

Conference Page Submission:
Pontifical University of the Holy Cross
Conference of the School of Theology - MCE Research Centre
THE HEART OF WORK
Rome, October 19-20, 2017

Megan Arago, University of Dallas, Institute of Philosophy Studies: Political Philosophy

Paper Title: Rights or Wrongs? The Principle of Subsidiarity in Catholic Social Thought, John A. Ryan, and Richard T. Ely

Abstract: Monsignor John Ryan (1869 - 1945), referred to as “Right Reverend New Dealer,” is credited with bringing the American Catholic Church into accord with Catholic social thought. The social order assumed by Pope Leo XIII and Pope Pius XI rests upon an ontological distinction between societies. Like his progressive contemporary, Richard T. Ely, Ryan rejects the metaphysical components of the social order, thus conflating subsidiarity with a rule of utility or expediency. Failing to recognize the rights inherent in subsidiary societies, Ryan leaves workers associations vulnerable.

Monsignor John Augustine Ryan is a widely respected interpreter of the papal encyclicals, considered “a significant scholar of Catholic socio-economic concerns,” and an “outstanding social gospeler of American Catholicism.”¹ However, a close look into Ryan’s understanding of the social order suggests that Catholic social thought may not have been the primary foundation of his political, social, and economic theory. In this essay, I will situate Ryan between two contradictory traditions: the social tradition as found in the writings of St. Thomas Aquinas, Pope Leo XIII, and Pope Pius XI, and American Progressivism as advanced by the American economist, Richard T. Ely. By considering the way each understands the nature and dignity of societies, I will ultimately suggest that Ryan more closely resembles the Progressives. He thereby weakens the principle of subsidiarity, reducing it to a rule of expediency, and thus fails to protect the voluntary associations which Leo and Pius have sought to secure.

Pope Pius XI’s encyclical *Quadragesimo Anno* (1931) is most notable for its introduction of the principle of subsidiarity into the discussion of the social question, while at the same time clearly recognizing that the State has a significant role in the social order:

As history abundantly proves, it is true that on account of changed conditions many things which were done by small associations in former times cannot be done now save by large associations. Still, that most weighty principle, which cannot be set aside or changed, remains fixed and unshaken in social philosophy: Just as it is gravely wrong to take from individuals what they can accomplish by their own initiative and industry and give it to the community, so also it is an injustice and at the same time a grave evil and disturbance of right order to assign to a greater and higher association what lesser and subordinate organizations can do. For every social activity ought of its very nature to furnish help to the members of the body social, and never destroy and absorb them.²

Here, Pius formulates the principle in terms of higher or lower, or greater and lesser societies. And this is the way that most commentators seem to understand the principle.³ This language seems to lend itself to an understanding of subsidiarity as a principle for societies which fit neatly on one spectrum, all unified by the same end which they have greater or less capacity to realize.

Although speaking of the higher and lower societies has its place within the principle of subsidiarity, it can be misleading and may water down its force. The notion of higher and lower societies has its roots in the Aristotelian understanding of the *polis* as the most complete society, the end of the family and the village. Within this account, subsidiary societies are understood as incomplete societies and inferior to the whole (i.e. the city-state). The Aristotelian conception is inadequate in light of the Catholic principle of subsidiarity.⁴ As the social encyclicals presupposes a Thomistic understanding of societies, they assume ontological distinctions between societies rooted in the metaphysics of St. Thomas Aquinas. To establish this more robust understanding of subsidiarity, this “fixed and unshaken principle,” we must look to the writings of Pius’ predecessor, Pope Leo XIII, as well as Aquinas whose writings Leo draws upon.

In Leo’s encyclicals, he speaks of human societies as finding the sources of their ends in the nature of man, and yet, no particular society pursue man’s complete good. Because each society

¹ Leo V. RYAN, “American Protestant and Catholic Social Concerns circa 1890 and The Ely-Ryan Relationship,” *Review of Social Economy*, Vol. 49, No. 4 (1991), pp. 528.

² Pope Pius XI, *Quadragesimo Anno*, http://w2.vatican.va/content/pius-xi/en/encyclicals/documents/hf_p-xi_enc_19310515_quadragesimo-anno.html (10.7.2017), par. 79.

³ See, for example, Christopher WOLFE, *Subsidiarity: The ‘Other’ Ground of Limited Government*: ID., *Catholicism, Liberalism & Communitarianism* (K. Grasse, ed.), Rowman & Littlefield Publishers, Inc., Lanham, Maryland 1995, pp. 87: “Political and social tasks ought to devolve upward toward larger communities only when they cannot be performed adequately by lower ones...”

⁴ For a more complete treatment of the distinction between Aristotelian and Thomistic societies, see Nicholas ARONEY, *Subsidiarity in the Writings of Aristotle and Aquinas*: ID., *Global Perspectives on Subsidiarity* (M. Evans and A. Zimmerman), Springer Publishing, New York, New York 2014, .

finds its source in the good or interests of man, and because societies differ in purposes, Leo differentiates between societies. Perhaps this is most clear in his discussions regarding the State and the Church. In *Diuturnum* (1881), “On the Origin of Civil Power,” Leo explains that political rule is derived from nature, and thus, from the will of God.⁵ Yet, while the power of the State is derived from the nature of man, in *Immortale Dei* (1885), Leo makes clear that the end of the State is not identical to the end of the Church, or the good which it pursues:

One of the two [societies] has for its proximate and chief object the well-being of this mortal life; the other, the everlasting joys of heaven. Whatever, therefore in things human is of a sacred character, whatever belongs either of its own nature or by reason of the end to which it is referred, to the salvation of souls, or to the worship of God, is subject to the power and judgment of the Church. Whatever is to be ranged under the civil and political order is rightly subject to the civil authority (brackets mine).⁶

In *Sapientiae Christianae* (1890), “On Christians as Citizens,” Leo again distinguishes between the end of the State and that of the Church: “Hence, from the tranquillity of public order, which is the immediate purpose of civil society, man expects to derive his well-being, and still more the sheltering care necessary to his moral life, which consists exclusively in the knowledge and practice of virtue.”⁷ He continues: “The spiritual power, however, has a far loftier purpose, the Church directing her aim to govern the minds of men in the defending of the ‘kingdom of God, and His justice,’ a task she is wholly bent upon accomplishing.” This distinction between State and Church calls to mind Aquinas’ explanation of the difference between the human law and the divine law in Question 98 of the *Prima Secundae*.⁸

Leo, calling upon the distinctions found in Aquinas, sharply distinguishes the end of the State from that of the Church. When we consider these two societies, we can clearly see that “higher” and “lower” are not the primary factors through which we come to know what belongs properly to one or the other. The purpose of the Church is “loftier” than that of the State. Still, there are some goods which the State pursues that the Church does not. Nonetheless, the principle of subsidiarity does impact the way these two societies function and relate to one another.

What is implicit in Leo’s discussion of the State and the Church is made more explicit in the writings of St. Thomas Aquinas. In Question 29, Aquinas provides a definition of a *person*. Citing Aristotle’s *Metaphysics*, he explains that a person has an “intrinsic principle of any kind of movement,” what he refers to as its “nature.”⁹ By having this nature, Aquinas explains that the person is “distinct by reason of dignity” (emphasis mine). F. Russell Hittinger expounds upon this idea in his discussion of societies as *social persons*. He explains: “Such persons – real but neither substantial nor fictional – are called societies. A society possesses what Thomas called a unity of

⁵ Pope Leo XIII, *Diuturnum*, http://w2.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_29061881_diuturnum.html (10.7.2017), par. 4 and 13.

⁶ Pope Leo XIII, *Immortale Dei*, http://w2.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_01111885_immortale-dei.html (10.7.2017), par. 14.

⁷ Pope Leo XIII, *Sapientiae Christianae*, http://w2.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_10011890_sapientiae-christianae.html (10.7.2017), par. 26.

⁸ St. Thomas AQUINAS, *Summa Theologiae: Prima Secundae*, trans. Fr. Laurence Shapcote, O.P. (Lander: The Aquinas Institute for the Study of Sacred Doctrine, 2012), ST Ia-IIae, Q.98, A.1: “[I]t must be observed that the end of human law is different from the end of Divine law. For the end of human law is the temporal tranquillity of the state, which end law effects by directing external actions, as regard these evils which might disturb the peaceful condition of the state. On the other hand, the end of the Divine law is to bring man to that end which is everlasting happiness; which end is hindered by any sin, not only of external, but also of internal action.”

⁹ I. Q. 29, a. 3 ad 2.

order.”¹⁰ As each society has its own order, each includes a teleological end directed by its nature, and thus, each society is ontologically distinct. The dignity which Aquinas attributes to each society, and its distinctive order, limit the ways in which other societies relate to it, including the State. Ryan Anderson elaborates:

Because it views societies as real - more than mere collections of individuals or the sum of their parts - and as necessary constituents of the common good, political society (the state) is limited in how it relates itself to other societies[.]¹¹

Thus, each society is understood as a true person, one that is ontologically distinct from other group-persons.¹² And as Hittinger explains, Thinking of subsidiary or non-political societies merely as lower than the State “perverts the concept of subsidiarity.” Insofar as a principle fails to recognize the distinctive natures and ends of individual societies, it fails to realize the Thomistic conception of subsidiarity.

This understanding of societies as real persons represents a metaphysical determination that influences the way Leo and Pius understand the rights and duties of each society. Because, because the Church possesses the “nature and essence of a true society,”¹³ it has rights which must be respected by other individual or group persons, including the State.¹⁴ In *Officio Santissimo* (1887), Leo writes:

Since the character and rights of any society are fixed by its reason for existing and by the end it aims at, in accordance with the terms of its existence, and conformably with its object, it naturally follows that the Church is a society as distinct from civil society as their reason for existence and ends are different[.]¹⁵

Now, the nature, order, and dignity of the Church as a divine institution is most obvious in the encyclicals, and that of the family as the natural society is sufficiently clear.¹⁶ Perhaps less obvious, however, is Aquinas’ and Leo’s extension of group personhood to voluntary associations of men. Hittinger and Anderson explain that voluntary societies “are not mere aggregations of parts, they are not just aggregates of individuals,” but “form a real unity based on the principle of order.”¹⁷ As Hittinger explains, “this category, *unitas ordinis*, is taken from Aristotle and Thomas, and was

¹⁰ Russell HITTINGER, *The Coherence of the Four Basic Principles of Catholic Social Doctrine: An Interpretation: ID., Pursuing the Common Good: How Solidarity and Subsidiarity can Work Together* (Margaret S. Archer & Pierpaolo Donati eds., 2008), pp. 80.

¹¹ Ryan ANDERSON, *Neither liberal nor libertarian: A natural law approach to social justice and economic rights*, <https://dbproxy.udallas.edu/login?url=http://dbproxy.udallas.edu:2081/docview/1734389166?accountid=7106> (10.7.2017), pp. 154.

¹² For a discussion of the metaphysical underpinnings of subsidiarity, see Maria CAHILL, “Theorizing subsidiarity: Towards an ontology-sensitive approach,” *International Journal of Constitutional Law*, Volume 15, Issue 1, 1 January 2017, pp. 201–224.

¹³ Pope Leo XIII, *Inimica Vis*, http://w2.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_08121892_inimica-vis.html (10.7.2017), par. 4.

¹⁴ See Pope Leo XIII, *Iampridem*, http://w2.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_06011886_iampridem.html 6 (10.7.2017), par. 6: “As for you, venerable brothers, you are aware of the true *nature* of the Church, of the constitution which its divine founder gave it, and of the *rights* and duties associated with it. Nobody can subtract from or destroy these rights and duties” (emphasis mine).

¹⁵ Pope Leo XIII, *Officio Santissimo*, http://w2.vatican.va/content/leo-xiii/it/encyclicals/documents/hf_l-xiii_enc_22121887_officio-sanctissimo.html (10.7.2017), par. 13.

¹⁶ See Pope Leo XIII, *Libertas*, http://w2.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_20061888_libertas.html (10.7.2017), par. 13: “God. Thus, an effectual barrier being opposed to tyranny, the authority in the State will not have all its own way, but the interests and rights of all will be safeguarded - the rights of individuals, of domestic society, and of all the members of the commonwealth; all being free to live according to law and right reason; and in this, as We have shown, true liberty really consists.”

¹⁷ ANDERSON, 271. See also ARONEY, 20 pp. where he highlights the distinction between Aristotle’s absolute unity and Aquinas’ unity of order.

revived by Pope Leo XIII and his philosophical colleagues at the Roman Academy of St. Thomas Aquinas[.]”¹⁸

It is clear in *Rerum Novarum* (1891) that Leo understands voluntary workers’ associations to have the nature of a real society by virtue of a unity of order. He explains that it is a natural impulse and right for men to come together into societies for particular purposes. One such purpose is to safeguard the rights and interests of workers. Leo explains that associations like the medieval guilds “exist of their own right,” and though “lesser and not independent,” are “nevertheless, real societies.”¹⁹ By lesser, Leo seems to mean that they exist “within the body politic,” and can thus be “prohibited by public authority.”²⁰ Nonetheless, to join societies is a “natural right” which the State must “protect,” and in doing so, is obligated to not “destroy them.”

The State fails to protect these societies when it becomes immediately involved. In other words, by doing more than safeguarding their rights, the State infringes upon the order of such a society:

The State should watch over these societies of citizens banded together in accordance with their rights, but it should not thrust itself into their peculiar concerns and their organization, for things move and *live by the spirit inspiring them*, and may be killed by the rough grasp of a hand from without (emphasis added).²¹

The “spirit” which inspires these societies are the private interests of the members. According to Leo, the State may be appealed to, “should circumstances require, for its sanction and protection,” but suggests that to become involved in the peculiarities of the society or its organization would be “undue interference” on the part of the State. Thus, workers associations each have an animating principle of nature, and thus, are real societies with rights which must be respected and secured by the State.²² Thus, in *Quadragesimo Anno*, when Pius affirms the principle of subsidiarity as found in Leo, calling upon the encyclicals within which Leo recognizes the “private order” and the “private right,” he is reaffirming the understanding that all societies, regardless of level, are ontologically distinct social persons.

Monsignor John Ryan (1869–1945) was an American Catholic moral philosopher who specialized in the study of political-economy. A prolific academic, Ryan spent much of his time explicating the Catholic social encyclicals, while also attempting to reconcile them with the progressive American reforms of the 20th century.²³ Most pertinent to the concerns of this paper is Ryan’s endorsement of the New Deal’s National Recovery Administration (NRA). Although struck down as unconstitutional, the NRA operated briefly under the Federal Government’s National Industrial Recovery Act. As his biographer explains, “Ryan thought he saw Pius XI’s occupational groups realized in the National Recovery Administration, and he served joyously in the NRA in

¹⁸ HITTINGER, 81.

¹⁹ Pope Leo XIII, *Rerum Novarum*, http://w2.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_15051891_rerum-novarum.html (10.7.2017), par. 49-50.

²⁰ *Ibid.*, par. 51.

²¹ *Ibid.*, par. 55.

²² And in no way is the State considered the source of these rights, but rather, must protect the rights of other societies. In *Custodi di quella Fede*, http://w2.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_08121892_custodi-di-quella-fede.html (10.7.2017), par. 7 pp. Leo writes: “The state should be content with the high and noble office of recognizing, protecting, and helping divine and human rights in their harmonious universality. Now, however, the state believes itself almost a judge and disowns these rights or restricts them at will.”

²³ For an historical account of Ryan, see Aaron I. ABELL, “John A. Ryan: An Historical Appreciation,” *The Review of Politics*, Vol. 8, No. 1 (Jan., 1946), pp. 128-134.

1934-1935 and mourned its demise in 1935.”²⁴ During a radio address intended to inspire Catholics to elect President Franklin D. Roosevelt for his second term, “Roosevelt Safeguards America” (1936), Ryan asserts:

The NRA closely resembled the occupational group system for the organization of industry of industry which is advocated by Pope Pius XI. The main difference is that the Pope’s program was the more radical and realistic of the two; for it would give more representation to labor than did the NRA.²⁵

Ryan seemed to think that within the shelter of the federal government, occupational groups would best be able to fix wages, prices, working conditions and the like through a more comprehensive system of “economic planning,” which was not “entirely independent of the government.”²⁶

Rather than investigating the details of the NRA, we will now look to Ryan’s understanding of subsidiarity as found in the papal encyclicals. Echoing Leo, in *The State and the Church* (1922), Ryan distinguishes the nature of the State from that of the Church, according to their distinct ends. The end of the Church, he explains, is to promote the “spiritual and eternal interests of man,” while that of the State is “material and temporal.”²⁷ The Church’s dignity follows from its high end, although both societies are “mutually independent.”²⁸ Moreover, Ryan acknowledges that the State is not the source of the Church or of its rights, as he explains the Church is “not only natural,” but “supernatural.”²⁹

The understanding of the Church as a society distinct from the State is threatened by the Hegelian conception of the State, an understanding which Ryan notes is popular amongst his contemporaries:

For upwards of a century, however, the theory has been upheld by numerous writers on political science, and put in practice by many civil governments, that the State, not the Church, is the supreme social organization in the world. This theory assumes its most extreme and consistent forms in the Hegelian conception of the omnipotent State[.]

According to Ryan, this understanding of the State perverts the relationship between the State and the Church, as well as between the State and private associations:

According to Hegel, the State is the highest manifestation and development of the universal reason; to it all individuals and all social institutions are subordinate, and from it they all derive their importance and the justification of their existence.³⁰

He continues:

From this point of view, the Church appears as not simply the less important of the two great societies, but merely one of the several private associations existing within and subordinate to the State. On the other hand the State is regarded as the highest expression of social life, co-extensive and all but identical with human society itself.³¹

According to Ryan’s interpretation of Hegel, because the State is all-powerful, it absorbs the Church and all other institutions. Here, Ryan seems to suggest that the true understanding of the

²⁴ Francis L. BRODERICK, “The Encyclicals and Social Action: Is John A. Ryan Typical?” *The Catholic Historical Review*, Vol. 55, No. 1 (Apr., 1969), pp. 2.

²⁵ John A. RYAN, “Roosevelt Safeguards America,” <http://cuomeka.wrlc.org/exhibits/show/politics/documents/1936-safeguard> (10.7.2017), pp. 7.

²⁶ See his discussion of occupation groups in John A. RYAN, *Distributive Justice: The Right and Wrong of Our Present Distribution of Wealth*, The Macmillan Company, New York, New York 1941, pp. 340-344..

²⁷ John A. RYAN - Moorhouse F.X. Millar, *The State and the Church*, The Macmillan Company, New York, New York 1922, pp. 39.

²⁸ *Ibid.*, pp. 42.

²⁹ *Ibid.*, pp. 59.

³⁰ *Ibid.*, pp. 39-40.

³¹ *Ibid.*, pp. 40.

social order recognizes that the Church and private associations do not simply exist “within” or “subordinate to” the State, but are somehow distinctive.

Against the Hegelian conception, Ryan asserts that the State is not all-encompassing even within the temporal sphere, but must recognize other societies. He does suggest that, “it is the business of the State to safeguard and promote human welfare in all departments of life,” and to a large extent, he minimizes the Church’s earthly mission.³² Nonetheless, he qualifies his statements by suggesting that the “jurisdiction of the State over ‘human things’” is not “exclusive and complete.” And he here, points to the family, which he suggests is prior to the State and “superior to the State in authority” within “its own sphere.”³³

Ryan’s account of the social order and the principle of subsidiarity hits a weak point when he considers the “lesser societies,” such as occupational or labor organizations. He asserts: “The right to form associations for common advantage is among the rights which men derive from reason and nature.”³⁴ And to suggest that the right of association comes from the State would be to allow the State to “forbid” the associations, which Ryan considers “tyranny and absolutism.” Nonetheless, he qualifies the right to associate, saying:

Of course, the State has a right to regulate and limit the activities of private societies *to the extent that it is necessary for public welfare*, but it has no right to restrict their freedom beyond this point, much less to forbid their existence entirely. [...] It is not a right which may properly be denied or arbitrarily restricted by the State (emphasis added).³⁵

While Leo allows the State to interfere during emergencies or to remedy abuses or failings,³⁶ Ryan suggests that State action should begin when its action is more expedient than private action. He writes:

While all the rights above described have a general claim upon the State for protection, not all of them have an actual claim to adequate protection at any give time. This is a question of prudence and *expediency* (italics added).³⁷

Ryan applies the rule of expediency to the “field of relief,” saying:

Whether and to what extent the State should undertake any of these tasks, is always to be determined by the answer which the actual situation gives to the question: *can the State do the work better, all things considered, than private agencies?* “All things considered,” refers to remote as well as immediate results. For example, it is conceivable that the State might take care of all dependent children more cheaply than could private associations, but this action ought not to be taken if it would lead to a notable decline in charitable feeling, responsibilities, and initiative among individuals.³⁸ (emphasis added).

Ryan’s question of expediency creates a presumption of respect for individuals to form associations, but not a duty on the part of the State to respect any right for continued existence or the right of the society to continue acting in the responsible pursuance of its ends. As long as the State can perform its functions more effectively without too many negative consequences, it is right for it to do so.

³² *Ibid.*, pp. 37 and 52.

³³ *Ibid.*, pp. 196.

³⁴ *Ibid.*, pp. 59. See also pp. 25: “All the foregoing rights should be safeguarded by the State, not only as exercised by the individual, but also as involved in the reasonable scope of associations. Hence the family, the Church and all legitimate private societies have a just claim to protection by the State in the pursuit of all their proper ends. Men have a right to pursue their welfare not only by individual effort but through mutual association.”

³⁵ *Ibid.*, pp. 59.

³⁶ See, for example, Pope Leo XIII, *Custodi di quella Fede*.

³⁷ RYAN, *State and Church*, pp. 226.

³⁸ *Ibid.*, 229.

Ryan's understanding of the rights to form associations does not seem to acknowledge these societies as ontologically distinct group persons. Thus, he does not recognize that the associations themselves possess rights, but only that the members who compose the society have the right to associate with one another (so long as their doing so is expedient). This is likely caused by Ryan's failure to ground his system of rights upon metaphysical principles.³⁹ Late in Ryan's career, in a private letter, he admits: "Of course I do not regard the supernatural order as a kind of a second story, built as if by afterthought on top of the natural order...but I confess that the assumption of no connection between the two except by elevator has always seemed to me rather logical and involving fewer difficulties than the opposite assumption."⁴⁰ In practice, Ryan's principle of subsidiarity seems to recognize the Church, the family, and individuals as social persons with dignity and rights. And with this, he defends the individual's right of association. However, unlike Aquinas, Leo, and Thomas, he fails to acknowledge societies as ontologically distinct beings with rights which must be respected by the State and all other individuals and social persons, thus subjecting subsidiarity to the rule of expediency - so long as the most obvious of rights are not infringed upon.

Ryan may have missed the metaphysical underpinnings of the principle of subsidiarity due to an influence outside of the Thomistic tradition: Richard T. Ely (1854-1943), a German-trained American economist, who is perhaps the most notable progressive intellectual and social gospeler of his time. Leo V. Ryan explains, that most "important was Ely's major influence on John A. Ryan, first through his writings, then as his sponsor and mentor and eventually as his lifetime friend."⁴¹ Ryan's biographer, Francis L. Broderick, explains that Ryan was first introduced to Ely's *Socialism and Social Reform* (1894) as a young seminarian.⁴² Ryan himself commented that he was "predisposed to welcome the ethical element in economic discussions by such a prominent economist as Dr. Ely."⁴³ He continued, saying "I rejoiced, too, in his insistence upon the obligation of Christian teachers and believers to bring their religious principles into their economic practices and relations ... I found this volume [*Socialism and Social Reform*] even more satisfactory and helpful than [Ely's] *Social Aspects of Christianity*."⁴⁴ When Ryan sought to publish his first book, *The Living Wage* (1906), Ely published the work, wrote the introduction, and privately encouraged its distribution.

Ely himself expressed an appreciation of the Catholic social encyclicals, and in 1938, asked Ryan to write a summary of *Rerum Novarum* and *Quadragesimo Anno* to include as an appendix to

³⁹ The metaphysical failings of Ryan's discussion of rights can also be found in his discussion of property ownership. Quite contrary to Aquinas' discussion of property in Question 66 of *Secunda Secundae*, in which Aquinas invokes several metaphysical principles to defend private ownership, Ryan starts "from the principle that the rightness or wrongness of any system of land tenure is determined not by metaphysical and intrinsic considerations, but by the effects of the institution upon human welfare..." While doing so, Ryan makes the test of any institution of property ownership "human welfare," and suggests that the system of private landownership is sufficient insofar as it is the most beneficial according to this end. He does not, however, exclude systems which abolish private ownership, favoring managerial control over one's property or the Single Tax system. Cf. ST II-II, Q. 66, a.1-2 and John A. RYAN, *Distributive Justice: The Right and Wrong of our Present Distribution of Wealth*, The Macmillan Company, New York, New York 1942, pp. 49-54.

⁴⁰ Quoted in Christine F. HINZE, "John A. Ryan: Theological Ethics and Political Engagement," *CTSA Proceedings* (1995), pp. 177-178.

⁴¹ Leo V. RYAN, "American Protestant and Catholic Social Concerns circa 1890 and The Ely-Ryan Relationship," *Review of Social Economy*, Vol. 49, No. 4 (1991), pp. 523.

⁴² Francis L. BRODERICK, *Right Reverend New Dealer: John A. Ryan*, The Macmillan Company, New York, New York 1963, pp. 21.

⁴³ Quoted in Leo V. RYAN, pp. 525.

⁴⁴ *Idem*.

his autobiography.⁴⁵ Ely likely understood the encyclicals through Ryan's interpretive lens, for Ryan remarked in his autobiography that what he found in Pius' *Quadragesimo Anno*, he had found decades earlier in Ely's books.⁴⁶

Like Ryan, Ely rejected the metaphysical as the basis for natural world. While acknowledging some connection between the higher and the lower, he represents an inversion of Thomistic thought, stating that "the higher has the basis in the lower life."⁴⁷ Failing to recognize a rule beyond nature, Ely fails to acknowledge an ontological distinction between societies, and seems to recognize only two persons: the individual and the State.

Ely's guiding principle is what he refers to as the "ethical aim," which he defines as the "the full and harmonious development in each individual of all human faculties – the faculties of working, perceiving, knowing, loving – the development, in short, of whatever capabilities of good there may be in us."⁴⁸ The ethical aim becomes the "end and purpose of all," which includes the individual, the State, the family, and all additional human societies. To be clear, the ethical aim does not rest upon metaphysical notions, but rather can be found in the "ethical feeling" which Ely believes is inherent in man.⁴⁹

According to Ely, individuals are persons (or organic wholes), but he grants the State a monopoly on group personhood. In the *Social Law of Service* (1896), he writes:

Society is an organism made up of interdependent parts, each one in itself a living organism. We have to work both ways: *downward to the parts, and upward to the whole*. At any moment what can be done will find fixed limits in the character of the individuals who comprise the whole.⁵⁰

Here, Ely seems to suggest that there are two basic organisms (or persons) which make up society: the individual and the State. While the individual represents a part of the State, he is also a whole organism independent of the State. A necessary element of being an organism seems to be having one's own end. In *An Introduction to Political Economy* (1889), he writes:

At the same time society differs from many other organisms in the fact that its separate parts are themselves organisms, and that each of these parts has a purpose and a destiny of its own. Society is composed of individuals, but individuals find their true life in society.⁵¹

Ely is here addressing each individual as a distinctive organism. By acknowledging that each individual has a "purpose and destiny of its own," Ely implies that the individual is not simply absorbed into the State (into the whole). Similarly, in *The Social Law of Service*, Ely writes that, "Each man is to be treated, not as a means to an end, but as an end in himself; each man is to be given the best opportunities for the development of all faculties[.]"⁵² Thus, the individual is an organic whole, because he has his own distinct purpose or end.

Along with persons, Ely considers the state to be an organism, and thus, he concludes that the "State is a moral *person*"⁵³ (emphasis added). The State finds its purpose in the nature of man, but unlike the individual who is limited to his own fulfillment, the State's purpose is to bring about

⁴⁵ Richard T. Ely, *Ground Under our Feet*, The Macmillan Company, New York, New York 1938, pp. 93-94.

⁴⁶ See Leo V. RYAN, pp. 529.

⁴⁷ ELY, *Ground Under our Feet*, pp. 75 pp. See also Richard T. ELY, *Social Aspects of Christianity*, The Macmillan Company, New York, New York 1887, pp. 64: "Some have gone so far as to make salvation consist in ceremonies, obedience to the dictates of priestcraft, in some sort of magic, or in a feeling of the emotional nature, and as stated, even in intellectual assent to a species of metaphysics. What have all these things to do with conduct?"

⁴⁸ ELY, *Ground Under Our Feet*, pp. 67. See also *An Introduction to Political Economy*, Chautauqua Press, New York, New York 1889, pp. 123-125..

⁴⁹ See, for example, ELY, *Introduction to Political economy*, pp 67-68.

⁵⁰ Richard T. ELY, *Social Law of Service*, Eaton & Mains, New York, New York 1896, pp. 252.

⁵¹ ELY, *An Introduction to Political Economy*, pp. 14.

⁵² ELY, *The Social Law of Service*, pp. 270.

⁵³ *Ibid.*, pp. 92.

the full development of all individuals consistent with the “general welfare.”⁵⁴ As such, the State is coextensive with the whole of the “nature and the needs of man.” Although Thomistic philosophy recognizes that the State is directed to the good of man, because Ely fails to recognize the ontological status of other social persons, as we shall see shortly, his State comprehensive in aim, and is not limited by the principle of subsidiarity (or any other principle).

Because the State is directed to the ethical aim, it is, according to Ely, an organic and moral person. However, as we have seen, Ely understands the “end and purpose of all” to be the ethical aim. Why then does he not extend moral or organic status to other societies? Our answer can be found in Ely’s discussion of the relationship between the Church and the State, in which he explains:

Church and State are much alike in their nature and in their purposes, and it is because they are so much alike that there has been so much conflict between them..... It has been held by some Protestants, like the Lutheran Rothe, that the State in idea is the Church, and that when the perfect State comes it will be the Church. He of course speaks of an idea to be realized in a distant future, but he distinctly states that the Church must decrease and the State increase. This doctrine cannot be elaborated in this place, *but it may be asked what need there is of a separate institution for righteousness when the whole of social and individual life and all institutions are permeated with the Christian spirit.*⁵⁵

Although Ely recognizes that society has not yet developed to the point at which State and Church can become one, he does not object to such an idea in principle, for the purpose of each is the same, is the ethical aim. Although the State and Church share the same purpose, Ely insists upon the superiority of the State, writing in the *Social Law of Service* that, “God works through the State in carrying out His purpose more universally than through any institution; that it takes the first place among His instrumentalities.”⁵⁶ Because the State is more universally capable of realizing the ethical aim, the State is an organic moral person. All other societies, including the Church, may in principle be assumed by the State.

For Aquinas and the social encyclicals, the paradigmatic example of ontologically distinct societies is the State-Church relationship. It should come as no surprise that if Ely denies the natural distinction between the State and the Church, that he would also fail to recognize that voluntary societies, such as workers’ associations, have their own distinct ontological status. In *An Introduction to Political Economy*, Ely suggests that once economic society reaches the trade and commerce stage, this “life becomes a real organism”⁵⁷ Although the economic life (or the whole of social life) has become an organism, the individual workers groups are not. Rather, he identifies them as classes: “Guilds of free men are gradually developed, and these foster the growth of trades and commerce... [...] Writers, teachers, and arts are found as classes in the economic organism.”⁵⁸ These societies help to make up the social whole, but unlike individuals and the State, they do not themselves constitute an organic whole.

Without recognizing an ontological distinction between societies, Ely need not recognize the rights of any society, and thus, there is no place for the principle of subsidiarity in Ely’s account. In *An Introduction to Political Economy*, he writes: “There seems in the *nature of things* no more reason why the State should do one thing rather than another except that it is more useful”⁵⁹

⁵⁴ *Ibid.*, 119.

⁵⁵ *Ibid.*, 172.

⁵⁶ *Ibid.*, 163.

⁵⁷ ELY, *An Introduction to Political Economy*, pp. 49.

⁵⁸ *Idem.*

⁵⁹ *Ibid.*, pp. 87.

(emphasis mine). The State is unlimited in principle, and utility and expediency become the rules of action. He elaborates:

It is simply necessary to show that a thing is useful to justify it. If God is the source of authority and the justification of government, its ultimate ground, then let some one [sic] show any other limitation than expediency which He has established to the functions of government.⁶⁰

And he brazenly asserts: “It is seen in general that there is no limit to the right of the State, the sovereign power, save its ability to do good. Duty, function, is co-extensive with power.”⁶¹ Thus, because the purpose of the State is to bring about the complete development of all individuals, it has a right to do so. And because all other groups are directed to the ethical aim, but are not themselves organic wholes, they may assist the State in realizing its end. However, insofar as the State can perform those functions more expediently, it need not recognize any principle save utility and expediency.

Although Ely’s State has a comprehensive right and power, he does recognize a need for individual and cooperative voluntary agency.⁶² Moreover, he allows for a principle which resembles subsidiarity as articulated using the language of “higher” and “lower” societies:

It may be further said in general that the fundamental principle, the basis of the economic life of modern nations, is individual responsibility. It is designed that each grown person should feel that the welfare of himself and of his family, if he has one, rests upon himself. The State enters where his powers are insufficient...⁶³

While Ely has no intention of overthrowing the agency of the individual, the stability of the family, the Church, or other private institutions, he does so in the name of utility in the service of the ethical aim.⁶⁴ This is not a principled limitation, but a prudential determination of what is most useful to be made by the State. The ontological dimension of subsidiarity is gone, and with it, the rights inherent in each society as group person. Subsidiarity loses its very foundation, and thus, its force. Expediency rules the day, and the guild system can be swiftly taken from the hands of the workers and assumed as a function proper to the State. In light of our discussion, it seems that as a reader and interpreter of Aquinas and the papal encyclicals, Monsignor John A. Ryan should held suspect. And contrary to Ryan’s remark, it is unlikely that we will find the teachings of *Quadragesimo Anno*, most especially the principle of subsidiarity, in the works of Richard T. Ely. However, it does seem plausible that the problems we find in the writings of Ely, we will also find expounded by Ryan.

⁶⁰ *Ibid.*, pp. 89.

⁶¹ *Ibid.*, pp. 92.

⁶² See ELY, *Social Law of Service* 183, 202, and 208.

⁶³ *Ibid.*, 92.

⁶⁴ *Ibid.*, 183, 194, and 208.