should be complete in itself as a body and differentiated, able to move as a body in itself and also as a soul within its sphere.

It is clear that in contemporary society we can find diverse situations that do not meet all these conditions, such as the case of Bolivia, a country that produces tin in a great quantity but does not produce anything else. Obviously this is an exceptional situation, but it is one that is tending to become more frequent and even normal due to contemporary progress, which generates certain consequences that we will study further on. In any case, what is normal and common is that a nation should have the power to provide for itself on its own and to live on its own.

B. When sovereignty occurs in its fullness

From these two concepts, we go now to the concept of sovereignty. How does one consider the sovereignty of a nation?

Sovereignty occurs in its plenitude when the nation has this collective soul, forms a certain collective person and, therefore, has a right to the fullness of its liberty, its existence and its independence. This is expressed in two ways:

- In relation to the other nations, it cannot be obliged, coerced or governed by a foreign power that is not its own, that would not be its own soul;
- It has a right over its citizens since every being has a right over the parts that make it up.

Thus, in these twofold aspects sovereignty is perfectly affirmed.

It is clear that the body of a nation serves as a complement to its sovereignty as an element that is precious and perhaps indispensable. But this is an accidental question. Here we are focusing more on the aspect of the soul.

5. Sovereignty of Intermediary Bodies

A. What is understood by body & by sovereign body inside the State?

According to an ancient tradition, it would seem that the bodies of a State exist in two ways: At times they personify the great functions of the State (justice, labor, etc.); at other times they personify territorial unities: for example, provinces, municipalities, neighborhoods. Therefore, a guild would be a sovereign body of the State, as would also a city be a sovereign body of the State.

From this observation we can try to see what is understood by body and by sovereign body inside the State.

We could call the body of the State every organ charged with a great function, every territorial unity, or every human group that contains a large gamut of persons and interests that allows it to have a common good formed within it – a common good that is distinct from the good of the individual families that constitute it – and that has the need for an authority to guide it. At the moment when all these elements completely crystallize, sovereignty is born.

The term guild [*corporação de ofício* in Portuguese] arose shortly before the Revolution and came in a natural way into common usage. The guilds were so natural that no one studied them.

The guilds were referred to by imprecise and diverse names: *corpo et communitates* (corps and communities), bodies, companies, colleges, orders.

There are also bodies that are professional and do not have a juridical personality. For example, there can be the tradition of the guilds of a city to prepare for a great Feast Day, like the *Palio de Siena* in honor of the Assumption of Our Lady. That preparation is so complicated and involves so many aspects that internal bodies are created within the various competing guilds to organize their participation. Those bodies do not have juridical personality. Vice-versa, bodies with juridical personalities that are not professional, such as the case of the Associations of Ladies of Society to Help the Poor. Those ladies come from different families and most of them have no defined profession; they are just housewives.

The only studies made of bodies in the 18th century were revolutionary and undertaken with the aim of undermining and destroying them.

B. When the exercise of sovereignty begins in an intermediary body

Oliveira Martins¹¹ enunciates the principle of sovereignty in the following manner: Every time that a cell of a certain size is constituted in society, following the natural order this cell begins to exercise some sovereignty. Insofar as this cell develops, the sovereignty that it exercises expands. This takes place in a gradual and organic process of development, according to the historical circumstances.

What Oliveira Martins does not say, and which seems to me to complete the principle of sovereignty that he describes, regards the principle of *universitas*. That is, every time a cell of a certain dynamism is constituted, it does not remain confined to one field, but begins to contain all the domains of activity engaged in by the persons who are inside it.

So, for example, a guild of one profession ends by being a recreational, religious and cooperative society. A religious society, on the other hand, as it develops can come to include special activities for its associates and ends by having a recreational aspect. A work of charity such as the *Santa Casa de Misericórdia* (Holy House of Mercy – a free hospital for the poor) can be transformed into an entity with a type of unity that encompasses the lives of the physicians, nurses and even some of the sick who have chronic diseases and become a part of the institution.

That entity thus encompasses the whole life of these persons, so that their condition is not just to be Brazilian citizens, but it is colored by a particular hue. They become, for example, physicians of a particular hue – the doctors of the *Santa Casa* – who share a common life among themselves and socialize together. Thus, a small society is formed among them. This small society is a society on a higher scale in relation to the society of nurses or of administrative employees of the *Santa Casa*. Their whole life is encompassed by this social group. When a social group encompasses a large part – or the totality of – the lives of the elements that act within it, its true profile becomes defined and it can begin to exercise sovereignty.

At what moment can one say that sovereignty is formed inside a community?

It is at the moment when the rights of the society exercise a function that is no longer related to administrating a mere particular property; rather, this function becomes the government of men and not just the administering of patrimonies. Sometimes it happens that the right of property is utilized to confer to proprietor functions that are no longer personal but pertain to the government in a contractual form: for example, the proprietor who says: “I will give any man who works on my land the right to half of the agricultural products, so long as he accepts my political power.” Or, a director of the *Santa Casa* who says: “Anyone who enters this hospital is subject

¹¹ Joaquim Pedro de Oliveira Martins (1845-1894) was a Portuguese politician and author of *Brasil e as Colônias Portuguesas* [Brasil and the Portuguese Colonies], a work that is referred to in these studies.

to having his correspondence censured and his life investigated; otherwise he cannot enter.” This constitutes part of a contract by which the person also accepts a certain governing power.

C. How does sovereignty progress after its birth?

Another idea that should be considered here is that sovereignty begins by being exercised in small ways; then, by a gradual development it increases. We can admit in principle that a society can be artificially founded by an institutional letter of a King or of a city Lord, which gives more authority to a society that already has some sovereignty. But the natural development of a society is to begin with infinitesimal bits of sovereignty that gradually expand.

These bits of sovereignty, as they begin to be defined, will begin to amplify the right to property, which continues to grow until a moment when it is more than just that right over a certain property. The passage from the right of private property to the public right is like a point of passage from liquid to solid, a topic that interests us deeply and can provide subject matter for further explanations.

It is interesting also to note that sovereignty is born inside a society more or less like a substance that the social group engenders within itself rather than like something issued by a decree conferred by the State. In this sense the doctrine of Rousseau is true, that sovereignty lies in the society and this society will keep engendering the organs of its own sovereignty.

First of all, Charlemagne wanted to organize society, to give life to it; afterwards, he made a distribution of the sovereignty among the diverse sovereign groups that were born in it.

D. Intermediary bodies that lose sovereignty, but conserve a part of their splendor

Many times, when the intermediary societies disappear, they conserve a part of their last splendor even though nothing of sovereignty remains in them. They are like the rotten stakes in a fence that are no longer attached to the ground but still perform the function of keeping the barbed wires properly spaced and separated from one another. Other examples of this would be the guards of the Tower of London whose function has become strictly ceremonial and the *Palio di Siena* where the 17 *contrade* or guilds that compete in the horse race have lost many of their old functions.

This function carried out by the rotten-stake-society is very important in the terrain of Ambiences-Customs-Civilizations. In this sense, we can ask whether Pius XII should have dissolved the Order of Jerónimos simply because there were only 30 members left in it.

E. The sovereignty of intermediary bodies & the Public & Private Law

a. Sketch of a theory

Regarding Public Law, scholars in the past dealt only with the right of kings and fundamental laws, such as the *Repertoire Universel et Raisonné de Jurisprudence Civile, Criminelle, Canonique et Bénéficiale* [Universal Repertoire of Civil, Criminel, Canonical & Beneficial Jurisprudence], in which Joseph-Nicolas Guyot sets out the laws existing at the end of the *Ancien Régime*.

What follows is the summary of Guyot's points of interest to this study.

- Guyot's *Repertoire* speaks very little about the intermediary bodies in society. It makes some vague reference to them, affirming that registered documents were necessary to create them.
- He also does not distinguish well between whether they belong to the realm of public law or private law, as well as their particular and common interests.
- In the French Revolution many bodies of private law were presented as belonging to the public law so that they could be absorbed by the State.
- In the mixed bodies, how much they belonged to the public law and the private law always varied.
- The principal goal of those intermediary bodies was the common good, and their secondary goal was their private good.
- Semi-public organs were, for example, those bodies of trusted artisan houses that were in charge of stamping seals or minting coins, or the notaries in charge of issuing coats-of-arms or of recognizing social ranks and privileges. They were so respected that often they were consulted by the King.
- Between the King and the bodies that had official roles,
- there was an imprecise division of attributions. Taking advantage of that imprecision the kings tried to absorb those organic bodies, which was a bad inclination of the royal absolutism of the *Ancien Régime*.
- Other types of bodies that exercised public functions were tax collectors, policemen, firemen, etc.
- Guyot also mentions the intermediary bodies that verified the election of municipal authorities, and shows the enormous importance they played in the elections of 1789.

b. Exercise of sovereignty in intermediary bodies that falls to the Public Law

- **Distinction between societies of Public Law & public interest**

What is the distinction between a society that comes to be under the Public Law because of its inter-relationship with the common good and a private society of the public interest? There could be, for example, a strictly literary society that merely contributes to the public good, and then, a society composed of authors of a city, a guild of the authors of a city that is official and becomes a society of Public Law.

At the very least, it can be affirmed that a society participates in the common good of the public order of a city when the non-existence of that society would cause a grave detriment to the city or would even contribute to its disappearance. Such a detriment is understood in a double sense: either because its loss would cause the city to diminish, or because it would cripple the forces it needs to progress and expand.

An example would be the *contradas* [districts, wards or guilds] of Siena or the theater of Oberammergau. If it were admitted that Siena's life was sustained by its *contradas*, then one would understand that the members of those *contradas* constituted a guild that had an enormous influence on the city of Siena and that, furthermore, such a guild would enter the Public Law.

Likewise, in the city of Oberammergau the actors of its annual Passion Play represent what the city is best known for around the world. To stop the action of that group would greatly harm the life and the fame of the city.

We could say the same for the merchants of the Seine River in the city of Paris. By their very nature, their work – in a great city such as Paris – caused them to become a very important guild of Public Law. Those merchants ended by being natural persons of importance in Paris. This is because of the intimate interlacing of that social force with the common good.

This would be different from a society of the collective character, which is useful and beneficial, but whose existence is not indispensable for that society to flourish or to exist. This would be the case, for example, of the Brazilian Academy of Letters. I see no reason for it to enter the Public Law. It is not an indispensable element for the development of Brazil.

On the other hand, I understand that the French Academy of Letters is one of the great bodies of the French State and must belong to the Public Law. In fact, it is a propelling element of French culture.

This is the difference in the general lines.

We could admit intermediary stages between the public interest and the Public Law. This would be exemplified by a small village of peasants and a city in which a political power – thus sovereign – is crystallized and defined.

- **Coercive power of intermediary bodies with social sovereignty**

What is the coercive power inherent to those sovereign bodies? We agree that the French Academy could be a body of the Public Law within the State. Now then, by definition, the French Academy does not have coercive power over the writers. Let us consider the fact that only an elite group of writers belong to it and not all writers. How, then, could we say that this Academy has a coercive power?

The coercive power always consists in the common power that every society has over its members. A club of dancers that does not have any coercive power of Public Law can nonetheless expel any dancer it does not want.

But there is a coercive power that can be added to this, one that is normally of the political order but can be also of the social order. For example, the prestige of the French Academy gives it a coercive power of a social character, which derives from a social and not political sovereignty, a power that is exercised over all of French literature. Therefore, the dictionary elaborated by the French Academy fixes the meaning of the words in France with a customary force. The State can take into account this situation and the high moral coercive power of this society, which thus launches it into the sphere of the Public Law as the propeller of cultural progress, the arbiter of good taste in literature, etc. We have, then, a society that is of the Public Law, even though it does not have all of the normal elements of a society of Public Law existing inside it.

We could also admit a society with many medieval guilds but that does not oblige every worker of a particular profession to belong to a guild; nonetheless every worker would be subordinate to its authority because he would have to receive permission from it to exercise his *métier*, his profession. Where is the coercive power of that guild? When a given function in society becomes so conscious of itself that it is embodied in an organ, it becomes obliged to defend itself against adversaries; it indeed forms a collective person

When it acquires this importance in the Public Law, it becomes a person of the Public Law. When most of the members of a certain profession belong to that guild, it acquires a type of moral coercive power over the profession. This ensures the efficacy of its coercive power over the profession considered as a whole. From this comes the fact that it ultimately has more power than a simple private society. It is a facultative power in appearance, but it is not entirely so in determined conditions and ambiances.

c. Sovereignty in the intermediary bodies of Private Law

How does a society of the Private Law begin to exercise sovereign functions? By all of the possible means, which include contracts and the delegation of Public Law. It is like the chick when it comes out of the egg: What part of the shell does it break? It can be broken from any side.

d. How an intermediary body can fall back into the sphere of Private Law

A sovereign intermediary body can fall back into the sphere of Private Law by the inverse process of how it passed from the private sphere to the public. If, for example, in a sovereign fief the feudal lord were to stop exercising his function of judge or exercise it in a bad way, his subjects could seek out other neighboring lords of the region to settle their quarrels. If that process would continue for some time, the feudal lord would end by losing the right to judge and become a mere private individual, the proprietor of a castle.

e. Sovereignty of the intermediary bodies & the health of society

The more sovereignty is dispersed throughout the intermediary groups, the healthier the society is.

Sovereignty has a great unity but, at the same time, by the natural order of things it must be dispersed throughout the social body.

6. The Sovereignty of the King

In a monarchy the King is a sovereign who is in relation to the various sovereign bodies in his kingdom like the high lord is in relation to the intermediary operative lords under him.

The King is the direct lord of the whole kingdom, that is to say, he is the holder of such a sovereignty that he is super-eminent in relation to all the other sovereignties. Therefore, should a lord transgress the Natural Order, the King has the right to intervene and oblige the lord to correct himself; also when a body suffers some internal disaster, the King must attend to and restore that body of the State.

In an auxiliary character the King is the Sovereign of Sovereigns in the sense that it is he who should come to the aid of all sovereignties.

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Part III

The Juridical Order

Chapter I

The Juridical Order & the Social Order

1. As Cream Is to Milk, so the Juridical Order Is to the Social Order

The world of relationships among men can be compared to a cup of milk with a layer of cream. There is a part that is heavier and more fluid that is the milk, and there is a denser and lighter part that is the cream. The milk would be the society of souls and, secondarily, the common relationships that have nothing illegal about them. The cream would be the juridical part, the juridical sphere of the life of the people.

2. The Good Love of Oneself as the Base of the Juridical Order

A. *Omne ens appetit suum esse* [Every being loves its own life]. When a person desires a precious stone, that desire can be broken down into two moments: *In the first moment*, the person comprehends the goodness of the stone; *in the second*, he perceives how that goodness of the stone suits him and that he desires it. These two moments constitute one single inseparable movement in its elements; that is, even when one can distinguish the two moments, in fact the movement is only one since one moment flows into the other.

B. When, subsequently, the person considers the stone, *in one way* he analyzes the goodness of it; *in another way*, analyzing it, he somehow assimilates that goodness by his comprehension of the order that is in it, and, *finally*, he experiences a delight. This is an operation that, without having a directly supernatural sense, nonetheless has all the elements of contemplation. In fact, in the current language we say: to contemplate a painting, a panorama, etc.

C. Analyzing more deeply why the person wants to know the stone, we note that there is in the depth of the being a movement with two simultaneous objects: *On the one hand*, I understand that I have a goal and I absolutely want to reach it because it is my goal. *On the other hand*, I love myself, and I note that my good consists in reaching this goal. In other words, I note that the movement of my being simultaneously and necessarily seeks two objects: One is God because it is God who is the necessary Being upon which my entire being fundamentally depends; second, I have a fundamental relationship with Him and in this relationship I have my perfection: *omne ens appetit suum esse* [every being loves its own life].

D. God, Who created me as a rational being, gave to this love for myself the value of a right, which I can claim even in relation to Him. From this love of myself comes the legitimacy of egoism. From this right comes the juridical order, not as an exclusive foundation or the principal foundation, but as a necessary foundation, although secondary, that must coexist always with the love of God and with the claim of the rights of God Himself and of the universal order. For, without rational creatures, there would not be the juridical order.

E. Since rational creatures cannot exist without having rights, even though the entire order, all of morals and all of law are ultimately based on God, there is a serious error in discussing these matters as if God had not created beings who, by their nature and by His divine liberality, are holders of personal rights that are inalienable and fundamental.

F. The error of Madame Guyon¹² and also of Fenelon was to believe that man should not desire Heaven for the love of himself but only for the love of God. It is a sort of Pantheism since Pantheism negates the distinction between man and God and, therefore, the distinction between the rights of God and the rights of man. The logical corollary of Guyon's condemned Quietism would be Pantheism. In practice, it would end in Socialism, immolating personal rights in sacrifice to society, progress, evolution, etc. Regarding the strictly religious aspect, Quietism would end in contempt of private prayer and a liturgical totalitarianism. The morals of this school says that meditations on Hell, Heaven and sin are bad. Thus, it is also against St. Ignatius (Denzinger 1341 cf. 1327, 1330-1331).

G. From this concept of the legitimate love of self come several points:

- a. What importance does love of self have in relation to the other virtues?
- b. What importance does it have on human actions?
- c. This love of self that man has, thanks to his intellectual nature, is a consequence of his being an image and likeness of God, which makes his actions an image of Divine Providence;
- d. In order for man to make these actions of love of self that are indispensable to his perfection, society must give him opportunities or the necessary means for him to do so.

H. To show how a society without private property is unable to provide man with the conditions to exercise self-love we must:

¹² Madame Jeanne Guyon was a 17th century French mystic and author condemned by the Church for promoting Quietism.

- a. Explain what is understood by private property, excluding the position whereby man would have only the ownership of simple movable properties and not immovable properties, real properties or real states;
- b. Show that private property is an extension of the right that man has over himself as taught by Leo XIII in the *Rerum novarum*;
- c. Show that private property is part of Natural Law insomuch as it extends the rational nature of man beyond the elements that constitute his physical nature;
- d. For these reasons, the love of self is eminently realized by the fact that man becomes a proprietor; and the lack of such property deprives the love of self of this realization and is deeply contrary to the instinct of conservation and, thus, human nature.

I. We must connect private property & the common good.

J. We should show the importance love of self has in the ensemble of other virtues. The principle is: Where love of self does not reach its perfect normality, the moral life does not bloom. The reasons for this are:

- a. The love of self is an indispensable and intrinsic element of the exercise of the virtues of charity and hope. It is also an intrinsic element of the love of neighbor and is more important than the love of neighbor. The result is that there is no other virtue that can be practiced seriously if the love of self does not exist.
- b. All the instincts of man, except in a certain way that of the perpetuation of the species, are at the service of love of self. Therefore, a moral formation that would underestimate the love of self would deform the entire mechanism of instincts, and would lead to a moral catastrophe. Consequently, it is one of the most relevant elements in the mission of the Catholic authorities to ensure that civil society, using all its means, may provide man with the normal conditions for exercising love of self.

K. Objections

Objection 1: Love of self is the cause of all the evils and disorders of civil society.

Response: We must make a distinction between egoism as a vice and egoism as a virtue; the lack of love of self generates an indifference that, if present in a King or governing aristocratic class, may cause the ruin of the State.

Objection 2: One cannot demand that civil society promote the love of self because its goal is temporal and, thus, does not pertain to virtue.

Response: St. Thomas in *De Regimine Principum* supposes the opposite.

As for the exposition, perhaps it would be convenient to show how both the excess of love of self and the lack of love of self cause similar disorders in the moral order.

Corollary: A society that does not take this truth into consideration creates an environment where the moral life is not normal. To demonstrate this, we should present examples of the practice of virtue without the spirit of virtue.

We should show how the evil that the Church and society suffered by neglecting the practice and the maintenance of the good love of self is greater than neglecting the repression of the bad love of self.

Objection 3: The lack of love of self is beneficial to control all instincts.

Response: In fact, it is not. It causes the deterioration of one's own personality. Examples can be seen in hillbilly populations and slum dwellers.

L. Why is love of self important for human actions?

- a. Without it, there simply is not any human action.
- b. Historical observation: Precisely what distinguishes the Catholic Civilization formed in the Middle Ages from pagan civilizations is a high level of love of self, not only in its leaders, but in the multitude. From this came a moral progress and also a practical progress in the Middle Ages. This is why the practical progress of the Middle Ages was greater than that of Antiquity.
- c. The result is that the love of self brought about the progress of the Western nations. If this progress is deviated from the cause, it becomes only an apparent progress generating Individualism and decaying into Socialism.

Objection: In an epoch of so many concrete problems, is it not better to be concerned about moral problems and just concentrate on combating the bad love of self?

Response: The German *Katholikentag* (Catholics Day Festivals) tried to do this, but very little was resolved from that effort.

M. Returning to the thesis:

- a. The State should be turned not only toward the common good but toward virtue as well. In *Catholicismo* there is an article on papal allocutions to Catholic lawyers with quotes on this topic of Leo XIII and St. Thomas in his *De Regimine Principum*.

b. According to the order established by the Creator, the mission of the Church normally supposes the cooperation of the State and of society. It falls to the Church to directly teach doctrine, administer the Sacraments and encourage the practice of virtue. In turn, the more or less perfect practice of virtue for most men is largely conditioned by the greater or smaller obstacles to it raised in civil life. From this, we can see that it is in the plan of the Creator that civil society play a large role in salvation. The consequence is that the State cannot be released from this obligation, and the Church cannot stop demanding that civil society fulfill this obligation.

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Chapter II

Natural Law & Christian Law

1. The Capillaries of Natural Law

Natural Law is an ensemble of relationships justified by a determined natural situation. Now then, the natural situation presents a type of ensemble of nuances that can be considered in this way: Some general nuances are proper to humanity as a whole; others are variable nuances that do not impair the general nuances; others are variable nuances proper to each people; then, without prejudicing those nuances proper to each people, there are specific nuances proper to each region; also without prejudicing the nuances of the regions. By a same mechanism we arrive at the city, then the small social groups, which we call micro-societies and, finally, the family.

It thus happens that, besides the universal order, there is a type of detailed ordering of things that is not contrary to the universal order, but rather a way to make it concrete. There are a multitude of particularities that are inscribed in nature and proper to one people and not to another; to one city and not to another etc. These two dimensions of order generate and constitute natural perspectives and natural realities that are not – neither can they nor should they be – understood in the general vision of nature that philosophical compendiums present.

The farthest a philosophical compendium can go is to establish its own limitations, showing the point to which it does not go. Because even though everything it says is valid, sacred, untouchable and precious, it is necessary to recognize that there is still something more that can show the reality. There is a reality beyond what it sets out.

There is another reality, therefore, that is variable, contingent and prominent and that also conditions the relationships among men. When the relationships among men are thus conditioned, they create certain obligations that are proper to each human group – no matter how small it is – as a mini-natural right.

So, we end by having a type of fine natural law that is thin and flexible, like a capillary vessel in a certain organism, such as a family, a group of friends, etc. For example, let us take a group of friends who are all approximately the same age, except for one person who is much older. That natural reality creates a type of relationship different from the relationship in another group of friends. What is this new relationship? It is a true natural law because it was born from the nature of things and influences that social group.

This can be said also, with certain adaptations, about some religious orders where the law is generated by the specific goal of the order, by the spiritual life that its members share, by the internal organization that the goal imposes. We see that ultimately the goal determines an ensemble of details that, within the firmament of Canon Law, generates a specific law of each religious order.

Then, within this specific law, there is another minor law proper to each province and each house of that religious order. The ensemble of the traditions and customs of each province, of each house of that religious order, is what determines those mini-laws or privileges.

In the Catholic Church – which is the model of every society – we have a curious application of this topic under discussion. There is a law of the Church that is a consequence of the Divine Law and of the Natural Law, which is proper to all the 23 rites of the Catholic Church. Then, there is the Ecclesiastical Law that governs the whole Church in each of her rites: Thus, there is a Latin Law, just as there is a Coptic Law or a Byzantine Law.

Then, there are the specific laws for each diocese that is the ensemble of the local legislations of each Bishop and the particular laws of each religious order. All this is based on natural or super-natural realities because the Church is a natural organism that generates her own laws.

So, we have a notion of Natural Law that approximates the Natural Law that generated Germanic Law¹³ and shows what the Germanic Law brought to the structure of Roman Natural Law. In that sense, Customary Law is not opposed to Natural Law, it is the apex of the Natural Law. It is Natural Law applied to the contingencies and born from customs.

The Roman Law contains the spirit of the Philosophy of the Law. It has the theoretical rules of Law, but it should come to be a law that is much more flexible and able to be molded to concrete things, like the German Law. To be ruled by laws that only follow the Roman style is absurd. Equally absurd is the phobia that wants to impose the Roman Law as the spirit and norm of Germanic and customary laws.

These principles can be summarized in the following points:

- The essence of Roman Law is *ex facto oritur jus* – the law is born from the fact;
- German Law is born from the fact, but also from its accidents, i.e., the law of buying and selling is influenced by the needs of the contractors, the nature of the product, etc.;
- Very delicate and minute facts cannot be registered by the written law and only generate laws that are customary;

Christian Law accepts that the law is born from the fact seen in its essence and from accidents that make it favorable to Customary Law.

¹³ This refers to the contribution of the German barbarians, who brought their customary laws into the Roman Empire. The discussion takes as a presupposition the historical fact that that German Customary Law merged with the Roman Law to generate the very rich Medieval Law, which gave extraordinary fruits of harmony and progress to the Middle Ages.

2. Christian Law

A. Conception

As a consequence of original sin, without grace man is not capable of knowing or of practicing Natural Law in its fullness. From this comes another consequence: The fact that a people practices the fullness of Natural Law is a unique product of Christian Civilization. We admit as an exception that a man who is not Catholic can have a life of grace, even though he is ignorant of the true Religion. But we cannot admit that a whole people can be faithful to the grace of God when it is ignorant of the true Religion. Consequently, it is something specifically Christian to know and possess the fullness of Natural Law.

Natural Law still cannot be considered to be a specifically Christian law, because all the principles of Natural Law, although they can only be entirely known and practiced by Christians, are founded in nature. They are not founded on truths that are inaccessible to human intelligence that can only be known by means of Faith.

So, besides this Natural Law, another law appears. It is, properly speaking, Christian Law, which is the ensemble of juridical norms that derive from facts that a man cannot know by the light of reason and that he knows by the light of Faith. The first of those facts is the divinity of the Church and, thus, the reality of the Sacraments, the life of grace connected to them, the Magisterium of the Church, etc.

We would thus have two concepts of Christian Law. One of them is the strict sense and the other is the broad sense. In the broad sense, Christian Law is composed of two elements: the fullness of Natural Law and the juridical norms deduced from Revelation, as far as Revelation allows us to know things inaccessible to natural reason. But in the strict sense, only the second element is what properly constitutes Christian Law.

B. The relationships of Private Law according to Christian Law

What would be the elements that Christian Law – in the strict sense – specifically has in relation to Private Law?

Christian Law creates a new category of neighbors. The neighbor for each of us is, first, the person who is *domesticus fidei*, that is, one who belongs to the same Faith. Thence, in Private Law, there is a whole category that gives preference to the Catholic over the non-Catholic. For example, a father passes away *ab intestate* (without leaving a written will). He has four Catholic children, one of whom has apostatized; it can thus be presumed that he disinherited the one who apostatized.

Let us suppose that in a rental contract there is a clause that allows the renter to sub-rent to others. It is understood that if the renter is Catholic, he should prefer the Catholic sub-renter because the preferential love of the Catholic for the Catholic is supposed.

Also, when there is the possibility to testify in court, the Catholic testimony should be worth more than the testimony of the non-Catholic, etc. With respect to the different relationships between the Catholic and the non-Catholic in a Christian society, it is necessary to say that the declared enemies of the Church – Freemasons, religious Jews and others who have habitually sworn oaths against her – should have a status different from that of the non-Catholics who did not go to this extreme.

It is worth noting that the normal order for the Church is not to live among the unfaithful, but to live in a fully Catholic environment. So, in a fully Catholic environment, how should this preferential order be applied? To respond to this question, we studied the content of the New Commandment by Our Lord to men. The New Commandment implies an obligation that goes beyond the simple obligation to love one's neighbor as oneself. It is to love our neighbor as Our Lord Jesus Christ loved us, that is, with more than the love we have for ourselves.

We should better analyze the New Commandment to discover what specific reflections it produces in the relationships of Private Law, once it is evident that the Ten Commandments are to directly linked to Private Law.

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Chapter III

The Right of Property

1. *Jus Utendi, Jus Fruendi & Jus Abutendi* in the Family

In what way are the characteristics of the right of property – the *jus utendi*, *jus fruendi* and *jus abutendi* [the rights to use, to enjoy and to destroy] – realized in the head of the family, that is, in the father in relation to the family?

In the departure point of the right of property, there is an actual fact that is the origin of the juridical fact. The real fact is that the father in the family, being the man with the more vigorous and more complete personality, has in himself, vitally speaking, what summarizes all the other personalities of the family.

We saw this in the thinking of both St. Thomas and Aristotle who affirm that the members of the family formed a single person with the father, not only in the purely juridical sense – the family is just one juridical person – but in the real sense that their personalities are an unfolding, a realization, of the personality of the father.

When this occurs in a society, it happens that this man, by his right inside this society, is the head of it. Thus, he has the right to be the head of the family. At the same time, he has the mission and charge to be the head of the family conferred by the natural order of things. Then, he has the right to the mission, and, more than that, he has the possession of the mission.

Now, in what way are the *jus utendi*, *jus fruendi* and *jus abutendi* realized?

It so happens that, because of that previous vital situation, the most important interests of the family constitute his personal interests, and this gives him a right of property over the collective interests since this is precisely a development of his personal interests. Therefore, he has a *jus fruendi* over the interests of the family, over the mission and charge to be the head of the family insofar as he – with his entire personality and interests – is involved in that mission.

This means that the interests of the father of the family are interfused with the interests of the family. In this situation he has a right of property over the family, a *jus fruendi*, a *jus utendi*.

Before dealing with the *jus abutendi*, let me note that the literal translation of the Latin is *the right to abuse*, but almost all jurists understand it as not the right to misuse or stupidly use a thing, but as the *right to make full use of the good* or the *right to destroy* it.

Now let us see. When does the father of the family have the *jus abutendi*, the right to destroy? It is when, because of some infidelity or imperfection of the other family members, it becomes unjust for him to endure that situation. For example, he has the right to separate himself from his wife¹⁴ when she is unfaithful. In such a case he has the right to separate from his wife and to live

¹⁴ In Brazil there is a juridical term – the *desquite* – which is the physical separation of the spouses while both continue to be legally married and keep the same rights they previously had over the children and

alone as an upright man. This is precisely the right to destroy, the right to dissolve that situation. He exercised the *jus abutendi*, that is, the full right to his property, which was his family.

To better clarify this concept of the right of property of the head of the family, it is necessary to say that it is an eminent right of property because he is the head of the family, but this does not exclude the proportional right of property of other members of the family. Thus, the other members of the family also have a *jus utendi*, *jus fruendi* and *jus abutendi* over the common property.

For example, their *jus abutendi* is exercised when they do not accept an abusive order of things created by the *pater familias* that can lead to the destruction of their common good.

It is also true that they are co-participants and have the right of property over the glory and the well-being of the family. They participate in the fruits of the family, the income of the family, where normally the father keeps a larger part for himself.

This is a normal thing because he is the *pater familias*, he is the head, he provides for the natural right of subsistence of each one according to each one's state in life, and then the rest is left to him to administrate. When the family is wealthy, it is the father who spends the most, and not the mother, because it is the father who has outside interests and avocations: If he is the farmer he buys herds of livestock, if he lives in the city he purchases automobiles; if he is interested in the arts, he purchases paintings or book collections; in this way, he normally spends more than the others. His personality is naturally more ebullient and thus it is necessary to supply more water for his mills. It is natural.

The nature of this social good is such that when a man makes use of this right, in many senses he does not divide but multiplies this right among all the others. For example, if a father acquires great glory as the head of the family, he multiplies this glory by sharing it with all the others.

Thus, in reality there is a *jus fruendi* understood in such a way that it ends by increasing the common good. We can see an application of this notion regarding the kings in times past: When the King of France was crowned he used to take an oath to maintain all the magnificence and splendor of his palaces and way of living befitting the dignity of a King.

In this respect, there can be certain limitations placed on this *jus abutendi* to maintain the common good of a society. Thus, for example, in the Middle Ages some goods were made inalienable for the common good of the family. If the head of the family were to sell such goods, he would damage the family; he would cause injury to the family in a way more or less equivalent to its dissolution or destruction. This is the foundation for the inalienability of certain family real estate properties.

There were some very beautiful customs in Navarre, Spain: When certain real estate properties were sold, the churches would toll the mourning bells to bewail the death of a family. And the most beautiful part is that, some days prior to that sale, the bells would toll to warn the members

property. It is a Catholic solution to avoid *divorce* and is applied only when the life of the couple becomes impossible.

of the family to exercise their right of preference and buy that family property in order to save it from falling into the hands of strangers. This demonstrates how in some cases the body of the family can be identified with a real estate property. It is clear that the common good of the family prohibits the father from destroying it.

This attachment to the property that a family must have is expressed in an old proverb from my State of São Paulo: "It is always a good deal to buy land, even when it is very expensive, and it is always a bad deal to sell it, even when it is very expensive."

The question arises: To what degree does a family that has its traditions have the right to do away with the goods that the previous generation bequeathed to it?

The response is that there are two types of goods. There are goods that are incorporated into the history of a family and there are goods that are not.

It is clear that the goods that are not incorporated in the history of the family, to which the family did not communicate its physiognomy and did not shape its way of being - these goods can be sold and be freely sacrificed according to judicious economic conveniences. However, it is also clear that a complete destruction of the family goods could never be approved. This is the principle.

Nonetheless, there are exceptional circumstances that may authorize the sacrifice of the property of the family. For example, a family has a land property that is of a great significance to it. This family is very loyal to its spirit and even strives to increase the moral patrimony of its ancestors.

Now then, this family has the possibility of acquiring a higher good following that same line and tradition, but to acquire it means it must sacrifice the good that it presently possesses. Since it does not have the means to keep the old and buy the new, it is understood that the family may sell the former.

Let us suppose that a family of a wealthy bourgeoisie gave a strong configuration to a certain piece of real estate that is its patrimony. Let us say, for example, that the head of the family is elevated to the dignity of a noble in reward for a long series of generations of dignified bourgeois. He is invited to live at the court of the King. He could not do so unless he were to sacrifice the estate that he owns in a distant province.

So then, in order to go to live at court where he would continue to develop that family spirit, tradition, and lifestyle in the new station that he assumed, he can sell that property. It is judiciously understood as an exception to the general rule. In such cases, one can liquidate an estate.

Another example: A mother of a noble class received the beautiful family jewels but became a widow and very poor. If she keeps those jewels, her son will become a peasant; if she sells her jewels she can give her son a proper education so he can pursue a very good career. Then, with that career in the service of the King he can reestablish the family name. She would be doing something unwise if she were to sacrifice her son's future for the jewels, because the son is a living tradition.

These are exceptions caused by misfortunes or exceptional prosperity that always suppose that a family continue in the line of its ancestors.

2. *Jus Utendi, Jus Fruendi & Jus Abutendi* in Intermediary Societies

In the intermediary societies that have interests or goods that act as properties, we can say that the natural order consists in the following elements:

1st - A member, a family or a group of families in the society acquires such preeminence that it epitomizes in itself the greater part of the interests of that society;

2nd – The society invests the one who has the right in his role of leadership;

3rd – Once that investiture is made, this juridical fact is added to the natural fact; from this is born the figure of the ruler in a society, or of the rector of an intermediary group, who at the same time has a right of property over its functions.

The *jus fruendi* for intermediary societies is applied exactly as in the case of the family, that is, its interests are so major a part of the social interests that the invested person has the right to largely manage those goods as being something that belong to him. When the interests of the society wane, the social things likewise decline; however, when its interests advance and develop, the social interests grow and develop. Thus does the organic authority have a *sui generis* right of property over those interests.

On the other hand, the others in that group are co-proprietors who have their own natural parts. Here we could also apply the principle that the glory and the benefit that the head of the family acquires for himself do not diminish but rather increase among the other members of his family.

Regarding the *jus abutendi* in the intermediary societies, it is also analogous to that in the family: If a group of members declines and becomes so miserable that it no longer deserves that ruler anymore, he has the right to dismantle it, to return those good back to its members, or to get rid of them, depending on what was previously established in their rules or customs. In himself he constitutes a unity that continues to try – to use a dreadful expression – to “reincarnate” itself in another social group.

On the other hand, when it is not the case of a head of the intermediary group but of one of its members who has been oppressed in that society, he has the right to complain and to object. That is, there is also a similar contentious problem. How does the *jus abutendi* apply here? If the claims of that member are just and are not resolved, he has the right to break his bond with that group and leave it.

How would this apply to the various types of intermediary societies that can exist – social groups that are not sovereign groups, those that are semi-sovereign and fiefs that are social groups with a political identity?

Let us take, for example, a family of gem cutters that became famous. Let us suppose that the workshop of that family acquired a worldwide fame, but there are other gem cutters from differ-

ent families who make up part of the guild of gem cutters of that city. The glory of the industry of cutting gems in that city is in the skilful hands and follows the artistic sensibility of family “X.” A member of that family “X” is, therefore, always elected to direct that guild.

This ends by being a situation where, while the generally democratic constitution of that guild is established in its laws, a true hereditary familial succession is established by the facts; indeed, a true aristocracy is established in that guild. Thus, in this society, a concrete situation appears whereby the *jus endi* is born from a continuous succession of leadership that comes from persons of the same family.

It is evident that, having defined the situation in this way, the fact of electing an incompetent gem cutter as president of the guild – while that family “X” is still renowned for its skills – takes on the aspect of a revolution. If this is done repeatedly and family “X” sees itself in danger of losing its glory because in the eyes of the world it is led by an incompetent gem cutter, it can remove itself from that guild by leaving it. This is an example of *jus abutendi*.

This same phenomenon regarding the continuity of families can happen in very different associations, including universities. For example, sometimes in a university a family appears that has many professors, many men of valor, etc., who constitute the glory of the university. Suddenly this family realizes that the prestige of that university is declining. It is no longer at a height convenient for that family to figure in it. Therefore, the family decides to move to another city and to continue lecturing in another university. That move kills that first university. The family retires from that university, which topples with that loss and dies. And why does it do this? It is because that university was no longer worthy of that family. The family acts within its right. It is the *jus abutendi*.

3. Personal Property in the Role of the Direction & Leadership of Relationship of Souls

There are certain intermediary groups that are also natural, although they have a naturalness that is different from that of the family, as, for example, the *trust*, and other such modalities possible in these organisms.

A *trust* is an organization of primitive German warriors in which the most highly reputed and exemplary warrior would normally become the chief, the master of the other warriors who attach themselves to him and form a group.

A very picturesque example of this in literature is *The Three Musketeers* of Alexandre Dumas who group around the figure of D’Artagnan. Their motto is ‘*One for all, all for one.*’ D’Artagnan is the head of the *trust* and the others are its component elements. The great dignity of the musketeer Athos serves as a symbol – the banner and the soul of the *trust* – it acts as the pride of life of the *trust*. The subtlety of Aramis is the subtlety of the *trust*. The great strength of Portos is the Herculean force of the *trust*. And the prowess and French spirit of D’Artagnan is its propeller, the motor of the *trust*.

These *trusts* were produced in the Middle Ages by a type of sentiment established between the fidelity of the suzerain and the vassalage of the vassal. The youth, or squire, who went on to study and learn the manners of the court of the higher feudal lord would become a member of the *trust*. This is part of natural law, and is found even today.

I remember, for example, how a *trust* of loyal and disinterested workers formed around the Matarazzo family head.¹⁵ These workers held the position that personal dedication and personal rights played an important role in their group. They concluded that each one of them should have a great consideration for and dedication to the superiors they served and, at the same time, should derive pleasure from the joy they received from their position, their work, etc. That group aggregated around the idea of vassalage, understanding that this arrangement is a source of both duty and gratification.

In every human group we note relationships that constitute part of what we could call the society of souls. They are relationships that develop in the realm of souls and are spiritual facts among the various members of the society. The one who has the role of directing a human group must also have a leadership in the sphere of the relationships of souls. This leadership consists in him personifying all the others so that he summarizes the personality of the others. On the other hand, he reflects his personality in the others, and his personality appears in all the spiritual and material manifestations of the life of that group.

4. Nexus between the *Jus Abutendi* & the Virtue of Destruction

In given circumstances and always when it is not prodigality due to extravagance, which can never be approved, it is a virtue for a man to destroy certain things only for the pleasure of the fight, or only to offer a homage to another.

For example, it is good for a person to highly praise someone else. Since man is the image of God and, above all, when a man is Catholic, he can deserve a homage of this type. It is just for him to take some portion of his wealth and liquidate it in order to give honor to another man or even just to please him, without the intent of praise but to acknowledge his superiority.

In this way also, a homage can be justly given at various grand festivities that are quite costly. For example, this takes place when huge quantities of fireworks are set off in the Junine Feasts.¹⁶ In this matter, we must always stress that prodigality must be condemned.

¹⁵ *Matarazzo* here refers to Francesco Matarazzo the founder of a family of Italian immigrants that started with a very simple business – selling pigs’ fat. This family became one of the wealthiest families in the city of São Paulo. A grandson of that founder married Prof. Plinio’s niece.

¹⁶ In Brazil June is the beginning of winter, and the Feast Days of St. Antony (June 13), St. John the Baptist (June 24) and Sts. Peter and Paul (June 29) are traditionally occasions of great celebrations where huge quantities of fireworks are set off by every Catholic family, parish and social club. These are called the June Feasts or *Festas Juninas*.

It is evident that this type of homage represents an affirmation of the superiority of the spiritual over the material, of the human person over what is merely material. Furthermore, it also manifests the secondary role of the economy and utilitarianism in human life.

From this viewpoint such displays in fact represent an authentic affirmation of the spirit of poverty. The spirit of poverty departs above all from the understanding that economically useful things play a secondary role in human life. Human life was not made for those things.

We can thus see that the luxury of the Vatican must be seen as an affirmation of the spirit of poverty: The Vatican has stupendous riches that are invested for an end that is exclusively spiritual. It is a type of rebuff to the economy considered as an end *per se*.

We conclude here by considering some aspects of the problem:

There are social classes that, because they are not noble, do not have the vocation to practice this virtue of poverty as often as it can be done in other classes. Therefore, in them, the economy has a higher role and they can even become exalted in utilizing or producing useful elements for the flourishing of the economy. Normally this happens in various families of the people.

Then, when a family becomes accustomed to abundance, an order of things is created where the primacy of the economy becomes less important to it and it starts to save for other non-profitable purposes. For example, a family or a person can have the aim of saving money in order to give alms. The family or person has what is useful, but will not use that something for his personal advantage, but rather for the benefit of another. This destruction of goods for the benefit of others can easily take place in a bourgeois family. Here the virtue of poverty is also present.

Even the poorest people in certain circumstances of life are called to practice some of these destructions or immolations. It is absolutely necessary to take something and to immolate it because it is a useful thing, and what is useful must sometimes be quashed and destroyed.

There are two errors that should be avoided in this matter.

First, the stupidity of classes that live in abundance who take a position of a disdain for the wise, ordered and virtuous economy adopted by others. The decadent noble is an example of this. He thinks that economy is a vile matter and has a complete disdain for it.

Second, there is the fact of someone who is called to live on a budget and revolts before another who lives in abundance. It is necessary for each one to understand the position of the other and to sincerely love and respect the position of his neighbor.

When these errors are avoided, we find the authentic social peace that the Popes have recommended.

5. Legitimacy of Expropriation

Today we often hear that expropriation is legitimate when it is made for the “public utility.” What is this public utility? It seems to us that it is better to say that expropriation is legitimate when it is necessary *ad esse* or *ad bene esse* [for the being or the well being] of society. The ne-

cessity of *bene esse* encompasses those cases where, without such expropriation, society would not cease to exist but would suffer a great harm.

6. Distinction between the Law & the Right of the Owner

In case of a legitimate expropriation, at what moment does the owner cease to have the right to rule over his property in the private sphere and the public sphere rules, even when the latter is claimed by an intermediary authority of the State over that property?

There is a moment of transition that is especially important for us to study. I recall that we have already dealt with this on another occasion, but I believe it is necessary to review this question in slow motion in order to see the moment when the right of property becomes transformed into a public right. Knowing this, we would ultimately have a better way and criterion to distinguish what is the right of the law and what is the right of the owner over his goods.

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Chapter IV

Customary Law

1. Foundations

What is the foundation of custom as law? What is the foundation of customary law?

According to St. Thomas, the foundation would be the simple tacit consent of the Prince to a custom, but it seems to us that this could be at most a negative condition. Let us suppose that in a certain class each student sits in the same desk for a good period of time. From this situation a certain right of each student over his particular desk is born in such a way that if someone were to try to occupy his desk, the student could say: "Do not sit here because this desk is mine."

That right was born under the professor's gaze, but can we say that that right was promulgated by him? It seems that at most we could say that this is a negative condition, that is, the professor did not oppose the student always sitting there. It is in this way that the consent of the Prince who does not object to the birth of a right should be understood. We make exceptions for special cases where the tacit consent of the Prince is positively required.

Delving further into this topic, the following questions surfaced:

- Is the right born of itself in such a way that afterwards the interested person can invoke it in a court of law even before that right is explicitly recognized by the head of the community?
- Or does the right, the customary law, only become effective at the moment when it is officially recognized?

It seems evident to us that the right is born of itself and can thus be claimed as a right in the strictest sense possible even before being promulgated or officially recognized.

For example, let us take a beggar asking for alms at the door of St. Cecilia Church. Let us suppose that he had acquired the simple custom of asking alms in that place. If another beggar were to come to ask alms in that place, the first beggar could make him leave. What is his basis for this? It is the right he acquired by that custom.

How much time is necessary for that custom to become a right? Six months, 20 years? This cannot be determined *a priori*. It can change with each case. The concrete fact is that at a certain moment the beggar who was customarily there could go to the Vicar or even a judge, claiming that he is the one who has the right to ask for alms at the door of that church. In this case, we could say that the sentence of the judge permitting him to make the intruder leave is a kind of declaratory sentence, and not a constitutive sentence. That is, the judge is declaring that the beggar already had the right and is not creating a new right.

Someone could object that in these two examples the custom did not create a law, it created a right; further, it is not the case to discuss whether or not the custom can create a right, but rather how that custom can create a law.

This would be a sophistic objection because, indeed, by creating equal rights for a determined human society these customary rights will necessarily generate a law that obligates everyone to conform to it.

What is a law created by a custom? The law made by a custom is an ensemble of rights acquired in a customary way and that govern the relationships of a large number of men. This is what we call customary law.

What is the philosophical foundation of the custom? How can we justify the force of law that the custom must have?

St. Thomas gives an explanation that seems correct to us, but which – with no irreverence intended – does not seem to say everything that could be said on this matter. St. Thomas says that the custom has a force of law because it has all the characteristics of law: It is a manifestation of the will of the prince, it is rationally ordered, it is ordered towards the common good, etc.

We say that customs are not only very important but even indispensable for individuals and for peoples. It is only based on them that we can construct a secure and stable life and ways of living that entirely satisfy human needs. If individuals or peoples would have to deliberate anew in every concrete case, constantly restarting in order to know what to do, they would never be able to lead an upright life or to perfect themselves. Custom is absolutely necessary for the life of individuals and peoples.

Why, then, should this custom be enforced by a law? It is because the juridical order exists to govern the concrete life of peoples, and not just to create pretty theories neatly set out in codes but disconnected from concrete life. Therefore, the juridical order properly born from society itself must base itself before all else on the concrete elements that actually constitute the life of the people. From these elements the most significant are the customs. Thus they should be protected by written laws.

By his nature man has the need to have habits and this constitutes an essential principle of his entire way of being. One consequence of the need to have habits is that once a habit is legitimately acquired, not only does he have the right to have that habit be undisturbed by others, but even in many cases he cannot modify his habit without harm to himself. From the habit and from the repetition of an action is born a certain situation that creates a right. This is interesting to show the force habit has in the natural order to create a right.

Let us take the aforementioned case of the class with the professor and his students. These students are accustomed to sit every day in the same desks. At first the students are entirely free to choose their place, but at a certain moment a right starts to be created for each one of them to sit in the desk he is accustomed to sit in. What is the foundation of this right and when is this right created?

Human nature is not only susceptible to having habits, but it demands having habits. Properly speaking, virtue is a habit and the tendency to have habits is a splendid root of virtue. So, those students sitting in those particular places – responding to what is inherent to human nature – creates a psychological state, an interior moral situation that is called the habit of sitting in those desks. Now then, there is an interior moral situation in each one of these students, a psychological moment when a repetition of acts constitutes a right. Is the awareness of this interior moment the way the right is defined?

If such is the case, from that moment on, since the human creature has the right to not be disturbed in the habits it forms following natural law and the common good, a right to sit there is born for those persons. Thus, the custom generated a right.

Now then, how does this proceed to constitute a law? It is quite simple. We have a group of students who each acquired a parallel right participating in a general rule. Each one acquired the right to sit in his desk A, B, C, D, etc.: the right of Student A over desk A, Student B over desk B, etc. Let us suppose that the professor had 50 students; since each acquired a right to his desk, a general norm is born: Each student in this room has the right to sit in his particular desk, etc. This is what we would call a law born from custom.

Obviously, in different circumstances and psychological environments, the customs would be different as well as the laws that come from them. The perfection of these little societies of souls is always to repeat this same process: initially, the habit is created following natural law and the common good; then, from this the custom finally comes the law.

In England several regiments of chivalry were transformed into battalions of motorcycles, but they continued to be called “Royal Dragoons of the Queen,” maintaining all the traditions from the time of chivalry. A whole ensemble of customs are connected to those military units that continues and requires maintaining some of the customary rights born more or less in this way. This is a type of flourishing of the tendency man has to have habits and the right that he has to be respected in the habits that he has acquired.

In order to better distinguish the social character and the individual character in this question of customs, we could say:

First, individual customs are formed departing from a state of spirit, a psychological situation that each man creates for himself; from this the habit is born. It is more properly speaking from the individual habit that the individual custom is born.

Second, in the social plane, something analogous happens: From the various habits or individual customs, we could say that a collective or psychological state is born. In passing, it is interesting to note that this is one of the things that Freemasonry has strongly exploited. Knowing the laws of how individual states of spirits operate, it utilized this to lead and manipulate the laws of social psychology.

Third, thus we can say, although in an improper way, that social customs originate from social habits. These customs are the ones that can give rise to customary laws.

Fourth, individual laws can be said to be laws only in an improper way. Individual laws are not laws to govern the entire society, but are privileges or official concessions of individual rights.

In conclusion, we can say that the Customary Law is precisely like the spontaneous formation of cream by milk. An entire group of customs is organically created that govern man. At a certain moment they acquire the force of law. We affirm that human society was naturally made to be governed most of the time by customs that do not have the force of law.

For example, some time ago there were customs that strictly prohibited men from leaving their homes without wearing a tie. Any man, rich or poor, wore a tie. Today the revolutionary tendency is to prohibit the use of the tie, and a custom is being artificially created in this regard. So, the most expensive neckties will be thrown out or left hanging in closets, they will lose their value; they will have no value because the new custom forbids them.

In both cases, the old custom and the new custom do not have any written law that governs them. The law is not even taken into account in this point. We could say that the formation of these customs that govern without legal force is another field that deserves more study.

2. Introduction & Modification of Customs

Each society determines its soul by initiating its own particular customs. These customs can gradually change, but some become settled and take on a definitive nature, and these can never be touched.

There is a system of growth in this process that can be compared to the growth of the human body. There is a period of adolescence in which all of the organs are developing but in unequal ways – the foot grows a lot while the hand and nose do not, etc. Afterwards there is a period of harmony in the young adult where, while there is still some growth, it is much slower. Still, the laws of development are balanced and the human body continues to move forward. It reaches its full development when the man is 33-years-old.

This very true principle allows us to distinguish two types of growth: an adolescent development and the slower young adult growth that continues until it reaches its perfection.

We can apply this process to customs: There are periods when the society is forming and it generates ephemeral customs, some that fade away, others that remain, and yet others that are replaced. There are periods when a society has already reached a certain stage, and it can begin to elaborate various new customs and replace old ones. This takes place very slowly over a foundation of customs that has already become definitive.

We spoke about this with regard to changes in individuals. We recall that some of our friends could not cut off or grow a mustache without some harm to themselves, nor could they change their hairstyle. For these changes could influence the actual characterization of their souls.

This applies also to the State: There are some circumstances in which the State could adopt certain customs: for example, the judges of England with their powdered cotton wigs. They could

have chosen a wig not made of cotton, but they chose that particular one. From that moment on that custom could not be changed.

This takes place often in the Church. The use of incense follows these lines; it does not change. The Church has many customs that it would be imprudent to abolish. She will conserve them until the end of time. This is one of the typical notes of the sensible aspects of the Church.

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Chapter V

The Promulgation of Positive Laws

1. The Positive Law Must Correspond to the Natural Law

Positive law is the one promulgated by the due authority to rule society according to the common good.

Positive law is only correct when it complements Natural Law. It is true that positive law has something arbitrary about it, but it must correspond to Natural Law as much as possible.

In the *Summa* St. Thomas distinguishes the two types of laws: Natural Law, which applies to all peoples at all times, and positive law, which applies to the people who promulgate it. Because the accidental characters of peoples are different according to the times, positive laws diverge in their accidental aspects. But in their general aspect they must have something of the Natural Law.

Therefore, the positive law of a country has these potentialities:

- A positive law can promulgate a principle of Natural Law that is valid for all the peoples in all times and for all places, but that particular country should protect it by means of State ordinances and sanctions. For example, the State may promulgate laws encouraging work time to be in the day and to protect the time of rest of its citizens.
- The State can also promulgate what is a natural positive law only for that country or city. This is distinct from the first point. For example, in Venice the city may forbid the *gondolieri*, the gondola drivers, to sing during the night to protect the sleep of the normal citizen.
- Positive law can have yet other apparently arbitrary measures because they do not pertain in any way to Natural Law, as, for example, fixing the legal age at 21 years; this number could just as easily be 22, 20 or even 19 years. Since there has to be a limit, the law fixes that particular limit. Among the various equal selections, the law chooses one.

2. The Law Can Be Promulgated by Intermediary Bodies

According to the doctrine of organic society, the State is not only an abstract entity, but a whole organism that includes the King and all the other societies or persons of public law. A definition of St. Thomas affirms that the law is the ordering of reason for the common good and is promulgated by the authority of the community. This is applied to the State in all its various levels, because there is not just one single immense community that would be the great State, but there are also many small intermediary communities.

St. Thomas says that the law must be promulgated by the authority in charge of the community. It is not necessarily the prince, but the leader or head of the community or the whole people. This is true, but we can add that there are also some organs, some intermediary classes, between the people and the prince that can make laws: for example, a senate composed of members of the aristocracy.

3. Custom Can Create, Revoke & Interpret the Laws – *Epichea*

As we have seen, custom can be the source of the law, the written law, and then it must have the force to interpret and also to abolish the written law. St. Thomas shows that every law is the fruit of the will of a legislator oriented by reason. In this way, Divine Law and Natural Law constitute the ordering of Divine Reason oriented by Divine Intelligence.

When it comes to positive human law, it can be manifested in two ways: either by the will of the Prince – inasmuch as he determines the measures to be taken – or by the will of the people themselves who implicitly accept the legislator as legitimate. In what way? As long as the people reveal their will through repeated actions, that is, through customs.

What is most curious is that custom, which is the legitimate way for the people to manifest their will oriented by reason, goes beyond the written law of the Prince. And when there is conflict between the two, the custom has precedence over the written law that emanated from the Prince.

St. Thomas does not give a justification to explain why custom has primacy over the written law. But we can perceive his reasoning: The custom develops following the legitimate evolution of the people, while the written law – more rigid and already limited by being written – often does not accompany that evolution. Thus, it is necessary for the written law to be changed by the Prince or to be modified by custom. If the law is not written, then a new custom can develop that corrects and modifies the previous one.

It is much easier to have an organic evolution of a right or privilege when it is not written than when it is a written right or a law.

For this reason, it is a valid principle that the fewer written laws, the better. If the custom does not need to be modified, it is not necessary to write a law; the custom should be allowed to flourish naturally.

It is important to understand that an organic society lives according to laws that are analogous to those of a living organism; it is not an engine and can only live in a way that has adapted to its own nature. Organic society does not have rigid and abstract laws; it continues to evolve in a way that is adapting to the mentality of each region and each people.

Considering this, we see why customary law is a necessity for organic society.

What St. Thomas says with respect to *epichea* [the interpretation of a law according to its spirit and against its letter] and equity in the application of laws is very important in the study of customary law and customs. He says that if we take a law, even one that is good and perfect, there

can still easily be some concrete cases where this law cannot be applied. If this law were to be applied, the person who is facing an imminent danger and lacks the time to ask for an official dispensation need not follow that law, because the law would be unjust if it obliges its application in each and every case.

Therefore, a principle of Natural Law is that positive laws should not be obeyed in the case of a very grave and imminent danger. We should assume that this regulation was not the will of the legislator for that particular case. This is what is called *epichea*.

For example: Red lights are established in a city to order its traffic, avoid accidents and save lives. Fines are issued to those who run the red lights. However, if a person is in an emergency – he needs to rush to save someone who is in a burning house – he may run the red light to accomplish this goal. That is, he violates the normal rule in order to save someone whose life is in danger. He goes against the letter of the law to be in accordance with the spirit of the law, which is to conserve order in society for the benefit of the lives of its citizens. It is the correct thing to do. This is a case of *epichea*.

4. The Intervention of the State in Customs

In many cases, the custom should also have legal force. We spoke above about the custom that does not have legal force. But the legal force of the custom is such that, so to speak, the State should intervene in directing society only in cases when a bad custom is being established. If it does not conform to Natural Law or to the common good, it must be abolished by the State. But in everything else the State should let the custom develop by itself.

Regardless, it should be noted that the action of the State is not limited to this. It has its own sphere that is turned toward improving the human order in some artificial ways. Let us remember that man, as an intelligent being gifted with will, is capable of improving the order around him and also the order of society. Natural things were made to be improved by him. It was in this sense that Dante said that the works of men are the grandchildren of God because man is the child of God.

Hence, it follows that there are many artificial things that cannot be called inorganic or anti-organic. For example, to prune or fertilize a tree or to improve an animal species according to the laws of genetics are things whereby man directs nature by correcting or improving it, but he does not destroy it.

This cannot be called inorganic in the bad sense of the word. The use of the word “organic” in this sense is deficient. We must compensate its poverty by means of expressions that indicate the various modalities of organicity. There is, for example, an organic artificiality.

In a Catholic Law, before anything else, there is an understanding that there are many things that are not legislated and even things we could not imagine that need to be legislated. In this way, in a Catholic society one can quite legitimately make laws to restrain the abuses that may be introduced in very virtuous customs.

For example, in the Middle Ages, in houses of abundance the masters of the houses would have “God's plate,” which was a certain portion of food reserved for the beggars who would knock on their doors. That “God's plate” gave rise to some abuses: e.g., some beggars would ask for food with exaggerated insistence.

So, to constrain this particular abuse, a short municipal edict could be issued that would provide a correction. This is understandable.

How could there be a natural arrangement like this in a non-Catholic society, where it is not turned toward God and the food only suffices for one person? Obviously that same situation would not exist.

In the case of a pagan society it is a matter not only of determining the legal dispositions that do or do not conform to Natural Law, but there is a large gamut of other legislation that should also be considered.

5. The Law Must Only Change When There Is a Great Advantage

St. Thomas observed that the law must only be changed when the advantage to be gained is very large, because a change of law supposes a change of custom, and to change the custom in a city is a very serious matter that must not be done except in very special cases.

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Chapter VI

Punishments

1. The Punishment Must Be Given to the One Who Induced the Offender to Sin

Regarding the sin of the Angels, St. Thomas stated the principle that can be useful for our topic: It is proper to divine justice that in the punishment the guilty person should be subject to the power of the one who caused him to fall into guilt and punished by him.

This would give a vision different from that of Penal Law, in which the punishment is pre-determined by a code – so many years of prison, etc. – which would be opposed to the order of divine justice, as St. Thomas said.

How this theory should harmonize with the positive law of man is a question that still needs to be studied.

2. The Punishments Must Be Severe

The Penal Law must be particularly severe, contrary to what we find today in contemporary laws. While the Civil Law and the Commercial Law of our days are very demanding, the Penal Law is very tolerant. It should be the opposite: The Civil and Commercial Laws should be very broad, permitting everything that is according to Natural Law and not against the common good.

But the price for this liberty is that the Penal Laws should be extremely severe. Those laws should be few, but very severe so that once the natural order is violated, the law is enforced with severity. This is the necessary balance.

In this respect, we compare the medieval situation with that of our days: In the Middle Ages there was a great liberty for the common man, no official surveillance – except over suspects – and a severe punishment for those who committed a crime. Today it is the opposite: there is less liberty for the proprietor, habitual surveillance by the authorities over the individual, who is considered ill-intentioned and malicious unless the opposite is proved. On the other hand, everything that is turned toward the collective is viewed in a good light.

Also, today when a man is honest he is not praised by the authorities. He is considered merely as a person who does nothing more than what he should. But if the man is a criminal, he receives the greatest sympathy of the authorities. Everything is complicated for honest men and extremely easy for dishonest men even when they are in penitentiaries. That is, there is a radical inversion of values.

According to St. Thomas, the Penal Law has the right to punish with death anyone who commits mortal sins in the public realm: that is, when they are scandalous public sins that induce others to do the same. If someone committed such sins in a very scandalous way, he must and should be punished at the discretion of the judge and supported by the customs of that region.

3. Punishments Must Have a Reparatory Character

When the Penal Law is both Catholic and organic, the punishment must destroy the undue joy the individual had in doing the criminal act. With this, it reestablishes justice, restoring the proper joy that each one has a right to have and, in this way, reestablish the role of Providence.

In this sense, we have a natural intuition that the punishment must be a type of reparation for a certain absolute that was offended by the crime. The reparatory character of the punishment should be very clear and dominate the entire punishment. With this there is an act of reparation to God. For this reason, not only the nature of the punishment, but the way it is executed must correspond completely to the principle of equity or, better said, the modeling of a punishment in a Catholic society must be very different from the way it is today.

St. Thomas stated that the punishment for the individual must be inflicted by the individual who induced the other to sin as it happens in Hell. There, all the punishments are administered in this manner. In Hell the angels who led the others to fall are the ones who torture their victims and, in turn, are tortured by the justice of God. In Purgatory things also proceed in the same way, with the punishments also ordered along these lines.

These would be some general principles that can help to establish the basis for an Organic Penal Law.

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Chapter VII

Notes on the Society of Souls

1. Society & the Development of the ‘Star’ of the Individual

The “star”¹⁷ is an interior light that corresponds to the vocation of each one of us. This interior light is a force that comes directly from God and works like a grace. It is a grace that comes from God, is fixed in our soul, and moves it by an internal movement that urges us to attain a certain goal.

All the authorities – the teaching authority of the Church, the authority of the State, etc. – should be exercised in order to facilitate the triumph inside ourselves of this interior force inherent to us.

The movement by which we walk in accordance with that “star” is our personal and interior movement.

The opposite occurs in a socialist society. The “star” is a movement that does not have an interior force. Instead, man is moved by a scientific principle that someone shows him; it enters his head and then compels him to act by the force of rationalism aided by a socialist law.

Thus, a *people* that deserves to be called such is guided by its interior “star,” and a *mass* is guided from outside itself, not by its own movement but by scientific principles and police enforcement.

This brings us to the question of patriotism. This “star” characterizes every true people; when a people does not have its particular “star,” it absolutely does not constitute a people in our sense of the word. It becomes one of those amorphous masses of contemporary times.

Just as a fire needs a favorable atmosphere to grow and spread, so also the “star” of each people demands that there be an atmosphere in the social environment that allows it to harmonically spread and find favorable conditions to realize itself. It neither wishes to glow stridently nor to receive influences from the environment around it that prevents its realization.

2. The Life of the City & the Development of the Society of Souls

The life of the city is good insofar as it presents propitious conditions for the existence of a society of souls. It becomes excellent when it favors similar conditions in the life of the countryside. If, for example, there is the possibility in a city of a noble family establishing itself in the neighboring environs where the city exercises jurisdiction, this is the super-excellence of the life of the city.

¹⁷ What is spoken of here as a “star” is also addressed as “primordial light” in other parts of the MNF.

The tendency of the life of the city to constitute a true society of souls is a magnificent thing. This imitation of something genuinely feudal in the life of the city cannot be artificial. When it authentically exists, it must be preserved.

What are the necessary conditions for the existence of a society of souls?

Paris is an enormous city, as is São Paulo, but in the former there is much less anonymity. There are persons who have always lived in the same neighborhoods, they know each other very well, and among them there is a nobility; further, in Paris there are very defined classes. It is not the tourist guide that reveals the city; rather the soul of a city is known by checking its classes. This facilitates our understanding that a city can be large and have conditions to have a society of souls. This is the direction that a true urban sociology must develop.

Large cities in themselves create difficulties that are not invincible for the establishment of a society of souls. In the countryside, the family establishes the tonus; the tonus in the city is made by the social classes, which must be seen as families of families.

3. Church, Organic Society & the Society of Souls

A. The Church acts against the tendency of human societies to move toward Socialism in two realms:

a. In the internal order of a country, the Church serves – by her autonomy – as an example and backdrop for other autonomies;

b. In the international order, she limits the power of the King to oppress the great lords.

B. The Church acts in the same sense in the society of souls

a. By her natural pedagogical action and by the action of grace, the Church provides equilibrium for each soul-type. This is what she did in different ways responding to the nature of the various European peoples.

b. Her influence on souls produces conditions for the existence of societies of souls where the qualities of each soul do not find obstacles in others in order to flourish.

c. Organic society is formed when this equilibrium can exist in each soul, so that all the elements of a soul develop harmonically. It is, therefore, a society of souls that lives according to its own natural order, in which all its members develop according to an ordered dynamism proper to their natural forces. The equilibrium of the society of souls reflected in the social and juridical life creates the organic society.

d. Organic is, therefore, that which develops according to the upright dynamism of nature, producing good effects that are much more the fruits of nature than of one's will.

e. When an ordered second nature is created in man, each one remains capable of comprehending his natural and legitimate interests and of moving spontaneously in that direction. Organic society is not one where each person must make a tremendous effort to sustain himself in the natural order; rather it is one where, with asceticism in some few points, each one moves easily in the natural order in everything else.

f. The Revolution is the gradual destruction of this ordered second nature accomplished by the softening of asceticism and a gradual liberation of the passions.

4. Society of Souls & the Theology of History

According to rules of good sense, the episode of the Tower of Babel must be seen as a confusion that rose in man's mind even before it took place in the human language. Since human language is the reflection of the human mind, the confusion of languages necessarily resulted from a confusion of minds that preceded it or that took place almost at the same time.

This is proved by daily experience. Whenever we see that a group of people elaborates for itself a special dialect, we perceive also that this group first formed its own psychology different from others. Thus, linguistic differentiation is a symptom of a deeper differentiation.

Everything thus leads us to believe that the Tower of Babel must have been constructed to memorialize the dispersion of peoples that would take place and to affirm their pride by raising a permanent monument when they were still united.

But, returning to the rules of good sense, one would imagine that when such a developed society came up with the idea of building a Tower, it would have expected an organic dispersion, that is, a dispersion where a certain contact with one another would be maintained, a dispersion that would be much more an expansion than an explosion.

However, everything indicates that what occurred was the contrary: The various peoples ran in horror from the Tower of Babel, each one started to have a horror of the others. This explains why the peoples traveled such distances to separate themselves from the others. That dispersion

seems almost like what the Gospel described about the herd of swine that became possessed by the Devil and ran into a lake. There was an ethnic explosion instead of an ethnic expansion.

This phenomenon aggravated original sin. Indeed, when man became capable of error, when he began to desire evil, this new state created disagreements and quarrels that diminished his capacity to understand others, and the society of souls was very gravely impaired. The sin of the Tower of Babel aggravated that original tendency toward disagreement.

Now, the proper effect of Redemption in this field, considering the foundation of the Catholic Church and the diffusion of grace, is to make it easier to perceive this bad tendency and to realize that men should develop a tendency toward constituting a society of souls.

In effect, considering the Church in her sanctity and the sanctity of her faithful in an ascending march and Christendom in an ascending march towards a unity of spirits, a unity of souls and a concordance where the hearts of men beat together, we see that they aspire to the same things. In addition, there is Papal Infallibility and the infallibility of the Church to correct the foolishness of man.

These factors, vivified by grace, can consequently create an organic society that as much as possible realizes the perfect conditions of a society of souls.

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Chapter VIII

Common Good - Notes

1. God created the cosmos, that is, all things ordered in a universal ensemble

This universal order, however, is not composed of individual elements as if they were independent atoms, but by small ordered groups that are directed by their own dynamics toward the universal order. These elements that constitute the order of the universe contribute to it insofar as each stays in its own place, acting in conformity with that order.

In the order among men, for example, we find the social order, the familiar order, and even the individual order, inasmuch as the man acts according to an order given by God, an order that, in the divine plan, is part of the whole universal order.

It is not necessary for each element to recognize the universal order with equal intensity; as long as it acts in conformity with its order, it is already collaborating with the universal order. From this comes the principle that the rights of the elements in their order cannot be violated without the violation of the universal order.

2. Man was created by God to know, love & serve Him in this world, & then to rejoice in Him in the next life. It is according to the designs of God that man achieves this goal in a universal order of which man is a part; as a part of it. He is in conformity with this order, acting according to it and ordering himself to fit in it by his actions. By integrating himself into that order, man reaches the goal that God created for him.

3. In this created order, the goods over which man can have a right can be enjoyed by a man individually; others can only be enjoyed in society. These latter ones constitute the common good. Each man has a personal right to enjoy the common good. Now then, in the common good of society we can distinguish two aspects:

First, the common good as such that is enjoyed by all, for example, the juridical order of a State;

Second, the personal benefit that comes from the common good for each individual, for example, the individual protection each one has due to the juridical order of the State.

4. According to the order created and established by God, men need one another for the practice of virtue. This is the goal of society. As such, whenever a society impedes man from

achieving this goal, it is his right and God's right that he not submit to that society and even that he separate himself from it.

5. When a man gives his life for society, it is not because society has a proper right as such to it. Society is a means for man to reach God.

Man dies in the defense of an order placed there by God. In this way society is useful to man for the common good even when it requires that he die.

The State only can require that a citizen sacrifice his life for the good of society, that is, when he does so in function of religious values. But, can he not also give his life for the culture of the people? The answer: Yes, he can, insofar as this culture is an expression of religious values. The same applies here as in morals: The natural values are only valuable if we consider God, who gives them their foundation. A secular morals does not exist *per se*.

In the 14th and 15th centuries, the idea began to appear of natural values disconnected from God. Those values were the country, the State, fidelity, honor, courage, etc. Now, feudal fidelity, for example, is only justifiable when it relates to the justice of God. In these errors of the 14th and 15th centuries laicism could already be found, like the chick in the egg and not as the rooster in the chick.

The true common good is inseparable from the good of the parts; then, all the sacrifice that society requires of a man ends up being an advantage for him.

There are some sacrifices that society cannot require of a man because they are contrary to the common good, contrary to the order of God, and contrary to the rights – in this sense, truly supreme – of each individual. For example, the abolition of private property falls into this category. We refer here not to some particular property of this or that man in certain special circumstances, but of private property as such.

6. The common good is not the good of the majority

In this way, when man subordinates himself to society and to the common good, he in practice is subordinating himself to God and working for his own benefit.

7. The good of men is achieved by two perfect societies: the Church & Civil Society, both of which should help man to achieve his ultimate goal through the practice of virtue.

The Church has this mission in a way that is preferential and immediate. Civil Society acts in a subsidiary way to achieve it. But for Civil Society, what is most important is to offer assistance in the practice of virtue. Hence there is a common good that is directly ordered to the formation of souls and the practice of virtue, and another that prepares the material conditions that facilitate the practice of virtue. Civil Society must cooperate in both.

The principal goal is *the first*, the spiritual end; but in *the second* the field more properly belongs to Temporal Society. For example: the family is made to save souls, but the practical ordering of the household is a sphere that belongs almost entirely to the family. There are other spheres that are proper to the family, but not with the same autonomy. For example, the decor of the house, which creates an environment that favors virtue, although it pertains to the family, constitutes a field where the Church must be heard and give an orientation.

Regarding the intellectual life, therefore, the activities that are directed to the ultimate goal are in a sphere different from those that solely serve the goal of organizing life: for example, the studies of physics.

8. This common good can be seen regarding the social common good of the State, society & intermediary groups

In light of this idea of the common good, what right does the individual have in relation to his neighbor? In other words, in the common good, what is the right of God, of society, of intermediary groups and of the individual?

For my sanctification, in the things that I alone can realize, I have the right not to be bothered. There are other things for which I need the help of my neighbor. In these I have the right to ask for the help:

- of the Church – her laws, Sacraments, guidelines;
- of the State – the indispensable healthful social environment;
- of the individual – counsel, advice, etc.

Here we can place the question of justice and charity. Regarding justice, the individual has the right to a good stimulus to the measure that this is the function of the clergy and his parents. He has the right to the sufficient, not to the excellent. There is charity insofar as what is given goes beyond his right. We should transfer these principles to material things accordingly.

It is common to say that when a poor person is on the brink of starving to death, he has the right to the goods of the rich. But this is affirmed in a way that gives the impression that the poor man is not obliged to thank the wealthy man for the goods he receives. This is false. The wealthy man suffers a diminution of his patrimony. And, if it is true that the right to his property must be surrendered when faced with the right of the poor man to his own life, the sacrifice required of him makes him the creditor of the poor man's gratitude.

We can see this in the case of a sailor on a ship who sees a man drowning and jumps into the sea to save the other. He brings the drowning man to the ship and saves his life. He had the obligation to throw himself into the sea, but he is the creditor of the gratitude of the man whose life he saved.

Someone could object: "No, this is different from the case of the proprietor because the sailor risked his own life."

No, let us look at a case where he does not risk his own life: A woman falls from the ship deck into the sea; a sailor jumps overboard to retrieve her without any risk of losing his life. In the case of this sailor, beyond the obligation he owes a man as his neighbor, he had the functional obligation of the sailor of a ship. Regardless, he has the right to gratitude.

This proves well that the poor man even in the case cited above is obliged to have gratitude.

9. In this scenario, what is the right of God?

Since God is the ultimate goal and the reason for all things to exist, He has unlimited rights. Notwithstanding, regarding the Creation that He made, we could divide it into two categories:

A. The things that He demands: The refusal of such is a violation of His right;

B. The things that He requests: This request of God creates a right for the individual of whom He asks something: that is, the right of the individual to have everything necessary to fulfill the request.

There is in society, then, things that it demands in the name of God and that it could not demand in the name of other men.

Everything necessary for the conservation of society it can demand as its right, since the whole is better than the parts. However, it cannot demand the destruction of the individual, unless in exceptional cases by divine delegation. In this sense, the individual must accept the death sentence as just.

10. Considering the passengers of a ship the common good of all consists in reaching the port in conditions of satisfactory health, with minimum risk, in no longer time than is needed

Each passenger has a right to this as a passenger. And his good is integrated fully with the common good. As a passenger, he is ordered to the common good. This affirmation means that each passenger must do what was agreed upon for the ship to reach the port, and that he should do nothing that impairs this goal.

The hypothesis of a conflict between the good of one passenger and the common good of the ensemble of the passengers is not possible insofar as the passenger is a person who wants to reach the port.

The conflict arises when a passenger wants to make his interests as a passenger prevail over the interests of the others because he has a special status: for example, he is a scientist and wants to stop the ship to make underwater research in a certain place on the ocean.

It is the right of the collectivity of the passengers to oppose this demand based on the right each one has that the ship should not stop until it reaches the port.

It is the same with society. We can distinguish in man the interests he has as an individual person and as a member of a society. As a member, it is not possible for his interests to conflict with the

interests of the society. As an individual person, he has the right to do so, but that society has the right to oppose his action.

This conflict is easily resolved, because society must sacrifice to the individual what is superfluous to society but not what is necessary.

But this does not work reciprocally since society is necessary to the individual but the individual is not necessary to society.

In the case of the ship, the common good can change in part due to the discretion of the members: They can agree to allow the scientist to make his oceanographic research and change the time of arrival at the port. The scientist can also choose to leave it in a motorboat: It is, therefore, a free collectivity.

In the case of an airplane, it would be different: the plane could not make a sudden stop midair, nor could the scientist decide to leave the plane once it is in the air.

Thus we can see:

- Regarding the common good of society, there is a fixed goal and fixed natural rules;
- Man cannot arbitrarily alter these things;
- Man cannot leave society;
- Society is a good that can only be enjoyed in common when each of its elements is involved in it.

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Chapter IX

Socialization – Notes

1. Regarding how socialization attacks the family, we should keep in mind that the rights of the family – which is a relationship among men – are not the rights of the relationship, but rather the rights of men insofar as they are in this relationship. We can see that the family has two senses:

- A. It is a relationship among men, an entity that is abstract, metaphysical;
- B. It is made up of men insofar as they place themselves in this relationship.

The same applies to religious orders.

2. Regarding egoism, we should not entertain the false idea that egoism is always bad, since this favors Socialism. We should consider, as we have demonstrated before, that in many aspects of the act of self-love, even in the act of the love of benevolence – which is an act of the virtue of charity – there is an impulse of man toward his perfection and happiness.

This is because there is a tendency, under the pretext of promoting order and the common social good, to deny the good egoism and the individual rights.

The individual right to private property is an indestructible element of the common social good and an indispensable element for the sanctification of each individual: It is a right that cannot be renounced, and must be demanded.

We mention this to resolve three practical contemporary problems:

- It is not possible to accept an order of things where in theory Catholics do not renounce private property but in practice they actually do so;
- This demonstrates that any distinction between the Communism of Tito, Gomulka and Stalin is irrelevant.
- Likewise for any distinction between Communism and Socialism.

3. Another point to be shown is that the greatest danger of Communism is in a humanitarian and utopian Communism, which under the pretext of charity moves gradually towards a total equality.

This Communism also pretends that everything in society needs to be perfect and organized; organized by the State. Following this mindset, laws gradually invade every part of the private sphere of life.

Those who fight Marxism and Communism should be praised, but it is necessary to show that eulogies in themselves are not sufficient for this fight and to do only this is counter-productive.

4. The forces of evil have a unity of goal, but in the execution of this goal they act gradually, employing different speeds to move forward.

In this way Communism is distinguished from a gradual socialization, even though the goal of both is a utopia for the masses, a humanitarian fairy tale.

A society without private property falls into an abnormal regime that leads to Communism.

Progressivists argue that this is what governed the Church in her beginning and, therefore, this does not apply to the Church. We respond by saying that this early regime was only acceptable provisionally in order to counter the Jewish vice of avarice present in many of those who were part of the Apostolic Church. For that provisional society that existed in the first centuries not to deform the individual, the continuous presence of the Church was necessary. She acted to sustain the sense of personality of her members so that the persons of that time could form themselves despite that regime of common property.

Another objection is that in the religious state monks live without private property, so this rule does not apply.

We respond by saying that the religious life is an exceptional vocation in which the monks renounce their right to private property for the love of a higher ideal. So then, they do not deny that the normal order is to have private property, but they voluntarily give up this right for the love of God and for their own sanctification. It is an exception to the rule that reaffirms and fortifies the rule instead of weakening it.

5. Regarding temporal slavery – which is also a state without private property – it is the fruit of various exceptional anomalies:

- A person who becomes the captive of another people who conquered their country;
- Warriors who are defeated and become the slaves of the victor;
- A primitive people that falls under the cultural domination of another more civilized people, etc.

St. Thomas sets out when these situations are against the natural order. To avoid slavery *per se*, the Church strove to eliminate it so that the slave could have control over himself and strive for his own sanctification.

6. Humanitarian Communism presents itself as a movement that is striving for a society that will do away with all miseries. The thesis of Humanitarian Communism is:

Society has as an obligation to use of all of its energies to reduce misery to the smallest proportion possible. Since the principal goal of society is to conserve the life of its members in supportable conditions, it must encourage a constant sacrifice from those who have what is superfluous, and this superfluous should be utilized in what is necessary to alleviate the miseries of others.

The humanitarian communist thesis is more demanding. It argues that all men have the same right to happiness, which is the highest good in life. In this way, the thesis wrongly continues, all inequalities – which are an inevitable source of suffering for those who are inferior – must be eliminated in the social life.

In this way, compassion toward those who suffer demands that the departure point for everyone must be the same and it also demands the abolishment of the inheritance of properties, goods or honors. The inequality of merit would be the only thing permitted in this initial phase, along with the capacity to work, since only work dignifies man. He who does not work does not eat.

The demands of Humanitarian Communism are even more inexorable. It argues that a comprehensive and compassionate view of the moral miseries of man makes us see that moral inequalities are caused by the environment in which a person lives and the education he receives.

In this way, in its final phase, Humanitarian Communism demands that the inequalities founded on merit should not exist as well because they result from natural differences and capacities that no one has the right to appropriate. According to this humanitarian communist system, it is false that intellectual work is more dignified than manual labor, or that the function of commanding is nobler than that of obeying. To command and to obey are both nothing but work and both act equally for the social good; inequalities of salary and honor have no reason to exist.

The humanitarian communist thesis continues: This leveling tendency must be admitted by the Church as progress; the Church must adapt herself to it by eliminating as much as possible the differences between clerics and laymen and between bishops and priests, and by inducing the high and low clergy to give up those social honors that are remnants of less perfect past times.

7. The thesis of Socialism

Socialism is a doctrine that *per se* conforms with Christian charity; it does not intend to abolish all inequalities, but rather to reduce them to an indispensable minimum, which is fair since inequalities are a necessary evil.

In clothing, architecture and dress, the prevailing criteria should be functionality. Those things that are merely decorative constitute an anti-Christian luxury, an affront to those who cannot have them, a superfluous expense when there are so many poor people who are in need.

Since inequality is a necessary evil, even if a person is not a communist, he must see in Communism a tendency that is fundamentally good and Christian, in accordance with the Gospel. Because of this, collaboration with communists is better than collaboration with supporters of social inequalities.

Liberty is legitimate only insofar as man does not use it to violate equality.

Private property is only legitimate insofar as it contributes to the social good. Thus, the State can curtail it or suppress it when it appears to be an impediment to the social good.

Every anti-communist action is negative, because to be anti-anything is bad. All human activity – even Communism – has something in it that is good that must be taken advantage of.

The individual, when he obeys, should obey his own will. Every imposition is a debasement of human nature.

8. Socialization

A. Gradual socialization

Socialists and progressivists like to say that social problems are extremely complex. Thus they can only be understood and resolved by highly specialized technicians. On the other hand, the solution for these problems can come from the continuous cooperation of all the individuals in a society. Since as individuals they are incapable of finding the true solution because they always tend toward satisfying their own personal interests, the greater the planning and the involvement of everyone in it, the more perfect social life will be.

Against this false reasoning we can employ arguments defending customary law, intermediary groups, regionalism, etc. The universal order is not composed of a large social order, but of countless smaller orders.

B. Socialization of education, culture, professional schools, religious life, etc.

a. If, with the complete suppression of private property, a regime appears with many small properties, would it be possible to support the hypothesis of a gradual socialization?

Response: If there is no heredity principle, then no, it is not.

b. Does the elimination of private property constrain the personality so profoundly that it would be better to suffer persecution?

Response: Here it is necessary to distinguish: Eliminating private property is not possible even if it refers to a very small commercial, industrial or rural property that cannot maintain itself on its own and needs the help of the State to set sustainable prices or to better exploit the property. Even supposing that the authorities exercise their powers very broadly and impartially in granting such aid and even if they were Catholic, this regime is unacceptable.

For example, if, due to increasing State taxes, an owner of a shoe factory has to receive many State loans in order to keep its products at a competitive price, he shortly will be in such great

debt to the State that he will lose his factory. This system of increasing taxation is bad *per se*, even when the loans are easy to obtain.

c. At what moment does this hypothetical case become unacceptable?

Response: There is a large number of gradations because property can be constrained in countless ways and degrees, just as there is a difference between the situation of a slave and a free man who suffers some constraints. The cutoff point, although it is different in each concrete case, always follows the same principle.

The principle is this: Regarding the laws in the civil society the Church can never cease to militantly attack any and every restriction on the right of private property and the right of a man to provide for himself. The attenuated defects of a social organization, when they touch upon very grave points, are often not immediately noticed, but can suddenly create profound crises where the morality and the whole social structure fall into ruins: for example, the Roman Empire of the West even after it had converted, as well as modern democracies.

Objection: To avoid a religious persecution made by a Socialist or Communist State, it would be better to take a prudent attitude in relation to the mitigated evil, at least for some years or a period of time.

Response: There is a duty that the Church must fulfill at any cost regarding the State: It is to prevent souls from accepting error or becoming complacent with it, even for some limited number of years. Thus the heraldic motto *Verbum Dei non est alligatum* [the word of God cannot be chained]. We should not change this principle even if we are threatened with persecution. In other words, the Church should always speak against any attacks against private property even if they are mitigated.

d. Which of these two situations is better: to radically fight Communism with the risk of a religious retaliation or to enter into an accord?

Response: Let us distinguish three hypotheses:

- The case that deals with a government that is formally against private property;
- One that only restricts it;
- Or one that restricts it as the means to install Communism.

In the 1st hypothesis, in the face of the consummate fact we should know what to do. We should weigh the two risks: First, we should determine whether the government will remain and what its plans are. The second risk to be measured is what would be the consequences of a radical resistance.

In such a case, we should confide in Providence and fight, as they did in Covadonga.

The 3rd hypothesis is equivalent to the 1st: If the government aims to reach its goal gradually, we cannot adopt a position that is not militant. If the enemy progresses gradually, we should expose his final end to obstruct and make its attempt to implant itself impossible.

In the 2nd hypothesis, how much can a government that says it only restricts private property be trusted?

On the one hand, History shows that the governments that propose this type of thing are insincere. Their doctrine makes a *tabula rasa* of morality and, therefore, they lie as an ordinary means to reach their final goal.

On the other hand, Socialism represents a system that is imbued with moral defects. Now, what is proper to a moral defect is to tend to reach its final extreme unless it is destroyed. How can anyone imagine that the moral defect will not reach its extreme unless he fights it? So then, we should fight.

Besides, if the final plan of the government is unjust, we cannot silently ignore it, since by doing so we would run the risk of deforming the Catholic conscience of the people.

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