

SUBSIDIARITY AND A FREE SOCIETY

Opponents of collectivism will find a rich resource in Catholic doctrine.

“The Principle of Subsidiarity is opposed to all forms of collectivism. It sets the limits for state action.”

—*Catechism of the Catholic Church*, par. 1885

One of the key principles of Catholic social thought is known as the principle of subsidiarity. Basically, this tenet holds that nothing should be done by a large, complex governing order when a smaller, simpler order will suffice. Subsidiarity, understood in this sense, is opposed to forms of centralisation, bureaucratisation, and welfare assistance, which ultimately deprive citizens of their responsibility toward themselves, their families, and their societies. Rather, the concept supports personal freedom and responsibility as much as a proper balance between the public and private spheres, resulting in the recognition of the common good inherently promoted through the spontaneous actions and interactions between free and responsible individuals. This principle is therefore a bulwark of limited government and personal freedom. As such, subsidiarity conflicts with the centralization and bureaucratization that are characteristic of the so-called “welfare state.”

Defining Subsidiarity

The word subsidiarity derives from the word “subsidiary,” which in turn has its roots in the Latin word *subsidium*. In simple terms, subsidiarity means “help” or “assistance,” implying, among other things, that a higher governing order such as the modern state has an obligation to help or assist individuals and lower social groups to flourish, not to swamp or absorb them. Despite similarities with Calvinist



Dr. Augusto Zimmermann is chair in legal theory and constitutional law at Murdoch University School of Law, president of the Western Australian Legal Theory Association, and co-author of *Global Perspectives on Subsidiarity* (Springer, 2014). A version of this paper was presented at a seminar held by the Christopher Dawson Centre at the University of Tasmania School of Law on 30 January 2015.

teaching and its well-known concept of “sphere sovereignty,”[†] subsidiarity is regarded as a cornerstone of the social doctrine of the Catholic Church, although it has deeper roots and derives primarily from the natural law tradition. As a principle of Catholic social philosophy, subsidiarity was first introduced in the encyclical *Rerum Novarum* (1891) and was enunciated in subsequent encyclicals such as *Quadragesimo Anno* (1931) and *Mater et Magistra* (1961). In *Quadragesimo Anno*, Pope Pius XI outlined the principle as follows:

Just as it is gravely wrong to withdraw from the individual and commit to the community at large what private enterprise and industry can accomplish, so, too, it is an injustice, a grave evil, and a disturbance of right order for a larger and greater organisation to arrogate to itself functions which can be performed efficiently by smaller and lower bodies. This is a fundamental principle of social philosophy, unshaken and unchangeable. Of its very nature the true aim of all social activity should be to help individual members of the social body, but never to destroy or absorb them.

More recently, in *Centesimus Annus* (1991), Pope John Paul II stated that human nature “is not completely fulfilled in the State, but is realised in

various intermediary groups, beginning with the family, including economic, social, political, and cultural groups which stem from human nature itself and have their own autonomy.” The encyclical goes on to explain that the “malfunctions and defects” of the welfare state are the direct result of an “inadequate understanding of the tasks proper to the state.” John Paul II concludes:

The principle of subsidiarity must be respect[ed] [so that] a community of a higher order should not interfere in the internal life of a community of a lower order, depriving the latter of its functions, but rather should support it in case of need and help to coordinate its activity with the activities of the rest of society, always with a view to the common good. ... In fact, it would appear that needs are best understood and satisfied by people who are closest to them and who act as neighbours to those in need.

Subsidiarity, therefore, is about placing rightful limits on governmental action. It is about providing certain moral and practical functions to the lower orders that are essential to a well-functioning society. By contrast, the opposite of subsidiarity is analogous to an organic state whereby the central government regulates and controls all aspects of life, thus hindering freedom and economic prosperity.

[†]In 1880 Abraham Kuyper developed the concept of “sphere sovereignty.” Kuyper—a Dutch theologian, academic, and politician—believed that God was present in ‘every sphere of life’ and that, consequently, each sphere—for example, ‘family life, economic life, churchly life, sports’—must be sovereign. According to Kuyper, the individual may operate in several spheres at once, for example, as ‘a member of a church, a citizen of the state, and a participant in any number of social spheres. In all these aspects of life, the basic convictions of the Christian faith would direct his or her activities.’ See Kent A. Van Til, ‘Subsidiarity and Sphere-Sovereignty: A Match Made In...?’ (2008) 69 *Theological Studies* 610, 619-626. According to Lael Daniel Weinberger, sphere sovereignty and subsidiarity are fundamentally self-complimentary concepts, each recognising a distinct aspect of social relationships within a healthy, functioning society. As he points out, ‘sphere sovereignty, like subsidiarity, offers a vision of institutional and social pluralism. Sphere sovereignty originates from a different theological tradition than subsidiarity and there are doubtless areas where sphere sovereignty’s reformed theological tradition leads to a different emphasis and distinct theological formulations from that found in the Catholic tradition. Notwithstanding the differences, sphere sovereignty and subsidiarity complement each other by fleshing out two important sides to social pluralism. Subsidiarity focuses on the relationships between larger and smaller, “greater” and “lesser,” organisations. Sphere sovereignty focuses on the relationships between organisations with distinct purposes, regardless of their size or position on a chain of command. Both the horizontal and the vertical aspects are important components of any well-functioning, diverse society.’ See Lael Daniel Weinberger, ‘The Relationship Between Sphere Sovereignty and Subsidiarity,’ in Michelle Evans and Augusto Zimmermann, *Global Perspectives on Subsidiarity* (Dordrecht: Springer, 2014) 115.

The Role of Government

Christians cannot discuss the proper role of the state without first acknowledging that every governing order is a divinely ordained institution with multiple tiers of governance that God established for the benefit of humanity. The reason for this plurality is simply that God wishes his people to be free. Such plurality provides checks and balances against the abuse of governmental power. Tyranny occurs when the central government goes outside its proper sphere of action since the delimitation of centres of power leaves to the higher orders, the higher circles, only what cannot be done by the lesser circles of power.

Although subsidiarity is not a blanket call to strengthen the local power, it is positively a call for a more effective balance between different orders. As it is focused on the auxiliary role of the central government, subsidiarity implies that the governing orders with greatest proximity to the individual should always be prioritized. Implicit in such an idea is the assumption that the local power can perform most activities and community services just as efficiently as a more distant order of government, if not more so. As noted by Anne Twomey in 2008 in the *Federal Law Review*:

Subsidiarity provides that functions should, where practical, be vested in the lowest level of government to ensure that their exercise is as close to the people as possible and reflects community preferences and local conditions. ... The principle of subsidiarity places the onus on those who seek to place a function with a higher level of government to make the case for it.

This plurality of orders consists of different realms of governance, each having its proper limits of responsibility and jurisdiction. The first foundational form of government is personal self-government, based on the autonomy of individuals and guided primarily by the natural law of liberty. The family is the next type of government instituted by God, established as the first government in the life of the child. Finally, there is also the civil government that is ordained by God to maintain a right

and just environment whereby freedom can flourish.

In this context, St. Paul declared in his letter to the Romans that civil authorities are a cause of fear not to those who do good but to those who practice evil: “For government is God’s servant working for your good. But if you do what is wrong, you should be afraid. The government does not bear the sword for no reason. It is God’s servant, an avenger to execute God’s anger on anyone who does what is wrong” (Romans 13:4).

Every Western democracy has now erected a massive welfare state that is notoriously expensive and inefficient. Although government aid can do some good for those needing a temporary boost to get back on their feet, nonetheless it has created a huge and expensive bureaucracy that is sustained by a permanent underclass of chronically poor people and their families. Arguably, such assistance provided by the welfare state cannot eliminate the more pressing moral and spiritual needs that lie at the heart of every dysfunctional behaviour. Sometimes what the recipient of welfare really needs from the surrounding culture is a strong message of work and sobriety.

“Government aid can actually make things worse,” writes American author Nancy R. Pearcey.

By handing out welfare checks impersonally to all who qualify, without addressing the underlying behavioural problems, the government in essence “rewards” antisocial and dysfunctional patterns. And any behaviour the government rewards will generally tend to increase. As one perceptive nineteenth century critic noted, government assistance is a ‘might solvent to sunder the ties of kinship, to quench the affections of family, to suppress in the poor themselves the instinct of self-reliance and self-respect—to convert them into paupers.’[†]

In this sense, the philosophy of statism appears to create a profound distortion of the natural order of liberty. Indeed, a highly centralised government that claims to provide everything for the citizen ultimately affects private initiative and responsibility. Pope Benedict XVI in *Deus Caritas*

Est (2005) expressed the objection to this presumption, stating:

There is no ordering of the State so just that it can eliminate the need for a service of love. Whoever wants to eliminate love is preparing to eliminate man as such. There will always be suffering which cries out for consolation and help. There will always be loneliness. There will always be situations of material need where help in the form of concrete love of neighbor is indispensable. The State which would provide everything, absorbing everything into itself, would ultimately become a mere bureaucracy incapable of guaranteeing the very thing which the suffering person—every person—needs: namely, loving personal concern.

We do not need a State which regulates and controls everything, but a State which, in accordance with the principle of subsidiarity, generously acknowledges and supports initiatives arising from the different social forces and combines spontaneity with closeness to those in need.

Unfortunately, people today are naturally inclined to look on government aid as a right, regarding themselves as entitled to such public assistance. This prevents them from considering their self-worth and making attempts to preserve their self-respect. The philosophy of statism unmistakably discourages any such virtues.

The moral costs of statism are, perhaps, in no other field more visible than in the field of family policy. Although the family serves as a primary means of acculturation and transmission of values from generation to generation, family ties in today's societies are so weak that fewer people think they ought to help their family members. As a result, people in distress no longer expect to obtain much help this way. Rather than addressing

these problems, public policy seems to have further destabilised the family with disastrous consequences. For example, the last few decades have seen the dramatic proliferation of laws allowing the unilateral dissolution of the marriage contract. By making divorce easily available and purely personal, the state has transformed marriage into a legal absurdity that denies the doctrine of responsibility and holds no inducements to personal misconduct. Since we are all sinners by nature, these inducements provide a strong temptation for selfish and unethical behaviour. Whenever and wherever the family breaks down, of course, the state must step in as a substitute for the dysfunctional family. Hence the gradual increase of the state's jurisdiction over the family.

Conclusion

In Catholic social theory, subsidiarity is premised on empowering the individual with decision-making “carried out as close to the citizen as is viable,” according to the *Encyclopedia of European Law*, Hunnings (ed.) (Sweet & Maxwell, 1998), or, in simpler words, at a grassroots level. That being the case, the Pontifical Council for Justice and Peace has written, “intermediate social entities can properly perform the functions that fall to them without being required to hand them over unjustly to other social entities of a higher level, by which they would end up being absorbed and substituted, in the end seeing themselves denied their dignity and essential place.”

A hierarchy of orders is necessarily established, consisting first of the individual as a self-governing entity endowed with God-given inalienable rights to life, liberty, and property, followed by the individual's family, the local community, the Church, and finally the State. But since an entity of the higher order must be limited in favour of matters being resolved at the lowest possible level, assistance by that order should morally elevate the recipient of aid and not reinforce unnecessary dependence that offers little incentive for self-responsibility and discipline.

† Nancy R. Pearcey, *Total Truth: Liberating Christianity from its Cultural Captivity* (Wheaton/III: Crossway, 2004) 61.