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Social Policy in a Christian Frame of Meaning

A World-View, Ethic and Theoretical Framework for the Analysis, Choice, & Design of Social Policy

A thesis presented in partial fulfilment of the requirements for the degree of

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in
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ABSTRACT

This thesis is about how one might think, read, and approach, the analysis, choice, and design of social policy from a Christian world-view, ethic, and theoretical framework.

This theoretical, normative, and explorative study is based on the propositions that all polities operate within some kind of frame of meaning, and that all social judgement is ultimately influenced by the presuppositions contained in one's broader world-view. In response, the thesis examines the Christian Realist, the Reformed/neo-Calvinist, and the Catholic social teaching traditions as contributors to the development of a Christian communitarian theoretical framework.

Upon the exploration of the social, political, and moral theory, and the theological underpinnings of these three Christian traditions, this thesis approaches the theory eclectically focusing primarily on their mutually supportive aspects. The study finds a triangular relationship between the three traditions, such that each tradition supplements, informs, and complements the other. The Realist tradition maintains a consistent account of human nature and vitality, explicating human self-interest and power in social life, and thus appends both the Reformed and Catholic traditions. The Reformed tradition complements the Realist and substitutes Catholic social theory with a systematic theory of the structure of society. Moreover, the Catholic tradition provides the Reformed and Realist traditions with the systematic moral and ethical ends to which Christian social action ought to be orientated.

The study also develops an approach to social policy indicative of the major ethos and orientation that characterises each tradition. The study therefore approaches the analysis of social policy from a responsible and realist frame of mind, recognising the plural nature of distinct spheres and jurisdictions within society, whilst maintaining a compassion for, and the centrality of, the human person.

After orchestrating the theory into the construction of a Christian theoretical and normative frame, the study seeks to apply and utilise the Christian frame for

the analysis, choice, and design of social policy. In response, the investigation examines a method for the inquiry of political frames of meaning (frame-critical policy analysis), employing the normative Christian communitarian frame as a counter-system. This policy analysis method dialectically critiques contesting policy viewpoints as grounded in their wider ideological social choice.

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Chapter One

INTRODUCTION

The Nature of a "Frame of Meaning" in Social Policy

This thesis is about how a Christian frame of meaning might inform and be utilised as an interpretive world-view for social policy. It is underpinned by the idea that all polities operate within some kind of frame of meaning, world-view, or political ideology. Indeed, the very way public policies are conceived is shaped according to one's world-view. Whilst the Christian faith is not a political-economic ideology, it is a religious world-view, which invariably influences the way a Christian frames their view of political, social and economic phenomena. As such, this thesis is about social policy in a Christian frame of meaning, examining Christian theological, social, political, and moral theory for the thinking, reading, analysis, choice, and design of social policy.

1. THREE FUNDAMENTAL IDEAS UNDERPINNING THE STUDY

The thesis is underpinned by three fundamental ideas that have defined and guided the development and method of the present study.

Idea #1: The Idea of Perspective

Firstly, the study is underpinned by the notion that all polities function and operate in some kind of world-view, ideology, or frame of meaning, that is, a particular perspective. A world-view, ideology, and frame of meaning are terms for an "interpretive perspective" which names and frames (describes and interprets) the way things are and then suggest the way things should be, possibly prescribing an appropriate course of action. It is a perspective by which one sees reality, interprets what is good and right, what is an appropriate course of action and what is not.

The terms world-view, political ideology, and a frame of meaning, whilst all denoting a particular perspective of reality, are not used throughout the study

interchangeably. Rather, each term is used within the thesis as containing a distinct meaning, that of three different levels of perspective.

A world-view is a holistic view of life, the cosmos, the world and its meaning. It is the pre-existing frame by which we approach philosophical thought, theory or any other scientific endeavour. It is there before one begins a theoretical analysis and therefore is of a pre-theoretical nature. This however does not suggest that a world-view is somehow above or beyond theory and cannot be theorised. Rather, philosophy gives a theoretical account of a life- world-view, but a philosophical perspective in itself is not a world-view. Each fulfils different tasks, and can also be distinguished as describing different categories of intellectual endeavour, with significant points of overlap.

These tasks are distinguished in Dooyeweerdian epistemology (see chapter three). A world-view intuitively comprehends and interprets everyday naive experience as a "whole," whereas analytical thinking (scientific or philosophical) abstracts and distinguishes distinct aspects of reality (Dooyeweerd, 1953, p. 128).[1] Thus a world- and life-view is not restricted to "analytic or philosophical thinkers," but is a holistic and intuitive perspective indicative of every person.

Further, a world-view is organised and underpinned by basic assumptions (or presuppositions),[2] which form a "framework" or an underlying "structure of assumptions." A person's world-view is a collection of basic presuppositions, commitments and convictions about reality, which are held (consciously or unconsciously), and represent a total outlook on life (Hoffecker, 1986, p. ix). Collections of basic presuppositions are the means of integrating and organising, theory (thinking), facts, interests, and action. Differing world-views contain differing foundational assumptions, which are usually contestable in nature, that is, they are highly resistant to resolution by appeal to evidence, research, or reasoned argument (Schon & Rein, 1994, p. xi). These basic world-view presuppositions also underpin theoretical thinking and policy.

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[1] A world-view, however, cannot ever be fully philosophically conceived, as it contains the religious commitment of the selfhood (an attitude of thought) that is *a priori* to philosophical thinking (see chapter three).

[2] A presupposition can be defined as an elementary assumption, basic commitment, or a foundational perspective (DeMar, 1994, p. 30).

The concept of political ideology, on the other hand, clearly encompasses a diverse range of meaning. Putting aside its historical uses, Vincent (1995, p. 16) places the present conceptions of ideology as used in both a negative and positive sense. To some, ideology means a limited illusionary perspective of doctrine or dogma containing a value bias. For others, the term denotes an individual's political perspective comprising of a specific set of views that legitimate the political power of all such political views. Further, ideology can be used to denote the ideas of a political party, a total metaphysical world-view or human consciousness in general, encompassing all beliefs, including art and science.

A political ideology (understood here as synonymous with political philosophy)[3], in contrast to a world-view, is of a more theoretical nature, acting as an interpretive philosophical system or a conceptual frame for social and political life. The term's usage is understood in a positive sense as a theoretical framework being an *interpretive political view or perspective*, which can be held by an individual or a group. Thus the political ideologies that underpin social policy, such as libertarianism, liberalism, socialism, or feminism are understood as theoretical frameworks.

A framework of meaning, or a frame for short, is used in this context as a generic term for a more concrete, situation-specific perspective. It contains both a holistic intuitive world-view and a theoretical framework. A frame is a way to understand the things we say and see and act on in the world. It consists of a theoretical structure of thought, of evidence, of action, of interests and of values, and thus integrates a world-view, theory, facts, interests, and action (Rein, 1983, p. 96) within a specific-situation.[4] An example of a frame of meaning is reflected in chapter six. Each perspective to the debate approaches the "specific situation" (employment relationship) from a holistic intuitive world-view. Each

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[3] The synonymy of ideology and political philosophy is maintained for theoretical purposes to ascertain basic perspectives from which social policy is viewed.

[4] Schon and Rein (1994, pp. 33-34) depict various levels of frames: (1) policy frames - which an individual actor uses to construct the problem of a specific policy situation; (2) institutional frames - a more generic frame from which institutional actors derive the policy frames they use to structure a wide range of problematic situations; and (3) meta-cultural frames - which tend to be associated with traditional political-economic perspectives. These frames each ascend the rungs of a ladder from the most concrete to the more abstract.

perspective includes a belief system encapsulated in a political ideology that frames the position's theoretical thinking. It also includes empirical facts gathered through research, conversations, etc. All these aspects of a frame culminate in the policy implications each position asserts.

Idea #2: Social Policy is Conceived in Terms of One's Political Ideology

The second idea underpinning the study is the notion that it is one's political ideology, acting as a theoretical framework, which determines how social policy is conceptually constructed. What an individual or group sees or does not see, and how they interpret what they see is shaped according to their framework of meaning - their general world-view, ethic, and systematic political ideology. Thus, the theoretical frameworks of social policy are of significant importance in policy debates, as the very way groups and individuals conceive of public policy is framed in ideological terms (Fenna, 1998, p. 27). This is demonstrated in the following quote by Iatradis (1994):

> Assumptions about human nature and behavior are associated historically with distributive justice, the prevailing power structure, and the economic relationships of production, distribution, and consumption.... It is also no surprise that capitalism supports the free market, economic individualism, private enterprise, limited welfare transfers, and minimal governmental intervention, or that of socialism supports collectivism, public enterprises, governmental control of market functions, and the welfare state. Assumptions about social organization and human behavior tend to justify a society's institutional arrangement and public social policy. (Iatradis, 1994, pp. 35-36)

Of the various definitions of "political ideology" surveyed, the thesis found each definition to consist of a number of distinct components:

1. They are a belief system of concepts, values, and symbols (Christenson, Engel, Jocobs, Rejai, Waltzer, 1975; Fischer, 1995; Vincent, 1995);

2. They contain a central concept of human nature indicating what is possible and what is desirable i.e. the good society. They also contain critical reflections on the nature of human interaction and society (Christenson, *et al.,* 1975, Fischer 1995; Vincent, 1995);

3. They assume a value system to which humans ought either to reject or aspire to (Henare 1999, Vincent, 1995);

4. They explain and justify a preferred organisation of political order or technical arrangement, and offer a strategy (process, institutions, programmes) for its attainment. This serves as a legitimation of certain activities or arrangements (Christenson *et al.,* 1975; Vincent 1995); and

5. They assume an interpretation of the past, an explanation of the present, and a vision of the future that both *describes* and *prescribes* human action. A political ideology therefore contains both normative and prescriptive elements (Christenson *et al.,* 1975; Henare, 1999; Vincent, 1995).

From these identified components of political ideology this thesis articulates four distinct categories and themes, acting as the structural fabric and framework, for which to organise the Christian social, political and moral theory canvassed in this thesis. The Christian theoretical frame of reference developed in this thesis therefore contains the following elements:

1. A Christian conception of human nature;

2. Critical reflections of the nature of human interaction and behaviour in communal life;

3. A normative account of the technical and institutional arrangements to organise social, economic, and political life; and

4. The values and ethics that ought to orientate human behaviour.

It is important to reaffirm that these four components of political ideology are the basis for which the development of the Christian theoretical frame, summarised in chapter five, is organised.

Idea #3: All Social Judgement (Scientific or Political) is Ultimately Influenced by One's Presuppositions

The third idea underpinning the thesis is that the presuppositions which inform one's world-view, cannot be detached from the person, as the human person is a creature whose rational, vital and religious capacities are in an organic unity (thus a Christian presupposition of human nature). In terms of the present

study, this means that no intellectual inquiry is wholly neutral, or is an uncommitted viewpoint free from one's own presuppositions and self-interest. A person's assumptions and values will invariably influence in some way the starting point, the methods used, the goals sought, the materials examined and the results obtained (Hoffecker, 1986, p. xii). Thus Niebuhr (1960) writes:

> Man is a creature whose rational and vital processes are in organic unity, and there is "no scientific method" by which he can escape from the hopes, fears, ambitions, and anxieties of his own individual existence or those of his nations, civilization, or ethnic group. Thus opinions which men and groups hold of each other and the judgements which they pass upon their common problems are notoriously interested and unobjective. While the ideological taint upon all social judgements is most apparent in the practical conflicts of politics, it is equally discernible, upon close scrutiny, in even the most scientific observations of social scientists. (Niebuhr, 1960, pp. 43-44)

This also implies that no inquiry can be undertaken without the presuppositions of some theoretical frame or world-view. Quite explicitly then, this investigation is undertaken with a basic commitment to a Christian world-view, such that social judgements are understood from the basic starting point and presuppositions of the Christian faith. Further articulation of these assumptions will be stated explicitly throughout the thesis.

2. RESEARCH PURPOSE, OBJECTIVES & QUESTIONS

From these three fundamental ideas, the primary purpose of the study is to think, read and approach the analysis, choice and design of social policy from a Christian frame of meaning. This purpose can be further broken down into two primary objectives/research questions, which have founded and guided the development of the study.

1. Given I have a Christian world-view and ethic, how do I think and reflect about social policy (in a theoretical and normative sense)?

2. Given that I start from inherently Christian presuppositions, and have developed a theoretical framework; how do I relate the Christian theoretical framework developed, to the analysis, choice and design of social policy?

The investigation, thus, makes a simple progression. It begins with a pre-theoretical *world and life-view* based on the Christian faith, which contains many of the basic presuppositions contouring a Christian view of the world. The study then moves to examine Christian social, political and moral theory for the development of a *theoretical framework*. This world-view and theoretical framework contained in a *frame of meaning* is developed, utilised and applied in the analysis of a concrete policy situation.

3. THE NATURE OF THE STUDY

The nature and character of the research can be described in three distinguishing terms: as theoretical (theological and philosophical), normative, and explorative.

Firstly, the present investigation is entirely composed from theoretical sources and explicates three significant and substantial bodies of social, political and moral theory. Whilst theological concepts are frequently made reference to, the study deliberates primarily on philosophical grounds of social theory. The study is philosophical in the sense that it focuses on root ideas and basic presuppositions of contending perspectives to a policy situation. As is apparent in chapters five and six, the study demonstrates that the approach is about the ideas that shape and drive social policy, normatively examining these ideas against a Christian communitarian frame of meaning.

Secondly, the investigation is a normative study, concerned with what ought to be, rather than what is. It sets out what conditions and arrangements ought to exist if given social goals and values are to be attained. As a normative study, it considers social policy from the rules and principles of a particular Christian frame of meaning that serve as a criterion for the evaluation and analysis of social policy.

The investigation is also characterised as exploratory research, in that it attempts to explore and seek out significant and influential Christian thought on the social order. In conducting exploratory research, one usually begins with a very limited perspective of the subject matter and, as in this case, the investigation began with very little idea of what the finished product would look

like, or any definitive concept of what was to be researched. The study did, however, distinctly seek to examine social policy from a Christian perspective. The investigation's explorative nature also gives the research a more general overview, sacrificing depth for the purposes of gaining greater breadth.

4. RESEARCH METHOD

Whilst it is important to consult the evidence of "things themselves" (empiricism) it has been a common illusion that an "objective social science," characterized by the autonomous, incontrovertible, and self-evident facts, is possible (Niebuhr, 1960, p. 49). As already established, inquiries cannot be undertaken without presuppositions or the conceptual schemes of a "framework of meaning." As such, Niebuhr (1960, p. 49) ascribes these conceptual schemes as the hidden dogmas, of which their necessity reveals the impossibility of observing the "things themselves" without a frame of meaning for the inquiry. Consequently, it is unworkable to examine the details of the human picture without assuming a normative framework of meaning for the details.

As already indicated, this thesis is concerned not so much with the "things themselves" but with the normative frame of meaning. It is about developing a normative framework for which empirical data is to be interpreted. This particular inquiry therefore examines the frame of meaning itself, that is, the theoretical underpinnings as based on Christian dogma. As such, this necessitates the examination of Christian theoretical sources for the compilation of a Christian frame of meaning. It is for these reasons, that I have chosen a largely theoretical option.

In response, the approach of the research is to survey and explore the social, political, and moral theory of three Christian traditions in a critical and theoretical triangulation. This approach reconciles, as much as practicable, each perspective through their interaction into a broader "Christian" perspective.

The purveyance of three Christian traditions for the construction of a theoretical frame (synonymous with political ideology/philosophy) will invariably mean points of convergence and divergence exist between the traditions. Thus the thesis takes an eclectic approach to the theory, reconciling the aspects of each

that are complementary. This is fitting for the construction of a theoretical frame, as most political philosophies are never purely "socialist" or "liberal," but contain a conjunction of intellectual hybrids (Vincent, 1995, p. 19).

The advantage of a theoretical study is the ability to achieve a relatively extensive breadth with regards to the subject matter. This is consistent with an overall normative nature of a political philosophy/ideology. Also, the method of theoretical triangulation enables a cross-examination of three distinct Christian perspectives, utilising each as a substantive contributory to the theoretical framework, but also, and where applicable, as a theoretical counter-system with which to assess the other.

Nonetheless, the consequences of such a theoretical approach is a reliance on documentary sources, which necessarily circumscribes the type of data that can be drawn upon. Also the relative dearth of published information (particularly in New Zealand) relevant to this work is such that the thesis relies quite heavily, at times, on a limited number of sources.

5. STRUCTURE OF THE THESIS

The thesis is structured very simply in two parts and in accordance with the two research questions. Part one examines the first research question: given I come from a Christian world-view, how do I think and reflect about social policy? To this end, the focus of part one is to develop a Christian theoretical framework from which to think, read, and approach social policy. It therefore reviews and briefly sketches the theological, social, political, and moral theory of three Christian traditions - the Christian Realist tradition, the Reformed/neo-Calvinist tradition, and the Catholic social teaching tradition. Each tradition brings valuable contributions to the construction of a Christian theoretical frame for social policy.

Whilst each tradition contributes and comments on each element of the theoretical framework, each tradition also displays a particular strength and articulates more systematically or more insightfully one particular component, than do each of the other traditions. As such, the Christian Realist tradition excels in the Christian concept of human nature, providing deep insight into

individual and collective behaviour in the struggle for power. The Reformed tradition is unsurpassed in its systematic institutional and organisational social theory, whilst the Catholic tradition focuses like no other on the moral components of society, thus explicating most systematically a Christian social ethic. Each tradition's speciality, therefore, contributes in consecutive order to each component of the theoretical framework as articulated above.

Each of the three chapters articulating the three traditions in part one contains a similar structure. Beginning with a brief outline of the origin and nature of the tradition under examination, they then progress to collate and delineate their respective social, moral and political theory, beginning with human nature, a view of society and the state, whilst moving towards the tradition's moral and social ethics. Implications for social policy are drawn throughout the theory or at the end of the chapter. Each tradition is, finally, briefly critiqued and assessed. For the sake of focus, I have tended to identify the major proponent of each tradition (except the Catholic tradition) and have focused almost exclusively on the ideas of that particular theorist. However, each tradition is unique, and I have therefore maintained flexibility in my structural organisation, to incorporate the distinctive features of each tradition. Needless to say, no tradition is ever completely internally coherent, and there are many points of contest and debate within each tradition.

Chapter two focuses on a Christian view of human nature and attempts to ascertain critical reflections of human interaction and needs derived from this conception of human nature. The chapter understands that central to all political ideologies/philosophies is its philosophical anthropology. It is therefore appropriate that the first of the three traditions canvassed should elaborate more specifically a Christian perspective of human nature. Foremost amongst Christian thinkers to articulate Christian theological/philosophical anthropology is Reinhold Niebuhr of the Christian Realist tradition. As the tradition's name suggests, it provides a realistic perspective to the theoretical framework. The chapter focuses exclusively on the political and moral philosophy of Reinhold Niebuhr, and is organised in two sections, according to the political and moral components of his thought.

Chapter three attempts to enunciate a Christian normative account of the technical and institutional arrangements from which to organise social,

economic and political life. Pertinent to all political ideologies are justifications of and preferred organisations of political, economic, and social spheres, thus influencing the process, institutions, and programmes of social policy delivery. The chapter therefore draws upon a particular strain of philosophy within the Dutch Reformed/neo-Calvinist tradition, given its most systematic form in the cosmonomic and sociological philosophy of Herman Dooyeweerd. Dooyeweerd is a significant thinker who grounds his general philosophical work in a Calvinist cosmology and epistemology. From the distinctive starting point of this broader Calvinist world-view, Dooyeweerd begins his philosophical treatment of law, society and the state as contained in the principle of sphere sovereignty. The chapter elaborates Dooyeweerd's treatment of sphere sovereignty within an extensive structural law-framework, and discusses its implications for social policy.

Chapter four undertakes the fourth component of the theoretical framework, and that to which all political ideologies are orientated - the social values and ethics that humans ought aspire to. The chapter construes a Christian appraisal of the values and ethics that ought orientate human behaviour as contained within the Catholic social teaching tradition. These teachings, limited to the official papal encyclicals, are understood as the most systematic and widely accepted (in New Zealand) account of Christian social ethics. The chapter briefly contours the development of the tradition, its traditional (Thomist) social theory, and organisational principles for institutional arrangements. Foremost, however, the chapter enunciates a number of Christian ethical themes and moral ideals. The chapter closes with a brief comparative analysis of the three traditions. This completes part one.

Part two builds upon this theoretical milieu, and is germane to the second of the two research questions: given that I start from inherently Christian presuppositions, and have developed a theoretical framework, how do I relate the Christian theoretical framework developed to the analysis, choice and design of social policy? This question is thus undertaken in the chapters that follow.

Chapter five articulates the Christian theoretical framework as a "Christian communitarian frame" and orchestrates the theory obtained from the three traditions into a more comprehensible and condensed form. The second part of

the chapter, responding to the second research question, then attempts to develop a method for the engagement of the "Christian communitarian frame" in the analysis, choice and design of social policy. The chapter develops the idea of a "frame-critical analysis" asserting a four-step dialectical critique with which the Christian communitarian frame, acting as a counter-system, engages with the political frames party to a policy debate.

Chapter six utilises, illustrates, and applies the model developed in chapter five, to an analysis of a recent policy issue - the provisions governing the employment relationship, and as contained in the Employment Relations Act 2000. The chapter first examines briefly the historical milieu from which the current debates are situated, and then proceeds to frame the market-liberal and social-democratic perspectives of the employment relationship. The Christian communitarian theoretical frame, acting as a counter-system frame of reference, subjects the contesting frames to a dialectical critique, examining the two viewpoints in three stages. Firstly, their choice of basic presuppositions as contained within their conception of human nature and basic political ideology; secondly, their choice of technical institutional arrangements; and thirdly, their choice of social values to which the provisions are oriented. From this critical assessment, the chapter develops a Christian communitarian view of the preferred objectives for employment relations law.

Chapter seven concludes the thesis with a brief overall summary of the findings that have become evident while undertaking the research. This is conducted in a cross-section summary, drawing particular attention to the normative approach to social policy undertaken within this thesis. The chapter also highlights the limitations of the study and possible avenues for further research. It is hoped that the findings of this investigation may contribute incrementally toward articulating a Christian theoretical framework that informs a distinctive Christian perspective on contemporary social, economic, and public policy issues.

PART ONE

CHRISTIAN THEORETICAL FRAMEWORKS

Chapter Two

THE CHRISTIAN REALIST TRADITION

The Moral & Political Philosophy of Reinhold Niebuhr

1. INTRODUCTION: HUMAN NATURE AS THE CENTRAL REFERENCE POINT

As already established, this thesis seeks to think about and interpret social policy issues within a Christian moral, theological and philosophical frame. It is underpinned by the idea that social policy is conceived in terms of one's political ideology/philosophy, that conceptualises and defines the nature of the problem, the issues involved, and the choices of action one may subsequently make. As stated in chapter one, my response to this phenomenon is to construct a Christian conceptual and theoretical frame for the analysis, choice and design of social policy. This chapter is the first of three to configure this framework.

Central to any political ideology is its philosophical anthropology; its concept of human nature, and the needs and critical reflections of human interaction derived from this conception (Fischer, 1995, Vincent, 1995). All political ideologies are based within an anthropologically grounded referent, which serve as the basis for the construction of various models of the ideal person and the ideal society (Fischer, 1995, p. 164).[1] It is therefore entirely appropriate, that the first of the three traditions canvassed, should elaborate more specifically, a Christian conception of human nature.

Whilst each tradition specialises and fabricates a more specific supplement to the theoretical framework, each observance also contributes to all four

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[1] For example, Plato's "philosopher-king," is a concept of the ideal person situated at the pinnacle of the ideal Republic. Marx's concept of a productive, self-fulfilled man or women, conceived within a social and economic materialist ontology, is also an example of an ideology's anthropologically centred reference point (Fischer, 1995, p. 164). Liberalism, also contains a central concept of the human person, that of an individual as the basic building block of society and existing as ontologically prior to the collective.

components of the Christian theoretical frame. This chapter therefore contributes towards the four component theoretical frame as follows: First, it explains the clearest of the three traditions, a Christian view of human nature as constructed by Reinhold Niebuhr. The chapter then develops these assertions into critical reflections on the nature of human behaviour and interaction in communal life, canvassing the classic subject matter of political philosophy. Niebuhr thus examines the necessity and basis of community, the relation of the individual to the community, the behaviour of individuals and groups in the perennial struggle for power, and the uses and abuses of government. These critical reflections are further developed, and contribute toward the third component, namely, the preferred technical and organisational arrangements of society. Niebuhr therefore advances two essential and perennial principles for all social organisations. The chapter also supplements the fourth component of the theoretical frame, a theory of Christian political ethics. This underpins and binds together the whole of Reinhold Niebuhr's political and moral thought. It is to this Christian Realist tradition that we now turn.

2. THE ORIGIN AND NATURE OF CHRISTIAN REALISM

The Christian Realist tradition is an American theological movement that succeeded the optimism, idealism and progressivism of the liberal social gospel (Lovin, 1989).[2] The tradition acquired significant influence in American social and political life from the 1920s onward.

The theological realists were adept controversialists who entered readily into the politics and policy debates of their own time (Lovin, 1989, p. 84). They sought to address relevant issues in a modern world from a biblical understanding of the human condition and their relationships to God (Lovin, 1989). This impelled them to interact with the educational, political, and economic reform movements which reflected their basic belief that there were no barriers to the regenerative influence of Christianity (Phillips, 1996). In this pursuit, they were relentlessly self-critical and maintained confidence in their commitment to justice and democracy.

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[2] This is epitomised in Walter Rauschenbusch's (1911) *Christianity and the Social Crisis.*

The Realist tradition's development comprises a small group of philosophers, ethicists, and theologians which includes, amongst others, D. C. Macintosh, H. Richard Niebuhr, Robert Lowrie Calhoun, Walter Marshall Horton, and John Bennett. However it was H. Richard Niebuhr's older brother, Reinhold Niebuhr (1892-1971), who is considered by many to have developed most fully the realist critique of society and culture.

A Professor of applied ethics at Union Theological Seminary (New York), Reinhold Niebuhr and his colleagues rejected the sentimental optimism of the liberal "Social Gospel,"[3] and in response to the widespread disillusionment of the twentieth century adopted a neo-orthodox Christian conception of sin, to adequately understand the nature of humanity and history (Hallowell, 1959). Indeed, Niebuhr's most significant contribution to theology, politics and social ethics, is his understanding of human nature as ascertained within the Christian faith. As distinct from other systematic theologians like Aquinas or Barth, who cover the whole corpus of Christian truth by the method of a *Summa*, Niebuhr makes one doctrine, plumbed to its depths, the basis of his whole thought (Wolf, 1967, p. 230). Thus his view of human nature, being dialectical in character, is both optimistic and pessimistic, it attempts to neither overestimate nor underestimate human potentialities and motives (Hucker, 1988). As a result, Niebuhr (1949, pp. xxiv-xxv) assesses policy in terms of two criteria: does the policy do justice to the moral resources and capacities of human nature? Does the policy take account of the limitations of human nature, particularly when expressed in collective behaviour?

The nature of Christian realism needs little explanation. It is committed to exactly what the name suggests, a "realistic" analysis from a Christian perspective. This becomes clear when one compares "realism" to an "idealist" analysis of a social or political situation:

> In political and moral theory, "realism" denotes the disposition to take into account all factors in a social and political situation which offer resistance to established norms, particularly the factors of self-interest and power. This definition of realism implies that idealists are subject to illusions about social

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[3] For a good broad historical overview of Protestant Social Christianity scholarship, see Phillips P. T. (1996). *A kingdom on earth: Anglo-American social Christianity 1880-1940.* University Park, Pennsylvania: Pennsylvania State University Press.

> realities, which indeed they are. "Idealism" is...characterized by loyalty to moral norms and ideals, rather than to self-interest, whether individual or collective.... The idealist may thus be defined as the person who seeks to bring self-interest under the discipline of a more universal law and in harmony with a more universal good. (Niebuhr, 1960, p. 64)

The idealist approach is probably typical of most Christian approaches to social and political phenomena. Nevertheless, Niebuhr's approach is distinct, as one of diving into the very essence of political reality, to determine solutions based on the social realities, rather than an optimistic idealism of lifting the human figure to a higher norm.

Characteristic of Niebuhr's analytical approach is the dialectical quality of his thought. This is explained by Hucker (1988, p. 2) as holding together opposite poles, which stresses the "both - and"; the "yes - but"; and the "related in both a positive and negative fashion," rather than the "either - or." This dialectical methodology is distinctive and typical of Niebuhr's method and approach to all his social, political, theological and ethical analyses. Due to this method, his analyses are often so tightly compact and expansive that it is difficult to divide, organise and pigeonhole his philosophy in any systematic way (Davis & Good, 1960, p. ix).

Before proceeding to explicate Niebuhr's political and moral philosophy, it is necessary to comment briefly on the development of his thought. Niebuhr's thought has progressed in three significant stages over his lifetime making significant shifts from one frame of reference to another, as each was an inadequate guide to the complexities of the human situation. The first stage was grounded in Niebuhr's studies at Yale Divinity School, which took a rather conventional Protestant liberal position. It was during his first pastorate that his growing unrest with bourgeois liberalism led him to use the Marxist analysis as an ally in critique of the liberal approach, thus classifying himself as a Christian Socialist. Increasingly, however, as Niebuhr began to perceive Marxism as a secular religion, his political philosophy underwent another significant paradigm shift. He thus moved into a more pragmatic conception of politics, developing his political philosophy based on a distinctively Christian view of human nature. This is expressed in his theological Magnus Opus, *The Nature and Destiny of Man.* He thus retained the positive elements of both liberalism and

Marxism while he eschewed the idealist and excessive components of each respective ideology (Thompson, 1967, pp. 156-162). Niebuhr's mature philosophy, which is emphasised in this thesis, is described by Bennett (1967, p. 76) as "developing politics as the art of the possible, being cautious not to fall into worse forms of injustice in the effort to eliminate old ones."

3. THE POLITICAL PHILOSOPHY OF REINHOLD NIEBUHR

As stated above, Niebuhr's political philosophy encompasses the classic subject matter of political philosophy, as such, and in opposition to classical thought, Niebuhr restates the main elements of the traditional Christian view of human nature.

Niebuhr's Treatise on Human Nature

Niebuhr's basic treatise on human nature can be construed in three distinct themes. Firstly, humanity is made in the image of God, that is, the human person is essentially free and contains the capacity for self-transcendence. Secondly, humanity is a unity of both nature (finiteness) and spirit. Third, human beings are corrupted in their very essence by sin.

Before embarking upon these themes, it is necessary to mention that the Judeo-Christian view of human nature is distinguished from all other views on the basis of two fundamental tenets. Firstly, the Christian view of humanity is understood and defined primarily from the standpoint of God, that is, "made in the image of God", rather than the uniqueness of one's rational faculties or their relation to nature (Niebuhr, 1941, p. 14). The Christian view begins with a faith (an ultra-rational presupposition), that the human person is understood from beyond the self, from the standpoint of a transcendent reference - God. God is the origin, the Creator of creation, and the fulfilment of life. The Christian faith understands that the human person is known and loved by God, and must find the self in obedience to the will of God (Niebuhr, 1960, p. 74).

The second fundamental tenet that distinguishes a Christian view of human nature is that humanity is conceived as a coherent whole, a unity of nature and spirit, and is therefore non-dualistic. The view of human nature in Christian

Realism rejects dualist (Platonic or Aristotelian) notions of humanity as containing a good mind, and an evil body. It is also opposes romantic errors of seeking the good in humanity as nature and evil in humanity as spirit or reason (Niebuhr, 1941, p. 13). Of equal contradistinction are naturalistic ideas of the human person consisting of, and determined solely by, nature.

Theme #1: Humanity Made in the Image of God - The Ideas of Self-Transcendence and the Dignity of Human Nature

The Biblical account of creation depicts humanity as made in the "image of God." The concept of the "image of God," argues Niebuhr (1941, p. 173), has led theologians throughout history (particularly since St. Augustine) to interpret human nature in terms that include the rational faculties, but suggest something beyond them. This ability to reach beyond the self, to stand outside of self, nature, life, reason, and the world, is understood as self-transcendence, and is what it means to have spirit. The ability to transcend nature is the ability to stand outside the self, survey the world, and determine action from that standpoint (Niebuhr, 1941). In this sense, humanity, at its most fundamental level, has a "freedom of choice" and is self-determining (ibid p. 174). This is known in Christianity as one aspect of 'spirit'[4] (ibid, p. 14).

The transcendent ability of humanity to stand outside of self, and to survey the historical and natural contingencies, is the basis of both the self's destructive and creative powers. There is no simple distinction between human destructiveness and creativity because they come from the same source, that is, humanity's transcendent freedom. Human beings can respect or abuse nature, their lives, themselves, their reason and their worlds (Hucker, 1988, p. 4).

This concept is of significant importance to how we conceive of the causal sequences and determinants of human behaviour in social theory. The existence of a transcendent freedom means human nature is never entirely moulded by outside forces, but contains the capacity to choose between various alternative ends and also to choose between the various forces which presumably determine one's actions (Niebuhr, 1959, pp. 287-288). Thus the human person is a responsible and moral being; responsible for one's own actions, thinking,

learning and choosing, such that each person is a custodian of their own character and self-development. Each person thus contains a sphere of self-government. Human dignity would not be possible if the human person did not contain this capacity, and therefore also the ability to sin.[5]

Theme #2: Humanity as a Unity of Nature and Free Spirit

Whilst being created in the "image of God" as a transcendent spiritual being, and possessing a transcendent freedom, the human being is also a creature of finite existence, dependent on, and limited by, nature. This dependency of the human being on nature is described by Niebuhr (1941, pp. 3-4) as being "subject to the vicissitudes, compelled by its necessity, driven by impulses, and confined within the brevity of the years." Humanity is then partly determined and limited by natural hungers and needs, the natural forces of cohesion toward communities, sexual, ethnic, ability differentiation, and other natural endowments (Hucker, 1988; Niebuhr, 1959).

Niebuhr attributes the creatureliness of humanity partly to nature and partly to the very historical environment and community, which is created by human freedom (i.e. nurture) (Niebuhr, 1959, p. 290). Humanity as an historic creature means that the human person is influenced and nurtured, both negatively and positively by their environment. Such environmental factors include parents, social and economic conditioning, ethnicity, nationality, one's place in history, etc. However, while the individual is organically, historically, and culturally related to the community, the spiritual dimension of human nature transcends both the community and the historical process, and cannot be limited or conceived of only in natural terms (Niebuhr, 1944, p. 79). As stated above, it is the spiritual aspect of human nature with its innate freedom and transcendence

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[4] Niebuhr (1941, p. 174) notes that the contrast of reason in relation to spirit is ordinarily understood as "reason" does not imply "spirit," but "spirit" does imply reason.

[5] Catholic social teaching brings into play the themes of human dignity and the sociality of human nature to a greater extent than Niebuhr. In Catholic social teaching, being made in the image of God means that all people are sacred, possessing intrinsic moral value and this is the clearest reflection of God among humanity. Niebuhr deals with the sociality of human nature as part of the natural necessity of cohesion towards community, the organic foundation of community, as stated below. He does not explicate the theme of human dignity to the same extent as he does the sinful aspects of human nature in community.

that situates the primary source of creativity and destructiveness (Hucker, 1988, p. 4).

The idea of humanity as a unity of nature and spirit is of significant importance for a Christian social theory. It provides essential insights into the behaviour of individuals and collectivities. Humanity, as in the animal world, shares a natural appetite and desire for survival, a will-to-live. However, human nature, being both nature and spirit, heightens and raises the natural human requirements to the level of spirit, such that they become limitless and insatiable. The human condition is thus pervaded with vast ambitions of lusts, fears and desires (Niebuhr, 1944, pp. 60-61), such that every human desire and vitality contains both a natural need and a spiritual transmutation. Food, for example, is not just natural nutrition, but contains innumerable variations of gourmet; housing is not just natural shelter from the atmospheric conditions, but an expression of wealth, status, and the artistic impulse; likewise clothing is not just worn to keep one covered or warm, but is also a means of status, "a badge of vocation", group belonging, or an expression of artistic or sexual appeal. The expansive character of human ambitions, lusts, fears and desires are the consequence of the indeterminate transcendence of the human spirit over the physical, natural and historical processes in which one is involved (Niebuhr, 1944, pp. 60-61). Thus human nature can never be fully comprehended or explained in physical, biological, historical, or economic terms (Hallowell, 1959, p. 669; Niebuhr, 1944, p. 61).[6]

Theme #3: The Corruption of Human Nature by Sin

Of particular concern and emphasis in Niebuhr's realistic political philosophy (and for which he is well known), is his articulation and understanding of the

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[6] Niebuhr's contention with the two primary ideologies of his day, liberalism and Marxism, is that they do not take sufficient account and consideration of human beings as creatures of both nature and spirit.

> All these errors of modern estimates of man, therefore, point to a single and common source of error: Man is not measured in a dimension sufficiently high or deep to do full justice to either his stature or his capacity for both good and evil or to understand the total environment in which such a stature can understand, express and find itself. (Niebuhr, 1941, p. 133)

For Niebuhr, both underestimate the spiritual dimension in human nature; the "transcendent freedom over both the natural and the historical process in which the self is involved."

Christian doctrine of corruption by sin as a profound contribution to a realistic political/moral theory and analysis of the human condition. Niebuhr (1941, p. 16) declares that "the high estimate of the human stature implied in the concept of the "image of God" is not the complete picture of human nature, where this stands in paradoxical juxtaposition" to the falleness and evil inherent in human nature.

The Christian analysis of human evil (in the doctrine of corruption by sin) is understood theologically in the myth[7] of the Fall. From the "serpent's analysis of the human situation, the serpent portrays God as jealously protecting his prerogatives against the possibility that man and women might have their eyes opened and become as God, knowing good from evil" (Niebuhr, 1941, pp. 191-192). In this story, humanity is tempted by the serpent to transcend the limits of finiteness (nature) and freedom (spirit) that God has set for humanity. The temptation thus lies in the very configuration and make-up of the human person; in the situation of natural finiteness and spiritual freedom.

Humanity standing at this paradoxical juncture of dual existence, is both finite and free, both strong and weak, and therefore procures a condition of anxiety, always containing an inner knowing that one could be more than one is. Anxiety is the motivation for human creativity, as well as the precondition or temptation to sin (Niebuhr, 1941, p. 195).[8]

In one's transcendent freedom, the human person becomes anxious to overcome natural contingencies and weaknesses, such as insecurity, or ignorance, and the like. Humanity is then tempted to neglect the limits, forms and restraints of both nature and reason, in order to overcome these weaknesses

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[7] Niebuhr (1935) argues against traditional orthodoxy that Christian dogma should be regarded in mythical terms and cannot be understood literally. For Niebuhr to literalise the mythical element in religious discourse is to annul what is truly dialectical in the Christian apprehension of time and eternity (Scott, 1963, p. 28). The myth of the Fall is asserted by Niebuhr as a mythical story depicting accurately the nature of humanity.

[8] However, Niebuhr (1941) writes:

> His creativity is therefore always corrupted by some effort to overcome contingency by raising precisely what is contingent to absolute and unlimited dimensions.... Yet obviously the destructive aspect of anxiety is so intimately involved in the creative aspects that there is no possibility of making a simple separation between them. The two are inextricably bound together by reason of man being anxious both to realise his unlimited possibilities and to overcome and hide the dependent and contingent character of his existence (Niebuhr, 1941, p. 198).

and make the self more significant (Niebuhr, 1941, pp. 190-191). This unwillingness to accept one's finiteness is the source of human pride. Niebuhr defines pride as seeking to raise the self's contingent existence to unconditioned significance. The sin of pride thus wishes to make the self the centre of the whole, seeking after prestige, power and glory, and seeks to raise its own significance beyond its limits in the pursuit of ascribing its own life with meaning. The self thus seeks to gain security and meaning by enhancing one's own power (Wolf, 1967, p. 239).

Sin in this context is essentially spiritual (attitudinal), such that humanity is sinful "not because the individual is limited within the whole, but rather, because he/she is betrayed by the transcendent ability to survey the whole, and wishes to make him/herself the centre of the whole" (Niebuhr, 1941, p. 17). Thus Niebuhr (1935) argues:

> Sin is rebellion against God.... [Humanity] tries to translate his finite existence into a more permanent and absolute form of existence.... But man is destined, both by the imperfection of his knowledge and by his desire to overcome his finiteness to make absolute claims of his partial and finite values. He tries, in short, to make himself God. (Niebuhr, 1935, pp. 51-52)

Niebuhr's deliberations explicate very clearly the application of this theological doctrine, in social life. He examines, more specifically, the nature and connection between the inherent desire of human self-centredness (pride) and the will-to-power[9] and the consequences of this phenomenon for social relations.

The bible defines sin in two dimensions. The religious dimension of sin, as just explained, is essentially rebellion against God (idolatry); that is, humanity contains an inherent propensity to raise the self, and usurp the place of God. The second dimension of sin - the moral and social component - is injustice; that is, the self which makes its own self the centre of existence in its pride and will-to-power, inevitably subordinates other life to its own will, causing injustice to other life, and disturbing the harmonies of creation (Niebuhr, 1941, p. 191).

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[9] Niebuhr's theological discourse explicates intellectual, moral and spiritual pride also, but these are not discussed here.

As ascertained above, humanity, as in the animal world, shares a natural appetite and desire for survival, a will-to-live. However, human nature, being both nature and spirit, heightens and raises natural need to the level of spirit. The will-to-live is thus transmuted, or "spiritualised" into two contradictory forms - the will-to-self-realisation and the will-to-power. The desire to achieve self-realisation is an expression of the wish to live life to one's fullest potential. Humanity being more than a natural creature is not only interested in physical survival but in prestige and social approval. The desire for power is the means for prestige and social approval. To overcome anxiety, and having the intelligence to anticipate the perils in which humanity stands in nature and history, it is human nature to use this capacity to gain security against these perils by enhancing one's power, both individually and collectively (Thompson, 1967, p. 166).[10] Yet the more power an individual or nation has, the more of its life impinges upon other life and the more wisdom is required to bring some form of harmony with other life (Thompson, 1967, pp. 166-167).

However, the tragic paradox of the quest for power is that it does not guarantee security. The more one establishes the self in power and glory, the greater the fear of tumbling from one's eminence, losing their wealth, or being discovered in their pretension (Niebuhr, 1941, pp. 206-207). Consequently, all pride-to-power therefore involves an element of deceit.[11]

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[10] The pride-to-power is considered further by Niebuhr in two sub-forms: Under the first sub-form of the pride to power the self assumes and believes itself to be self-sufficient and self-mastered and is secure that nothing will move or shaken the self. This form of pride neglects to see the contingent and dependent character of life, where it "believes itself to be the author of its own existence, the judge of its own values and the master of its own destiny (Niebuhr, 1941, p. 201)." Niebuhr affirms that this proud pretension is present in an undeveloped form in all human life, but rises to greater heights among those individuals and groups who have a greater social power. It is unconscious of the finite and determinate character of human existence (Niebuhr, 1941, p. 201).

The second form of pride to power recognises its insecurity, but responds by securing and aggregating sufficient power to guarantee security at the expense of other life (Niebuhr, 1941, pp. 202-203). The self does not regard itself as sufficiently significant, respected or feared, and seeks the enhancement of its position in society (Niebuhr, 1941, p. 201). At times this lust for power is over expressed in which legitimate freedom and mastery of humanity and the world is traversed into exploitation of nature or other life. Greed in this sense is the expression of human ambition to hide one's insecurity in nature (Niebuhr, 1941, p. 203).

[11] Within all pretensions of pride, Niebuhr (1941, p. 216) argues that human pride and self-love are concomitantly related to an element of deceit, which must be regarded neither as pure ignorance, nor as involving a conscious lie. All pride requires a form of self-deception, such that displays of power, knowledge, or virtue are attempts to

As contradictory forms of the spiritualization of the survival impulse, the will-to-self-realisation and the will-to-power are both major sources of cooperation and conflict in society. The fact that they are mixed and compounded with each other make any simple distinction between good and evil, selfish and altruistic actions, difficult to discern (Hucker, 1988, p. 8). The same action may reveal a creative effort to transcend natural limitations whilst consecutively being a sinful effort to give an unconditioned value to the limited factors in human existence.

It also suggests that social conflicts are not simple conflicts between competing survival impulses, but such that each individual or group seeks to guard its power and prestige against the peril of competing expressions of power and pride. In this, the Christian view takes a more serious view of human evil because evil is conceived of existing in the very centre of the human personality - in the will (Niebuhr, 1941, p. 17).

The Necessity and Basis of Community

Pertinent to the development of a Christian theoretical framework for social policy are the implications of Niebuhr's themes of human nature for social and political life. This next section, therefore, outlines a number of Niebuhr's key ideas of the human capacity for altruism, the relation of the individual to the community, and the necessity and basis of community.

Human Selfhood Contains Both Self-Regarding and Self-Giving Inclinations

Drawing on the first theme of the self-transcendence of the human person, Niebuhr understands the human self as containing both self-regarding and social impulses, where the former is stronger than the latter.

The transcendent freedom of the self, on the one hand, transmutes the natural instinct for survival into a variety of forms of self-realisation (including the will-to-power). This is based on the basic human desire to achieve a full selfhood.

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convince both others and ourselves of one's acceptance and validation, or "the self's too generous opinion of itself". This self-glorification is hesitant to acknowledge and seeks to hide from the self its insecurity (Hallowell, 1959, p. 663).

Human nature is therefore self-seeking or self-interested.[12] On the other hand, the freedom of the self gives the individual a wide variety of relations to the community, ranging from social dependence to social creativity (Niebuhr, 1966, p. 81). Hence, human beings also contain the capacity to be other-regarding.[13]

An implication for social policy of the fact that human nature is both (but more) self-seeking than self-giving, establishes a case for basic welfare distribution beyond the scope of the narrow confines of intimate relations (one's own particular interest). State welfare creates a larger community than is possible upon the basis of "natural" limits of human sympathy and concern for the neighbour (Niebuhr, 1960, p. 99). State welfare therefore is a compromise between compassion and indifference, between other regarding tendencies of altruism and self-regarding particular interest (Land, 1998, p. 52).

The Relation of the Individual to the Community

The will-to-self-realisation, as discussed above, is the inherent spiritual inclination in human nature to develop the self, to be significant. The highest attainment of the self's individuality, however, is dependent upon the social substance from which the individual arises. Thus Niebuhr (1944, p. 48) ascribes the community as "a partial end and fulfilment, such that no simple limit can be placed upon the degree of intimacy, breadth, and extent that the individual requires for their life from the community." The community is therefore essential to the individual if authentic human existence and significance is to be achieved (Hucker, 1988, p. 8).

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[12] Throughout the chapter I have used the term "particular-interest" to denote that human behaviour is not purely self-interested, but is concerned with particular interest in contrast to a more universal system of interests. For example, particular interest may consist of one's very own self, their family, economic or racial group, in contrast to the good of the national community, or the interest of the national community in contrast to the good of the world community (Niebuhr, 1960, p. 99).

[13] Niebuhr (1966) notes Jesus paradoxical observation about this relation:

> Thus man's selfhood is involved in an intricate relation of self-seeking and self-giving. The paradoxical observation of Jesus about this relation is accurate. He said, "he who finds his life will lose it, and he who loses his life for my sake shall find it [Matthew 10:39]." This aphorism might be interpreted as follows: consistent self-seeking is bound to be self-defeating; on the other hand, self-giving is bound to contribute ultimately to self-realisation (Niebuhr, 1966, p. 81).

The self-regarding and other-regarding impulse of human nature also establishes a dialectical relation between the individual and the community (Niebuhr, 1966, p. 28). This relationship of the individual to the community is paradoxical such that the individual finds both frustration and fulfilment in the collective. The individual needs the community as a partial end, and justification, to realise his or her unique personhood, to gain self-fulfilment, and to sustain life (Niebuhr, 1944, p. 55). Yet the community in the name of order can block his or her freedom, and can be inhumane and damaging, being a cause of frustration (Hucker, 1988, p. 7).

The requirements therefore of human nature are both freedom (due to the capacity for self-transcendence) and community (to achieve self-realisation). The paradoxical relationship of the individual to the community requires that both freedom and communal order are therefore essential in the organisational arrangements of human life.

The Foundations of the Community

Niebuhr's assumptions regarding the basis of community are the result of two cohesive elements: the organic ties of nature and history (community as organism), and the conscious contrivances of those in various forms of government (community as artefact). Niebuhr thus conceives of the community as both an artefact and an organism. This is based on the tenet that humanity is both a creature and creator (spirit), a unity of vitality and reason (Niebuhr, 1960, p. 99).

The community is an organism insofar as it is integrated by loyalties, various forms of cohesion, mutual respect, and trust. But it is an artefact, insofar as the forms of cohesion and community integration are consciously contrived by various forms of government (Niebuhr, 1960, p. 100).[14]

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[14] I suspect that the recent theme of "social capital" is a reaction to a scientific rationalistic overemphasis to governance, and is an attempt to promote and measure the organic foundations of community. See Putman, R. (1993). *Making democracy work: Civic traditions in modern Italy.* Princeton, New Jersey: Princeton University Press. Fukuyama, F. (1995). *Trust: The social virtues and the creation of prosperity.* New York: Free Press.

This conception of the basis of community has two very important implications; one theoretical and the other more practical. Firstly, this concept rejects the social contract theory of Locke, Hobbes, and Rousseau, as Niebuhr asserts that social cohesion is never purely a contrived or rational contract. Secondly, this has an important implication for social policy, namely, that not even the wisest, most astute and rational politics, can create social tissue. Niebuhr (1960, p. 104) concludes that "the state can cut, sew and redesign social fabric to a limited degree, but the social fabric upon which it works must be given."

The Behaviour of Individuals and Groups: The Perennial Struggle for Power

Significant to the theoretical framework for social policy are Niebuhr's critical reflections of human behaviour and interaction in communal life. Niebuhr, drawing from the concepts of human nature as a coherent unity of nature and spirit, and the human person as corrupted by sin, utilises these tenets as interpretive axioms in an analysis of the conditions of human community. Niebuhr's explication of the doctrine of corruption by sin is further examined in the moral behaviour of individuals and groups in the struggle for power. As such, a central thesis of Niebuhr's political philosophy is that a sharp distinction must be drawn between the moral and social behaviour of individuals and that of social, economic, racial, and national groups.

The Principle of the "Moral Individual, and Immoral Society"[15]

Niebuhr argues that the behaviour and morality of the individual is superior to that of groups and societies. Individuals, at their best, are able to consider the interests of others, and on occasion prefer the advantage of others to their own. Individuals are able to display a measure of consideration and sympathy, and have a greater capacity to govern their own behaviour through the use of reason. However, these achievements are more difficult, if not near impossible, for human societies and social groups. Thus Niebuhr (1949) argues:

> In every human group there is less reason to guide and to check impulse, less capacity for self-transcendence, less ability to comprehend the needs of others and

[15] Niebuhr states the principle as "moral man, immoral society."

> therefore more unrestrained egoism than the individuals who compose the group reveal in their personal relationships. The inferiority of the morality of groups to that of individuals is due in part to the difficulty of establishing a rational social force which is powerful enough to cope with the natural impulses by which society achieves its cohesion; but in part it is merely compounded of the egoistic impulses of individuals, which achieve a more vivid expression and a more cumulative effect when they express themselves separately and discretely. (Niebuhr, 1949, p. xi)

This distinction has significant implications. Firstly, it rejects idealistic classical-liberal notions of individualistic morality as an adequate ethic for the achievement of justice between social groups (see Green, 1996).[16] Such a view underestimates and misconstrues social reality, and the inevitable tension between social groups. For while groups and institutions consist of individuals, the group takes on its own identity and values, that exceed and go beyond the individual - they are not simply the sum of their individual parts. Groups also pursue their own particular interests and relate to other groups and institutions according to their relative level of power (Hucker, 1988, p. 10). As such, it is impossible to ensure just relations between the classes that have and those that have not, between male and female, the able and the disabled, the ethnic minority and majority, in a purely individualistic ethic. An individualistic ethic ignores collective interest and therefore neglects collective relations.

Collective Social Responsibility

The "moral individual, and immoral society" also has a second implication. The axiom endorses the need for a collective social responsibility. The state needs to, therefore, focus its activity on more than individuals, to include collective relations also (Hucker, 1988). As Hucker writes:

> The refusal to recognise the nature of groups and institutions makes it difficult to appreciate the significance of collective responsibility. Because institutional and group relations are reduced to relationships between individuals, a genuinely social ethic cannot be constructed. (Hucker, 1988, p. 10)

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[16] The chief proponent of this position in social policy debates is Dr. David G. Green (1996) *From welfare state to civil society: Towards welfare that works in New Zealand.* Wellington: NZ Business Roundtable.

As the relation of group to group is determined by their relative level of power (discussed further below), this places a responsibility on the state to ensure a basic level of justice through the balancing of collective power and vitality. This requires an understanding of basic inequalities that are present, and a commitment to narrowing these gaps between different sectors of the community (Hucker, 1988, p. 26).

This principle therefore leads to the rejection of the individualist "safety net" approach to social policy (see Boston *et al.*, 1999, p. 308). Concomitantly, the principle also establishes a moral case for resources to be distributed universally according to one's right of citizenship, rather than a targeted regime geared towards particular individual need. [17] However, in terms of the nature and degree of the universality or targeting of benefits, these questions should be determined on an empirical assessment in the relative policy sphere, and cannot be based solely on ethical principle. Nonetheless, notwithstanding such empirical considerations, at a fundamental level the principle of "moral humanity and immoral society" establishes a collective social responsibility.

The Predominance and Perennial Importance of Power to Ethics in Group Relations and Social Organisation

Niebuhr's principle of the "moral individual and immoral society" makes an important distinction between the morality, and behaviour of the individual and that of social groups. For Niebuhr, the corruption of human nature by sin (the pride-to-power), is not only an individual condition but operates also in collective forms of communal life. Groups are motivated inasmuch as individuals to seek dominion over each other, competing for power in the same manner as the individuals who comprise the group.

However, group pride, whilst having its source in individual attitudes, achieves a greater authority over the individual, and if unchecked, results in unconditioned demands by the group. This distinction is further necessitated because the pride of groups also exceeds those of the individual such that the group is more arrogant, hypocritical, self-centred and more ruthless in the

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[17] See Boston, J. & St. John, S. Targeting versus Universality: Social assistance for all of just the poor. In Boston, J., Dalziel, P., St John, S. (Eds.) (1999). *Redesigning the welfare state in New Zealand: Problems, policies, prospects.* Auckland: Oxford University Press.

pursuit of its ends than the individual. An inevitable moral tension between individual and group morality is therefore created (Niebuhr 1941, p. 221). As a result, social conflict and inter-group struggles are more brutal, intense, containing a greater possibility for injustice, than when compared to the rivalry of individuals (Thompson, 1967).

For Niebuhr (1949, pp. xxi-xxii), the character and behaviour of human collectivities and the power of particular-interest and collective egoism is so strong, that it can never be dislodged unless power is raised against it. The force of egoism in collective relations cannot be broken by moral suasion, and on certain levels, legitimate harmonies must be achieved by building conflicting egoisms into a balance of power (Niebuhr, 1935, p. 69). Thus relations between groups are predominantly political rather than ethical and are primarily determined by the proportion of power each group possesses (Niebuhr, 1949, pp. xxii-xxiii).

For Niebuhr (1960, p. 91), the enduring importance of power in social organisation is based on two key ideas of the Christian view of human nature. Firstly, the notion of humanity as consisting of both nature (vitality) and spirit (reason), assumes that human beings are not just natural creatures (objects) but egoistic and spiritual purposes, such as prestige and social approval (the will-to-power), in individual and collective life, will inevitably be pursued (Niebuhr, 1943, p. 268). Secondly, the force of human sin - being the persistent tendency to regard the self as more important than the other - bears on communal life by viewing the common problem from the standpoint of one's own partial and particular interest (Niebuhr, 1943, pp. 268).

On the basis of these two tenets, the perfect accord of kinship and community cohesion becomes constantly spoiled by the excessive concern and pursuit of one's own particular interest. All social life is therefore interrelated through the mutual support of interest, or the potential conflict of interest. As such, Niebuhr asserts all communities as more or less stable or precarious harmonies of human vital capacities, and are governed by power. Power is always an essential and perennial importance in any social organisation (Niebuhr, 1960). As Niebuhr writes:

> The limitations of the human mind and imagination, the inability of human beings to transcend their own interests sufficiently to envisage the interests of their fellowmen as clearly as they do their own makes force an inevitable part of the process of social cohesion. (Niebuhr, 1960, p. 105)

The Structures of Power: Principles For Organisational and Institutional Arrangements

For Niebuhr (1943, p. 267), the human vital capacities are governed by two aspects of social power, which are essential and perennial aspects of community organisation such that no society is exempt from its dependency on these principles. Firstly, the balance of vitalities and forces in an equilibrium of power, and secondly, the organising power of government (Niebuhr, 1943, p. 267).

The Balance of Power and the Peril of Anarchy

The principle of the balance of power and vitalities serves to avoid the domination of one life by another. As Niebuhr (1943) writes:

> Without a tolerable equilibrium no moral or social restraints ever succeed completely in preventing injustice and enslavement. In this case an equilibrium of vitality is an approximation of brotherhood within the limits of conditions imposed by human selfishness. (Niebuhr, 1943, p. 275)

Balanced carefully, the equilibrium of power[18] affirms kinship and social cohesion. But equilibrium of power does not equate kinship, such that at times it can also contradict kinship. The restraint of the will-to-power of one member of the community by a counter-pressure from another sector of the community results in tension. If the ensuing tension is not resolved it may result in overt conflict. The equilibrium of power is thus a principle of justice, by preventing domination and enslavement, but it can also be a principle of anarchy and conflict if the tensions that it creates, are not resolved (Niebuhr, 1943, p. 275).

This notion is applied in chapter six with reference to recent employment relations policy. The newly introduced *Employment Relations Act* 2000 makes a fundamental shift from an employer prerogative (as contained in the

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[18] Davis & Good (1960, p. 108) note that the principles of democracy are essentially extensions and elaborations of the balance of power principle.

Employment Contracts Act 1991) to a balance of power between employers and employees. With reference to the balance of power principle this has the potential to create a greater degree of justice, inasmuch, as the possibility of creating more conflict and tension than under the previous legislation and is thus likely to require an increase in mediation services to mitigate the conflict.

The Organisation of Power and the Peril of Tyranny

However, when social life is not consciously managed it does not develop equilibrium of power in its own accord. Disproportions of power are inevitable and generate various forms of domination. Human society therefore requires a conscious control and manipulation of the various balances of power that exist (Niebuhr, 1943, pp. 275-276).

The organisation of power, however, like the balance of power, also contains the possibility to contradict kinship and social cohesion. The organising power of government is always subject to the possibility of a coerced unity, impairing the freedom of individuals, and degenerating into tyranny (Niebuhr, 1943, pp. 267-268).

Niebuhr therefore declares that society requires more positive organs of communal integration and government. He identifies various other forms of "social hierarchy," defined as grades of authority below the level of civil government. In this, he is suggestive of a pluralistic organisation of power through independent "spheres" of authority, but does not systematically define them. Social hierarchy recognises the parental authority in the family, schools with more than one teacher have a principal, and apostles, bishops, superintendents, or moderators govern churches. Industrial life is integrated through a team leader, senior manager and owner. Niebuhr (1960) recognises these various spheres of social hierarchy as necessary and inevitable, each containing a realm of government. These various spheres, however, are unpacked in the next chapter.

The Two Principles Illustrated: Economic Activity as a Form of Social Power

By way of illustration of these principles, and of particular relevance to social policy, is the economic process as a form of social power. Niebuhr (1944,

pp. 62-63) consistently maintained throughout his life that any form of economic activity whether a skill, or organisation of skill, is a form of social power; and property in *either an individual or social form* as an instrument of particular interest against general interest (Niebuhr, 1944, p. 106). Niebuhr therefore affirms the use of private property, but property must always be subject to moral and governmental restraint.[19]

Subsequently, as all property is power, the economic, as well as the political process, therefore requires the best possible distribution of power (the balance of power) for the sake of justice, and the best possible management of this equilibrium (the organisation of power) for the sake of order (Niebuhr, 1944, pp. 117-118). As Hallowell (1959) writes:

> The problem of economic justice cannot be solved by any simple formula, the solution is neither the retention of private property nor the establishment of socialized property but what is required is the recognition that "all property is power" and the continuous search "within the framework of democratic procedure" for the best means of preventing that power from being abused (Hallowell, 1959, p. 671).

Niebuhr thus sets the institution of property within a pragmatic framework of democratic procedure for the best possible distribution and management of economic resources. He believes that the issue is never resolved, where one only ever devises proximate solutions to an insoluble problem. The issue must be continuously debated, and adjusted as new industrial/technical developments arise (Niebuhr, 1944, pp. 117-118).

Consequently, Niebuhr's (1960) principles of the organisation and distribution of power in social life can be summarised as follows:

> Christianity knows that a healthy society must seek to achieve the greatest possible equilibrium of power, the greatest possible number of centers of power, the greatest possible social check upon the administration of power, and the greatest possible inner moral check on human ambition, as well as the most effective use of

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[19] Niebuhr's thought in his early years with regards to the property system was seemingly Marxist as "a just political order is not possible without the reconstruction of the property system" (Niebuhr, 1935, p. 112). However in latter years his views were modified whilst never relinquishing his concern for the power of the economic sphere (Labacqz, 1986, p. 89).

> forms of power in which consent and coercion are compounded. (Niebuhr, 1960, p. 182)

The Functions of Government and Social Policy

The principle of an organising centre within a given field of social vitalities, points to the necessity of state involvement in society – that is, a centre of power and authority to act as an organ in establishing the unity, cohesion, and interdependence of the community (Niebuhr, 1960, p. 109).

Niebuhr (1960, p. 110) argues that all structures of justice presuppose the sinfulness of humanity, and are all partly systems of restraint which prevent the conflict of wills and interests from resulting in anarchy. But the state as an organising centre of social vitalities also develops mechanisms by which citizens are able to fulfil their obligations to their fellow, beyond the possibilities of direct voluntary and personal relationship (Niebuhr, 1960, p. 110). In this, it creates a larger community than is possible under the limitations of human altruism, sympathy, and concern for the neighbour (ibid, p. 99). Thus Niebuhr asserts that government must have the power to subdue unruly citizens, but it also has a more positive function. It must:

> guide, direct, deflect and rechannel conflicting and competing forces in a community in the interest of a higher order. It must provide instruments for the expression of the individual's sense of obligation to the community as well as weapons against the individual's anti-social lusts and ambitions. (Niebuhr, 1960, p. 110)

The state as an organising centre serves as an impartial arbitrating authority to mitigate conflict from a more dispassionate perspective than the constituent parties and interests within the conflict (Niebuhr, 1943, p. 276). This principle recognises the limitations of human nature, especially when expressed in collective behaviour.

As noted above, social life when not consciously managed does not develop a perfect equilibrium of power. The state as an organising centre must therefore seek to redress unjust disproportions of power by conscious shifts of the balances of power whenever they make for injustice (Hucker, 1988, p. 25; Niebuhr, 1943, p. 276). This places a responsibility on the state to continually

assess, and manage social life, as particular-interest will inevitably lead some to take advantage of the interests of others.

Thus, in terms of economic activity as a form of social power, the state has an important function to ensure the accessibility and availability of the material base for all. This is a major justification for redistribution policies, in the name of greater freedom and equality (Hucker, 1988, p. 20).

As the principle of the "moral individual, and immoral society" suggests above the state exercising its collective social responsibility has a role to prevent and minimise the effects of damaging social patterns (Hucker, 1988, p. 21). A good example is the present government's "Maori socio-economic disparity" policy regarding the gaps between Maori and non-Maori social indicators.[20] Another example is the attempt to create a safer driving environment – to bring the road toll down.

As human nature is both self-interested and other-regarding, the state has the role to build and encourage the moral resources and possibilities of mutual cooperation. This involves the development of the human moral capacities by providing the extension of opportunities for education, and the encouraging of mutual understanding through facilitating social contact (Hucker, 1988). A recent example is the Employment Relations Act 2000 which establishes "Employment Relations Education Leave" to increase the knowledge of employees about employment relations for good faith and co-operative employment relations.

The state as an organising centre should also manage the processes of mutual support so that social tensions do not erupt into damaging social conflict. For example, the dislocation of the unemployed created by economic restructuring, require public intervention to minimise individual and family damage and to protect community social cohesion (Hucker, 1988).

The state must also use its coercive powers whenever instruments of arbitration fail (Niebuhr, 1943, p. 276). The police powers coerce submission to the social process against minimal standards of justice and order.

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[20] See Chapple, S. (2000). Maori socio-economic diparity. *Political Science, 52*(2), pp. 101-115; and Gould, J. (2000). Closing the gaps. *Political Science, 52*(2), pp. 116-126.

The Limitations of Government

Niebuhr does, however, also recognise that government is morally ambiguous, and can also contradict communal cohesion and kinship. Niebuhr (1943, pp. 276-277) discusses two major abuses of government as follows:

Firstly, government itself may be the instrument of domination by which one portion of the community exercises an oligarchic rule over the whole of community. Thus whilst appearing as an impartial representative of the whole community, the state may actually suffice for more parochial interests (Hucker, 1988, p. 28).

Secondly, even if the state does not dominate one portion of the community, it may if its pretensions are not checked, generate dominating impulses for its own sake (Niebuhr, 1943, p. 277). Government is therefore always tempted to destroy the vitality and freedom of various sectors of the community for the sake of maintaining its own order, in an idolatrous pretension that the present form of order is the principle of order itself (Niebuhr, 1943, p. 277). Thus the state, like any other collective, develops proud pretensions (the pride-to-power), and displays clear tendencies to develop imperial and paternalist pretensions in relation to the community. This is because governments derive in part their power, not only from the physical instruments of coercion, but also from spiritual elements - the pretension of majesty or the dignity of office (Niebuhr, 1943, p. 277).

Thus Niebuhr is a strong supporter of democratic systems, which institutionalise dissent and provide checks and balances of restraint on state power. His well-known adage asserts, that, "man's capacity for justice makes democracy possible; but man's inclination to injustice makes democracy necessary" (Niebuhr, 1944, p. xi).

The state therefore should seek to democratise its own operations through consultation, negotiation, decentralisation, devolution, and responsiveness etc. It should also encourage the expression of sectoral collective voices, particularly the voice of the powerless (welfare recipients, unemployed, etc), in an attempt to preserve its own honesty (Hucker, 1988, pp. 28-29).

4. THE MORAL PHILOSOPHY OF REINHOLD NIEBUHR: THE SOCIAL ETHICS OF LOVE AND JUSTICE

The above description of human nature so aptly articulated by Niebuhr is a realistic attempt to appraise the limitations of human nature and the roots of the moral problem in politics and communal life. For Niebuhr (1935, p. 85) the social problems within political, economic and social life are the problems of justice (derived from the transcendent norm of love). Consequently it is necessary to articulate his interpretation of love and justice to understand his indictments and ethical analysis of human behaviour in social life.

The Christian Law of Love

Whilst friction, rivalry, and competition for power are universal they are not normative, because humanity transcends the self, and is saved as love draws the self from self-love (grace) (Thompson, 1967, p. 169). Niebuhr's exposition of the principle of human nature as corrupted by sin serves to wipe any illusions of virtue inherent in human nature. However, to hold up human selfishness as a final imperative is to dispense with all ethical standards and thus endure the consequences of nihilism or cynicism (Thompson, 1967, p. 169).

Consistent with conventional Christian theology, Niebuhr upholds the law of love as the foundation for a definitive standard against which particular interest and power can be measured, harnessed, and deflected, for the ultimate end of creating the most inclusive community possible of justice and order (Thompson, 1967, p. 169). Because community is an individual as well as social necessity, the individual can only realize the self in intimate and organic relations with fellow persons. Love is therefore the primary law of human nature and the highest principle that ought to orient Christian social ethics (Labacqz, 1986, p. 84). Love is defined by Niebuhr (1941, p. 17) as the "harmonious relation of life to life in obedience to the divine centre and source of human life." It is therefore articulated and applied through notions of brotherhood (kinship), loving-kindness, and solidarity (consistent with Catholic social teaching). For Niebuhr (1960, p. 98), love is the fundamental requirement of human social existence.

Such love[21] is self-sacrificial, heedless, disinterested, and uncalculating. Its fullest expression and ultimate reference is revealed in the suffering love of Christ on the cross (Boston, 1994b, p. 86). This is the primary law and pinnacle in Christian ethics. It is this perfect love that transcends all particular norms of justice and mutuality, such that all ethical relations achieve complete justice (Niebuhr, 1943, p. 74).

Love and the Corruption of Human Nature by Sin

However, such perfect love is described by Niebuhr as an "impossible possibility," which cannot be realised or embodied individually in any human motive, action or experience, nor collectively as a social and political ethic, due to the pervasiveness of human sin. It remains, therefore, an ideal, relevant only as the ultimate standard of which human motives and action are judged (Bennett, 1967, pp. 52-53).[22]

However, in the realities of a fallen world (as contained in the principle of corruption by sin) this perfect law of love is violated when human pride, egoism and self-assertion seek to make the self, the centre and source of its life. In this, the love commandment given by Jesus stands in juxtaposition to human nature characterised by falleness and sin (Niebuhr, 1935, p. 39).

> Man, as individual and also in relationship with his fellows and his community, always is contradicting and defying the law of love. This law, the command of both the Torah and the Gospel, also is the ultimate law of human existence (Niebuhr, 1966, p. 29).

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[21] When considering love in Christian social ethics I am referring to *agape* love meaning neighbourly love rather than *philia* (friendship love) or *eros* (sexual love) (Boston, 1994b, p. 69).

[22] From such "self-sacrificial" love, Niebuhr distinguishes "mutual" love, which is a possible possibility and can be experienced in human community. Mutual love seeks a community in which each is fulfilled through what he/she gives and receives, whereas the more perfect self-sacrificial love transcends all requirements of reciprocity and is entirely disinterested in oneself (Williams, 1967, p. 210).

Thus love is juxtaposed against two principles outlined above. Firstly, perfect love – the sacrifice of self [23] – is juxtaposed against the fact that sin attempts to disvalue the claims of the other and see the self as superior to the other (Labacqz, 1986, pp. 84-85). Secondly, the principle of the "moral individual and immoral society" means that perfect love and self-sacrifice becomes even more of an impossibility in collective groups. Large collectives, as outlined above, can never be expected to behave altruistically (Labacqz, 1986, p. 85).

This is the basic dialectic of Niebuhr's social ethic. Niebuhr relates every problem of community and government on the one hand to the necessarily fundamental understanding of human nature, and on the other to the transcendent principle of the law of love (Davis & Good, 1960, p. x).

The Relation of Love to Justice: Theological Considerations

Central and pivotal to Niebuhr's concept of social ethics is the dialectic relation of love to justice.[24] For Niebuhr, perfect love cannot be applied into the public realm; rather, in complex social relations and institutions, love finds its expression in specific social decisions through general ethical principles of justice and its corollary principles of equality, and freedom etc. (Boston, 1994b, p. 86; Bennett, 1967, p. 55).

> Yet the law of love is involved in all approximations of justice, not only as the source of the norms of justice, but as an ultimate perspective by which their limitations are discovered. (Niebuhr, 1935, p. 85)

The relation of love to justice is ascertained by Niebuhr (1943, p. 255) as dialectical, such that, love is both the negation and fulfilment of justice in history. Each level of justice in history can rise to a more perfect love, but each

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[23] Niebuhr understands Jesus ethics as primarily personal in which actions are motivated purely by obedience to God, disregarding any social consequences.

[24] Within theological opinion, there are a wide range of views on the relationship between love and justice. Boston (1994) outlines three broad positions on the love and justice debate. These are, firstly: that love and justice are identical; second, love and justice are at times radically opposed; and thirdly, that love and justice, while different, are compatible. Reinhold Niebuhr and other theologians such as Paul Tillich, Emil Brunner, and Helmut Thielicke are identified with the third position. See Boston; Love Justice and the State. In Boston & Cameron (1994) *Voices for Justice: Church, Law and State in New Zealand.* Palmerston North: Dunmore Press.

new level also contains elements that stand in contradiction to perfect love (Niebuhr, 1943, p. 255).

Boston (1994b, p. 87), summarising Niebuhr's arguments, succinctly lists the positive relation of love to justice as follows: (a) love provides the motivation for justice, inspiring the seeking and attainment of greater degrees of justice whilst also exposing injustice; (b) genuine love ensures others are treated justly, hence love requires the pursuit of justice; (c) in strengthening mutual bonds through love it increases the potential for justice; (d) love enhances the process and manner of justice by altering attitudes and motivations; (e) love transcends justice by going beyond the measured and calculated demands of justice and attending to special or particular needs; (f) love renews and redeems justice from degeneration.

Consecutively, the negation of love to justice finds love standing above and against justice as a transcendent perspective or standard where all rules, structures and achievements of justice are judged and assessed, highlighting the failings of all systems or historical enactments of justice in a sinful world (Boston, 1994b, p. 87). Justice is in part an embodiment of love, yet, every idea, system and structure of justice is capable of being corrected and raised to a higher level of love, to a more perfect possibility of human community[25] (Bennett, 1967, p. 58; Labacqz, 1986, p. 86).

Principles of Justice: Philosophical Considerations

Liberty and Equality

A striking element of Niebuhr's exposition of the principles of justice is that he does not attempt to arrive at rational valid principles, but after affirming their historical validity, he provides more of a commentary of their existence in the life of the community.

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[25] Bennett (1967, p. 59) notes two emphases in Niebuhr's discussion of the relation between love and justice that he affirms as distinctive. Firstly, "justice must always be thought of in dynamic terms, and that love can always raise justice to new heights." And secondly, "his conviction that love never takes the place of justice even under the best possible human conditions."

Before unravelling the principles of justice, an essential prerequisite of justice for Niebuhr, is basic social peace and order. This is the necessary condition for the very existence of communal life, as the instruments of justice can only function within a framework of order (Niebuhr, 1960, p. 174).

Beyond the prerequisite of communal order, Niebuhr affirms both liberty and equality as rational principles of justice. For Niebuhr, freedom is the essence of human nature as a transcendent being, made in the image of God, and therefore always stands as a crucial value (Labacqz, 1986, p. 87). To say that humanity is "essentially" free means that humanity has the capacity for indeterminate transcendence over the processes and limitations of nature (Niebuhr, 1944, p. 3). Humanity's transcendent freedom, as a principle of justice, means that a free society is legitimate by the fact that there exist indeterminate possibilities for human creativity that require full expression (Niebuhr, 1960, pp. 174-175).

But unfettered (individual) freedom cannot stand alone as an adequate social principle, and must always be concomitantly related to justice, equality, and community (Labacqz, 1986, p. 87). As such, Niebuhr argues that the most frequent general principle of justice in historical and modern natural law is the principle of equality. A higher justice always means a more equal justice. It is equality, which emerges therefore as Niebuhr's highest standard of justice.

Niebuhr views equality as the medial principle between love and justice. "If the obligation to love the neighbour as the self is to be reduced to rational calculation, the only guarantee of the fulfilment of the obligation is to grant to the neighbour which equals what the self claims for itself" (Niebuhr, in Davis & Good, p. 175). Therefore equality is a rational calculation of love, but it is not love. Equality requires the self to insist on their rights and interests in competition with others rights and interests. Equality is thus the approximation of love in the realm of law, and under the conditions of sin (Niebuhr, 1960, p. 175).

However, Niebuhr also asserts that although equality is a rational political version of the law of love, it is also a transcendent ideal, and as with freedom, it can never be fully realised.

> The validity of the principle of equality on the one hand and the impossibility of realizing it fully on the other, illustrates the relation of all absolute norms of justice

> to the relativities of history.... Yet neither principle could be wholly nor absolutely applied without destroying the community. (Niebuhr, 1960, p. 176)

Equality, therefore, can never be equality of outcome by an imposition on society. Niebuhr argues that some differentials in social privilege are necessary to make the performance of certain social functions possible. However, all unequal conditions should be constantly re-examined for its legitimacy in light of new circumstances (Bennett, 1967, pp. 58-59).

These natural law regulative principles of justice on a policy level require further rational calculation of the interests, obligations, and rights from an impartial perspective. For example, a social service must determine whether its objectives will be delivered on the basis of an egalitarian outcome, on the basis of equity, or on the basis of equality of opportunity.[26] These principles (equality and freedom) remain as regulative axioms for social criticism that every scheme of justice stands. They are the rational approximations of the ultimate transcendent principle of love (solidarity and brotherhood) under the conditions of sin (Niebuhr, 1935, p. 66).

> The Stoics and the medievalists...regarded liberty and equality as requirements of the absolute, but not of the relative, natural law. This is to say they believed liberty and equality to be ultimate but not immediate social norms. Neither one can be fully realized in the complexities of actual history, if for no other reason than that they come into conflict with each other. A society can destroy liberty in its search for equality; it can annul the spirit of equal justice by a too consistent devotion to liberty. (Niebuhr, 1960, p. 176)

> Further the principle of equality is a relevant criterion of criticism for the social hierarchy, and the principle of liberty serves the same purpose for the community's unity. Yet neither principle could be wholly nor absolutely applied without destroying the community. (Niebuhr, 1960, p. 176)

For Niebuhr there are no fixed principles for relating the norms of equality and freedom to each other. Various ideological debates have focused on the extent

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[26] Boston (1999c, p. 31) argues that the defenders of the principle of equality of opportunity fall into at least three camps: Firstly, a broad application of the principle to most social economic opportunities (the maximalist position). Secondly, the absence or removal of constraints and barriers (the minimalist position). Thirdly, equalisation of opportunities to a confined number of 'specific' goods that are important for well-being such as employment, health care and education. Problems include: determining the range of goods, the quantity and quality of the goods that should be provided, and the priority (Boston, 1999c, p. 32). The debate usually hinges around this third point.

to which these principles are compatible or incompatible. But on a political and policy level, Niebuhr resorts to pragmatic historical contingency to determine which should be given attention and preference in a given situation (Niebuhr, 1960, p. 177).

Imaginative Justice: Need

For Niebuhr "imaginative" justice leads beyond simple equality to a consideration of the special needs of the other.

> A sensitive parent will not make capricious distinctions in the care given to different children. But the kind of imagination which governs the most ideal family relationships soon transcends this principle of equality and justifies special care for a handicapped child and, possibly, special advantages for a particularly gifted one. (Niebuhr, 1935, p. 66)

In a similar vain, imaginative justice in the wider community go beyond a rational calculation of simple equality issuing a "preferential option for the poor", which is a metaphoric phrase inclusive of the deprived, vulnerable, and the powerless. Thus, what Niebuhr terms as imaginative justice, is a principle of need, where justice also requires the consideration of special needs and vulnerable members of the community. Indeed, differences of need and social function make some forms of inequality a necessity (Niebuhr 1944, p. 55; Labacqz, 1986, p. 87; Bennett, 1967, p. 59).

The Finite, Contingent, and Approximate Character of the Principles of Justice

The contingent and finite character of the rational capacities, and the force of human sin, mean that the rational estimates of the rights and interests of others are inevitably tainted by passion or self-interest. Without a universal reason in history, and no impartial perspective upon the whole field of vital interests, Niebuhr (1943, p. 261) asserts that the principles of justice must be understood with a degree of historical relativity. Niebuhr believes that there are universal principles of justice, by which the formulation of specific rules and systems of justice are orientated, but he regards these universal principles as transcendent, and cannot be realised in history:

> The validity of the principle of equality on the one hand and the impossibility of realizing it fully on the other, illustrates the relation of absolute norms of justice to the relativities of history. The fact that one class will tend to emphasize the absolute validity of the norm unduly, while another class will be inclined to emphasize the impossibility of achieving it fully, illustrates the inevitable "ideological taint" in the application of a generally valid principle, even if the principle itself achieves a high measure of transcendence over partial interests. Equality, like liberty is a regulative and guiding, but not an absolute, standard. (Niebuhr, 1943, pp. 264-265)

Moreover, whilst Niebuhr maintains a relative form of justice he by no means absolves a rational commitment to the principles and standards of justice.[27] For Niebuhr, there are generally valid principles that inform, judge and criticise historical achievements of justice.

Thus for Niebuhr, every concrete situation of historically realised justice is capable of improvement to approximate more closely the ideal of love and the spirit of kinship. In this, all moral achievements stand in an ascending scale and remain in the realm of approximation, as the ideal of their perfect form, lies beyond the capacities of human nature (Niebuhr, 1935, p. 67). Niebuhr calls this the "nicely calculated less or more justice."

5. A BRIEF CRITIQUE AND ASSESSMENT

Almost every aspect of Reinhold Niebuhr's work has been subject to critique.[28] This next section therefore briefly considers the merits and weaknesses of Reinhold Niebuhr's political and moral theory as canvassed in this chapter.

To any first reader of Niebuhr's work, it soon becomes clear that Niebuhr is unsystematic. As stated at the beginning of the chapter, his analyses are often so tightly compact and span a vast array of theoretical thought that it is difficult to

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[27] Niebuhr (1943, p. 256) attempts to steer a course between the relativists who refute the possibility of valid principles of justice, and the rationalists and optimists who think it possible "to arrive at completely valid principles, free of every taint of special interest and historical passion."

[28] See Charles W. Kegley & Robert W. Bretall (Ed.) (1967) *Reinhold Niebuhr: His religious, social, and political thought* New York: MacMillan Press. This volume canvasses an intellectual autobiography by Reinhold Niebuhr himself, and twenty essays from various authors critiquing different aspects of his thought.

divide, organise and pigeonhole his philosophy in any systematic way (although others have undertaken this project, see Davis & Good, 1960). His writings have never attempted to be systematic but appear more as a collection of critical reflections.

This unsystematic nature lends itself to probably the most significant element of criticism of Niebuhr's political philosophy. As a Professor of social ethics, he has not developed a clear systematic theory of justice (nor a theory of society or the state for that matter). Niebuhr's articulation of justice appears to walk a tightrope between philosophical natural law principles of liberty and equality, and theological considerations of the relation of love to justice (Labacqz, 1986). A notable comment by Emil Brunner (1967) observes:

> All the more surprising is it, therefore, that Reinhold Niebuhr has never worked out a clear concept of justice whereby the difference between the demands of justice and those of the supreme ethical norm of love might be understood. If one uses the term "justice" intending it to be distinguished from the "agape" of the New Testament (which for Niebuhr is the highest norm), then one is duty-bound to say exactly what this "justice" is as distinguished from love. (Brunner, 1967, p. 30)

Niebuhr's ambiguity is also observed by others. Labacqz (1986, p. 93) comments that the dialectic of love and justice would be clearer if Niebuhr spelled out the requirements of justice in more detail. His ethical account does not specify the procedures or rules for justice, and therefore it is difficult to determine what this means in practical policy terms. As Thompson (1967) writes:

> He considers political realism as the disposition to take into account all factors in a social and political situation which offer resistence to established norms. But what are those norms? What reference do they have to concrete political situations? Is it not true that norms like *equality* become in the political arena objects of endless contention, rationalization, and self-deception which have confounded the philosophers who strive to advance abstract political judgments? What, for instance, does the norm of *justice*, which Niebuhr construes as requiring that each man be given his due, mean in practical terms? What are the standards by which to determine what is "due" to labour or management in every situation? It is this kind of question which troubles some of Niebuhr's most devoted students. (Thompson, 1967, p. 173)

Failure to give clear definition means it is difficult to determine situation-specific implementation of Niebuhr's social ethic for policy. For example, there is no guidance in Niebuhr for whether the principle of equality should apply solely to political or civil rights, or social opportunities, and at what point social inequality is legitimate - that is, what kinds of inequality should be regarded as unjust (see Boston, 1999c, p. 21)? Nor is there any guidance to the relative priority of Niebuhr's concept of "imaginative justice" (need) as compared with other principles of justice. As Labacqz (1986) writes:

> ...this leaves Niebuhr with an ethic that fails to illuminate "difficult tactical questions." Niebuhr's middle axioms have only "limited usefulness" as guidelines in social ethics: they remain intuitive precisely where they should be more explicit." There is in Niebuhr little careful elaboration of the extent to which "justice" means "treatment in accord with needs" or "merit" or "productivity" or some other criterion. (Labacqz, 1986, p. 94)

In this, Niebuhr's application of social ethics takes a more intuitive and ultimately a pragmatic approach, lacking clear concrete guidelines for action. On a political and policy level, Niebuhr resorts to pragmatic historical circumstances to determine whether liberty or equality should be given attention and preference in a given situation (Niebuhr, 1960, p. 177). Brunner (1967, pp. 30-31) believes that the reason for this lack of clear postulates for social action is grounded in Niebuhr's inadequate concept of justice.

These criticisms of Niebuhr's concept of justice are also typical of his political philosophy. The principles of the structures of power, for instance, sets the institution of property within a pragmatic framework of democratic procedure (the balance of power and the organisation of power) for the best possible distribution and management of economic resources. No matter how brilliant his analysis of Marxism or liberalism may be, Niebuhr does not seem to get any more specific than this. On what principle should the best possible distribution of power be based? And how should the economic resources be managed? And at what point should government intervene in the economy? Thus, as consistent with the charges against Niebuhr's social ethics, his political philosophy leaves many questions unanswered.

Like Brunner, the inability to translate Niebuhr's analysis into practical policy terms, is due to the fact that Niebuhr does not formulate a clear concept of

society, that is, he does not recognise normative principles for the structure and organisation of society. As such, whilst Niebuhr alludes to various spheres of hierarchy he does not articulate the role or function of the various spheres.

Given Niebuhr's unsystematic approach, others have argued that Niebuhr lacks a clear philosophical orientation. Scott (1963, p. 41-42) submits that Niebuhr is occasionally charged by his colleagues in the theological community with being overly inclined in his political thinking to pragmatism, such that he is insufficiently controlled by moral and theological principle.

Despite these weaknesses, Niebuhr's most significant contribution to the construction of the present theoretical framework are the tenets of human nature and his critical reflections of human behaviour in communal life. One must therefore also question whether Niebuhr's assumptions of human nature are correct. Some argue that Niebuhr places too much emphasis on the corruption of human nature by sin and fails to examine the human potentialities for good (Labacqz, 1986). Still others argue that Niebuhr tends too much to the extremities of the human capacities and possibly an absolutist kind of realism. A too persistent realism can lead to a prematurely foreshadowed view of the possible. It can obscure the potential for good in those whose influence cannot be readily seen and measured. It can blind itself to the opportunities for incremental improvement in the human condition that do exist because of the tug of conscience (Weigel, 1993, pp. 77-78).

Whilst humanity as corrupted by sin is indeed a universal principle, it is questionable whether Niebuhr's exposition of human behaviour in its pride and will-to-power is also universal. Niebuhr's account of pride and the will-to-power lends itself to aggressive types of personalities, neglecting possibly more passive and subtle forms of sin and human pride. Wolf (1967, p. 241) charges Niebuhr with not sufficiently including the sins of a weak person in his categorisation, as he does so forcefully the sin of the strong. His conception of the will-to-power also neglects to differentiate typical behaviour between men and women. Feminists have argued that sin in women has more often been a too-ready self-effacement, rather than a will-to-power (Labacqz, 1986).

His possible over emphasis on sin and the pride-to-power may even suggest that Niebuhr overstates the need and necessity for the struggle and the balance of

power in social life. Thus the case of the "moral individual and immoral society" may also be an overstatement of this distinction. But as Labacqz (1986, p. 94) asserts Niebuhr's system of ethics acts more as a cautionary device rather than a strict application. Justice functions more as a principle of prophetic criticism of all perspectives, than as a precise norm or philosophical category.

6. CONCLUSION

Setting aside these criticisms for a moment, this chapter has contributed markedly to a Christian conceptual and theoretical frame for the analysis, choice and design of social policy. Whilst the chapter makes a general contribution to each component of the theoretical framework, its two-fold specialisation is the articulation of a Christian Realist philosophical anthropology; and imperative critical reflections of the nature of human interaction and behaviour in communal life.

More specifically, the chapter configures Niebuhr's treatise on human nature in three themes: (1) humanity is made in the image of God and therefore contains an inherent dignity and ability for self-transcendence; (2) humanity as a unity of both nature and spirit, and; (3) human nature as corrupted by sin. The chapter, emphasising humanity as containing both nature and spirit and the Christian doctrine of corruption by sin (being Niebuhr's specialty), uses these axioms as the basis for a Realist critique and assessment of human self-interest and power in communal life. Thus the chapter also contributed to the second component of the theoretical frame developing critical reflections on human behaviour and interaction. The chapter concluded that: (1) the self is both self-regarding and other-regarding, with the former being stronger than the latter, but is not consistently one or the other; (2) the community is essential to the individual if authentic human existence and significance is to be achieved; (3) the community is both an artefact and an organism; (4) individual morality surpasses that of collective morality; (5) the principle of the moral individual and immoral society establishes an ethical basis for a collective social responsibility; and (6) the means for group justice is determined by power, not ethics.

The chapter has also contributed to the remaining two components of the theoretical framework. From these critical reflections on human nature, interaction and behaviour, this chapter provided two perennial and significant principles for the technical and organisational arrangements of social, economic and political life: (1) the balance of power; and (2) the organisation of power. Finally, the chapter discussed Niebuhr's interpretation of Christian social ethics: the Christian law of love, the relation of love to justice, the principles of justice, and the difficulty of realising these under the conditions of human sin, and thus articulating the values that ought orientate society.

Quite apart from the contribution of political/moral theoretical constructs, is a strong sense of realism that this tradition deposits within the theoretical framework. Niebuhr's realism emphasises the gap between ethical/religious norms and political realities; it emphases that policy and politics are morally ambiguous matters; it underscores that all persons are of a limited perspective and ultimate sanction (Divine or scientific) can never be claimed for what must always be considered as hazardous and tentative opinions. Finally, Niebuhr's Christian realism leads to a pragmatic and intuitive approach for the "art" of policy and politics. These factors, discussed slightly further in chapter seven, contribute a realist and humble *attitude* for which to *approach* social policy.

Undoubtedly, Reinhold Niebuhr has made a unique contribution to Christian theory and analysis of social and political phenomena. This tradition, in particular, had a significant personal impact on me. Reinhold Niebuhr has an incredible ability to delve deep, to make alive, and apply theological doctrines to political problems. The following accolade is therefore fully endorsed, and summarises his contribution well:

> Niebuhr's sustained faithfulness to the Biblical presentation of the doctrine of man in its historical focus, his contributions to an understanding of the problem of faith and experience and of sin and grace beyond the entrenched positions of Catholicism and Protestantism, and his ability to invest Christian theology with relevence for the personal, political, and economic problems of our day entitle him first place among Christian thinkers in America and to serious attention as a Christian apologist throughout the world by thoughtful Christians and secularists alike. (Wolf, 1967, p. 249)

Despite, however, such compliments, and turning again to the above qualms, the thesis argued that whilst Niebuhr considers political realism as the disposition to take into account all factors in a social and political situation that offer resistance to established norms, Niebuhr himself did not carefully articulate what the specific norms exactly are or should be. This was felt to be a consequence of his unclear articulation of and unsystematic approach to political and moral theory. Niebuhr's lack of systematic social theory, particularly a normative theory of the structure of society, limits the effectiveness of a Christian Realist. Consequently, Niebuhr's thought must be supplemented by a tradition of a more systematic and structural nature. Hence, we now turn to investigate the Reformed neo-Calvinist thought of Herman Dooyeweerd.

Chapter Three

THE REFORMED NEO-CALVINIST TRADITION

The Cosmonomic & Sociological Philosophy of Herman Dooyeweerd

1. INTRODUCTION: INSTITUTIONAL ARRANGEMENTS

This thesis seeks to think about and interpret social policy issues within a Christian moral, theological and philosophical frame. In chapter one, the idea that social policy is conceived in terms of one's political ideology/philosophy, understood as a theoretical framework that conceptualises and defines the nature of the problem, the issues involved, and the choices of action one may subsequently make, was explored in detail. The present chapter embraces the second of three Christian traditions examined, in the search for a Christian theoretical frame for the analysis, choice and design of social policy.

As stated in the previous chapter, each tradition contributes to all four components of the Christian theoretical frame, however, each tradition also specialises and configures a more specific supplementation to the framework. Of the three traditions explored, the present tradition is the most limited in its subject matter but contains probably the widest implications. It contributes primarily towards the third component of a Christian theoretical frame, namely, the technical, institutional and organisational arrangements of society. The chapter therefore examines a tradition that is rich in Christian normative theory of the nature, purpose, function, and inter-relation of the independent structures comprising society. This Christian normative account of society is embodied within the Reformed principle of sphere sovereignty.

In like manner to the previous, the present chapter opens with a brief outline of the origin and nature of the Dutch Reformed Neo-Calvinist tradition. It then proceeds to focus more specifically on two parts of Herman Dooyeweerd's

thought: his cosmonomic and sociological philosophy. Dooyeweerd's detailed treatment of law, politics and society are grounded and shaped significantly in a Calvinist cosmology and epistemology, and these ideas are therefore a pre-requisite foundation to Dooyeweerd's latter sociological thought. These key concepts contained in the "philosophy of the cosmonomic idea" (PCI), are briefly sketched, which for Dooyeweerd develops and clears the way for a uniquely Christian philosophy, founded on a broader Calvinist world-view.

The second part, established on these primary and foundational ideas, explains Dooyeweerd's sociological philosophy. Before this can be achieved, a brief review of his ontological theory of modal aspects is required as an essential pre-requisite for understanding his later social theory. What follows is an explication of his theory of society and state. The principle of sphere sovereignty obtained from this theoretical milieu is then discussed within the confines of its utility for social policy and as a principle for institutional and organisational arrangements. This tradition is then briefly assessed and conclusive comments given.

2. THE ORIGIN AND NATURE OF THE REFORMED/NEO-CALVINIST TRADITION

This chapter explores and discusses a particular strain of the Dutch Reformed neo-Calvinist tradition emerging in the latter part of the nineteenth century, named "philosophy of the cosmonomic Idea (PCI)." PCI is a Christian philosophical movement founded by Herman Dooyeweerd (1894-1975) and Dirk H. T. Vollenhoven of the Free University of Amsterdam. This Reformed body of literature - whilst not widely known outside the Netherlands - is arguably the most substantial example of Protestant social and political theory in the twentieth century (Chaplin, 1993, pp. 177, 191).

This Dutch Reformed movement is preceded by a number of significant figures. The movement has its historical and theological roots in the thought of St. Augustine (354-430) and John Calvin (1509-1564), and was developed further within the Dutch context by Guillaume Groen van Prinsterer (1801-1876),

Abraham Kuyper (1837-1920),[1] and Herman Bavinck (1854-1921). These men were significant leaders within the renewal of the Dutch Reformed movement during the 19th century, and coined many of the basic concepts, developed later by Herman Dooyeweerd.[2]

Herman Dooyeweerd, however, is often hailed as the most outstanding representative of the "neo-Calvinist school of philosophy" and who's thought this chapter draws upon. Dooyeweerd is a prolific thinker and writer with well over 200 publications in philosophy, theology, law, political theory, sociology, history, and the foundations of the natural sciences. The grassroots of his philosophy were developed systematically (described by Chaplin (1993) as his "Magnus Opus") in a four-volume work, *A New Critique of Theoretical Thought.* Inasmuch as his versatility as a thinker and writer has displayed itself in many disciplines, his main discipline was law in which he occupied the chair in jurisprudence at the Free University of Amsterdam.

Characteristic and fundamental to PCI, is an emphasis on the religious character of all of life. This means that no human activity, and no part of reality which human kind functions, exists apart from a central religious basis (Cameron, 1994, pp. 38-39). Of particular relevance to Dooyeweerd's investigations are the implications of this tenet to human philosophical thought, that all human thought and knowledge of whatever kind rests ultimately on religious roots (Cameron, 1994, pp. 38-39). This central idea challenges many commonly held assumptions regarding the nature of religion and its relation to human thought and action (Cameron, 1994, p. 38). It challenges both secular and Christian intellectual traditions by self-consciously basing itself upon certain ideas concerning the nature of theory, the role of philosophy, and their relation to the idea of a Christian perspective or world-view (Cameron, 1994, p. 42). In

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[1] Abraham Kuyper (1837-1920) was very influential in Dutch national life as a statesman, scholar and a minister in the church. He served as a minister of the Hervormde Kerk (Reformed Church) from 1863 and in the Dutch Parliament in 1874-75, whilst also a short consignment as Prime Minister from 1901-1905. He founded the Free University of Amsterdam and published numerous documents, which are considered by Chaplin (1993) to be as influential as the Catholic encyclical *Rerum Noverum*. Kuyper referred to his own world-view as grounded in a neo-Calvinist cosmology.

[2] For an introductory historical background of Herman Dooyeweerd and his school of thought see Bernard Zylstra's introduction in Kalsbeek, L. (1975). *Contours of a Christian philosophy: An introduction to Herman Dooyeweerd's thought.* Toronto: Wedge Publishing Foundation..

this, it is a radical philosophy as it attempts to eschew any synthesis with any other "ground-motive," and to base itself solely on the biblical motive.

3. PHILOSOPHY OF THE COSMONOMIC IDEA: THE RELIGIOUS BASIS OF REFORMED SOCIAL THEORY

Human Nature and the Religious Basis of the Self

While a Christian view of human nature was discussed in the previous chapter and is not the focus of the present chapter, the Reformed view does, however, expand upon and explicate a significant and pertinent idea alluded to by Niebuhr. The Christian biblical understanding of the human self-hood and reason understands that the mind and reason are the servant of the self, not the master (Dooyeweerd, 1953; Niebuhr, 1953, p. 138, Peacocke, 1997).[3] The essential postulate of Dooyeweerd's (1975, p. 176) view of the human person is that he does not consider the intellect as the real centre of the human selfhood, but rather, he directs his general philosophical thought towards penetrating what he perceives to be the deepest root of the human self-hood, and that which the intellect is dependent upon – the human heart (or spirit).[4] Dooyeweerd asserts that our thinking is directed by the deepest motives of the heart, which in turn prompts and directs philosophical thinking. Human thinking is an activity, which at its deepest level is religious (a spiritual activity), and will always

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[3] Peacocke (1997, p. 1) depicts this phenomenon as "the mind will justify what the heart has chosen"

[4] Spier (1973, p. 16) elaborates on the word 'heart' which has various meanings in Scripture. It includes its literal meaning (a physical organ) and its figurative meaning ("the heart of the sea") but also:

(1) The innermost being of humanity (Joel 2:13, Jer. 19:13).
(2) The source of human life (Jer. 4:18).
(3) The background of our thoughts (Ex. 28:10).
(4) The background of all wisdom and reason (Ps 90:12).
(5) The background of our words and deeds (Matt. 12:34; 15:19).
(6) The background of our emotional life (Prov. 15:13).
(7) The source of sin (Gen. 8:21).
(8) Represented to be the deepest centre of our entire temporal existence

Spier (1973, p. 17) comments that these different meanings of the word 'heart' illustrate the biblical doctrine that out of the heart are the issues of life.

ultimately be directed by and rest on a religious root (Cameron, 1994, p. 39). A clear exposition of this phenomenon is given by Kalsbeek (1975):

> Our "selfhood," our "heart"...expresses itself in acting, speaking, thinking, feeling, and believing; yet it is never identified with any one of these modes of expression. Neither does philosophical thinking coincide with or exhaust our selfhood, our heart. Instead, the heart is the root from which thinking arises, is fed, and receives its direction. Our selfhood *transcends* philosophical thinking. In fact, the spiritual direction of this heart, out of which are "the issues of life" (Prov. 4:23), determines the shape of one's philosophy. Since it is dependent on this direction, philosophy is "self-insufficient".... our selfhood is beyond our theoretical grasp. We cannot comprehend or delineate this center of our being with our thinking, precisely because the selfhood transcends our thinking. The selfhood is religious in nature. (Kalsbeek, 1975, pp. 53-54)

This view of the human self challenges a number of foundational assumptions which are widely held. Firstly, it rejects the "dogma of the autonomy of theoretical thought." Dooyeweerd goes to great length to demonstrate that any form of theorising as purely rational thinking, independent of everything else, does not exist. Rather, supra-theoretical presuppositions are necessary prerequisites to theoretical thought.[5] Secondly, it challenges the widely accepted assumption that the religious and secular realms (which includes both scientific and intellectual domains) are separate and should remain so (Cameron, 1994, p. 39). Dooyeweerd deems this distinction unmeaningful, as all thought is religious at root.[6]

Dooyeweerd's Transcendental Critique: The Ground-Motives of Western Thought

Based on the fundamental tenet of the religious basis of human thought, and by a "transcendental"[7] critique of the history of Western thought, Dooyeweerd

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[5] Dooyeweerd demonstrates this in his analysis of the major historical-philosophical transcendental ground-motives (spiritual motivations) of Western thought explained further below.

[6] For good introductory texts to Dooyeweerd's work see: Dooyeweerd, H. (1979) *The roots of western culture: Pagan, secular, and Christian options.* Toronto: Wedge Publishing Foundation. Dooyeweerd, H. (1975) *In the twilight of western thought: Studies in the pretended autonomy of philosophical thought.* Nutley, New Jersey: The Craig Press.

[7] Dooyeweerd (1953, p. 37-38) makes a distinction between a transcendent and transcendental critique. A transcendent critique is one which assesses a position outside

sought to expose the spiritual roots driving, directing and motivating Western culture. He identified four broad cultural ground-motives (or religious-motives) that have historically directed Western thought and culture.

Firstly, the "form-matter" ground-motive of Greek antiquity. The Greek form-matter motive is essentially dualistic, based on two co-eternal and co-existent principles of origin (Kalsbeek, 1975, p. 62). This is epitomised in Aristotle who taught that the natural world is a fusion of two principles: matter (hyle) and form (morphe) (Kalsbeek, 1975, p. 63).

Secondly, and in contradistinction to the Greek ground-motive, Dooyeweerd posits the scriptural ground-motive of the Christian religion, that of creation, fall into sin, and redemption through Jesus Christ in communion with the Holy Spirit. This ground-motive is explained further below, and is the religious basis upon which PCI endeavours a reformation and redirection of theoretical thought and culture.

The third religious ground-motive that Dooyeweerd identifies is the Roman-Catholic ground-motive of "nature-grace." This motive seeks to combine the Greek and Christian motives and is epitomised by St. Thomas Aquinas and the scholastic movement that followed. Aquinas synthesized the Christian theological thought of St. Augustine, with the dualistic Greek thinking of Aristotle, thus resulting in the dualistic "nature-grace" ground-motive. The legacy of Roman Catholic thought and culture is based on this synthesis.

Thomist scholasticism, to Dooyeweerd (1953, p. 65), in its attempt at synthesis causes the Christian basic motive to lose its radical and integral character. To Dooyeweerd (1953, p. 65), in proclaiming the autonomy of natural reason in the 'natural sphere' of knowledge, the scholastic vision of human nature rejects the place for the Biblical revelation of the *heart* as the religious centre and radix of temporal reality. The significance of these observations will become obvious in the next chapter with an assessment of Catholic social teaching.

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the theory or tradition without a critical analysis of the immanent structure of the thought itself or the positions foundational presuppositions based on its basic religious orientation (Cameron, 1994, p. 62). A transcendental critique on the other hand, identifies the foundational religious basis and basic presuppositions of the theory or tradition, and examines the thought on the basis of those religious and philosophical assumptions (Cameron, 1994, p. 62).

The fourth ground-motive that Dooyeweerd identifies is the modern humanistic ground-motive of "nature-freedom." The humanist ground-motive, like the Greek motive contains a dualistic structure of nature (science) and freedom. Dooyeweerd (1953, p. 63) asserts that this motive has taken its rise from the religion of the free autonomous human personality and that of modern science evoked by it, and directed to the domination of nature.

From these four ground-motives Dooyeweerd endeavours to demonstrate the major religious undercurrents that have historically driven Western culture and thought. These are religious ground-motives because they are the deepest spiritual roots that drive the intellectual traditions and culture to which they belong (Cameron, 1994, p. 40). These premises are not always acknowledged, and often function as the unrecognised axioms of thought, being all the more powerful because of a religious commitment to them (Rushdoony, 1978, p. 21).

Immanence Philosophy

From the idea of the religious character of all human existence, Dooyeweerd critiques a number of fundamental tenets at the root of Greek metaphysical theory and humanistic theorising. Dooyeweerd (1953, p. 61) argues that human thought, which rejects the Divine origin as the source of its own activity, must find a creaturely substitute as its religious root. Here we encounter Dooyeweerd's distinction between immanence and transcendence philosophy.

Immanence and transcendence are derived from two latin words: *immanere* meaning to remain inside (something) and *transcendere*, to go beyond (something). To remain within or go beyond refers to any boundary that is either drawn or observed. Dooyeweerd's challenge and contrast of immanence to transcendence philosophy questions the boundary of philosophic thought itself.

Dooyeweerd uses the term "immanence philosophy" to refer to a philosophy whose creator believes that it is possible to remain within the boundaries of philosophic thought and reject religious influences (Kalsbeek, 1975, p. 54). In bringing to the fore the inner problematic nature of the humanistic immanence-standpoint, Dooyeweerd (1953, p.15) asserts this position is impossible unless the limits of philosophic thought are actually transcended. The Archimedean

point (or origin) must be elevated above temporal reality. Should the Archimedean point itself be enclosed within (immanent) the diversity of meaning (temporal reality) then it would be per se unsuitable as a point of reference (Dooyeweerd, 1953, p. 15).

The Pretended Autonomy of Theoretical Thought

The immanence standpoint rests on the "dogmatic belief of the autonomy or self-sufficiency of human thought;" the dogma that theoretical thinking is its own starting point (Cameron, 1994, p. 41).[8]

Dooyeweerd maintained that belief in the autonomy of human thought obscures the religious motives underlying that central belief by its denial of the religious character of human thinking (Cameron, 1994, p. 41). The immanence-standpoint, according to Dooyeweerd, necessarily leads to an absolutising of the logical function of thought, or to an absolutisation of some aspect of temporal reality (Dooyeweerd, 1953, p. 103). Without a true origin, Dooyeweerd asserts that we inevitably focus on particular aspects of meaning that lead to the deification[9] of a particular aspect of meaning (Dooyeweerd, 1953, p. 100).

An example of such phenomena exists in policy circles. The market-liberal view for example, raises the aspects of individual freedom and economic efficiency as the basis of all meaning, subjecting all other aspects of meaning (morality, justice, and social cohesion) to the individual/economic absolute. Dooyeweerd calls this an "ism" (e.g. economic rational*ism*), where the proponent neglects the mutual irreducibility of all aspects of reality, reducing all other aspects of meaning to one absolute aspect. This flows from the immanence theorist's choice of an Archimedean point within philosophical thinking itself, a choice which forces the thinker to make absolute something that is relative and not self-sufficient (Kalsbeek, 1975, p. 113).

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[8] The Catholic position is in agreement with this assertion. John Paul II (1998, #75) endorses that the autonomy and self-sufficiency of thought is patently invalid: "In refusing the truth offered by divine Revelation, philosophy only does itself damage, since this is to preclude access to a deeper knowledge of the truth."

[9] Hence, the biblical idea of idolatry.

The Christian Ground-Motive

Having identified the basic religious ground-motives of that have historically impacted Western thought and culture, Dooyeweerd places the Christian ground-motive of creation, fall into sin, and redemption, as the religious basis for a uniquely Christian redirection and reformation of theoretical thought and culture (Cameron, 1994, p. 40). As such, PCI attempts to base itself entirely on this radically Christian ground-motive, by eschewing any attempt to accommodate or effect a synthesis with any other ground-motive (Cameron, 1994, p. 40). This is because the Christian motive is at a fundamental level antithetical and incompatible with other ground-motives.

The first part of the Christian ground-motive, creation, is the direct antithesis to the Greek form-matter motive with its two principles of origin. In creation, God is the absolute origin of all things, and has revealed himself as the Creator. Humanity is created in the image of God, that is, the human person is a personal and relational being, containing the capacity for self-transcendence. Before the fall, humanity stood in close fellowship in loving service to God and his/her neighbour. This intimate bond of fellowship centred in the deepest human core - his/her heart, (the self) the religious centre of existence (Kalsbeek, 1975, p. 64).

The second element of the biblical ground-motive is fall into sin. All of temporal reality is bound up in human existence and is touched by the influence of sin. Sin is defined as turning away from God in disobedience, where disobedience can be further defined as humanity's intention to exist apart from God (an apostate condition). In disobedience, one's heart is directed away from God toward someone or something in creation (idolatry), which tarnishes and corrupts their relationship to God and humanity (Kalsbeek, 1975, p. 64). This point was illustrated in the previous chapter.

The third element of the biblical ground-motive is redemption in Jesus Christ through the communion of the Holy Spirit. This redemption redirects humanity's heart through regeneration, which allows humanity to share in the full renewal of creation and to enter into fellowship with God once more. Within this ground-motive lies the hope of transformation.

Contribution of the Philosophy of the Cosmonomic Idea to a Theory of Society

The Cosmonomic Idea

Dooyeweerd's critique of Western theoretical thought, and the identification of the Christian biblical ground-motive of creation, fall and redemption, was intended to clear the way and establish the religious basis for a uniquely Christian redirection and reformation of theoretical thought and culture (Cameron, 1994, p. 40).

Dooyeweerd's philosophy, based on the Christian ground-motive, is described as "philosophy of the cosmonomic idea," owing to the centrality of the notion of a law-idea (ground-idea) or cosmonomic idea.[10] Kalsbeek (1975) describes the law-idea as follows:

> we observe the equally remarkable phenomenon that every philosophical system starts from the certainty of some kind of law-order which cannot be proved but which men *believe* exists. Everyone searching for truth recognises that a law-order for philosophical thinking is valid, whether or not he is conscious of it. He cannot prove this order.... Every philosopher proceeds from a certain idea of order. Dooyeweerd interprets this order as the law-side of temporal reality, which the philosopher investigates. (Kalsbeek, 1975, p. 68)

Within each of the four ground-motives, theoretical thought is expressed in a corresponding law-idea (Cameron, 1994, p. 43). Each law-idea presupposes answers to three fundamental and indissolubly connected questions, that is, the coherence, totality, and origin, of the cosmos, the last being the most fundamental. These are transcendental problems meaning that they arise in the process of critical theoretical reflection but, owing to their religious nature, transcend theoretical thought (Cameron, 1994, p. 43).

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[10] The name "philosophy of the cosmonomic idea" is translated from the Dutch wijsbegeerte der wetisee. "Wetisee" when translated literally means law-idea (idea legis). However, Dooyeweerd prefers the term cosmonomic-idea in order to avoid the confusion with the juridical sense of the word. "Cosmic" means the informing of a theoretical view of the entire cosmos, and the Greek term "nomos" implies the notion of a cosmic ordering of law (Cameron, 1994, p. 43).

The Christian Cosmonomic Idea

Dooyeweerd (1953, p. 101) establishes that from the Christian ground-motive of creation, fall into sin, and redemption, the cosmonomic idea (law-idea) has the following contents:

Firstly, the origin of reality and the starting point for theorising is the "sovereign will of God the Creator, who has revealed himself in Christ." To Dooyeweerd's second question, the unity within the diversity of all reality (with respect to the law-side)[11] is found in the "requirement grounded in God's sovereignty of love and service to God and fellow creatures." Declared within the human experience (subject-side) in the person of Jesus Christ, the new religious root of the human race. Thirdly, the problem of coherence, each aspect of created reality is mutually irreducible and related to the other in an indissoluble coherence within the cosmic order of time (Dooyeweerd, 1953, p. 101).

The Religious Basis of Dooyeweerd's Social Theory

So how does the Christian ground-motive of creation, fall into sin, and redemption in Christ Jesus with its concomitant cosmonomic-idea shape social theory? The answer to this question is by informing the theory with basic religious presuppositions. For Dooyeweerd, every social theory is inevitably founded on certain religious presuppositions contained within their world-view. These presuppositions give the theory its general contour through one's understanding of the origin, nature, and purpose of societies. They also provide general criteria for the legitimacy of particular institutions and the appropriate relation between institutions (Witte, 1986, p. 15). As Dooyeweerd (1986) writes:

> In its view of the typical nature of various types of social relationships and the mutual connections among these relations, (positive) sociology depends on philosophical sociology. The latter, in turn, depends on the religious ground-motive on which it is based. (Dooyeweerd, 1986, p. 60)

Dooyeweerd's social theory, as founded within this broader Reformed/neo-Calvinist cosmology, establishes four particular religious presuppositions that provide the cornerstones for his social theory (Witte, 1986, pp. 15-16). These

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[11] The law-side and subject-side relation is discussed below in "the general theory of modal aspects.

can be summarised as: (1) belief in creation; (2) God's absolute sovereignty; (3) creation ordered through law; and (4) sphere sovereignty (mutual irreducibility of creation) (Witte, 1986, p. 17).

Firstly, in creation, all existent things are distinguished "after their own kind" and therefore are vested with the right to exist and develop (Witte, 1986, p. 16). This understands that everything other than God is God's creation and nothing that is created is self-existent (Clouser, 1991, p. 202). The presupposition of creation affirms that all social institutions, both past and present, find their ultimate origin in creation. As created entities they are not divine and therefore no aspect of creation can be ascribed with divinity. As created structures they also have the right to exist and develop.

Secondly, God is the origin and therefore the absolute sovereign of all creation. God brought creation into being and providentially guides its progress, such that no creature or activity is exempt from God's authority. This understands that no aspect or institution of creation has absolute authority, but is always relative to God's sovereignty, and the whole of creation is directly dependent on God (Clouser, 1991, p. 286).

Thirdly, God established and governs His creation through law. The laws of creation are consistent, comprehensive, and plural in form (irreducible), governing both organic and inorganic parts of creation. For a Christian, the task of social theory and science is to discover God's laws of creation.

Fourth, no aspect of God's creation is to be regarded as either the only genuine aspect or as making the existence of any other possible; that is, each aspect of creation is irreducible. This idea underpins Dooyeweerd's social theory by understanding that no aspect of creation is more real than any other, for instance, the individual is not prescient over the collective as neither is more real or ontologically prior to the other.

Due to the irreducible nature of the laws of creation, all social institutions exist alongside other institutions in a plural form, whereby each institution is by its very nature sovereign in its own sphere - hence the term sphere sovereignty.[12]

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[12] Sphere sovereignty is the central concept of Dutch neo-Calvinist social and political thought emerging from the late nineteenth century. The Dutch phrase *souvereiniteit in eigen kring,* literally translated as "sovereign in one's own sphere," was initially noted by

The normative laws governing creation make it possible for a plurality of social institutions or spheres, each with a measure of autonomy or sovereignty (Witte, 1986, p. 17). This sovereignty is never absolute, but is a delegated authority, subservient to God's absolute authority. Each institution's sovereignty is limited by the sovereignty of co-existing spheres and by the specific task or function that it is qualified (called) to do (Witte, 1986, p. 17).

As mentioned above, these postulates are based within the wider Calvinist world-view, and are the religious or pistological (faith) underpinnings of Dooyeweerd's thought. He ascribes the task of such religious presuppositions as primarily orientating the theoretical work; setting its direction and outer boundaries; describing in general terms the origin, nature, and task of all of creation including human culture; and thus providing the ultimate purpose and meaning of the theoretical framework. As stated above, these assumptions are religious, that is, they are "pre-theoretical and pre-scientific," they are prior to any social philosophy, and are foundational to all social theory.

The Tasks of Social Theory

From the foundational religious roots which orientates one's view, Dooyeweerd asserts that the task of social theory is to inquire into the order and laws of creation which govern and constitute all social institutions, prescribing their function and interaction (Witte, 1986, p. 19).

Thus Dooyeweerd ascribes to social theory four inter-related tasks: (1) it identifies the structures and institutions of society; (2) describes the nature and inner norms of the distinctive social institutions; (3) defines the purpose, function, or reason for which each institution exists; and (4) provides an analysis of the proper relation between each institution (Witte, 1986, p. 19). This requires the social theorist to penetrate beyond positivised institutional forms to the underlying ontological nature, as ascertained in history, of social norms and principles (Witte, 1986, p. 19).

Guillaume Groen Van Prinsterer, an historian and leader of the Protestant members of Parliament. However, the term was given its classic formulation in the writings and speeches of Abraham Kuyper. But it was Herman Dooyeweerd who adopted the term and developed it into its highest form of philosophical sophistication in the "Philosophy of the Cosmonomic Idea" (Chaplin, 1993, p. 187). This study investigates the concept as articulated by Dooyeweerd.

Conclusion: The Necessary Religious Presuppositions to a Christian Social Philosophy

Before proceeding to an exploration of Dooyeweerd's sociological thought, the above discussion has been necessary to describe some of the basic ideas that found and underpin Dooyeweerd's social theory. This discussion has provided the foundations for the ensuing outline of Dooyeweerd's view of society and state, which for Dooyeweerd is the fundamental starting point to any theoretical work:

> The Divine Word revelation gives the Christian as little a detailed life- and world-view as does a Christian philosophy, yet it gives to both simply their direction from the starting point in their central basic motive. But this direction is really a *radical* and *integral* one, determining everything. The same holds for the direction and outlook which the *apostate religious* motives give to philosophy and a life- and world-view. (Dooyeweerd, 1953, p. 128)

This is further endorsed by Kalsbeek (1975), who writes:

> ...the radical antithesis between biblical and apostate religious ground motives is of decisive significance for the deepest differences in political convictions. In the final analysis these ground motives determine men's total view of human society and the role of the state in society. (Kalsbeek, 1975, p. 256)

4. DOOYEWEERD'S SOCIOLOGICAL PHILOSOPHY: A CHRISTIAN THEORY OF SOCIAL INSTITUTIONS

Dooyeweerd's systematic social theory and epistemology are grounded in his ontological account of empirical reality - his general theory of modal aspects. Dooyeweerd's theory of modal aspects provides a "law-framework" of ontic norms from which he analyses social institutions. It is therefore fitting to explicate Dooyeweerd's ontological theory of modal aspects as an essential prerequisite for making sense of his latter social theory.

The General Theory of Modal Spheres (An Ontological Theory of Reality)

The theory of modal aspects is a key element in Dooyeweerd's systematic philosophy. Both his ontology (theory of the nature of things, processes, structures, etc.) and epistemology (theory of knowing) are based on this

description of reality (Cameron, 1994, p. 44). For Dooyeweerd, theoretical reflection upon our primary naive experience reveals that reality functions in diverse ways (aspects), or modes, which are only determined as distinct modes upon analytical thinking (Cameron, 1994, p. 45).[13]

Every aspect of reality is an aspect of meaning, which Dooyeweerd calls modes, modalities, or modal aspects. In the structure of human experience and reality, Dooyeweerd identifies 15 modal aspects (listed in the footnote),[14] which are ordered from the most simple to the most complicated with each aspect related to the other in an indissoluble coherence, and each building upon the previous aspect.

These aspects of meaning or modalities consist of two distinctive sides. Firstly, the basic properties of the aspect (e.g. biological aspect has biological properties) and secondly a sphere of laws (e.g. a law-sphere peculiar and pertaining to biological properties) (Clouser, 1991, p. 226). Law in this sense is the term used for the orderliness God has embedded in creation by which it is regulated[15] (Clouser, 1991, p. 205). In this, God is the origin of the cosmic law-order, and has established his laws over created things in a cosmic order, according to their different law-spheres. The laws valid in one sphere are of the same kind, whilst the laws of other spheres are different in nature (Spier, 1973, p. 36). For example, the laws for the physical aspect are different from the laws for the logical, which in turn are different from those for the moral, and so on.

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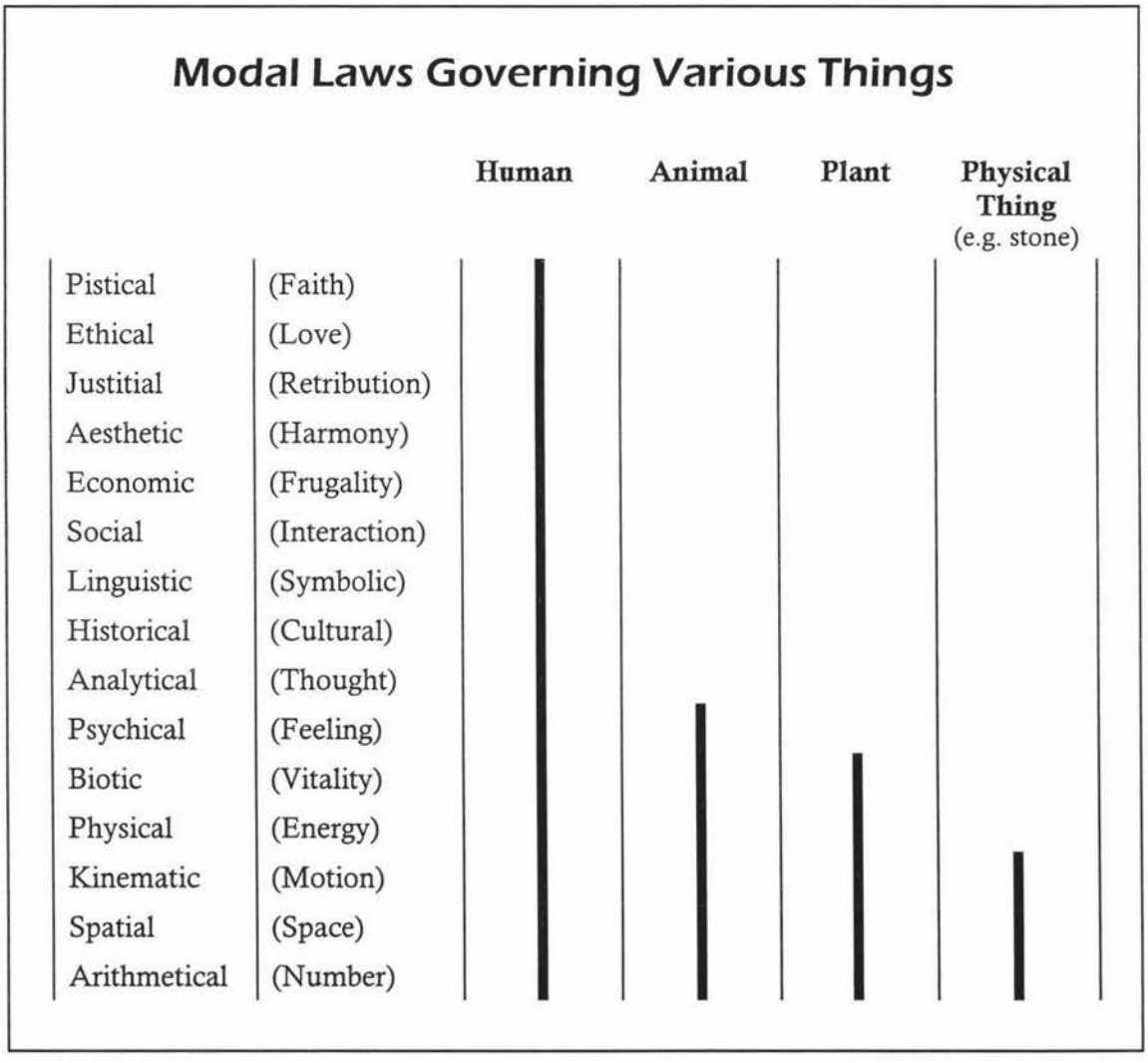
[13] Dooyeweerd's epistemology is based on this distinction of naive experience and scientific analysis. Dooyeweerd asserts we intuitively comprehend everyday naive experience (pre-theoretical) of concrete things, processes, events and structures, which is placed concretely in reality, whereas scientific analysis abstracts a distinct aspect of reality. For Dooyeweerd, scientific analysis builds upon naive experience.

[14] These modal aspects and their meaning-nuclei in brackets are characterised and ordered by Dooyeweerd as (15) pistical sphere (faith, firm assurance); (14) ethical sphere (love in temporal relationships); (13) juridical sphere (judgement, retribution); (12) aesthetic sphere (harmony); (11) economic sphere (frugality in scarce resourcing); (10) social sphere (social intercourse); (9) linguistic sphere (symbolic meaning); (8) historical sphere (formative power, cultural development); (7) analytical sphere (thought, distinction); (6) psychical sphere (feeling); (5) biotic sphere (vitality, life); (4) physical sphere (energy); (3) kinematic sphere (motion); (2) spatial sphere (space, continuous extension); (1) arithmetical sphere (discrete quantity, number). Dooyeweerd acknowledges that this classification is not closed or unchangeable, and it may be necessary to add other modalities.

[15] The scriptural basis for the use of the term 'law' as the orderliness of the universe appears in Psalms 119:89-91, 148:6 and Jeremiah 31:35ff, 33:25.

All creatures in the aspect corresponding to a particular law-sphere are subject to the laws of that sphere (see Diagram 3.1 below). A physical thing such as a stone is, as subject (active in),[16] is subjected to the laws of motion. A plant as subject is additionally subject to the laws of the biotic sphere. Whilst an animal, retaining the other aspects is also controlled by the psychical laws of feeling. Humans consecutively, are as subject, subjected to the laws of the additional modalities: hence to the laws of thought, history, language, society, economy, aesthetics, and to juridical, ethical, and pistical law (the law of faith) (Spier, 1973, p. 39).

Diagram 3.1



[16] Clouser (1991) prefers to use active for subject, and passive for object.

However, there are law-spheres in which a specific thing does not function as a subject but as an object (passive). A plant, for example, does not possess a psychical function (as it cannot feel); nevertheless, as the *object* of human sensory perception, it has psychical functions as an object (i.e. functions passively in the psychical aspect) (Spier, 1973, p. 38).[17]

The last aspect that a thing functions as a subject in is the qualifying aspect of that structure. For example, an animal is a psychical thing because the psychical aspect is the last aspect it functions as a subject. All higher aspects it functions in are as an object. The qualifying function is the aspect whose laws govern its internal organisation and/or development. This is important because the law-sphere of the qualifying aspects play a more prominent role in their normative internal organisation and/or development than do the laws of any other aspect (Clouser, 1991, p. 218).

The qualifying function of an entity is further broken down into a foundational and leading function. The former is the highest aspect that the natural materials function as subject, and this is the aspect whose laws govern the process of change of human intervention. The leading function, on the other hand, is the highest aspect that the thing functions in, governing the plan or the purpose that guides the process of their formation (Clouser, 1991, p. 226). For example, the family is qualified with a foundational function in the biotic sphere (it is the biotic aspect that is the highest natural material aspect), whilst its leading function which guides the process of its formation, is the ethical sphere (love).

All the aspects between its foundational and leading function characterise the 'type laws or norms' of the structure. These laws range across the aspects determining the combinations of properties which characterise different individuality types. For example, a business is qualified with a foundational

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[17] The 'philosophy of the cosmonomic idea' addresses the old dilemma of objectivism versus subjectivism. Clouser (1991, pp. 208-209) asserts that this question can best be understood as a controversy between contrary answers to the question of "What is the source of the laws which give orderliness to creation? He asserts that the objectivist locates the source of order in the objects of human experience, whilst the subjectivist locates the order in the human mind. Dooyeweerd assets that from a biblical point of view it is neither the known objects nor the knowing subjects which are the sources of the order, rather it is God who is the law-giver of the cosmos. Thus both objects and subjects are governed and connected by the same divinely ordained law framework (Clouser, 1991, p. 209).

function in the historical and a leading function in the economic, which spans across the linguistic and the social. This combination characterises the structural function of a business and determines its type of laws.

Of all the aspects, Dooyeweerd makes a distinction between normative and non-normative aspects. The lower aspects consist of non-normative laws that cannot be disobeyed, i.e. things that are qualified by physical or biological phenomena do not have a choice as to whether they obey the modal 'laws' governing their existence (Cameron, 1994). In a progressive manner, beginning from the psychical aspect, things that are qualified by these aspects can choose to obey the laws that qualify and govern their existence. These aspects are considered normative in that one can obey or disobey these norms i.e. one can choose to ignore economic, social, and ethical norms - irrespective of the quality of life (Clouser, 1991, p. 232).

Theory of the Structure of Society

Dooyeweerd's Classification of Social Institutions

Dooyeweerd's ontological theory of created order and law is the foundation of his classification of contemporary and historical social institutions. Within this schema, Dooyeweerd identifies the founding and leading modal functions and laws of each institution, its distinctive purpose and function, and the various forms these institutions have assumed in the past (Witte, 1986, p. 24).[18]

Before explicating Dooyeweerd's findings on the characteristic purpose and function of various forms of institutions, it is necessary to highlight a number of

[18] Whilst historical institutions are not discussed here, Dooyeweerd's historical analysis of social institutions includes a substantial critical account across the whole corpus of Western history. This is summarised by Witte (1986, p. 20) as follows: "...the concept of the Greek polis; the relation between the church and the Roman Empire, before and after Constantine; the problems of Carolingian absolutism; the hierarchical view of social institutions (headed by the church) in medieval scholasticism; the contest between papal and civil authorities in the conciliar period; fourtheenth through seventeenth century theories of absolute monarchy; the wide range of theories of church, state, family, and other institutions born of the Reformation; sixteenth through eighteenth century theories of social and governmental contract; and a wide range of theories of society from Grotius, Hobbes, and Locke in the seventeenth century, to Weber, Tonnies, and Oppenheimer in his own day."

distinctions and classifications that Dooyeweerd proposes to articulate the nature of societies and communities.

The first distinction that Dooyeweerd defines is between undifferentiated and differentiated societies. Dooyeweerd places undifferentiated societies as found (usually) in earlier cultures that have not yet developed distinct institutions, each with their own defined form and tasks. Thus one or two institutions perform a multiple of tasks in societies such as the Roman patriarchal family, medieval guilds, tribes, the folk sib etc. (Witte, 1986, p. 24). Differentiated societies on the other hand have specified tasks that each institution maintains and therefore a clearer separation of institutions (Witte, 1986, p. 25).

Dooyeweerd's second distinction is between natural and social institutions. Natural institutions are those that grow and occur naturally without any human interference. These include such institutions as marriage, the cognate family, etc. These are founded particularly on the biotic modality of life and are qualified by the moral modality of love (Witte, 1986, p. 25). All other institutions are social in nature, that is, they are founded primarily on the historical modality, being the product of human cultural formation (Dooyeweerd, 1986, p. 75).

Third, Dooyeweerd distinguishes between communities and inter-communal (or inter-individual) relationships. Communities are the ties and bonds that bind people together, such as the family, business, church, or the state. Inter-communal or interpersonal relationships are the cooperative (or antagonistic) interactions between (1) two institutions; (2) two individuals; or (3) an institution and an individual (Witte, 1986, p. 25). For example, this includes institutional relations between church and state, inter-individual relations between a buyer and a seller, and individual to a collective relation between an individual and their family.

The fourth distinction is between authoritative social forms (institutional) and free social forms (non-institutional). Authoritative social forms are organised institutions with a relatively permanent internal communal character, which contain a distinct division of authority and those subject to it. Membership tends to be non-voluntary for the person's entire life. For example, a nation state, baptised members of a church, and natural institutions (family). Free

social relationships, by contrast, are generally non-organised and are left to voluntary discretion to be formed and dissolved. These relations are more democratic and equal among its members, which include such relations as business, voluntary associations, unions, etc (Witte, 1986, pp. 25-26).

The Typical Structures of a Differentiated Society

From this very condensed overview of Dooyeweerd's classification it is easy to identify the typical institutional forms (or structural types) that exist in a differentiated society. The family, the state, church, business, and voluntary associations, are all typical structures that exist in developed differentiated societies. These typical structural types are differentiated and qualified on the basis of their leading modal aspect. The qualifying aspect typifies its distinct structural principles or norms, which provides the normative laws for the development and realisation for that particular structure in society (see Diagram 3.2 below).

The state is founded in the historical aspect, is qualified and characterised by the leading justitial aspect. These justitial norms require the institutions of government to develop and implement laws and policies of justice and peace, for the common good (public justice).

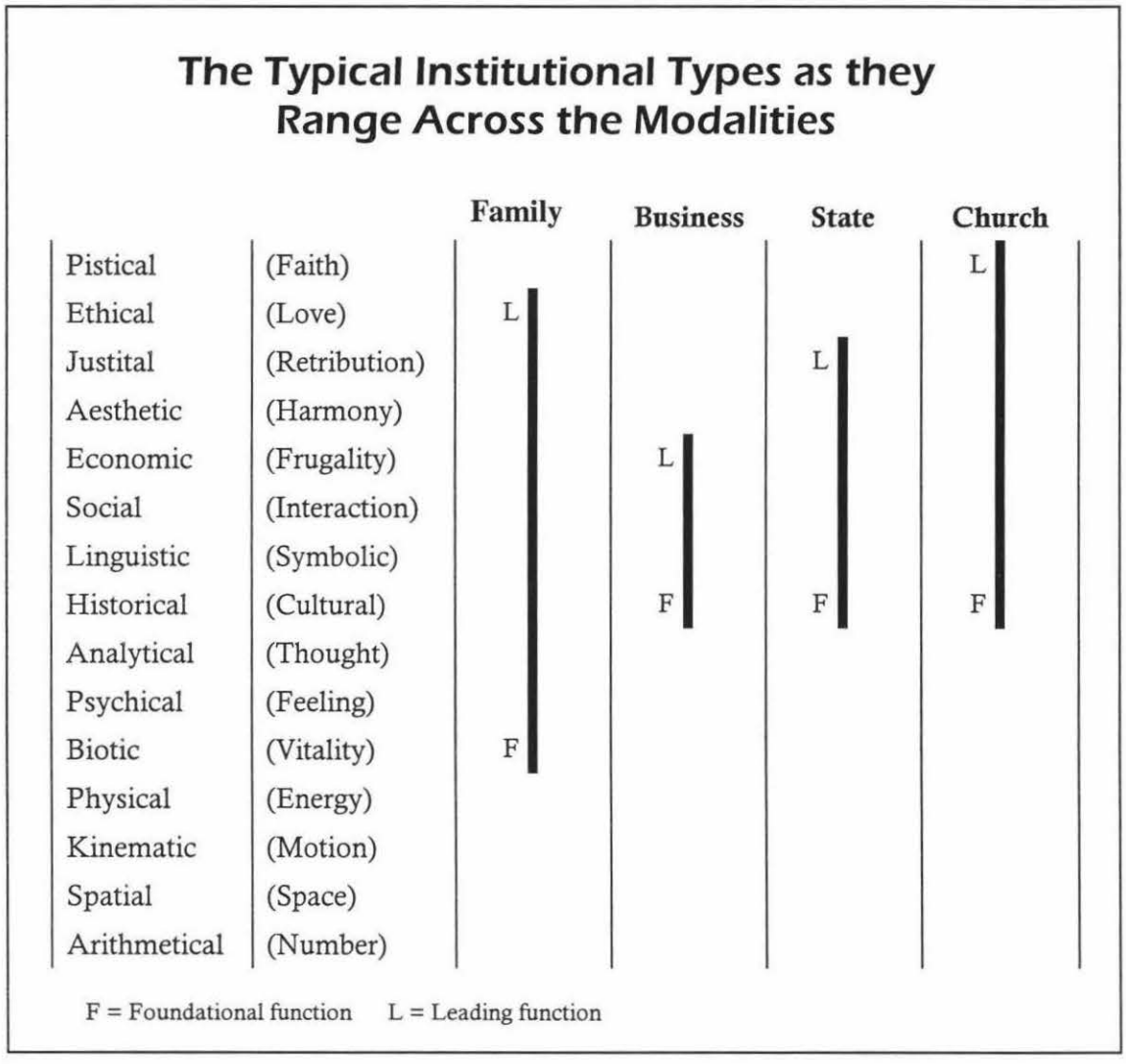
The church, like the state, is founded in the historical aspect; however, the faith aspect uniquely qualifies it. Its structure, creeds and forms are determined and differentiated from all other institutions on the basis of the faith aspect.

Marriage and the family are founded in the biotic aspect, but are qualified by the leading ethical/moral aspect of love. As an ethical or moral structure the primary norms for its existence and development are the norms of love.

Voluntary associations include a variety of organisations as enterprises, partnerships, companies, unions, employers' federations, varying types of clubs, etc. A business enterprise, as a form of voluntary association, while founded in the historical aspect, is qualified and maintains an internal leading function in the economic aspect. However, voluntary associations in general vary in their leading qualifying aspect. For example, a union is qualified by the moral aspect; to create and preserve the moral bond of solidarity among workers and to

elevate labour to an essential and equivalent partner in the process of production (Kalsbeek, 1975, p. 253).

Diagram 3.2



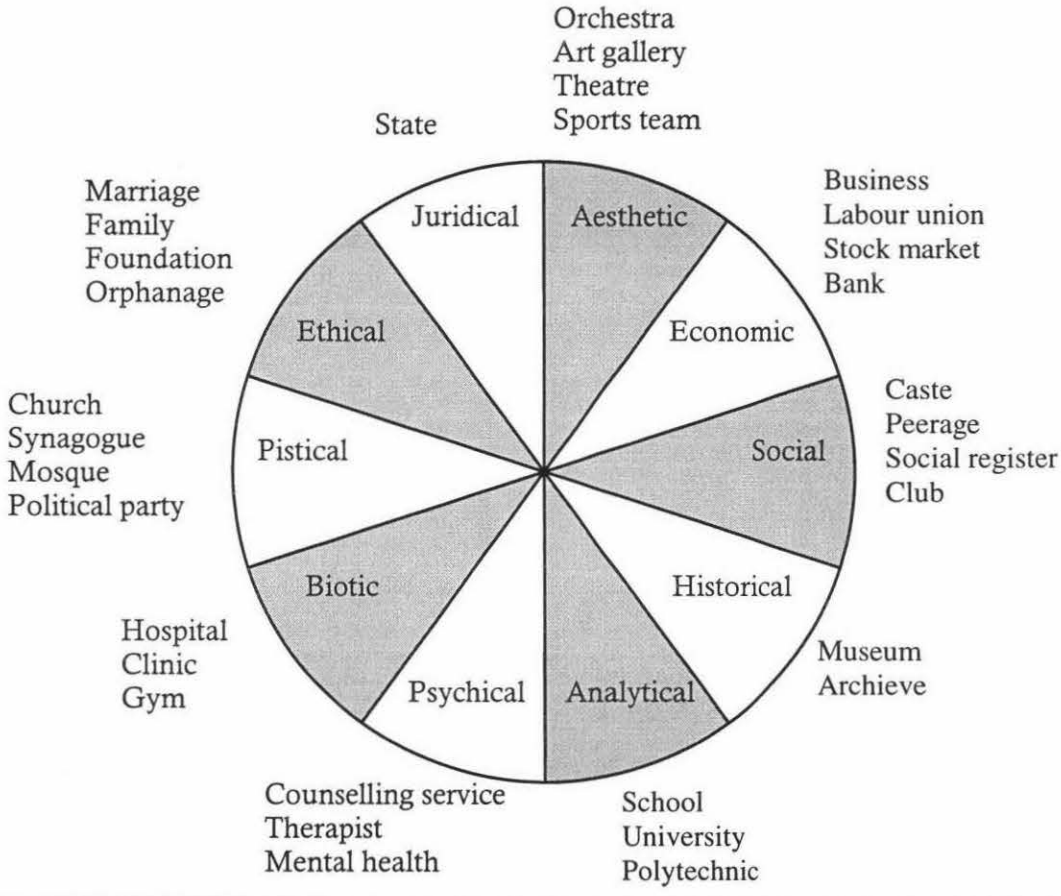
As human social institutions function in the *normative* modal aspects (as distinct from animals or plants), these normative structural laws (which characterise or qualify these typical structural types), require a normative subjective human response for their operationalisation and realisation within society (Cameron, 1994). For example, the leading function of the family is governed by the norms of love. For a healthy functional family, its members must conform to the norms of love and realise these norms in their relationships. If the members do not adhere to the norms of love and in fact fear or hate one another, this is considered abnormal or dysfunctional, and the family unit can no longer

develop or even exist together. Likewise, the foundational purpose of a business is realised and lead according to economic norms - its qualifying function, and so forth for other institutions.

Diagram 3.3

An Individual's Functioning in the Normative Aspects that Correspond to the Social Spheres and the Qualifying Leading Functions of Various Communities

(Clouser, 1991, p. 259)



Whilst all human structures function in a diversity of normative aspects - social, ethical, legal, etc. only one of the aspects qualifies the essential nature of the whole structure and therefore shapes the other normative aspects functioning within that structural type (Cameron, 1994, p. 46). For example, a business enterprise has an ethical dimension, where employers and employees require loyalty and honesty. The entity consists also of a social dimension such that it is situated in a local community, consisting of some kind of social responsibility, whilst also functioning in a legal capacity as a publicly listed company.

However it is the essential nature of its economic aspect that characterises the business as an economic entity, which effects and shapes all the other normative aspects that functions within the structure. i.e. the ethical, social, legal, (Cameron, 1994, pp. 45-46). This also applies to all other institutions (see Diagram 3.3 above).

Sphere Sovereignty: The Typical Institutional Forms as Sovereign Within its Own Sphere [19]

Within his ontological schemata (theory of modal aspects), Dooyeweerd identifies the founding and leading modal functions (depicting the normative laws) of the typical institutions in society (the state, the church, the family, business and voluntary associations). The previous discussion is a brief identification of their distinctive purpose and function. The question that now remains, is, what is the relation between these typical structural institutions?

For Dooyeweerd, each of the modal aspects are as real as the other, they exist in an irreducible plural coherence. So, too, there are irreducible spheres in social life to which the natures of the various communities correspond. No social community qualified by one aspect is more real than another community qualified by another aspect (Clouser, 1991, p. 249). The modal qualification in the structures of the different social spheres gives each their inviolable integrity, that ensures each is, normatively speaking, sovereign in its own sphere (Cameron, 1994, p. 46).[20] The basis of sphere sovereignty[21] is intended to preserve the integrity of each grouping and institution according to its own normative inner nature (Cameron, 1994, p. 61). Just as the modal aspects are

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[19] Spier (1973, pp. 46-47) asserts that the term "sovereignty" is used because all norms and laws valid for creation derive their validity from the Sovereign God. The sovereignty of the cosmic laws and norms is a derivative sovereignty; it must be distinguished from the original sovereignty of God. It is not absolute. It is a relative sovereignty because of the limits of each particular sphere (Spier, 1973, pp. 46-47).

[20] The biblical basis for this idea is that God has created everything according to its own nature (Dooyeweerd, 1979, p. 125).

[21] The principle of sphere sovereignty was first coined by the Dutch historian: Guilliame Groen van Prinsterer. It was further formulated and popularised in the work of Abraham Kuyper (theologian, church leader and Prime Minister of Netherlands), whilst the concept received its systematic development in the thought of Herman Dooyeweerd.

distinct and mutually irreducible,[22] and yet inseparable, so, too, are the spheres of social life (Clouser, 1991, p. 250).

The implications of this principle are clear: it serves as a guiding axiom for a general overview of how all the various communities of society should relate to one another. Also, for the purposes of this chapter, the principle serves as a normative guide to government intervention in other spheres of life via its social policy. This is considered in more detail in the final section of the chapter.

Sphere sovereignty, however, should not be understood as ascribing self-sufficiency to the social groupings and institutions, and in this sense the principle does not inhibit interrelations and interconnections amongst the various institutions (Cameron, 1994, p. 61). Rather, interconnections between various individuality structures are termed by Dooyeweerd as an encaptic relation. Just as a tree (an individuality structure) cannot exist without the earth (another individuality structure), so the different institutions of society also all possess interconnectedness with the other. Its purpose, rather, is to limit the manner of those interactions in a way that preserves the integrity of each institution according to its own inner nature (Cameron, 1994, p. 61). This is a vital point as Dooyeweerd (1968, p. 28) argues that sphere sovereignty should not be identified with the political principle of sphere autonomy. The understanding of sphere sovereignty as sphere autonomy misconstrues creation and the interdependence of creation, inducing a reductionist view of sphere sovereignty itself.

Sphere sovereignty also affirms each institution as legitimate because it exists in creation. Sphere sovereignty therefore affirms the institution of private property and the development of economic structures of business. It affirms the positive role and function of the state to the development of a society. It affirms the development and purpose of voluntary association, and so forth.

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[22] Dooyeweerd prefers to use the term *sphere sovereignty* exclusively for societal relationships. When speaking of the modal aspects, he prefers the term *mutual irreducibility* (Kalsbeek, 1975, p. 94).

Intertwinements Between The Spheres: Encaptic and Part-to-Whole Relations

While Dooyeweerd explicates in detail the distinctive structure and function of a variety of typical social institutions in a differentiated society - thereby defending the sovereignty of each - he also canvassed the structural interaction between certain institutions (Witte, 1986, p. 26). The intertwinement of two intrinsically different structures Dooyeweerd terms as an encaptic relation. This however, must be differentiated between a part-to-whole relation.

The part-to-whole relation is one between two or more entities where one, according to its nature as a whole, determines the inner nature of its parts (Dooyeweerd, 1986, p. 66). For example, local governments, being autonomous separate entities, are 'parts' of central government. Their nature is derived from the 'whole' being central government. The criterion for a part to function in a whole is established by Clouser (1991, p. 245) as: firstly, the part must be dependent on the other for existence; secondly, it must function in the internal organisation of the other; and thirdly, it must have the same qualifying function as the other (Clouser, 1991, p. 245).

Clouser (1991, p. 247) asserts that when these criteria are applied to various social communities, there are some communities that are actually parts of others. However, the typical types of social institutions and organisations never are parts of one another. For instance, the family is a distinct entity that exists inside the state, but is not part of the state. The two have different leading functions, and therefore different natures and structural purposes. Their internal organising principles are also different, so that they are irreducibly different types of social communities (sovereign in their own sphere).

When one thing functions within another (family within the state) but fails any of the criterion for being a part of the other, Clouser calls it a 'sub-whole' of the other, while the greater whole which encapsulates the sub-whole, is defined as 'capsulate-whole'. This is intended to convey the notion of wholes included in the larger entity, without being part of the entity. This maintains the inviolable integrity of the typical institutions of society, which exist as whole-whole relations to one another, not as part-whole relations.

In contrast to the part-to-whole relation, Dooyeweerd posits an encaptic relation as determining the nature of an intertwinement between typical social

structures. From an indeterminate number of possibilities, an encaptic relation occurs between institutions that are intrinsically different in nature, bearing in mind that they still do not relate as parts to a whole (Dooyeweerd, 1986, p. 67). From this new, more complex structure, the internal modal structures of two distinct institutions are intertwined to form a more complex social whole. This new institution is qualified by the highest modal function to which either of the two institutions had been subject (Witte, 1986, p. 26). The encapsis, however, does not change the internal nature of the intertwined structures. It can only be a variable type of the typical structures (Dooyeweerd, 1986, p. 66).

For example, a state-owned enterprise is an encaptic relation between business and the state. Both the state and the business typical structures are founded in the historical aspect, whilst the qualifying function of a business is the economic aspect and the state the justitial aspect. In this case, the justitial aspect is the higher modality and therefore qualifies the inner normative function of a state-owned-enterprise. Its primary objective therefore is for the public interest and good, placing its economic incentives as important, but secondary.[23] The state-owned enterprise is a distinct variable type of structure neither representing the state, nor the business sector.

Social encapsis, however, can display various other types. Dooyeweerd distinguishes between unilateral encapsis and correlative encapsis. Unilaterally founded encapsis are those where one community is dependent on another. For example, the marriage (or de facto) community can exist without the family, however, the family cannot exist without the marriage community. Other examples are the family and the state, industry and labour unions, or state and political parties (Dooyeweerd, 1986, pp. 67-68).

Correlative encapsis is where the intertwined institutions mutually presuppose one another (Dooyeweerd, 1986, p. 68). For example, in an increasingly differentiated society, mutually dependent communities are bound together by a

[23] It is easy from this discussion to see that if the economic incentives become paramount, then there is sufficient case for privatisation. However, if the enterprise truly exists for the public good, and economic constraints for greater efficiency are placed on the enterprise, then an inner contradiction is introduced into the enterprise. It cannot therefore fulfil its justitial purpose.

territorial state community. The territorial state and the smaller communities are mutually interdependent of one another.

Continual Historical Development of the Spheres

As Western society has moved from an undifferentiated to a differentiated social form in an historical unfolding, it is therefore reasonable to expect that further differentiation and development of each social structure may occur. It is quite possible that the institutions of the state, church, etc., will continue to differentiate so that previous forms of structures, now currently in effect become historically obsolete. However while each structure develops in an historical unfolding, each sphere is founded in an aspect of creation and therefore cannot cease to exist. There will always be families, communities of religious faith, the need for government through the state apparatus, and the need for economic provision. Sphere sovereignty therefore affirms the ongoing development and continual historical unfolding of each sphere.

Sphere Sovereignty Rejects Individualist and Collectivist Views of Social Organisation

As the principle of sphere sovereignty understands society to consist of distinct plural-form spheres, each containing a specific purpose and function, this inherently rejects individualist and collectivist ideologies and approaches to social organisation.

Dooyeweerd understands "sociological individualism" as the absolutisation of the inter-individual relationships, such that society is construed from the ontological primacy of the inter-individual elements. Such a view always seeks to construe of society and policy from its basic inter-individual elements, understanding differing forms of communal unities as fictitious (Dooyeweerd, 1957, p. 182). On the other hand, Dooyeweerd (1957, p. 167) rejects "sociological universalism" as an ontological principle which ascribes a higher value to the assumed whole of human society than to individual persons. Such universalism is an absolutisation of the necessity for the whole or the unity.

The cosmonomic idea, however, attempts to transcend the individual/collective contradistinction. Individuals and social communities exist in a mutual correlation in which neither can exist without the other. Neither is 'basic' to the

other in the sense required by both individualism and collectivism, because neither was ever the source of the other. Both were created by, and depend on God, who is their source and origin (Clouser, 1991, p. 240). Thus Dooyeweerd (1957, p. 183) writes: "If the correlativity between communal and inter-individual or inter-communal relationships is indeed a transcendental condition of every human society, it follows that both sociological individualism and universalism must result in an elimination of the societal structures of individuality."

In practical policy terms, an individualist or collectivist view and approach to the social situation will at times conflict, placing a mutually exclusive decision before policy-makers. Thus while neither the community nor individuals have an ontological or normative primacy over the other, it is the historical context that should guide the decision-maker as to which needs to be nourished within a given situation and culture (Etzioni, 1995, p. 20). This point is reflected in later chapters.

Human Response Required to Positivise the Structural Norms

The above sketch of Dooyeweerd's social theory inquires into the ontic order of laws and norms, which govern and constitute social institutions, prescribing their function and interaction (Witte, 1986, p. 19). As stated above, positivised human norms presuppose the existence of God-given norms of justice, love, economy, etc. These norms or laws are part of the divine ordering of creation.

The theory of modal aspects, does however, distinguish between the law-side and the subject-side of a modal aspect. Thus the existence of divine norms is no guarantee of human obedience to them, such that their implementation in human institutions and ethical relations require a human subjective response to the God-given law-ordering (Cameron, 1994, p. 47, Clouser, 1991).

Theory of the State: The Inner Normative Structure of the State

To utilize Dooyeweerd's sociological philosophy in practical terms for social policy it is necessary to further articulate his views of the state in more detail, since social policy encompasses various forms of government services and intervention in other spheres of life. For Dooyeweerd, it is the inner normative

structural principles (as opposed to its external tasks) that determine the manner in which government bodies should go about their tasks. Thus, Dooyeweerd's social theory helps delineate how social policy, as a task and function of the state, should be conducted.

Dooyeweerd notes that in both ancient and modern political theory, understanding the nature of the state has always revolved around the relation of "might" (power) to "right" (justice). Hence all political theory must deal with the state's use of power (articulated in the previous chapter) and its concomitant idea of justice, which is undertaken here.

The Qualifying Function of the State

Proceeding from Dooyeweerd's theory of modal aspects and theory of society, the nature of the state as an institution is qualified by a correlation between the historical foundational function and the justitial leading function. Both these typical functions determine the social structure and typical character of the state.

The historical-cultural foundational function is the necessary condition for a functioning state, such that the state is the historical organisation of power (might). The state functions as a monopolistic organisation of coercive power (police, defence force) over its citizens within a limited territory (van Eikema Hommes, 1979, pp. 394-395). The justitial qualifying leading function determines the normative functioning (right) of the state as a public legal order of legislation, administration, and a judiciary, establishing the public legal community of government and citizens (van Eikema Hommes, 1979, p. 395). The justitial leading function defines its 'structural purpose,' being the promotion and achievement of *public justice* for the entire society in the territory it governs (Clouser, 1991, p. 266). It is the justitial function as an office, which defines and characterises the entire scope of the states activities and total pattern of its internal organisational constitution (Kalsbeek, 1975, p. 223).

The Meaning of the Justitial Aspect

For Dooyeweerd the essence of the justitial aspect is in the idea of retribution. Using the wider sense of its meaning he defines it as the "well-balanced

harmonisation of a multiplicity of interests, warding off any excessive actualising of special concerns detrimental to others" (Kalsbeek, 1975, p. 102). Others have suggested, however, that this broad meaning, being apparent in Dooyeweerd's characterisation of the leading function of the state as public justice, is more suitably captured in the idea of justice rather than retribution (Cameron, 1994, p. 48).

Dooyeweerd (1986, p. 91) also places as a basic principle of the justitial aspect that of the common good, or the public interest. He writes:

> The internal political activity of the State should always be guided by the idea of public social justice. It requires the harmonizing of all interests obtaining within a national territory, insofar as they are enkaptically interwoven with the requirements of the body politic as a whole. This harmonizing process should consist in weighing all the interests against each other in a retributive sense, based on a recognition of the sphere-sovereignty of the various societal relationships. (Dooyeweerd, 1957, p. 446)

The sense of the common good here infers that one should weigh interests in a utilitarian fashion, although obviously this is not founded on a utilitarian philosophical basis. The essential difference is that interests are weighed in recognition of the principle of sphere sovereignty – the irreducibility of each sphere.

Dooyeweerd (1957, p. 444) therefore affirms that in its justitial qualifying aspect the public interest implies a principle of distributive justice. This is defined rather vaguely as requiring a proportional distribution of public duties and benefits in accordance with the bearing power and the merits of the citizenry. In policy terms this requires that there should not be overly excessive disparities of wealth and income, which result in poverty or oppressive conditions for individuals or whole communities (Cameron, 1994, p. 61).

Not the Only Institution Operating in the Justitial Function

Although the state is qualified by the justitial leading function it is not the only institution to which the justitial function applies. As explained above, humans and social structures operate in all the modal aspects, but it is one modal aspect that characterises and qualifies the respective structure. Hence all other institutions also operate within the justitial aspect. For example, a family

operates in the justitial aspect by making rules and enforces them through the means of disapproval or punishments connected with privileges. A business or a sports club also has its own code of conduct with its appropriate sanctions specific to its own sphere. However, it is only the state that is qualified by the justitial aspect and therefore has the duty and right to legislate and enforce justice for the public at large. It is only the state the can inhibit freedom, confiscate property, and use means of physical force (Clouser, 1991, p. 267).

Similarly, it is the inner normative structural principles (its foundational and leading functions) which determines how the state functions in other aspects of temporal reality (van Eikema Hommes, 1979, p. 395). The state functions in the moral/ethical aspect as guardian of public morality, in the economic aspect as bearer of political-economy; in the symbolic aspect as promoter of one or more national languages, etc. according to its leading function as public-legal justice (van Eikema Hommes, 1979, p. 395). But all these other functions that the state may do are guided and qualified by the idea of public justice. As van Eikema Hommes (1979) affirms:

> Thus state-intervention in economic life through export and import regulations, through control of monetary life by way of the central bank, through subsidies to or nationalization of industries or the establishment of public enterprises, etc. must always be directed by the legal idea of the common good. This may at times imply that non-profitable public services are nevertheless maintained with a view to their public necessity.
>
> Public morality also is ultimately guided by the function of the public-legal order. Government bodies must see to it that theaters and television refrain from presentations that may offend public feelings of decency.... (van Eikema Hommes, 1979, pp. 395-396)

The Tasks of the State

The principle of sphere sovereignty does not in fact assert specific tasks that the state ought to do, or what kind of tasks should be pursued. The principle rather, defines the internal function of destination but excludes the external purposes that the state can pursue. As the state operates in all aspects of reality, Dooyeweerd (1957, p. 445) submits that the state in its public justice function has an interest in all the normative aspects of life. But it is the inner normative

structural principles of the state that determine the manner in which government bodies should execute their tasks.

van Eikema Hommes (1979, p. 396) distinguishes between the primary and secondary tasks of the state. The primary tasks consist of its negative function, that is, law and order, establishment of basic systems of justice, being the judiciary, police, defence etc. These are primary because a state cannot exist without instruments of coercion, without undermining its public legal order (van Eikema Hommes, 1979, p. 396).

Its secondary, and more positive tasks are based on the general cultural level of the particular society, its economic possibilities, and its political convictions. These aims vary and include such things as public health, education, recreation, culture, housing, trade, agriculture, industry, science, the arts, popular morality, etc. The realisation of these tasks, however, depends on political expediency, and economic constraints (van Eikema Hommes, 1979, p. 396). The state, in its legislative and administrative tasks, should strive to realise all of these aims in accordance with its typical structural principle of public justice.

However, in doing so the state must not undermine other societal spheres. Kalsbeek (1975, p. 224) posits that the state, in the administration of public justice, should see to it that all persons and social institutions can fulfil their respective offices. The state therefore contains a role to acknowledge, protect, and enhance the free exercise of other institutional offices. Berger & Neuhaus (1977, pp. 6-7) assert that the state should protect and foster the mediating structures (non-state spheres operating between the individual and the state) through its public policy.

The Role of the State in Fostering Other Institutional Spheres

Firstly, as Berger & Neuhaus (1977, pp. 6-7) assert, the state should utilise and integrate as much as possible, through an encaptic relation, the non-state spheres for the realisation of government social purposes.

Secondly, the state needs to protect the relative sovereignty of each sphere, and whenever spheres clash, the state must compel mutual regard for the boundary lines of each. Dooyeweerd's theory of modal aspects and the qualifying functions of the typical social institutions define the appropriate boundaries.

Thus the state needs to identify those spheres that dominate others and bring some form of balance when disequilibrium occurs.

Thirdly, as Hucker (1988) observes, some spheres of communal life my require equality of access because they are a precondition for a wider sense of participation and belonging to the community (eg. health care, education, housing, etc.). Hence, the state needs to determine those spheres that require equal access (Hucker, 1988).

Fourth, the state should ensure that each sphere does not intensify unnecessary complex inequalities (complex inequality allows for social hierarchy and a functional division of labour) and damage individuals in the process (Hucker, 1988, p. 14). This may require a conscious shift in power.

The Inner Normative Limit of The State According To The Principle of Sphere Sovereignty

The inner normative structural principle of the state also provides a limit on the state's jurisdiction within non-state social spheres.

Dooyeweerd (1968, p. 45) asserts that the state, in principle, cannot be limited externally by excluding itself from certain aspects of reality, because as a politic it functions in all aspects of temporal reality. Thus in principle, Dooyeweerd (1957, p. 445) comments it is impossible to exclude the state even from the spheres of morality and faith. But all governmental interference within the life of the nation is subject to the *inner normative law* of the state as contained in its structural principle of public justice (Dooyeweerd, 1957, p. 445).

For example, and as stated above, although the state is qualified by the justitial leading function it is not the only institution to which the justitial function applies. The principle of sphere sovereignty ensures there is a normative limit to the state's law interference within the internal law-making function of other non-state spheres (Cameron, 1994, p. 60). What this means is that non-state spheres operating in their relative justitial capacity, establish private law, relative to that sphere. A contract, for example, is the result of a law-making act between voluntarily associated individuals or communities in economic relations. State intervention is only legitimate to ensure that in exercising that private law-making capacity, the parties observe principles of equity, good faith,

fairness etc. The state is authorised to do this on the basis of its normative qualifying function of public justice, which characterises its internal structure and the task that it has to perform (Cameron, 1994, p. 60). By implication, the state is also required to integrate the private law of non-state spheres, into its private common law (Cameron, 1994, p. 60). This is termed legal pluralism.

In this view, the domain of the state is *public* justice. Many small-scale injustices that take place between individuals or within communities cannot and should not be handled by the state. For example, parental favouritism for one child over another is unethical and unjust. However, as long as the unfavoured child is not neglected and physically or mentally abused, there are no grounds for the state to correct these injustices.

van Eikema Hommes (1979, p. 398) gives other examples of the limitations of the state as contained in classic constitutional freedoms in accordance with the relative sovereignty of non-state spheres:

> These material-legal limitations to the state's legal competence are juridically expressed in the classic constitutional freedoms. Thus the state acknowledges its material-legal limits regarding the individual's private sphere in the constitutional freedom of the press, in the constitutional protection against unlawful imprisonment and detention (*Habeas Corpus*), in the constitutional privacy of letters etc. And with respect to churches and other religious organizations, to corporations, schools, etc. the state acknowledges its material legal limits in the constitutional freedom of religion, of assembly, etc. These limitations indicate where the original proper sphere of law-making within the non-state societal relationships begin. In the judge-made law of civil courts these material-legal limits come to expression in the recognition of the "domestic jurisdiction" of church, school, corporation etc., for those matters which belong to the typical internal sphere of these non-state communities. Thus the civil courts will always recognize the proper legal competence of a church in theological conflicts and questions concerning conduct of members, and will only marginally check the ecclesiastical decisions in terms of civil-legal criteria such as the prohibition to transgress the ecclesiastical statutes, the prohibition to unfair use of ecclesiastical power etc. (van Eikema Hommes, 1979, p. 398)

Here, van Eikema Hommes (1979, p. 398) articulates the inner material limitations to the states power with regard to the individual and non-state social spheres of church, business, educational institutions, family, etc.

Essential Characteristics of the Reformed View of the State

One of the central features of Dooyeweerd's thought is that he defines the role of the state in relation to its own inner normative nature, rather than by the demands of other institutions (Clouser, 1991, p. 226). Dooyeweerd thus makes a distinction between the internal destination and external purpose in order to gain indispensable insight into the state's normative structure, whereby it is legitimised (Kalsbeek, 1975, p. 222). By this is meant that the internal function of destination excludes the numerous external purposes that a state can pursue. Dooyeweerd's notion of the state is an ontological account (explicating the inner normative nature of the state); it is not a teleological description legitimising its purposes, ends or goals (as is the Catholic view of the state). These purposes are the expression of particular policies that a state may try to realize, which can be wide and varied. Thus Dooyeweerd argues that knowledge of the external purposes does not provide insight into the internal structure of the state.

The Reformed like the Christian Realist conception of the state (and the Catholic view also) rejects social contract theory as a theoretical account of the state, as espoused by Hobbes, Spinoza, Locke and Rousseau. Dooyeweerd asserts that these immanence philosophers have difficulty understanding the real structural differences in society when both social individualism and social collectivism lose sight of the individuality structures that constitute society (Kalsbeek, 1975, p. 202, 204). In this respect it is clear that both classical liberal and socialist conceptions of the state are excluded from the very start (Chaplin, 1993, p. 196).

This Christian idea of the state is distinctly positive in its appreciation of the indispensable contribution that the state is called upon to make toward a harmonious process of cultural development and disclosure (Kalsbeek, 1975, pp. 223-224).

This conception is also essentially a communitarian view. Chaplin (1993, p. 196) affirms this Reformed view to be "communitarian pluralism" (also known as radical pluralism) whereby both the Reformed and Catholic views are committed to this distinctive kind of pluralism. Chaplin (1993, p. 196) summarises the core ideas of communitarian pluralism as: firstly, there exists a

diversity of essential, divinely created, human purposes each of which needs to be concretely pursued within a corresponding community with a distinctive character appropriate to that purpose; and secondly, each of these communities must be enabled by the state to pursue its particular purposes in responsible freedom and security.

5. THE IMPLICATIONS OF SPHERE SOVEREIGNTY FOR SOCIAL POLICY

From the cosmonomic and sociological theory canvassed, there are a number of implications that can be drawn for social policy. The theory of society and state as articulated by Dooyeweerd in the philosophy of the cosmonomic idea, attempts to maintain the integrity of different social spheres as contained in the principle of sphere sovereignty. This next section briefly discusses this principle as applied to the state and social policy.

Sphere Sovereignty and the Welfare State

The principle of sphere sovereignty gives some definitive guidance to PCI's view of public welfare. PCI rejects the welfare state, *in principle*, when conceived of in a paternalist fashion as a provider and/or guarantor of the needs of its citizens. The claim being that it as much the *duty* of the state to provide work, health care, and shelter, for example, as it is to provide for law and order and protection against crime and foreign aggression (Clouser, 1991). The state, rather, is qualified by its leading normative function of public justice, which characterises its internal structure and how it is to approach the tasks of welfare for the common good and the public interest.

The existence of poverty in society, indeed, is a likely sign of genuine injustice, especially in relatively wealthy countries with extreme disparities of income. In such cases it is the duty of the state to correct injustice by distributive means. However, this Reformed view insists that its conception of the state is a far cry from regarding the state as a provider and guarantor of goods and services. As Clouser (1991) writes:

> the state must approach economic injustice with the same respect for the distinctness of other institutions that should characterize all its policies. It must

> recognise that as a state, it does not generate wealth or health care; the goods and services which need to be justly distributed are produced by farms, businesses, families, hospitals, nursing homes, and orphanages, to name a few. Any policy which would call for the state itself to attempt to create the goods and services which its citizens need, would be self-defeating for its own leading function as well as for the leading functions of the other communities that would get pre-empted. (Clouser, 1991, p. 284)

Clouser therefore supports insurance-based schemes for the provision of welfare, by spreading the costs over a lifetime through taxation. Clouser's prescription of sphere sovereignty thus lends itself to a corporatist type of state welfare provision. Blakemore (1999, p. 56) explains corporatist state welfare as a highly developed welfare state in which the government takes a leading role in organising and providing health, welfare and education services. The provision of these services are typically funded by a mixture of private and social insurance schemes, however, other social institutions such as the family, churches, trade unions and employers, are also important in the welfare mix and provision.

Thus, the principle of sphere sovereignty in social policy contributes as an organising principle in the provision of welfare. The principle recognises irreducible and distinct spheres of welfare delivery, each containing a specific function and purpose. It is also a distinct model for policy delivery as the qualifying function of each form of community characterises the sphere's organising principle.

In terms of welfare state typologies (see Ware & Goodin, 1990; Boston, 1992a, 1999), sphere sovereignty is most consistent with a corporate welfare state. Thus state welfare provision is a little more conservative than the social-democratic (social citizenship) welfare state, but is not as residual (minimalist) as an individualist needs based model, with its philosophical roots in classical-liberalism. The corporate type of state welfare provision is found particularly in European countries such as France, Germany, and the Netherlands.

Utilising Non-State Spheres for Government Purposes

Sphere sovereignty calls for a policy that recognises the unique contribution of all forms of community. It recognises that churches, families, voluntary groups,

employers and unions, all contribute to the well-being of their respective members.

In terms of social well-being, the combined church contains probably the largest social service capacities. But as Berger & Neuhaus (1977, p. 26) comment, for reasons both ideological and historical, their role is frequently belittled or totally overlooked in discussions of social policy.

Sphere sovereignty also sees the family as having a positive contribution to successful social policy. Public recognition of the family as an institution is imperative because every society has an inescapable interest in how children are raised, how values are transmitted to the next generation (Berger & Neuhaus, 1977, pp. 19-20). Positive measures can be taken to protect and foster the family institution, so that it is not defenceless before the progressive and changing nature of modern society.

Sphere sovereignty urges that social policy take seriously local community and neighbourhood initiatives. As Berger & Neuhaus (1977) write:

> The goal of public policy should be to sustain the diversity of neighborhoods in which people can remain and to which they can move in accord with what "fits" their understanding and their hopes for those about whom they care most. (Berger & Neuhaus, 1977, pp. 10-11)

Sphere Sovereignty and the Mutual Irreducibility of Social Ethics

Drawing from the religious idea of the coherence and mutual irreducibility of God's creation, no aspect of creation is to be regarded as either the only genuine aspect or as making the existence of any other possible, that is, each aspect of creation is irreducible. This idea underpins social theory by understanding that no aspect of creation is more real than any other.

Thus Dooyeweerd's theory of sphere sovereignty and the mutual irreducibility of modal aspects is not just a principle of social organisation, but a cosmological principle of reality with implications for social ethics. It has a wider meaning than just social organisation. For example, neo-liberalism is a theoretical perspective that interprets history as a long struggle for freedom (Green, 1998, p. 57). Thus the cosmological meaning and progression of history is interpreted on the basis of an immanence conception of freedom and the primacy of the

individual, making these notions the basis of all interpretation. In this sense freedom becomes more than simply a concept, but is a religiously held precept that is the basis and centrality of all social meaning. Similarly, socialism makes the same error with the concept of equality raising it to heights that are simply unworkable. Equality is held as the definitive principle and interpretation of justice without recognizing that differences of need or of social function make the attainment of equality in society impossible (Niebuhr, 1944, p. 264). Sphere sovereignty and the principle of mutual irreducibility mean that neither ideal can be the basis of which all social life attains its meaning, and neither can therefore be a concept of idolatry. Each ideal is an aspect of creation and each must not hold one at the exclusive expense of the other.

Furthermore, justice and its associated principles of freedom, equality and need, and the common good cannot be stripped of their meaning. The principle of sphere sovereignty argues that each of these aspects are legitimate in plurality, such that no aspect or ideal can be universalised as a whole. As Dooyeweerd (1979, p. 47) comments, the Christian religion stands in absolute antithesis to every view of society that absolutises and deifies a temporal societal form. Thus whether it is, as in the Roman Empire, a person such as Caesar claiming to be divine, or a concept such as liberty, individuality, collectivism, equality, human need, or any theory that raises any one particular ideal so high that it negates the validity other ideals, is rejected at the outset. In this view, extreme individualism or collectivism are illegitimate forms of social organisation. Extreme liberty at the expense of basic equality, or the rejection of human needs, are also illegitimate forms of social organisation. The concepts of sphere sovereignty and mutual irreducibility always endorse a plural-form approach to social policy.

Sphere Sovereignty and the Goals of Social Well-Being

Sphere sovereignty is also an ontological principle by which to conceive of the principles of well-being (see Cheyne *et al.,* 1997, 2000). In recognising a plurality of spheres, citizenship for example, contains a distinct meaning within each typical social structure. Family rights and obligations are different from the civic sphere and are also of a different nature from the sphere of freely interacting

contractual relationships. Recent communitarian thinking has also focused on the nature of citizenship within distinct spheres (see Tam, 1998).

This applies no less to the concept of freedom. Beabout (1998) discussing the principle of subsidiarity (the Catholic equivalent of sphere sovereignty) with reference to the family, church, market, and Government, sketches a brief phenomenology of freedom in each of these institutions. Beabout (1998) understands the texture of freedom, that is, the lived experience of freedom in these different social institutions, to differ from one another and complement (and counter-balance) each other in ways that are necessary for a free society. He writes:

> Because human beings are a complicated blend of incarnate spirit, the freedom we seek is manifested in a complex of social institutions. The free society will be respectful of these diverse social institutions, seeking a harmonious balance between them. (Beabout, 1998)

Beabout (1998) argues that there is a difference in the lived experience of freedom in the family, the church, the market, and the state. By focusing on these four major institutions, he draws out four contextual fabrics of freedom.

This also applies to the principle of justice. Walzer (1984) argues for a concept of justice that is understood in a complex of social institutions. His defence of pluralism and equality are understood as complex, rather than simple equality, which allows for the possibility of social hierarchy, and the functional division of labour within particular spheres. Also, Susan Moller Okin (1989) in realising the organic foundation of society and the distinct spheres of society argues that until there is justice in the family, women will not be able to gain equality in politics, at work, or in any other sphere.

In realising these principles of well-being, the Reformed notion of sphere sovereignty recognises distinct sociological spheres or responsibility centres (jurisdictions) which shape the very nature of the principles of well-being, and how these principles are to be understood.

6. A BRIEF CRITIQUE AND ASSESSMENT

There are many points upon which to critically interact with the Dooyeweerdian position, however the research's exploratory nature and the breadth that it attempts to achieve, requires some restriction to the scope of possible comment. Thus I have limited the discussion on Dooyeweerd's general philosophy of the cosmonomic-idea, and focus more specifically on his sociological thought.

The primary contention with Dooyeweerd's social theory, and the basis of my whole critique, begins with a questionable assumption regarding the Christian ground-motive. Dooyeweerd maintains that there is no dialectic between the creation motive and humanity's fall into sin (if understood in a pure Biblical sense). The result of this assumption within his social theory is to ignore the complexities that do arise in lived experience between the norms of creation and the difficulties of their implementation in societal structures, which contain fallen humanity.

Dooyeweerd's analysis, as founded in creation, therefore proceeds to appropriate only the law-side (referring to the theory of modal aspects), and does not account for the typical behaviour of humanity as active participants within the social structures, that is, the subject-side of modal aspects. It is at this point that Dooyeweerd's social theory is of limited utility.

Dooyeweerd does not sufficiently account for the complexities and uncertainties of human nature and freewill, particularly as fallen creatures corrupted by sin. This has the effect of a law framework model that is very structural and descriptive of the nature of social institutions, while neglecting a sufficient account of human interaction, and overlooks a prescriptive application for what the respective offices should do.

This is due in part to Dooyeweerd's methodology and philosophical equipment. For Dooyeweerd, the ultimate and central questions about human existence cannot be answered by any philosophy in an autonomous way, since they are of a religious character (Kalsbeek, 1975, p. 288). And as is typical of the Reformed position, he critiques existentialists (such as Reinhold Niebuhr) for taking the existing individual as their starting point, or basic presupposition, rather than

God, such that the existing individual becomes central to the existentialist method (MacKenzie, 1986, p. 300). Thus as Kalsbeek (1975) writes:

> Dooyeweerd does not have much confidence in existentialist philosophy, which considers it possible to interpret the human selfhood by means of an immediate approach to the innermost sphere of man's temporal existence. Consequently, he considers it a sorry sight when Christian theologians and philosophers look for their philosophical equipment in existentialism. (Kalsbeek, 1975, p. 288)

Whilst the human heart is the radix of the human selfhood and transcends reason, (making any attempt to comprehend and interpret completely the human selfhood an impossibility), this does not, however, render Christian existentialist philosophy useless. But as demonstrated in the previous chapter, huge insights into the human condition can be gleaned through a Christian existentialist approach - founded in the reality that ultimate meaning will never be grasped philosophically within human existence.

Dooyeweerd's theory considers society within an ontological law framework, neglecting the subject-side, the human experience and response to the law-framework. It is on this basis that I understand Niebuhr's Christian Realism and Dooyeweerd's sociological/cosmonomic theory to be complementary and interdependent. Dooyeweerd articulates the law-side, the ontological form and structure of society (based in the Christian motive of creation), whilst Niebuhr articulates the nature of human behaviour within the structures of society (based in the Christian motive of "the fall into sin"). Niebuhr, on the other hand, lacks systematic structure to his political and moral theory, and therefore needs to be supplemented by a more structural theory of society. Dooyeweerd gives no account of the dynamics of human vitality in political and social life, and therefore requires Niebuhr's insights to human self-seeking and pride-to-power.

Whilst I find these two traditions complementary on the basis of their subject matter, they do lend themselves to differing policy prescriptions. Niebuhr's Realist position is more consistent with the social-democratic programme, whilst Dooyeweerd's sphere sovereignty is a little more conservative (concerned with the integrity of the social spheres) suggesting a corporatist and insurance-based policy prescription.

Of particular interest to social policy is Dooyeweerd's concept of the state and its qualifying leading function found in the juridical modal aspect (public

justice). Chaplin (1993, p. 195) maintains that Dooyeweerd's notion of public justice is too narrowly juridical to capture what even Dooyeweerd himself would wish to see the state do. Chaplin contends that Dooyeweerd does not seek to deduce everything the state may legitimately do from the notion of public justice, but by the internal structure of the state. In this sense, it is not possible to derive all that the state does simply from the notion of public justice. For Chaplin (1993, p. 195), the problem is that Dooyeweerd fails to offer a clear principle for determining what the task of the state actually is. Whilst Dooyeweerd's notion of public justice does offer some guidance, it is difficult from this theory to deduce how exactly the state is to be involved in social policy such as education, health, social security, housing, etc.

Dooyeweerd's failure to provide a clear principle for determining exactly what the tasks of the state actually are highlights an even wider problem. That is, the difficulty of appropriating Dooyeweerd's descriptive analysis to prescriptive norms for action. For example, although a state-owned enterprise may exist (descriptively) and can be structurally analysed using Dooyeweerd's law-framework of modal aspects, there are still no prescriptive and normative principles governing whether the state-owned enterprise *should* exist or not. Dooyeweerd's theory also does not discuss the norms governing the process of the realisation of such encaptic institutions. Again this points to the limitations of providing only a law framework (the law-side of modal aspects) and not discussing the subject-side, the human response and norms required for their realisation.

Yet again, from Dooyeweerd's inadequate account of human behaviour Dooyeweerd omits a discussion of the problems of sphere sovereignty as a principle of plural democracy. Whilst power, function, and authority can be dispensed according to sphere sovereignty, the various institutions themselves can distort and control to a point their members' awareness, such that their own particular interest circumvents the larger general interest (Niebuhr, 1960). Also the unequal power sources of different spheres (particularly the economic sector) can skew the political agenda toward particular interests within the community, and thus neglect other more vulnerable interests, or such interests that are not represented collectively (Boogers, 1999, p. 175).

There are also problems with sphere sovereignty as an organising principle in social policy. A an insurance based welfare system, asserts Boston (1999b, p. 7), undertakes some interpersonal income redistribution, but tends to be intra-personal, by redistributing over a persons lifetime. In its extreme form, the model can also be discriminative against those who are unable to work and those who spend much of their life looking after children (most often women).

Whilst the above critique is by no means extensive, it does nonetheless highlight significant difficulties for the application of Dooyeweerd's social theory to social policy. As stated above, because of its focus on the law-side, there are many aspects concerning human interaction that it does not account for, and consequently neglects to relate its theoretical constructs to the subject-side of modal laws - human experience. It is on this basis, that Dooyeweerd's law-framework theory contains some limited explanation, utility, and prescription.

7. CONCLUSION

This chapter is the second of three traditions canvassed in the interests of building a Christian normative theoretical frame for social policy.

Aside from the tradition's contribution to a Christian theoretical frame of reference, Dooyeweerd has also gone to great length to demonstrate how one's greater world-view shapes their view of society and state. Drawing from the tenet of the religious basis of human thought, Dooyeweerd's transcendental analysis of the history of Western thought sought to expose the religious roots driving theoretical thought to which he identified four basic ground-motives. Consciously based upon the Christian ground-motive of creation, fall into sin, and redemption, Dooyeweerd intended to establish the religious basis for a uniquely Christian redirection and reformation of theoretical thought and culture. For Dooyeweerd, each ground-motive contained a corresponding law-idea (cosmonomic-idea), which provided answers to three indissoluble questions: the origin, totality, and coherence of the cosmos. From the answers to these three questions, and based on the Christian ground-motive, Dooyeweerd provided four central religious presuppositions for which his social theory is based. These foundational assumptions were: firstly, belief in creation; secondly, God's absolute sovereignty; thirdly, creation ordered through law;

and fourthly, sphere sovereignty (the mutual irreducibility of creation). It is these world-view assumptions that shape and ground Dooyeweerd's latter social theory.

Needless to say, however, the chapter's foremost contribution to this thesis is a structural normative theory of society and social institutions as contained within the principle of sphere sovereignty. Using his theory of modal aspects, and building upon the principle of sphere sovereignty, Dooyeweerd identified the typical structures and institutions of society describing their nature, inner norms, purpose, function, and a descriptive analysis of the proper relation between each typical institution. Thus Dooyeweerd's sociological theory provides a systematic law-framework, acting as an interpretative heuristic, to determine normative principles for the structural organisation of social institutions and social policy. As Clouser (1991) writes:

> Calling attention to the aspectual and inter-aspectual laws of creation is one of the main interpretive advantages which our theory provides. It allows us to focus on the fixed principles which underlie the differing types of human social communities, so that we are not lead astray by every variation or deformation they may have.... One of the main contributions our law framework theory makes to social theory is that it can employ aspectual norms as standards for what is normal or abnormal about various communities. (Clouser, 1991, p. 231)

Dooyeweerd's sociological philosophy thus contributes significantly to the third component of a Christian theoretical frame - a normative and systematic guide to the technical and institutional arrangements of society. Unquestionably, claims of Dooyeweerd as "the most original philosopher Holland has ever produced, even Spinoza not excepted" (Witte, 1986, p. 14), are considered in this thesis a justifiable comment.

For the purposes of this thesis, however, and as alluded to in the assessment, Dooyeweerd's theory correctly defines the inner normative nature of social institutions, but does not account for the external moral purposes or ends to which individuals and the various communities ought to orientate their action. This requires, the Reformed tradition to be supplemented by a tradition that contains a rich heritage of social teachings; that defines the general moral and ethical ends to which individuals and community groups ought to be orient their

behaviour. We, therefore, now turn to examine the Catholic social teaching tradition.

Chapter Four

THE "CATHOLIC SOCIAL TEACHING" TRADITION

The Official Papal Encyclicals

1. INTRODUCTION: A CHRISTIAN SOCIAL ETHIC

Thus far, both the Realist and Reformed traditions have provided essential insights into a normative Christian framework for social policy. This chapter is the final of three traditions canvassed to supplement the development of a world-view, ethic, and normative Christian theoretical frame, for the analysis, choice, and design of social policy.

The previous chapters have articulated a unique Christian perspective on the various components that comprise a political ideology. Thus far, the Christian Realist tradition has examined the first and second components: a Christian philosophical anthropology; and critical reflections of the nature of human interaction and behaviour in communal life. The Reformed tradition has supplemented the third component and provided an extensive normative account and framework for the technical and institutional arrangements for which to organise social, economic, and political life.

Notwithstanding the above contributions, a significant component of all political ideologies/philosophies is the central values, ethics and ideals to which the political perspective is orientated. Catholic social teaching (CST) is a tradition that distinguishes itself by maintaining a sustained attempt throughout history to understand how societies function, and what social ethics, values and principles should guide them. This chapter, therefore, fits into the fourth component of the theoretical schemata by contributing a Christian social ethic as construed in Catholic social teaching (CST). CST is a body of thought that contains the values and ethics that are consistent with the majority of Christian traditions, reflected in the fact that these teachings form the theoretical basis of

the New Zealand Ten Churches ecumenical initiative – the Social Justice Statement (1993).

Accordingly, the structure of the present chapter is similar to that of the previous two. Firstly, the chapter briefly surveys the nature and origin of Catholic social teaching, tracing its development and major themes. The chapter moves on to momentarily discuss traditional Catholic social theory with its view to human nature, society, and the state, drawing out key principles for the technical and institutional arrangement of society. Thirdly, it describes the social ethics of CST, exploring their implications for social policy, and concludes with a brief critique and assessment of the tradition.

2. THE ORIGIN AND NATURE OF THE "CATHOLIC SOCIAL TEACHING" TRADITION

The Catholic Church has developed an extensive body of social teaching dealing with the nature of moral behaviour in the social, political and economic order (Smithies, 1994, p. 148). These social teachings are an essential part of the whole corpus of Catholic moral teachings. They represent the application of these moral teachings to the ethical questions raised by human societies, institutions and structures (Smithies, 1994, p. 148).

An essential premise of CST is that this world, which includes specific and concrete human situations, is important. Concern for the kingdom of God also requires concern for human society. The "social" and thus material aspects of creation are not "secular," being outside of God's plan. Rather, Smithies (1994, p. 148) notes that CST is a call to engage with the world, not allowing the church to be reduced to a spiritual model of privatised faith or limited only to a personal relationship with God.[1] Thus CST deals with the relationship between the church and the world.

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[1] This is based on the theological idea that we are called to be co-creators with God.

These teachings can also be characterised as derived on the basis of faith, aimed at helping humanity on the path of salvation. As John Paul II (1991, #54) [2] explains:

> The human sciences and philosophy are helpful for interpreting man's central place within society and for enabling him to understand himself better as a "social being". However, man's true identity is only fully revealed to him through faith, and it is precisely from faith that the Church's social teaching begins. While drawing upon all contributions made by the sciences and philosophy, her social teaching is aimed at helping man on the path of salvation (John Paul II, 1991, #54).

The Catholic Church's social teaching includes wide and varied moral pronouncements concerning all aspects of social life: marriage, family, education, government, commerce, and economic life, to name a few. From time to time various contentious issues have also been addressed, such as the fifteenth century encyclicals dealing with the slave trade (Pius II, 1462),[3] colonisation (Paul III, 1537, *Veritas Ipsa*),[4] and problems of usury (interest) were also repeatedly discussed throughout history (Smithies, 1994, p. 151).

However, the distinctive fashion of modern Catholic social teaching began afresh towards the end of the nineteenth century with the impact of the industrial revolution on European nations, and the resultant disruption from the previous stable patterns of community. Noting the conflict between the opposing social theories of laissez-faire capitalism and Marxist socialism for governing the progress of industrial society, the Catholic Church found much wanting in each approach with respect to social justice (Bishops of England & Wales, 1996, #24).

In response to the subordination of human well-being to the economic determinism of both the liberal and Marxian alternatives, Pope Leo XIII in 1891 issued the first of a series of social encyclical letters, *Rerum Novarum: On the*

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[2] The Catholic papal encyclical quotations are cited by their section/paragraph number, rather than their page number. It is common practice in CST to refer to an encyclical paragraph, but this is also due to the various forms of media that the encyclicals can be obtained from. In my case, the encyclicals were acquired from the inter-net, rendering page numbers irrelevant.

[3] Original document not obtained. See Smithies (1994), p.151.

[4] Original document not obtained. See Smithies (1994), p.151.

Condition of the Working Classes. This is the Magna Carta of Catholic social teaching. It established a new approach, appealing directly to all people and interested parties rather than just reminders to civil authorities of their responsibilities (Smithies, 1994, p. 151). These social encyclicals were aimed at restoring in contemporary industrial society the priority of the human over the economic, the spiritual and moral over the material (Bishops of England & Wales, 1996, #26).[5]

The aim of Catholic social teaching as stated by John Paul II (1987, #41), is to "interpret the complex realities of human existence, determining their conformity with or divergence from the lines of the Gospel teaching on people and their vocation." Hence, its purpose is to guide human behaviour, but its concern lays not so much with theory, as it does with concrete social, economic, and political problems (Smithies, 1994, p. 150). In this, each encyclical is written as a response to particular societal or social conditions. Catholic social teaching also contributes to the formation of conscience as a basis for specific action (Bishops of England & Wales, 1996, #27), indicating broad directions to be taken for a just resolution of social conflict.

The Catholic Church's teaching on social matters is comprehensive in scope, but limited in its immediate application (Bishops of England & Wales, 1996, #27). It does not provide blueprints or specific policies, but moral directives for individuals and groups to decide how best to apply it in particular circumstances (Bishops of England & Wales, 1996, #27). This obviously leads to differing opinions depending on one's theological, anthropological, and sociological assumptions.

The Development of Catholic Social Teaching

As distinct from the preceding two chapters, the present chapter canvasses CST as contained within the official papal encyclicals, and does not draw on any one particular philosopher, theologian, or ethicist. Due to numerous and various

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[5] The beginnings of the Catholic social tradition almost parallel that of the Reformed tradition. In 1891 Abraham Kuyper (1999, 1898) began a series of attacks upon capitalism in which he pleaded for a form of Christian socialism. His views on politics culminated in 1898 in his Stone Lectures at the Princeton Theological Seminary entitled *Lectures on Calvinism*. Kuyper sought to recreate a Christian perspective on politics and society that would form the basis for Christian social action.

contributions to a tradition that spans over one hundred years, this next section surveys very briefly the documents that make up the corpus of CST, highlighting distinctive features, themes and the basic content of each document.[6]

Leo XIII's *Rerum Novarum* (1891) was the first social papal letter written for the sole purpose of addressing social, political, and economic questions of that time. The goals of *Rerum Novarum* were threefold. Firstly, to refute false teaching (Leo XIII, 1891, #1), secondly, to define the relative rights and mutual duties of the wealthy and of the poor, of capital and labour (ibid., #1), and thirdly, to find some remedy for the poverty which pressed on the large majority of the poor (ibid., #2).

The sentiment and insight of Leo XIII is expressed in his opening statement:

> It is not surprising that the spirit of revolutionary change, which has long been predominant in the nations of the world, should have passed beyond politics and made its influence felt in the cognate field of practical economy. (Leo XIII, 1891, # 1)

However, Leo XIII immediately dismisses the socialist programme as unsuited for solving the conflict of labour and capital. He saw, rather, that it actually injured the worker and was highly unjust in violating the rights of the lawful owner (Leo XIII, 1891, #8). This proposition is grounded in his defence of private property. The major principle advanced by Leo XIII was that social classes are not by nature or by history hostile to one another, but require one another; capital cannot do without labour and labour without capital (Leo XIII, 1891, #28). He also outlines the duties of both the worker and the employer (#30-34) and pleads for cooperation between all social classes (Novak, 1984, pp. 108-110).

Forty years later, Pius XI (1922-1939) commemorated the anniversary of *Rerum Novarum* with the encyclical *Quadragesimo Anno: On Reconstructing the Social Order* in May 1931. The purpose of the encyclical was to reiterate the teachings of

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[6] For a broader overview and development of CST see Smithies, R. (1994). Catholic social teaching: A rich heritage. In J. Boston & A. Cameron (Eds.), *Voices for justice: Church, law and state in New Zealand.* Palmerston North: Dunmore Press.

Rerum Novarum in light of the changes that had taken place in the political and economic order since 1891.

The encyclical appeared as a "third way" where Pius XI insists that Catholic social teaching owes nothing to liberalism or to socialism (Novak, 1984, p. 111). The encyclical expanded on, but also departed from the doctrine of Leo XIII. It expanded on Leo XIII, with reference to the contemporary issues of that time; economic concentration, unemployment, state intervention, the role of labour unions, the individual and social character of private property, the class struggle and the autocratic use of state power (Smithies, 1994, p. 152). In this, Pius XI defended the moral integrity of the capitalist system as the best possible system to maintain basic human freedom. However, it is by no means a perfect or entirely just system, and therefore requires the diagnoses of faults, and governmental intervention to correct these faults (Novak, 1984).

The encyclical differed from *Rerum Novarum* by introducing the term "social justice" as a foundational concept for Catholic social thought. It also established the principle of subsidiarity as a basic axiom for social organisation. These contributions are both discussed significantly below.

From 1960s onwards it became customary every tenth year to commemorate the anniversary of *Rerum Novarum.* Also, over this period the tradition experienced a marked change in emphasis. Smithies (1994, pp. 154-156), notes the tradition underwent a movement from the natural law tradition (also expanded upon below) towards a more pronounced affirmation of the use of the bible in social ethics.[7] It also experienced a geographical shift from euro-centric to a global emphasis, and with this the tradition began to move away from the tension between capitalist and socialist blocks (West/East) towards the countries that have and those that have-not (North/South). The concept of sin was also widened from not only individual responsibility but also includes corporate responsibility denouncing not only unjust acts, but also structural disorders (Smithies, 1994, p. 156). Concomitantly, the concept of poverty in an

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[7] For a good discussion on the use of the Bible in ethics see Marshall, C. (1994) The use of the bible in ethics: Scripture, ethics and the social justice statement. In J. Boston & A. Cameron, *Voices for justice: Church, law and state in New Zealand.* Palmerston North: Dunmore Press.

increasingly technological society was also expanded to include not only tangible goods, but also knowledge and education.

In 1961 Pope John XXIII issued *Mater et Magistra: Mother and Teacher - Christianity and Social Progress.* For John XXIII (1961, #23) both "unregulated competition, or the class struggle in the Marxist sense, are utterly opposed to Christian teaching and also to the very nature of humanity. Rather, John XXIII affirmed the three fundamental principles asserted by Leo XIII for a healthy socio-economic order - that of work, private property, and the right to free association. As Novak (1984) comments:

> Firstly, "work, inasmuch as it is an expression of the human person, can by no means be regarded as a mere commodity." For work is the means of all human livelihood for the vast majority of peoples. It is the basic human activity. Second, "private property, including that of productive goods, is a natural right possessed by all, which the state may by no means suppress." But this right, flowing from the *social* character of human nature, requires property owners to take into account the welfare of others. Third, there is a natural right for individuals "to enter corporately into associations, whether of workers only or of workers and management." (Novak, 1984, p. 127)

While affirming these basic principles, the encyclical's distinctive contribution included:

> the role of private and public initiatives and the trend towards socialisation (understood in the sense of greater interdependence and mutual responsibility). The encyclical also looked at the just wages of workers and their role in the structure of the enterprises, the social and economic aspects of development, and the growing role of women in society. (Smithies, 1994, pp. 152-153)

In 1963, John XXIII released his second social encyclical *Pacem in Terris: Peace on Earth.* This letter placed an emphasis on human rights, bringing the liberal rights tradition into the official Catholic social teaching tradition (Novak, 1984, p. 125). While all the social documents made some reference to basic human rights, John XXIII gives the most complete and systematic listing of human rights. Basic rights, however, are not understood from liberal assumptions of human nature, but from the Christian view of the human person, such that:

> Any human society, if it is to be well-ordered and productive, must lay down as a foundation this principle, namely, that every human person is a person, that is, his nature is endowed with intelligence and free will. By virtue of this, he has rights

> and duties of his own, flowing directly and simultaneously from his very nature. These rights are therefore universal, inviolable and inalienable. (John XXIII, 1963, #9)

Whilst John XXIII's encyclical rang with optimistic idealism, and emphasised the more political aspects of political-economy, Pope Paul VI in 1967 stressed the economic elements in *Populorium Progressio: On the Development of Peoples.* Novak (1984, p. 134) characterises this encyclical as "a sustained effort to come abreast of the revolutionary tide that Adam Smith's *Inquiry into the Nature and the Causes of the Wealth of Nations* had set in motion in 1776." Its nature and tone departs from that of John XXIII. Where John XXIII was positive of many of the liberal accomplishments, Paul VI maintained ambivalence (Novak, 1984, pp. 134-135). The primary subject of the encyclical was economic development and the third world. It asserted the need for a judicious increase in the power of international organisations for arbitration between nations. The letter also called for the regulation of free trade and private enterprise.

The eightieth anniversary encyclical *Octagesima Adveniens: A Call to Action* (1971) called for renewed action, and widened the scope of Catholic social teaching by asserting "the social question has become worldwide" (Paul VI, 1971, #5). As such Paul VI writes:

> If the role of the hierarchy is to teach and to interpret authentically the norms of morality to be followed in this matter, it belongs to the laity, without waiting passively for orders and directives, to take the initiative freely and to infuse a Christian spirit into the mentality, customs, laws and structures of the community in which they live...It is not enough to recall principles, state intentions, point to crying injustices and utter prophetic denunciations; these words will lack real weight unless they are accompanied for each individual by a livelier awareness of personal responsibility and by effective action. (Paul VI, 1971, #48)

Following Paul VI, the present pontiff John Paul II has to date released three social encyclicals. He celebrated the ninetieth anniversary of *Rerum Novarum* with his encyclical *Laborem Exercens: On Human Work* (1981). John Paul II's contribution highlighted and emphasised that one of the necessary keys to 'the social question' is work (Novak, 1984, p. 150). His theology of the "elements for a spirituality of work" is grounded in the biblical category of co-creation. That is humanity is made in the image of God and was given a mandate to "subdue

and dominate the earth."[8] It is through work, through the *invention* and *discovery* of the human vocation that one realises this mandate.

In 1988 John Paul II released *Sollicitudo Rei Socialis: On Social Concern* to mark the twentieth anniversary of Pope Paul VI's *Populorium Progressio: On the Development of Peoples.* In this letter, John Paul II focused on the problem of development in the Third World and placed an obligation on richer nations to ensure the ongoing development of poorer nations. He sees consumerism and structures of sin as obstacles for the more prosperous nations in fulfilling their moral duties.

In 1991, Pope John Paul issued *Centesimus Annus: On the Hundredth Year,* commemorating the first papal encyclical *Rerum Novarum.* Centesimus Annus contained three focal points: a retrospective look at Leo XIII's Rerum Novarum; a present-day perspective on the new things of the current era; and a forward-looking vision of the third millennium. It discussed the factors that contributed to the fall of socialist/communist regimes, and acknowledged the merits of the market system. As John Paul II (1991) argues:

> Among the many factors involved in the fall of oppressive regimes, some deserve special mention. Certainly, the decisive factor which gave rise to the changes was the violation of the rights of workers.... The second factor in the crisis was certainly the inefficiency of the economic system, which is not to be considered simply as a technical problem, but rather a consequence of the violation of the human rights to private initiative, to ownership of property and to freedom in the economic sector. (John Paul II, 1991 #23-24)

Thus the letter continued to endorse the exercising of economic freedom to private initiative, and ownership of property. This however is contained within a traditional Catholic moral framework of private property as not an absolute, but relative right, subject to the common good.

The above is an overview of some of the primary documents that constitute CST. Not all that comprises CST, however, is derived and written by the Popes (Smithies, 1994, p. 153). The teaching authority of the church - the Second Vatican Council - issued *Gaudium et Spes: The Pastoral Constitution on the Church in the Modern World* (1965), which is also a significant CST document. Regional

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[8] Genesis 1:27-28.

and national conferences have published statements applying CST to their specific country or region. For example, the US Bishops in 1986 issued their statement *Economic Justice for All.* And in New Zealand the ten church leaders *Social Justice Statement* (1993), co-signed by the Archbishop of Wellington, also represents a CST document (Smithies, 1994, p. 154).

3. TRADITIONAL CATHOLIC SOCIAL THEORY: HUMAN NATURE, SOCIETY, AND THE STATE

Catholic social theory in its modern form is derived from the thirteenth century theologian/philosopher, St. Thomas Aquinas.[9] While not all Roman Catholics adhere to this Thomist tradition,[10] it is supported by official recommendation within the series of papal encyclicals outlined above. As alluded to in the previous chapter, St. Thomas Aquinas synthesized the thought of Aristotle with St. Augustine, which according to Dooyeweerd (1979, p. 115) resulted in a new dualistic ground-motive of "nature and grace" (nature and super-nature). Dooyeweerd posited this dualistic religious ground-motive as the distinctive driving force of Western thought and culture throughout the Middle Ages.

According to Dooyeweerd (1979, p. 122) the Thomist view of human nature, society, and the state, is also directed by the religious ground motive of nature and grace. "Nature" refers to the part of creation, which is ordered by natural law (reason) - the physical natural world including human life and its institutions. "Grace" refers to the transcendent, metaphysical reality of God's supernatural law (revelation). Dooyeweerd believes that in this synthesis, it is the Greek ground-motive that particularly influences and informs Thomist social theory (Cameron, 1994, pp. 50-51). This becomes apparent in the following discussion.

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[9] The names of Thomas Aquinas are used interchangeably throughout the literature. Reference is made to Aquinas, Thomas, the Thomist view, Thomists, or Thomism. All these references point to the same person or adherents to this particular body of philosophy.

[10] Some Roman Catholics adhere more to an Augustinian position than traditional Thomist theology/philosophy. Protestant thought is more consistent with the Augustinian position.

Whilst a significant amount of Christian social theory has already been described, the following discussion therefore emphasises the key features of Catholic social philosophy and contrasts these assertions in places to the previous two traditions.

The Catholic View of Human Nature

In accordance with the biblical account of creation, humanity is created by God, in "the image of God," consisting of a God given reason and a special endowment. Before the fall, this special endowment enabled Adam (first man) to seek and attain the highest good of obeying God and doing his will.

As established by Niebuhr in chapter two, being created in the image of God means humanity contains the capacity for self-transcendent reflection and choice. The human capacity of self-transcendence is the ability to survey the world and understand it. Similarly, the Catholic view stresses the primacy of persons as intelligent, reasonable, free, and responsible beings (Kohler, 1993, p. 39).

The idea of human nature as corrupted by sin was given significant attention in chapter two, and it is precisely on this point that Catholic and Protestant theory differ. The essential issue here is; how corrupt did human nature become? Calvinist reformation theology conceives of human nature as totally corrupt (doctrine of total depravity), whereas Aquinas believed that after the fall, whilst human beings lost their special endowment to relate directly to God, humanity did however retain an ability to discern virtue and live accordingly, and are thus only wounded by sin (Hoffecker, 1986, pp. 105-106). In Aquinas's view the rational capacity and will of humanity remained intrinsically good, in contrast to the Reformed doctrine that even the rational capacities and will of humanity are affected by sin. This Reformed (Augustinian) account is exemplified in Niebuhr's explanation of human nature. Typically, Catholic thought based on Thomist theology and philosophy does not take as seriously the effects of human sin as do Reformed thinkers.

Like Aristotle, Aquinas conceived of the human person as a dualism or union of form and matter. A person's "form" is the rational soul, and "matter" is the material body, which owes its real being to the soul (Dooyeweerd, 1979, p.

122). For Aquinas, every creature by its very nature strives to reach full development and perfection through a process whereby its "essential form" is realised in the matter of its body. For example, a plant by nature will strive to develop its seed (form) into a mature form of plant (goal) (Dooyeweerd, 1979, p. 122).

Likewise, the natural perfection and development (self-realisation) of humanity consists of the complete development of the rational capacities, which distinguishes humanity from plants and animals. This rational nature is equipped with an innate, rational, "natural law"[11] that urges people to do the good and refrain from evil – hence, according to Aquinas humanity naturally strives to the good (Dooyeweerd, 1979, p. 122).

Of significant emphasis in CST is the idea that humanity is by nature social. Every person has come into the world naked and helpless, and dependent on social relations. Thus, for Aquinas, human nature consists of a social inclination or predisposition toward society. Aquinas also believed that no person could attain his or her natural perfection as an isolated individual. This is supported by the Second Vatican Council (1965), which teaches:

> But God did not create men and women as solitary beings. From the beginning "male and female God created them" (Gen 1:27). This partnership of man and woman constitutes the first form of communion between people. For by their innermost nature men and women are social beings; and if they do not enter into relationships with others they can neither live nor develop their gifts. (Gaudium et Spes, 1965, #12)

In the Catholic view of human nature there are three continually reiterated themes: firstly, the *dignity* of the human person as created in the image of God, secondly, the inherent *social nature* of humanity, and thirdly, the natural drive towards the *natural development and perfection (self-realisation)* of humanity. These form the foundational ideas of human nature upon which the Catholic social teachings are built.

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[11] Cameron (1994, p. 54) asserts: "In the reformational philosophy there is no natural rational law corresponding to a natural rational component in the human person. The rational is but one amongst a diversity of normative aspects of human existence, all of which find their deeper point of convergence in the human heart. All dimensions of human existence, including the rational, are therefore radically affected by the religious

The Catholic View of Society

The Thomist and dualistic "nature-grace" ground-motive identified by Dooyeweerd in the previous chapter is particularly evident in Aquinas's view of society. Aquinas viewed the whole of reality in a hierarchical form of two storeys. The *natural* life constitutes the *lower storey* including the family, secular scholarship, technology, art, business, unions, educational institutions, politics and the state etc. (Kalsbeek, 1975, p. 144). In the natural realm the individual realises his or her nature in human communities of which the state is the highest and most complete expression (Cameron, 1994, p. 51). Chaplin (1993) maintains that traditionally other non-state communities are understood as "lesser" or "subordinate" (are parts of the whole). He defines the term to mean both political bodies such as local government or municipalities and non-political communities such as families, business, and schools (Chaplin, 1993, p. 178).

The *upper storey* of reality was formed by the *supernatural* life of grace, which did not interfere with natural life but complemented and overarched it. The holder of the supernatural sphere - being the church - claims the direction of all culture so that natural life can be enriched and perfected (Kalsbeek, 1975, p. 144). In the supernatural life of grace, God is sovereign and rules through his eternal law revealed through revelation.

The Catholic View of the State

Like Aristotle, Aquinas argued that the state is based on the rational and social disposition of human nature. As human nature is to develop and arrive at natural perfection, the state is necessary so that the rational form of human nature can achieve perfect development by holding in check sensuous desires (Dooyeweerd, 1979, p. 124). The Catholic view is also based on the social nature of humanity (Smithies, 1994, p. 159). People are social and therefore political beings (Aristotle). The Catholic tradition therefore rejects early Calvinist conceptions of the state as a post-fall ordinance based primarily on curtailing human sinfulness. But in accordance with the two Protestant

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direction(s) which motivate human creatures; out of the heart are the issues of life (Proverbs 4:23)."

perspectives, it also rejects theories of the state based on a social contract made by rational individuals, which neglects the organic foundation of society (Smithies, 1994, p. 159).

In Aquinas's view, the state is the total, all-inclusive, and highest form of community in the realm of nature. All other spheres of life are parts of the state. This does not mean that the state should rule all lesser communities by a totalitarian regime, but rather, denotes that the lesser communities are not distinguished as individual communities in their own right (individuality structures) but are considered as parts of the higher community, only insofar as they are of the "same natural order" (Dooyeweerd, 1979, p. 124).

For Dooyeweerd (1979), this conception has two effects. Firstly, in placing the state as the highest community of the "natural order" this excludes the supra-natural order (i.e. the church) from the jurisdiction of the state, which remains as an overarching structure above human society. Secondly, Aquinas viewed the state as constructed from below in a hierarchy of lower and higher communities. This rests on the principle (of subsidiarity) that whatever can be appropriated in a lesser community should not be subsumed by a higher community (Dooyeweerd, 1979, p. 124).

For Aquinas, the state contains, however, a central and positive role in society. Its primary task is to preserve internal peace and order (as preconditions to justice) defend the community, promote moral well being, and ensure a sufficient supply of material necessities. In this, Aquinas taught that the state should work to produce conditions under which human persons can live a full and prosperous life (MacKenzie, 1986a).

Notwithstanding these considerations, CST maintains that the *distinctive* goal that characterises the political community is the common good. As Smithies (1994) argues:

> This is the full justification and meaning, as well as the source of its specific and basic right to exist. The link between the common good and the state is not accidental but intrinsic. The common good should be the primary principle governing the state's activities and it is the task of the state to direct the energies of all its citizens towards the common good. (Smithies, 1994, pp. 159-160)

4. PRINCIPLES FOR SOCIAL AND INSTITUTIONAL ORGANISATION

CST also draws upon a number of principles that articulate a normative response to the institutional arrangements of society. These are discussed here as derived within the official CST papal encyclicals.

The State and the Common Good

As just stated, the purpose of the state's existence in CST is realised in its goal of the common good (John XXIII, 1961, #20; Paul VI, 1971, #46; US Bishops, 1986, #122; Second Vatican Council, 1965, #71). Pope John XXIII (1963, #54) makes this point explicit: "the whole reason for the existence of civil authorities is the realisation of the common good." The state is empowered to act in a variety of ways in order to secure this overriding moral end. And as such, the states authority is in principle as wide in scope as the attainment of the common good requires, but is no wider (Chaplin, 1993, p. 182).

The common good is defined in CST as the sum total of all those conditions of social living - economic, political, and cultural - that make it possible for individuals, families, and organisations to achieve complete and effective development and fulfilment (John XXIII, 1965, #74). To determine the common good, Smithies (1994, p. 158) affirms that it requires an assessment of the sum total of particular interests on the basis of a balanced hierarchy of values.

The common good may on first appearances emerge as somewhat similar to utilitarianism. However, the common good is not merely the 'greatest net good' such that there is greater gain of a particular measure than loses (as is the liberal conception). The common good, rather, is grounded in God's intentions for humanity, that is, to enable creation (individuals, families, communities, and organisations) to achieve complete and effective fulfilment (i.e. full development) (Smithies, 1994, pp. 158-159).

This notion of the common good is conceived as a substantive idea of the "good life" (a balanced hierarchy of values), which defines the community's "way of life." The common good rather than being the sum of individual preferences, is

therefore a normative benchmark by which preferences are evaluated (Cheyne, O'Brien, Beatson, 1998, p. 8).[12]

Vaney (1999, p. 119) argues that this concept of the common good holds together two tensions. Firstly, in a limited world, individual freedoms have to be curtailed for the good of the whole community. Yet secondly, human dignity is such that human worth is not wholly made within, but exceeds the political community. Thus, Vaney (1999, p. 119) endorses that the standards in every society should be set to promote the dignity and fulfilment of every person within it.

Such a vision of the common good can only be guaranteed when personal rights and duties are maintained (John XXIII, 1963, #60). And as John Paul II (1991, # 47) argues, ultimately, the common good demands a correct understanding of the dignity and rights of the human person.

The Common Good and Intermediary Bodies

The state, however, is not the only community responsible for the common good (Smithies, 1994, p. 161). CST affirms that the lesser or lower communities, otherwise known as intermediary bodies, mediating structures, or civil society, (those non-state institutions that stand between the individual and the state, such as the family, schools, etc.), have a significant role in the realisation of the

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[12] In Boston's (1999a, p. 142) view, there are two important tests that can be applied to determine whether a course of action or a particular policy, is in accord with the common good.

Firstly, Boston (1999a, p. 142) states, "if an action or policy is to be consistent with the common good, everyone (that is, all those who are part of the relevant 'common' - be it a family, community, or nation, etc) must receive a benefit of some kind (for example, an economic, social, psychological or moral benefit)." However as soon as someone loses the policy might be good of most people or the majority, but not for all. Providing *every person* benefits in some tangible or intangible fashion, even if received in differing amount, time, or way, it can be said that a policy or measure is for the common good. This does not mean that everyone must benefit in 'net' terms at that time, where Boston believes that any action that is genuinely in accord with the common good is likely to bring a net gain for most people.

The second criterion for testing a policy in accordance with the common good is the requirement that the policy or action must yield overall benefits for the community that are greater than any other option (Boston, 1999a). As Boston (1999a, p. 143) writes, "it is not sufficient that everyone gain in some respect; the aggregate gains for the whole must also be taken into account." Whilst significant questions remain, Boston displays some direction on how to give the common good a concrete meaning in policy terms.

common good (John XXIII, 1961, #65; Paul VI, 1971, #46).[13] The need for such institutions is grounded in the social nature of humanity, as John Paul II (1991) writes:

> The social nature of man is not completely fulfilled by the State, but is realised in various intermediary groups, beginning with the family and including economic, social, political and cultural groups, which stem from human nature itself and have their own autonomy, always with a view to the common good. (John Paul II (1991, #14)

CST also recognises that the state has the specific function of ensuring that these communities flourish and contribute to the common good. On this point the Catholic and Reformed views are in agreement. As John Paul II (1991) again writes:

> ...the State has the duty of watching over the common good and of ensuring that every sector of life, not excluding the economic one, contributes to achieving that good, while respecting the rightful autonomy of each sector. This should not however lead us to think that Pope Leo expected the State to solve every social problem. On the contrary, he frequently insists on necessary limits to the State's intervention and on its instrumental character, inasmuch as the individual, the family and society are prior to the State, and inasmuch as the State exists to protect their rights and not stifle them (John Paul II, 1991, #11).

While the goal and purpose of the state in CST is to realise the common good, this is achieved through two principles, depending on the circumstances (Smithies, 1994, p. 161): the principle of subsidiarity and the principle of solidarity.

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[13] It is interesting to note that many theoretical perspectives across the ideological spectrum have transcended individual/collective political theory pertaining only to the individual and the state, and converged with regards to the need for intermediary institutions. Chaplin (1993) ascribes neo-conservatives in the US as urging the recovery of mediating structures in their attack on bureaucratic "mega-structures." Neo-liberals refer to the concept as a basis for exposing the inefficiency and illiberality of the public sector, while seeking to shift the responsibility for economic coordination and welfare provision to private organisation. Chaplin also places neo-socialists, disillusioned by the failed promise of state-administered socialism, amalgamating with Greens and feminists in urging for new institutional arrangements of decentralisation and pluralistic socialism (or associational socialism, as Paul Hirst (1986) characterises it) as meeting human needs, without compromising democratic participation.

Subsidiarity

Dooyeweerd's ontological analysis of the plurality and function of the typical structures in society demonstrated the essential inner nature of the differing types of communities in civil society contained within the principle of sphere sovereignty. Whereas in the Reformed tradition the principle of sphere sovereignty places an inner normative constraint on the state (with regards to other communities), the equivalent exists in CST as the principle of subsidiarity.

The term subsidiarity is derived from the Latin word *subsidium,* meaning to help or aid (Chaplin, 1993, p. 180). The principle is founded on the notion of the primacy of the person, and the natural social inclination of the human person to achieve self-realisation in and through social relationships (Kohler, 1993, p. 36). Thus social relationships and communities exist to provide help and responsibility for their own self-realisation.

Subsidiarity - which Chaplin (1993, p. 178) situates at the heart of the Catholic social philosophy - is understood to apply to all social relationships between the individual and the various forms of community that he/she is a part of. However, it is the essential subsidiarity function of the state with respect to the other lesser communities that attracts the greatest interest and is of central concern for the present purposes (Chaplin, 1993, p. 182).

The principle first coined by Pius XI in *Quadragesimo Anno* (1931) can be defined as the duty of the state to offer lesser communities sufficient aid (supplementation) or sufficient autonomy, when needed, in order for the latter to realise their distinctive ends (Chaplin, 1993, p. 182). The principle provides that a community of a higher order should not interfere in the internal life of a community of a lower order (Pius XI, 1931, # 79). As Etzioni (1994) writes:

> the principle of subsidiarity.... says that responsibility for any situation belongs first to those who are nearest to the problem. Only if a solution cannot be found by the individual does responsibility devolve to the family. Only if the family cannot cope should the local community become involved. Only if the problem is too big for it should the state become involved. (Etzioni, 1994, quoted in Parsons, 1995, p. 53).

Thus, the principle acts foremost at limiting the scope and activities of the state by preserving the rights and responsibilities of individuals, families and other

lesser communities to contribute to the common good (Smithies, 1994, p. 161). The state should, therefore, acknowledge the substantial measure of autonomy on the part of lesser communities, which form an essential ingredient of the common good (Chaplin, 1993, pp. 182-183).

Subsidiarity also has a corollary principle, that of supplementation. Kohler (1993, p. 36) establishes that the subsidiarity function of society is not a matter, except in exceptional circumstances, of substituting or supplying for individual responsibility, but of providing sets of conditions necessary for personal self-realisation. It is therefore the role of larger or higher communities (i.e. the state) to perform this subsidiarity function toward smaller, "lower" communities. As such, the principle requires the state to assist communities, families, and individuals, to contribute more effectively to the common good. This also means that mediating structures of families, neighbourhoods, community groups, small businesses, and local governments need to be fostered and participated in (Berger & Neuhaus, 1977). This supplementation function has two effects:

Firstly, the principle requires (negatively) that communities not deprive individuals and smaller communities of their right for self-realisation and therefore to exercise self-responsibility. This means that responsibilities and decisions should be attended to as close as possible to the level of the individual initiative in local communities and institutions (Smithies, 1994, p. 162).

Secondly, the principle requires (positively) that all communities enable and encourage and assist individuals to exercise their own responsibility, and that, larger communities should do the same for smaller ones.

Kohler (1993) does however consider contingent factors, acknowledging that the principle must be determined according to the nature of the community and to the particular circumstances that it applies.

Solidarity

The second principle for realising the common good is the principle of solidarity.[14] Similar to the notion of subsidiarity, solidarity also draws from the idea that human nature is inherently social, and therefore requires community for self-realisation. Defined broadly, solidarity is a term used as a variant on communion, charity, brotherhood, the gift of self, regarding others as persons and neighbours, friendship, social charity, and civilisation of love (Boswell, 1993, p. 203).

Boswell (1993) places solidarity as partly a subjective and partly objective condition. Its subjective nature places it as an attitude or disposition in the human heart. Its objective substance, on the other hand, establishes it as a matter of conduct, praxis or behaviour (Boswell, 1993, p. 203). The principle applies to all levels of community (individual, family, organisation, nationally, internationally) and to every sphere of life (politically, economically, socially, etc.).

Solidarity, in Smithies' (1994, p. 162) view, goes beyond the principle of supplementation. Supplementation aids communities or individuals, but the initiative remains with the lesser communities. Solidarity denotes that the state has its own sphere of initiative and must act directly on its own responsibility for the common good.

Thus, for John Paul II (1987, #38), solidarity is not a feeling of vague compassion or shallow distress at the misfortunes of so many people, but on the contrary, solidarity is a firm and proactive determination to commit oneself to the common good. John Paul II (1991 #10) also argues that the principle is clearly one of the fundamental tenets of the Christian view of social and political organisation. Solidarity requires the state to intervene and safeguard the rights of all, but especially the poor, defenceless, and powerless, hence issuing a "preferential option for the poor."

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[14] This principle has been considered throughout history under various terms. Smithies (1994), refers to solidarity as the principle of supplementation. Whereas John Paul (1991, #10) notes: "This principle is frequently stated by Pope Leo XIII, who uses the term 'friendship,' a concept already found in Greek philosophy. Pope Pius XI refers to it with the equally meaningful term 'social charity.' Pope Paul VI, expanding the

As a principle of social and political organisation, solidarity is also applied in the economic sphere. In the economic realm, "public cooperation" is the approximation of the ideal of solidarity (Boswell, 1993, p. 209). For Boswell, public cooperation means that institutional decision units freely collaborate with each other, external groups, government, and the economic sector, in the cause of public interest.

Boswell (1993, pp. 214-219) affirms that public cooperation is structurally realised in society and the economy through four factors: firstly, *continuity* - ongoing change and short-term solutions make for discontinuous and volatile conditions, erecting a barrier to effective public cooperation, and is threatening to solidarity; secondly, *proportionality of organisational size* - "village-type" organisational size being sufficient to effect its purpose whilst retaining a decentralised diversity to accord with public cooperation and free collaboration; thirdly, *transparency* - public cooperation also requires visibility and social transparency effecting a greater likelihood of firms being socially sensitive and cooperative. And finally, *proximity* - public cooperation also requires communication and proximity across the socio-spatial gulfs that exist between decision makers in different sectors and types of organisation. Boswell therefore promotes "forums" (encaptic organisational forms) as means toward further power sharing, democratic participation, mutual learning and solidarity.

Subsidiarity, Solidarity and the Activities of the State

By way of an example, and as frequently deliberated in CST, the principles of subsidiarity, solidarity, and the state as contributing to the common good are discussed with reference to the economic sphere.

As already alluded to above, Pius XI's *Quadragesimo Anno* introduced the principle of subsidiarity into Catholic social thought. Pius XI's own application of the principle for economic life, called for "voluntary professional associations" as mediating structures to regulate the economy, and restrict state intervention. These associations are organised by trade or profession and consist of workers, management and owners, which stand in relative autonomy from

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concept to cover the many modern aspects of the social question, speaks of a 'civilization of love.'"

the state. The state's function is to oversee the activities of the various economic associations only to the degree required by common welfare (Kohler, 1993, p. 37). The distinctive purpose of such associations is to self-regulate their respective industry. Each association would set industry standards, establish a code of ethical conduct, regulate and police its own members, and moderate internal competition and working standards. Pius XI envisaged these associations as working and cooperative communities of solidarity, and thus Pius XI's model came to be referred to as solidarism or corporatism (Gronbacher, 1998, p. 22). Solidarism was seen as a third-way rejecting both socialism and liberal individualism, and repudiating both centrally planned economies and unrestricted competition. In this view, the economy is a set of social relations composed of various autonomous vocational organizations that are bound together to achieve the welfare of all, providing the opportunity for an ordered economic freedom. (Kohler, 1993, p. 37)

However, whilst solidarism establishes the role of mediating institutions and as organizations of welfare according to the principles of subsidiarity and solidarity, the common good also requires an active participation of the state in the economic sphere. As John Paul II (1991, #15) writes:

> The state must contribute...both directly and indirectly. Indirectly and according to the principle of subsidiarity, by creating conditions for the free exercise of economic activity, which will lead to abundant opportunities for employment and sources of wealth. Directly and according to the principle of solidarity, by defending the weakest, by placing certain limits on the autonomy of the parties who determine working conditions, and by ensuring in every case the necessary minimum support for the unemployed worker (John Paul, 1991, #15).

In implementing these principles, CST affirms a wide range of state activities, which are distinguished by Chaplin (1993) as enabling, intervening, and substituting activities.

Enabling activities include the creation of the necessary general legal, economic, social and moral conditions in which lesser communities can flourish (Chaplin, 1993, p. 185). Again, referring to state intervention in the economy, John Paul II states:

> Economic activity, especially the activity of a market economy, cannot be conducted in an industrial, juridical, or political vacuum. On the contrary, it

> presupposes sure guarantees of individual freedom and private property, as well as a stable currency and efficient public services. Hence the principle task if the State is to guarantee this security, so that those who work and produce can enjoy the fruits of their labors and thus feel encouraged to work efficiently and honestly....Another task of the State is that of overseeing and directing the exercise of human rights in the economic sector. However, primary responsibility in this area belongs not to the State but to individuals and to various groups and associations, which make up society. The State could not directly ensure the right to work for all citizens unless it controlled every aspect of economic life and restricted the free initiative of individuals. This does not mean, however, that the State has no competence in this domain, as was claimed by those who argued against any rules in the economic sphere. Rather, the State has a duty to sustain business activities by creating conditions which will ensure job opportunities, by stimulating those activities where they are lacking or by supporting them in moments of crisis. (John Paul, 1991 #48)

Intervening activities, on the other hand, are those in which the state interferes in the internal affairs of the lesser community, attempting to correct some obvious deficiency or distortion which affects the common good (Chaplin, 1993, p. 185). For example, the state has the right to intervene when particular monopolies create delays or obstacles to development (John Paul II, 1991, #48).

Substituting activities are those that the state directly assumes, but specifically belong to the lesser communities. In principle, these activities fall outside the jurisdiction of the political order, for example, a centrally planned economy. But in exceptional circumstances when a particular community is chronically deficient and incapable of performing basic functions, such substitution is justified, temporarily if possible (Chaplin, 1993, p. 185). As John Paul II (1991, #48) writes:

> In addition to the tasks of harmonizing and guiding development, in exceptional circumstances the State can also exercise a substitute function, when social sectors or business systems are too weak or are just getting under way, and are not equal to the task at hand. (John Paul II, 1991, #48)

Conclusion: A Catholic Pluralist Communitarian Perspective

As with the Reformed principle of sphere sovereignty, the principles of subsidiarity, solidarity, and the common good are most clearly aligned with a

communitarian prescription (Chaplin, 1993) - a Christian communitarian perspective. As Kohler (1993) states:

> The subsidiarity principle obviously has much to say to many who would identify themselves as communitarians, and much of the communitarian platform itself appears to draw from the social magisterium and the insights that the subsidiarity principle offers. (Kohler, 1993, p. 45)

The communitarian approach, for Parsons (1995, p. 52), is an appealing option because it points to a middle-way between the excesses of state regulation and control, on the one hand, and the reliance on individualistic market forces on the other. It requires a strong but scaled back core welfare state (a solidarist or corporatist welfare state), but calls for a renewed citizenship of responsibility, such that other societal spheres are recognised and responsibilities are decentralised according to the nature of the community (sphere sovereignty) and the principle of subsidiarity.

5. THE ETHIC AND THEMES OF CATHOLIC SOCIAL TEACHING

The Catholic social tradition, however, is not limited to these social and institutional principles. The tradition also makes a significant contribution to a Christian social ethic, emphasizing many moral axioms and themes.[15] While many aspects of Catholic social theory, as discussed above, may be endorsed or disputed by the Reformed and Realist positions, the primary contribution of CST to this thesis is its systematic conveyance of a Christian social ethic. The following principles have become commonplace in CST and are frequently referred and/or reiterated in almost all Catholic social documents and statements. For the sake of clarity, these themes are stated and distinguished in an ordered manner. However, in practice, each aspect presupposes the other, and should therefore be understood as a social ethic (an interdependent whole) with a number of themes. These themes are now discussed with reference to their application to social policy.

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[15] It is important to note that these themes are not limited to the Catholic tradition but are shared in common by most Christian traditions. The Catholic tradition however presents its body of social ethical thought in a coherent manner, providing a systematic framework for the presentation of Christian social ethics. Needless to say, each theme is a considerable discussion on its own, my intention however is to provide an over-view.

The Dignity of the Human Person

The Catholic social tradition is rooted in the Christian conception of human nature. The tradition's ethical starting point is founded and sustained on the central premise of the dignity of the human person, that is, humanity as "made in the image of God." Being made in the image of God means that all people are sacred, possessing intrinsic value and are the clearest reflection of God among humanity. Each and every person possesses a basic and inalienable dignity that comes from God, and is sustained from conception to natural death. As Pope John Paul II (1991, #11) affirms, "human persons are willed by God; they are imprinted with God's image, such that their dignity does not come from what they do, but from the persons they are." This understands that intrinsic dignity is not lost through such things as disability, poverty, age, sex, race, or lack of success.

Human dignity in CST is not understood, however, in a similar vein to those within the liberal or socialist traditions. In Christian social thought, human dignity presupposes a transcendent reference (humanity made in the image of *God*), and therefore cannot be conceived on a naturalistic basis. Vaney (1999, p. 120) paraphrasing Dworkin's liberal naturalistic approach writes:

> There he argues that all human beings are sacred and have intrinsic value. Such sacredness is rooted in a twofold quality, that of being a masterpiece of natural design, the height of the evolutionary process, and also that most elaborate piece of art and beauty shaped by innumerable acts of human culture.

On the contrary, John Paul II (quoted in Smithies, 1994, p. 149) argues:

> Deprived of a transcendent reference, human beings become little more than a drop in the ocean, and their dignity, no matter how sincerely acknowledged and proclaimed, loses its most solid guarantee.

Thus Christian social thought understands that human preciousness, sacredness, and dignity can never be separated from a transcendent belief in God or at least from some religious transcendent reference.

Many Catholic social documents advance that all policies, institutions, and structures should be built on this principle of the transcendental dignity and worth of human persons. Indeed, in the US Bishops statement *Economic Justice for All,* "the basis for all that the Church believes about the moral dimensions of

economic life is its vision of the transcendent worth - the sacredness - of human beings" (US Bishops, 1986, #28). In realising human dignity in institutional life, a central test of political, legal, social and economic institutions is what the institution does *to* people, what it does *for* people, and how people *participate* in them (US Bishops, 1986, #1).

The principle of human dignity as applied to social policy implies two further axioms. Firstly, it requires that people are prior to institutions or things, and institutions or things exist for the sake of people (Labacqz, 1986, p. 67). Thus whilst macro-economic or inflationary control policies, for example, are plausible and necessary policy objectives, such goals must never be held above or at the expense of people.

A second application of the sacredness of human life for policy requires (and as stated below) a priority for those who experience undignified conditions. Thus a preferential option should be given to the poor, the powerless, the exploited, the vulnerable, and all those that experience economic, social or political demeaning or injustice.

Commutative, Distributive and Social Justice.

By offering a transcendent perspective, Christianity does not only conceive of the demands of justice, it calls people beyond justice to the virtue of love (Sirico, 2000, p. 46). Whilst considerable attention has been given in Niebuhr's work (chapter two) to the relation of love and justice, it requires mention that CST affirms the transcendent ethic of love as the ultimate norm from which Christian social ethics begin. Although love is not justice, CST affirms that love must be realised in society through just systems and structures which respect human dignity, protect human rights, facilitate human development, and promote the common good.

Moving from the relation of love to justice, CST has traditionally distinguished between three dimensions of basic justice: commutative justice, distributive justice, and social justice (US Bishops, 1986, #68). Considered in the context of economic justice, the US Bishops (1986, #69) define commutative justice as fairness in all agreements and exchanges between individuals or private social groups. Thus the Bishops (1986), write:

> It demands respect for the equal human dignity of all persons in economic transactions, contracts, or promises. For example, workers owe their employers diligent work in exchange for their wages. Employers are obligated to treat their employees as persons, paying them fair wages in exchange for the work done and establishing conditions and patterns of work that are truly human. (US Bishops, 1986, #69)

Distributive justice, on the other hand, requires the allocation of income, wealth, and power in society on the basis of its effects on persons whose basic material needs are unmet (US Bishops, 1986, #70). The Second Vatican Council supports this, and state that the right to have a share of earthly goods sufficient for oneself and one's family belongs to everyone (US Bishops, 1986, #70). In policy terms, this recognises that basic distributive justice requires the establishment of a minimal floor of material well-being, placing an obligation on the community (state) to ensure that basic material needs are met. As the Bishops (1986, #74) argue:

> This is a duty of the whole of society and it creates particular obligations for those with greater resources. This duty calls into question extreme inequalities of income and consumption when so many lack basic necessities. Catholic social teaching does not maintain that a flat, arithmetical equality of income and wealth is a demand of justice, but it does challenge economic arrangements that leave large numbers of people impoverished. Further, it sees extreme inequality as a threat to the solidarity of the human community, for great disparities lead to deep social divisions and conflict. (U.S. Bishops, 1986, #74)

The concept of social justice, however, was introduced much later into traditional Catholic social thought by Pius XI (1931) in *Quadragesimo Anno*. In Novak's (1993, p. 64) opinion, social justice has become the unifying thread of Catholic social thought, however, and rather ironically, exactly what is meant by the term "social justice" is unclear.

The meaning of social justice, as defined by the US Bishops (1986, #71), is contained in the idea of contribution or participation. Social justice requires that persons have an obligation to be active and productive participants in the life of society and that society has a corresponding duty to enable them to participate actively and productively. Thus the Bishops state:

> This form of justice can also be called "contributive," for it stresses the duty of all who are able to help create the goods, services, and other nonmaterial or spiritual

> values necessary for the welfare of the whole community. In the words of Pius XI, "It is of the very essence of social justice to demand from each individual all that is necessary for the common good." (US Bishops, 1986, #71)

In terms of social policy, the primary criterion for the realisation of the demands of social justice is a full employment policy (US Bishops, 1986, #73). For the US Bishops, any economic condition that leaves large numbers of able people unemployed, underemployed, or employed in dehumanising conditions, fails to meet the converging demands of these three forms of basic justice. Work with adequate pay for all who seek it should be the primary means of achieving basic justice and participation in society (US Bishops, 1986, #73).

The Bishops assert that these requirements call for not only individual charity but for a systematic approach through, business, labour unions, government, and various associations that shape economic life. For the Bishops the concentration of privilege results far more from institutional arrangement with the inequitable distribution of power and wealth, than through individual differences of talent or lack of desire to work. The institutional arrangements must therefore be examined to meet the demands of basic justice (US Bishops, 1986, #76). The fundamental requirement of "basic justice" therefore, according to the US Bishops (1986, #77), can be summarised in the requirement for the "establishment of minimum levels of participation, in the life of the human community for all persons" (Labacqz, 1986, p. 73).

A Call to Family, Community, and Participation

Of particular emphasis in CST, and as stated above, is the inherent social propensity of human nature. CST therefore affirms the God given institutions of marriage and the family as founded in the basic social nature of humanity, and are therefore the basis and foundations for social life. As Pope Paul VI (1967, #36) affirms:

> Man is not really himself, however, except within the framework of society and there the family plays the basic and most important role....Yet time honoured social frameworks, proper to the developing nations, are still necessary...The natural family, stable and monogamous as fashioned by God and sanctified by Christianity in which different generations live together, helping each other to acquire greater wisdom and to harmonise personal rights with other social needs, is the basis of society.

Thus CST strongly emphasises the importance of the family as the basis (organic foundation) of society, asserting the family is an invaluable and necessary institution. CST therefore affirms the family as a high priority within its social objectives, advocating policies that support, strengthen, and protect the family.

Beyond the family, CST maintains that every person has a right and corresponding responsibility to participate in the wider society, to contribute to the advancement of the common good and the well-being of others, particularly the poor and vulnerable (US Bishops, 1999). As such, this places a concomitant responsibility on policy-makers to give high priority, and emphasis in policy design to enabling individuals and lesser communities to achieve the greatest possible level of participation within the community.

Promotion of the Common Good

> However, the task of working for the common good is not for government only. Economic and political policies are everybody's concern. All are called to become informed, active and responsible participants in economic and political processes. (Social Justice Statement, 1993, #30)

As emphasised frequently above, the full justification, meaning and end of the state, is conceived within the notion of the common good. However, also noted was the indispensable contribution of individuals, families, and subsidiary organisations as significant contributory factors to the realisation of the common good. The common good is stated here as a social ethic because it defines the end to which all Catholic social ethics and policies are orientated.

As a social ethic, the common good is closely linked with the themes of love and justice. From *Quadragesimo Anno* onwards, Smithies (1994, p. 157) notes that the concepts of love, social justice and the common good are closely linked. These concepts are related in three respects: Firstly, love is the motivating force. Secondly, social justice on the one hand and charity on the other are the concrete expressions and means of love. Thirdly, the end to which love and social justice are harnessed is the realisation of the common good. Smithies (1994, p. 158) affirms that the requirements of the common good entail that social justice provide the central thrust and principle for the organisation of social and juridical institutions.

Rights and Responsibilities

Because the state exists for the common good, it is the duty of the state to protect and guarantee human rights. Pope John Paul II (1991) asserts these rights and responsibilities to be conferred on the basis of one's inherent dignity as a human person:

> God has imprinted his own image and likeness on human beings (cf. Gen 1:26), conferring upon them an incomparable dignity, as the encyclical frequently insists. In effect, beyond the rights which one acquires by one's own work, there exists rights which do not correspond to any work performed, but which flow from one's essential dignity as a person. (John Paul II, 1991, #11)

In discussing the issue of rights, it is necessary to clarify two frequently made distinctions (Boston, 1999c, pp. 33-34). The first distinction is between civil or political rights (such as freedom of thought, speech, religion, assembly, etc.) and economic or social rights (such as the right to private property, work, food, education, and health care, etc.). The second distinction refers to negative and positive rights. Negative rights are understood as rights not to be interfered with or freedom *from* something (such as freedom *from* arbitrary arrest, detention, imprisonment, or torture). Positive rights on the other hand are understood as rights *to* something or *to* be treated in certain ways (such as the right to life, the right to respect, the right to a fair trial, the right to vote, and the right to adequate housing etc.)

CST supports internationally accepted civil and political rights but also goes beyond these to include economic/social rights (US Bishops, 1986, p. #17). For the US Bishops, such economic rights state the minimum conditions for social institutions to respect human dignity, solidarity, and justice.

CST affirms the necessity of internationally accepted civil and political rights of the right to life, freedom of speech, worship, and assembly (US Bishops, 1986, #80). The tradition also upholds economic rights such as the right to food, clothing, shelter, rest, private property, health care, education, and employment. This also includes the right to security in sickness, unemployment, and old age, healthful working conditions, fair wages, and other benefits sufficient to provide individuals and their families with a standard of living congruent with their human dignity, and to the possibility of property ownership (US Bishops, 1986, #80).

Corresponding to these rights are duties and responsibilities to one another, to one's family, and society at large. As implicitly alluded to in preceding discussions, referral to rights in CST is always discussed within the bounds of a corresponding responsibility. CST in agreement with communitarianism argues that rights and responsibilities are to be balanced, and cannot be properly understood without the other.[16]

Hence, the right to participation in the community is also coupled with both an individual and/or collective duty and responsibility to participate in society. Beginning with one's own family, one's first duty is to respect the rights of others and to work for the common good within that sphere. CST also affirms that we have the right and responsibility to participate in and contribute to, the broader communities in society. And as stated above, basic justice demands the establishment of minimum levels of participation in the life of the community (US Bishops, 1986, #77).

Collective responsibility ensures that no citizen is deprived of human rights (Social Justice Statement, 1993, #15) whilst also ensures active and responsible participation and citizenship is promoted.

The Dignity of Work and the Rights of Workers

Work, as understood in CST, is not merely a material activity of economic provision, but also includes a moral, human, and spiritual dimension.[17] As such, work and employment in Christian thinking are based on the premise that human persons and their actions cannot be reduced to mere economic value

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[16] The relationship between rights and responsibilities as conceived by communitarians is explicated by Etzioni (1995, p.20), who writes: "communitarians are in the business of defining and promoting societal balances. They recognise that most individual rights have a responsibility which is their corollary. For these rights it makes little sense and it is morally indefensible to posit them without attending to the other side of the coin: the responsibilities that ensure respect for them. But attending to these responsibilities is not to diminish or ignore rights; on the contrary, in the longer run, cultivation of social responsibilities is the only way to ensure the societal conditions that rights require."

[17] John Paul II (1979, #25) grounds work theologically as a way of participating in God's creation:

> Created in God's image, we were given the mandate to transform the earth. By their work people share in God's creating activity....Awareness that our work is a sharing in God's work ought to permeate even the most ordinary daily activities....By our labour we are unfolding the Creator's work and contributing to the realisation of God's plan on earth. (1979, #25)

(Cullinane, 1992, p. 1). Rather, CST affirms work as containing a three-fold moral significance (US Bishops, 1986, #97).

Firstly, work is the principal way that people can exercise their distinctive human capacity for self-expression and self-realisation (US Bishops, 1986 #97). Work is a crucial expression of human dignity and creativity; it is about who we are, as well as what we do and produce. Work provides the opportunity to develop one's level of responsibility, personality, skills, and moral character. The work environment also provides a social network or community in which one can participate, and fulfil their inherent social needs. It is this growing and developing self through work that gives esteem, purpose, meaning and dignity to human life (Weigel, 2000, p. 17; Paul VI, 1971, #14; John XXIII, 1961, #15).

Secondly, work is an ordinary way for human beings to fulfil their material needs (US Bishops, 1986, #97). This premise affirms the moral obligation to earn one's bread. Nevertheless, John Paul II (1991, #43) quite clearly asserts that the obligation to earn one's bread also presumes the right to do so. CST therefore fully supports the rights of workers, of which first and foremost, and as stated above, is the right to employment. Workers rights also include the right to join unions and workers associations to secure fair wages and working conditions, including the right to strike. John Paul II (1979, #17) affirms that the whole economy must be shaped by respect for workers rights, and such rights cannot be entirely subjugated to economic forces.

Concomitantly, human work and creativity requires the right to private property and economic initiative. Leo XIII (1891, #36) states that the right to private property is not only lawful, but clearly necessary for human life and the provision of material need. The use of one's resources is an essential part of human work, and therefore, needs to be protected through property rights.

Thirdly, work enables people to contribute to the well-being and the common good of the larger community. Work is not only for one's own self. It contributes to the well-being of one's family, nation, and indeed is for the benefit of the entire human family (US Bishops, 1986, #97). As John Paul II (1979) writes:

> Work is a duty, because our Creator demanded it and because it maintains and develops our humanity. We must work out of regard for others, especially our

> own families, but also because of the society we belong to and in fact because of the whole of humanity. (John Paul II, 1979, #16)

From these three-fold moral assertions of the dignity of work, CST affirms four basic principles for social policy. First and foremost, human labour cannot be treated as a mere economic commodity, which might be bought, sold, or dumped, without a broader regard for human dignity and the moral order (Cullinane, 1992, p. 5).

Secondly, the primary criterion (and in accordance with human dignity) for the realisation of the demands of social justice is the ethical requirement of full employment as the primary objective of social and economic management. This ensures that all sectors of society are able to belong, participate, and contribute toward their own development, their family, and the development of their society (Cullinane, 1992, p. 7). For the US Bishops (1986, #73), any economic condition that leaves large numbers of able people unemployed, underemployed, or employed in dehumanising conditions fails to meet the demands of basic justice.

Third, the right to employment and the collective responsibility of the state to ensure conditions of full-employment concomitantly places a duty on the state to provide unemployment benefits, social security in old-age, or compensation for those who are unable to participate in the life of the community through work (John Paul II, 1981b, #18). The obligation to provide unemployment benefits etc., is viewed by John Paul (1981b, #18) as indispensable for the subsistence of unemployed workers and their families. This is based on the ethical principle of "the universal destination of material goods," explicated below, of which John Paul II asserts as "the right to life and subsistence."

Finally, as work with *adequate pay* for all who seek it should be the primary means of achieving basic justice and participation in society (US Bishops, 1986, #73), CST has traditionally supported the right to a "family wage." A family wage is defined as sufficient remuneration to sustain a family without both parents working simultaneously. This is explicated by Pope John XXIII (1961) who writes:

> ...The remuneration of work is not something that can be left to the laws of the marketplace; nor should it be a decision left to the will of the more powerful. It

> must be determined in accordance with justice and equity; which means that workers must be paid a wage which allows them to live a truly human life and to fulfil their family obligations in a worthy manner. (John XXIII, 1961, #15)

The Preferential Option for the Poor and Vulnerable

The rights of the poor are intricately involved in the Catholic concept of social justice and solidarity. CST strongly upholds the rights of the poor and teaches that the real integrity of a society is measured by how it treats its most vulnerable members. This ethical principle is termed a "preferential option for the poor."

To make a fundamental option for the poor is to speak for the voiceless, to defend the defenceless, to assess lifestyles, policies, and social institutions in terms of their impact on the poor (US Bishops, 1986, #16). Indeed, a preferential option for the poor asks whether the decision or policy helps the poor and deprived members of the human community and enables them to become more active participants in economic life (Labacqz, 1986, p. 77).

Indeed, the very way society responds to the poor through its public policies is the litmus test of its justice or injustice (US Bishops, 1986, #123; Social Justice Statement, 1993, #41).[18] This does not mean pitting one group or class against another, but rather, in a sense of community to strengthen the whole by assisting the vulnerable (US Bishops, 1986, #16).

The principle establishes therefore that the poor have priority over the rich. Increased economic participation for the marginalized takes priority over the preservation of privileged concentrations of power, wealth, and income (Labacqz, 1986, pp. 77-78).

Solidarity

What Niebuhr terms as the ideal of brotherhood (or love) – the perfect accord of life to life - CST uses the term solidarity. As already discussed above, solidarity

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[18] Justice in the Scriptures means a sense of "what is right," which includes both *sedaqah* (righteousness) and *mishpat* (right judgement and concrete acts of justice). In the biblical patriarchal society the poor and powerless were those without the male headship of the family, i.e. the widow, orphan, etc. (Labacqz, 1986, p. 72). Justice in the biblical community was measured by its treatment of the powerless in society.

recognises the fact that everyone belongs to the wider family of humanity, that our responsibilities to each other cross national, racial, economic, religious, and ideological differences. Further, it denotes a concern for the common good, that is, to make available the means of true fulfilment for both persons and communal groups (Boswell, 1993, p. 203).

As the principle applies to all levels of community and every sphere of life, it suggests many possibilities for social policy. The principle supports policy goals of social cohesion, strengthening the organic relations and connections of community (social capital), individual and community development, public cooperation, social charity, networking, etc. The principle therefore contains numerous possibilities for its realisation in social, economic, and political life.

Stewardship of Creation

The earth is God's creation and the goods of the earth are gifts from God. This principle places a responsibility to care for these goods as stewards and trustees, not as mere consumers and users. As Pope Paul VI (1967, #22) argues, the whole of creation is for humanity, that it is men and women's responsibility to develop it by intelligent effort and by means of their labour.

Indeed, Leo XIII (1891, #46) insists that "whoever receives a greater share of goods, whether corporeal and external, or of internal traits, of talents and skills, has received them for the purpose of employing them for one's own perfection, and as a servant of Divine providence, for the benefit of others." The crux of the matter is not whether one abounds with material possessions or not, it is how one uses them (Leo XIII, 1891, #33).

Private Property and the Universal Destination of Material Goods

However, CST also teaches that God created the earth and gave the resources of the earth for the benefit of the whole human race, for the sustenance of all its members without exclusion or favouritism (US Bishops, 1986, #12; John Paul II, 1991, #31; Paul VI, 1967, #69). This is called the universal destination of material goods. Private property whilst considered an indispensable right and condition for the autonomy of the individual and their family is not an absolute

right, but a relative right on the basis that the resources of the earth are for the benefit of all. Hence all rights to private property are placed within the context of social justice, solidarity and the common good (Smithies, 1994, p. 163). As John Paul II (1981) teaches:

> Thus the issue of ownership of property.... and as it is still taught by the church, diverges radically from the program of collectivism as proclaimed by Marxism.... At the same time it differs from the program of capitalism practised by liberalism and by the political systems inspired by it. In the latter case, the difference consists in the way the right to ownership or property is understood. The Christian tradition has never upheld that right as absolute and untouchable. On the contrary, it has always understood this right within the broader context of the right common to all to use the goods for the whole of creation: the right to private property is subordinated to the right to common use, to the fact that goods are meant for everyone. (John Paul II, 1981, #14)

6. A BRIEF CRITIQUE AND ASSESSMENT

The social theory and ethical teachings canvassed in this chapter are not, however, without deficiency. Drawing from the Realist and Reformed traditions, this next section critically interacts with the theoretical and ethical themes of CST, briefly considering the merits and weaknesses of the material conveyed in this chapter. The analysis, whilst providing a critique and assessment of CST, also serves as a comparative analysis, highlighting key similarities and differences between the three traditions.

Critique of Catholic Social Theory

From the literature surveyed, there are at least three points of similarity and difference between the Catholic and Reformed accounts of human society and the state (Cameron, 1994, Chaplin, 1993, Dooyeweerd, 1979).[19]

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[19] For a more detailed comparison between the Catholic and Reformed conceptions of society and the state see: Chaplin, J. (1993). Subsidiarity and sphere sovereignty: Catholic and reformed conceptions of the role of the state. In P. McHugh & S. Natale (Eds.), *Things old and new: Catholic social teaching revisited.* Lanham, New York, London: University Press of America. Cameron, A. M. (1994). Law, justice and the state. In J. Boston & A. M. Cameron. *Voices for justice: Church, law, state in New Zealand.* Palmerston North: Dunmore Press. Dooyeweerd, H. (1979). *Roots of western culture: Pagan, secular, and Christian options.* Toronto: Wedge Publishing Foundation. pp. 111-137.

Firstly, the Reformed principle of sphere sovereignty and the Catholic principle of subsidiarity are each anti-totalitarian and advocate a pluralist communitarian structure of society. As such, Chaplin (1993, p. 188) recognises: firstly, both views repudiate individualistic (characteristic of Enlightenment liberalism) and universalistic (whether Romantic, Hegelian, or Socialist) social theories, secondly, each view has developed a pluralistic conception of society with a variety of necessarily different communities, and thirdly, both conceive of the state as containing a responsibility to ensure the protection and development of these various kinds of communities, and to ensure harmony between them (Cameron, 1994, p. 52).

However the traditions also differ on this precise point. There is discrepancy as to the precise nature of the plurality of society. According to the Reformed perspective, no one sphere is part of a larger whole, such that each sphere is distinct and radically plural in nature, existing in a whole-to-whole relation. Sphere sovereignty requires a precise account of the inner nature of each life sphere, such that each sphere exists and develops according its own destination.

The Catholic conception on the other hand, grounded in Thomist meta-physics, conceives of society as more hierarchical, and distinguishes different communities according to their purpose and not their own inner nature.[20] This views the state as a higher community encompassing the lower communities (family, business, etc.) as its parts (Cameron, 1994, p. 52). The non-state spheres are therefore parts of the greater whole, that is, the state.

The implications of such a view of society are obvious. The Thomist view of the state as the highest community encompassing lower communities, and the characterisation of the state according to its ends (the common good), fails to give a clear distinction of the intrinsic nature and boundaries between different communal spheres. Based on the principles of the common good and solidarity the state has the responsibility to intervene and safeguard the rights of all, but

[20] The Thomist conception of society with the state as its highest expression is derived from the Aristotelian teleological conception of society, whereby, its essence and meaning is characterised by its *goal* – the common good (Cameron, 1994, p. 51). In contrast to the neo-Calvinist school, Dooyeweerd characterises society and the state by its "internal nature" or its ontology (being). Dooyeweerd points out that a teleological goal orientation of the common good cannot define the inner nature and structure of the state (Dooyeweerd, 1979, p. 126).

especially the poor. In doing so, however, and without clear definition of intrinsic communal spheres, the Catholic principle of subsidiarity is thus unable to provide an institutional corrective or guarantee against the state substituting itself in place of private or community initiative, instead of limiting itself to necessary and sufficient help and assistance (Paul VI, 1967 #60). In other words, whilst subsidiarity itself is anti-totalitarian in principle, its unclear distinction between differently qualified communities does not establish an institutional corrective against political totalitarianism (Cameron, 1994, p. 52; van Eikema Hommes, 1979, p. 339). This phenomenon is also observed historically by Novak (1984):

> The history of corporative and syndicalist models since 1931 does not seem to have fulfilled Pius XI's lofty hopes. Solidarism had failed to offer him an articulated set of institutions by which to effect its noble purposes without terrible abuses of authority. How to prevent abuses by authority has been the Achilles' heel of Catholic social thought in the modern era. (Novak, 1984, p. 123)

Furthermore, and again due to the principle's lack of clear distinction of communal spheres, the principle provides simply that a community of a higher order should not interfere in the *internal life* of a community of a lower order (Pius XI, 1931, #79). The failure to differentiate the specific functions and boundaries of lesser communities means that the principle of subsidiarity is falsely limited to not interfering in the *internal life* of a community of a lower order. This distinction is refuted by the Reformed perspective as inadequate and unworkable. As Clouser (1991) writes:

> Sometimes people have suggested that totalitarianism can be prevented if we simply limit state authority by saying it must not interfere in the *internal* affairs of other communities...Under this guideline, the state would regulate all the external relations among communities, so long as it did not interfere with their internal operations. This proposal is not only mistaken, but preposterous. The internal affairs of a community can never be exempt from the authority of the state where matters of public justice are concerned. It is not true that the state may not prosecute fraud which takes place within a family or church, for instance. Whenever the justitial function of any individual or community impinges on the order of public justice, it falls within the proper purview of the state. By the same token, however, the state may not properly regulate every aspect of external, public life. (Clouser, 1991, pp. 255-256)

Thus Catholic social theory, based on its Thomist metaphysics, requires a clearer idea of the qualitative nature and function of specific communities, such as is contained in the Reformed principle of sphere sovereignty. Responding to these criticisms, Chaplin (1993, p. 194) argues that the principle of subsidiarity does need to be modified of its undistinguished social hierarchy by applying the notion of equivalent, differently qualified, social relationships. The thesis therefore endorses the principle of subsidiarity when grounded within the social theory of the Reformed notion of sphere sovereignty.

The second point upon which the two traditions converge concerns the source of political authority. Both views adhere to the biblical notion of the state's authority as rooted in a divine source (Cameron, 1994, p. 52), maintaining however, that the state itself is not divine, nor sovereign, but ultimate sovereignty is God's.

However, the Catholic and Reformed perspectives also depart upon this point. Returning again to Thomist metaphysics, the nature-grace ground-motive (which synthesises the Greek and Christian ground-motives) necessitates that the order of nature must be perfected by divine grace (Cameron, 1979, p. 53). This requires an overarching structure of "supernatural" character above the substructure of human society (Dooyeweerd, 1979, p. 129). The state, being the highest community of the natural realm therefore requires grace from the church to perfect its nature (Cameron, 1994, p. 53).

The Reformed perspective, however, asserts that the state derives its God-given authority directly from its inner normative nature, requiring no super-added grace for its development and perfection (Cameron, 1994, p. 53).[21] Whilst not so important today, this point has been of historical significance as confusion of the state's (and the church's) source of authority during the Middle Ages developed into power struggles between church and state, with the domination by the church on society and culture.

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[21] Typical Calvinist social theory understands the state as a "post-fall ordinance." This is asserted by Kuyper who places the state as instituted in response to the disintegrating effects of sin on the natural organic unity of humankind. However, on this point Dooyeweerd breaks with the Calvinist position, and agrees with Aquinas that the state is rather, part of the creation mandate, instituted with the task of promoting the common good or public justice (Cameron, 1994, p. 53).

The third point of similarity and difference of Catholic and Reformed social theory concerns the basic principles enunciating the role and nature of the state. The Reformed structural principle of the state as qualified by public justice bears a similarity to the Catholic idea of the common good as the end or goal (telos) for which the state exists (Cameron, 1994, pp. 51-52).

Cameron (1994, p. 53) also remarks, however, that the teleological notion of the common good is considered by the Reformed tradition as too vague for delimiting the tasks, role and activities of the state. The "lower" communities in CST are also commissioned to exist for the common good, which renders it difficult to differentiate the essential inner nature and structure of the state (and therefore the tasks of the state) from other non-state communities. The Reformed view, rather, identifies the juridical (public justice) normative aspect as the qualifying function of the state. This differentiates the normative role of the state from all other communities, which the teleological goal orientation of the common good cannot define (Cameron, 1994, p. 53). The notion of public justice, however, also contains problems, which were noted in chapter two.

Critique of the Ethic and Themes of Catholic Social Teaching

Cameron's (1994, p. 57) criticism of the ambiguity of the common good for delimiting what the tasks of the state are is also charged against the Catholic use of the term social justice. Sphere sovereignty, as outlined in the previous chapter, defined justice (as contained in the justitial aspect) according to the inner nature of various typical communities.[22] The Catholic concept of social justice, like the common good, appears to be a vague all-inclusive term directed at the responsibilities of government, but also applies to all persons and lesser communities as well. Its definition given in the Social Justice Statement (1993, #3) [23] is one, which encompasses "not only political structures and other institutions, but all persons in their interpersonal dealings" (Cameron, 1994, p. 58). As such, Cameron (1994, p. 59) contends that the deficiencies of both the

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[22] See "sphere sovereignty and the goals of social well-being" in chapter three.

[23] The Social Justice Statement (1993) whilst heavily influenced and structured according to the main themes of CST is considered by Smithies (1994) as a CST document. However it is probably more correct to term it as a quasi-CST document due to its ecumenical nature.

concepts of the common good and social justice arise out of a view of society and its communities that fails to define adequately the inner nature of the differently qualified spheres of society. For Cameron, this makes it difficult to apply the notions of the common good and social justice in a way that enables the formulation of further principles and policies for each distinct sphere.

Furthermore, the Catholic use of the term social justice also appears to take on different meanings in different CST documents. For example, the New Zealand "Social Justice Statement (1993)" defines justice in a Rawlsian (1971) sense as fairness in all dealings, whilst the US Bishops (1986) statement "Economic Justice For All," defines social justice in the metaphor of participation. This adds further to the ambiguity an element of inconsistency.[24]

Another major criticism of the Catholic social ethic is its overly optimistic conception of the human potential to contribute to the common good, and to fulfil the ideals of social justice. In contradistinction to the Christian Realism of Reinhold Niebuhr, Catholic idealism attempts to lift the human figure to a higher and more universal norm. This idealist approach, however, is probably typical of most Christian approaches to social and political phenomena. Realism on the other hand dives into the very essence of political reality, to determine solutions based on the social realities of self-interest and the will-to-power.

Niebuhr's basic distinction between realism and idealism, points out that the fundamental flaw of idealism, are its "illusions" of social reality by neglecting to account for the resistance of self-interest and the will-to-power to ethical norms. As such, Niebuhr (1960) argues:

> In political and moral theory, "realism" denotes the disposition to take into account all factors in a social and political situation which offer resistance to established norms, particularly the factors of self-interest and power. This definition of realism implies that idealists are subject to illusions about social realities, which indeed they are. "Idealism" is...characterized by loyalty to moral norms and ideals, rather than to self-interest, whether individual or collective.... The idealist may thus be defined as the person who seeks to bring self-interest

[24] In all fairness, however, this is not surprising given that both the documents quoted in the example are written in an ecumenical or group-consensual context.

> under the discipline of a more universal law and in harmony with a more universal good. (Niebuhr, 1960, p. 64)

Christian Realism thus disputes with many of the overly optimistic sentiments of CST. One such example is the concept of the common good. In most countries, as Vaney (1999, p. 119) notes, to take even an incremental step towards the goal of the common good would demand some citizens to give up advantages won by power and privilege, something that is especially difficult for privileged collectivities. Furthermore, to even approximate its realisation is of considerable difficulty, as communities orientated to the common good do not arise naturally out of a sense of self-interest. The common good, rather, is a moral and idealistic vision that calls for altruism, self-restraint and a long-term commitment to develop community (Vaney, 1999, p. 119). Thus, such an ethical norm also requires an assessment of the social realities for its approximate implementation.

Another example of the moral idealism typical of CST is the moral obligation of richer nations to ensure the ongoing development of poorer nations (John Paul II, 1987; Paul VI, 1967). On moral grounds, this affirmation is commendable. However, such a moral assertion clearly assumes an unrealistic harmony between self-interest and the common good. For Christian Realism, this sentiment clearly underestimates the difficulty for collectivities, particularly nations, to seek beyond their own particular interest, to contribute and redistribute resources to the larger worldwide interest of humanity. Again, such moral sentiments need to be supplemented with a realistic analysis of the human capacity to operate beyond collective self-interest and power, to avoid what may at times appear as moral naiveté.

Whilst CST tends towards idealism, this does not negate the need for fundamental ideals against which to orientate human action and effort. But as Niebuhr (1944) warns, moral idealism (which is as harmless as a dove) does require the shrewdness and cunning of a serpent, and, therefore, must be coupled with a sense of realism:

> The preservation of a democratic civilisation requires the wisdom of the serpent and the harmlessness of the dove. The children of the light must be armed with the wisdom of the children of darkness but remain free from their malice. They must know the power of self-interest in human society without giving it moral

justification. They must have this wisdom in order that they may beguile, deflect harness and restrain self-interest, individual and collective, for the sake of the community. (Niebuhr, 1944, pp. 40-41)

7. CONCLUSION

This chapter has outlined the nature and origin of the Catholic social teaching tradition, its development over the last century, its social theory of human nature, society and the state, and its social ethic. The foremost contribution of this tradition to the thesis is its articulation of a Christian social ethic to which human behaviour and social structures should be orientated. To this end, the chapter canvassed many themes, which include: the dignity of the human person; a call to family, community and participation; commutative, distributive and social justice; promotion of the common good; rights and responsibilities; the dignity of work and the rights of workers; the preferential option for the poor; solidarity; and the stewardship of creation.

These ethical themes, as contributories to the fourth component of a Christian theoretical frame, serve a number of functions within the theoretical framework: firstly, these themes give further *definition* to the basic ends and ideals to which Christian social action is directed; secondly, they act as *criteria* and *normative benchmarks* in which to prioritise and assess policy prescriptions; and thirdly, they *orientate* a Christian perspective, in often conflicting and mutually exclusive decisions, toward basic moral ideals.

Furthermore, the ethical themes are complementary to the preceding two traditions. Accordingly, they can be coupled with Dooyeweerd's structural law-framework providing the normative external goals to which the various communities (defined according to their inner normative nature) ought to be orientated. The Catholic tradition has also considerably expanded upon Niebuhr's moral deliberations of love and justice, providing a number of defined principles for the application of love and justice.

In the event of having surveyed three traditions, the chapter has also conducted a comparative analysis between the traditions. Drawing from the two previous chapters, the critique sought to bring the Catholic tradition into the critical limelight of the Realist and Reformed suppositions. Clearly, depending on

whether one comes from a Realist, Reformed or Catholic perspective, one may tend towards differing and possibly conflicting policies. The approach here has been to reconcile each perspective through their interaction into a broader Christian perspective as far as practicable.

In summary, assessment of CST concurred with Novak (1984, p. 122) that the doctrine of CST is generally correct (with some obvious reservations concerning human nature), but its teaching on social institutions remains ambiguous and uncertain. As such, this thesis stands primarily on Reformed social theory, opting for a modified principle of subsidiarity (Chaplin, 1993), which responds to Dooyeweerd's criticisms of Thomist social theory.

The critique and assessment also discussed the Catholic tradition's tendency toward idealism, and at times the tradition's unrealistic analysis of human reality. The thesis concluded that the general ethical thrust of CST requires a more realistic analysis in light of the complexities of individual and collective self-interest and power. The various ethical themes conveyed within CST, are therefore held in this thesis as basic moral ideals for which to strive, but are coupled in a dialectical sense with the Christian Realism of Reinhold Niebuhr.

Despite these weaknesses, the tradition remains a valuable contribution to a Christian theoretical framework for the analysis, choice, and design of social policy. The tradition, in my opinion, articulates correctly, and most systematically, the moral ideals toward which a Christian social ethic and resulting policy should be orientated.

Having critically surveyed these three traditions, the thesis now turns to assemble these many theoretical constructs into a Christian theoretical framework. Based on the conclusions aforementioned, the next chapter draws upon and orchestrates the relevant aspects of each tradition into a useful theoretical and normative frame of the analysis, choice, and design of social policy. This framework will then be applied in chapter six to an analysis of the political frames contesting recent changes to the provisions governing the employment relationship.

PART TWO

ORCHESTRATION AND APPLICATION OF A CHRISTIAN THEORETICAL FRAME

Chapter Five

A CHRISTIAN NORMATIVE FRAME FOR POLICY ANALYSIS

A Theoretical Framework and Methodology for the Analysis of Social Policy

1. INTRODUCTION

The research thesis is founded on the proposition that it is one's ultimate framework of meaning, one's values and ethics, systematised within a religion or ideology, that defines and has a determinant influence on the very way one conceives of social policy choices. Hence, it has been the intention of this research to make explicit a Christian frame of reference regarding social, political, and moral theory, such that this theoretical framework informs the analysis, choice and design of social policy.

To this end, the research has collated the social, political and ethical theory of three Christian traditions containing a considerable body of theoretical, theological and moral thought. These traditions were brought into a comparative conversation, in the previous chapter, and found to converge and diverge on a number of counts. However, no attempt has been made to theoretically resolve some of the antithetical elements, which require more rigorous theoretical and theological discussion, and is considered beyond the scope and purpose of the present study.

Notwithstanding the essential points of divergence, this chapter contains two distinct purposes. Firstly, focusing on the axioms and points that converge within the three traditions, my task and purpose, being more modest and consistent with the explorative nature of the research, is to organise these three Christian perspectives into a useful theoretical framework. This framework is organised according to the four themes of political ideology identified in chapter one. To recapitulate, these components were: firstly, a Christian conception of

human nature; secondly, critical reflections of the nature of human interaction and behaviour; thirdly, the technical arrangements which organise social, economic, and political life; and finally, the values, ethics and normative prescriptions that humans ought to aspire to. Each of these themes, explicated in the previous chapters, were situated in their theological and philosophical argument. What follows then, is a synopsis of these themes into a more comprehensible and condensed form.

The second part of the present chapter is germane to the second of the two research questions: given that I start from inherently Christian presuppositions, and have developed a theoretical framework, how do I relate the Christian theoretical frame developed to the analysis, choice and design of social policy? The chapter therefore attempts to build on this theoretical milieu, and to develop a method for the engagement of the "Christian communitarian frame of reference" with the political frames contesting policy debates. The model developed in this chapter will then be demonstrated and applied in chapter six.

2. A CHRISTIAN COMMUNITARIAN THEORETICAL FRAME: A SYNOPSIS OF THREE CHRISTIAN TRADITIONS

A Christian View of Human Nature

From the overview of the three traditions the following points can be ascertained as consistent themes in a Christian view of the human person:

The Principle of Humanity as Created in the Likeness of God

The human person as created in the likeness of God means that any single human is more than a rational being, and has the capacity for self-transcendence (standing outside of the self, nature, life and reason). Self-transcendence is the ability to survey the world from an unlimited regression and determine action from that standpoint. Thus humanity always maintains a freedom to choose, and a capacity for self-determination as an acting and responsible being. Human creativity and destructiveness derive from the human spirit with its innate freedom.

Being made in the image of God also affirms (particularly in CST) the inherent dignity and inviolable sacredness of the human person. Each person therefore contains an immeasurable worth, and must be affirmed for their own sake (Gronbacher, 1998, p. 11).

The Principle of Coherent Unity (Nature and Spirit)

Whilst being created in the "image of God" as a transcendent spiritual being, and possessing a transcendent freedom, the human being is also a creature of finite existence, dependent on, and limited by nature (e.g. natural hungers, social needs, sexual needs, etc.). These needs can be attributed partly to nature and partly to historical conditions created by the human freedoms of self-determination (nurture). In this the human person exists as a unity of body and soul, a creature of freedom and necessity (Hucker, 1988, p. 16), such that the human spirit is limited by nature, and nature becomes spiritualised.

The Principle of the Mind as Servant of the Self

The biblical concept of the self-hood understands that the mind and reason are the servant of the self, not the master (Dooyeweerd, 1953; Niebuhr, 1953, p. 138).[1] It is this spiritual core (the heart), which contains the essential self-hood, that ultimately directs human rational thought. Reason is based on pre-theoretical suppositions or axioms, which are religiously held. These a priori propositions come before formal religious thinking or philosophical speculation. This is the basis of a Christian epistemology and can be summarised in the adage "the mind justifies what the heart has chosen" (Peacocke, 1997, p. 1). This stands in vital contrast to the classical philosophical anthropology of humanity as rationally autonomous beings.

The human endowments of rational thought and self-transcendence also put humanity in a significant place in the natural order. Humanity has the specific function of developing and stewarding creation as co-creators with God.

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[1] Genesis 2:9

The Principle of Corruption by Sin

Human nature is juxtaposed in its very essence by the corruption of sin - evil is attributed to "the self," not history or society. Sin is a consequence of one's unwillingness to acknowledge their dependence, finiteness, and insecurity, leading to pride (a preoccupation of self) and asserted in a will-to-power. The will-to-power inevitably leads to the pursuit of unconditioned significance, leading to historical injustices in society.

Human nature is always presumed to be corrupted by sin (fallen) and has a compelling need for redemption, moral guidance, and values. There is no aspect of the human self, or any level of human moral or social achievement that is not tainted and corrupted by inordinate self-love (Niebuhr, 1960, p. 39).

Humanity as a Social and Interdependent Being

Persons are born in community and have an inherently social character. A person lives and acts with others not only because it is in the person's nature to do so, but for the reason that the person cannot survive in isolation from others. Here people have a deep-seated need for social bonds (or attachments) (Etzioni, 1995, p. 33). Also the highest attainment of the self's individuality is dependent upon the social substance from which the individual arises. As such, persons are not atomised and abstracted individuals, but are essentially interdependent social and historical beings (Hucker, 1988, p. 16).

These assertions, being a biblical understanding of the human person, are the basic presuppositions of a Christian philosophical anthropology.

Critical Reflections on the Nature of Human Behaviour, Interaction and Vitality

The essential postulates of a Realist critique of the nature and vitality of human interaction in communal life can be gleaned from Christian Realism and the political philosophy of Reinhold Niebuhr. His foundational assertions are as follows:

The Self is Both Self-Seeking and Self-Giving

The human self in its transcendent freedom contains both self-seeking and self-giving tendencies, with the former being stronger than the latter (Niebuhr, 1966, p. 28). It assumes that human behaviour does contain the capacity for charity, sympathy and justice, and rejects the assumption that human behaviour is consistently egoistic.

The Relation of the Individual to the Community

As the human person is an interdependent social being, an individual's need for groups and communities is of a paradoxical character. The highest attainment of the self's individuality is dependent upon the social substance from which the individual arises. The community as "a partial end and fulfilment, such that no simple limit can be placed upon the degree of intimacy, breadth, and extent that the individual requires for their life from the community (Niebuhr, 1944, p. 48). The community is therefore essential to the individual if authentic human existence and significance is to be achieved (Hucker, 1988, p. 8).

On the other hand a community is also source of frustration. Communities can at times block individual self-realisation (or self-aggrandisement) and can be destructive to individuals (Hucker, 1988, p. 16).

The Perennial Struggle for Power

The enduring struggle for power is based on two central tenets of human nature Firstly, where human nature is a unity of nature (vitality) and spirit (reason), egoistic purposes will be pursued both individually and collectively with all available resources. Secondly, the force of human sin - being the persistent tendency to regard the self as more important than the other - bears on communal life by viewing the common problem from the standpoint of one's own partial and particular interest (Niebuhr, 1943, p. 268). On the basis of these two tenets, the perfect accord of brotherhood and community cohesion is constantly spoiled by the excessive concern and pursuit of one's own particular interest. Thus all communities are governed by power, and power is always an essential and perennial element in every social arrangement.

Principle of the "Moral Individual and Immoral Society"

The principle of the "moral individual and immoral society" maintains that the behaviour and morality of the individual is superior to that of groups and societies. Individuals are able to consider the interests of others, and on occasion prefer the advantage of others to their own. Individuals are able to display a measure of consideration and sympathy, and have a greater capacity to govern their own behaviour through the use of reason. However, these achievements are more difficult, if not near impossible, for human societies and social groups. Groups contain more unrestrained egoism than the individuals who comprise the group reveal in their personal relationships (Niebuhr, 1949, p. xi). "The group is more arrogant, hypocritical, self-centred and more ruthless in the pursuit of its ends than the individual" (Niebuhr, 1941, pp. 221-222). Thus group struggles are also more brutal and intense than struggles between individuals.

The Predominance of Power to Ethics in Group Relations

The character and behaviour of human collectivities and the power of self-interest and collective egoism is so strong that it can never be dislodged unless power is raised against it (Niebuhr, 1949, pp. xxi-xxii). Hence, relations between groups are predominantly political rather than ethical and are determined by the proportion of power each group possesses (Niebuhr, 1949, pp. xxii-xxiii).

The Collective Social Responsibility of Groups

The "moral individual, and immoral society" principle establishes the need for a collective social responsibility. Groups, institutions and communities take on a life of their own and are not simply collections of individuals. They develop collective relations and collective responsibilities (Hucker, 1988, p. 16). The state therefore needs to focus its activity on more than individuals, to include collective relations also (Hucker, 1988). As Hucker (1988) writes:

> The refusal to recognise the nature of groups and institutions makes it difficult to appreciate the significance of collective responsibility. Because institutional and group relations are reduced to relationships between individuals, a genuinely social ethic cannot be constructed. (Hucker, 1988, p. 10)

Principles for the Technical Arrangements of Social, Economic, and Political life

The principle of sphere sovereignty, derived from the neo-Calvinist tradition; the principles of subsidiarity and solidarity procured from the Catholic tradition; and the principles of the balance of power, and the organisation of power obtained from the Christian Realist tradition, are each essential tenets for a Christian view on the technical organisation of social, economic, and political life.

These principles are also of considerable utility for the appropriate design and choice of social policy. Whilst they contain some inherent differences - summarised in chapter four - when combined with the insights of the other, a rich account of the structures of society, their interrelationships and normative character, is obtained (Cameron, 1994; Chaplin, 1993).

Sphere Sovereignty: The Typical Structures of Society

As a principle of policy choice and design, sphere sovereignty is a normative guide to government intervention in other spheres of life, endeavouring to maintain the inner normative integrity of each social sphere. The principle of sphere sovereignty, ascertained here, draws on Herman Dooyeweerd's theoretical account as based upon his theory of modal aspects.

The primary assertion of sphere sovereignty is that in a fundamental sense the structure of society is pluralist (Cameron, 1994; Chaplin, 1993; Clouser, 1991; Storkey, 1979; Witte, 1986). The variety of typical structures have been created and instituted by a sovereign God, and are subject to His law in specific forms. Therefore, no one human institution should dominate any other structure, as all are relative under God's absolute sovereignty.

Sphere sovereignty provides a guiding normative axiom for the identification and interrelation of the typical structures of a differentiated society. These include the family, the state, the church, business, and various forms of voluntary associations.

These structures are ontologically distinct and sovereign (irreducible) within their own sphere, such that each structure has a relative governing authority to ensure the common good within that sphere. In policy terms, this means that

there are clear lines of responsibility; the individual person as a self-governing entity, the family, the local community, society at large, and various forms of voluntary associations. Public policy should be conducted with the view of a plurality of responsibility centres. Recognition of spheres of authority stresses the role of the family, and the many forms of voluntary associations and institutions that carry partial responsibility for the welfare and condition of the nation (Parsons, 1995, p. 53).

Each typical structure (or responsibility centre) is qualified by its inner normative nature, which determines the structure's internal purpose and function. Thus, the family is founded in the biotic aspect and is qualified by the ethical (love) aspect as a family community with the function of raising children in a loving environment. The state is founded in the historical aspect and qualified by the justitial (public justice) aspect, functioning as a political community of public justice. The church is also founded in the historical aspect and qualified by the faith aspect where it functions as a community of faith. Voluntary associations on the other hand, are non-institutional communities (members are free to join or leave), founded in the historical aspect and vary in their leading qualifying function. A business enterprise is a form of voluntary association which is founded on the historical aspect and qualified by the economic aspect, and hence functions as an economic community.[2]

The typical structures are also interdependent, that is, they relate and interact in various ways. Dooyeweerd determines between an encaptic and a part-to-whole relation to distinguish the nature of these interactions.

An encaptic relation is the intertwinement of two intrinsically different structures (a state-owned enterprise for example), where a part-to-whole relation consists of two or more entities, whereby one according to its nature as a whole, determines the inner nature of its parts (the relation of central to local government for example).

Individuals and communities are further related through inter-individual or inter-communal linkages. For example, collective bargaining is an inter-communal linkage between a business and a union.

Sphere Sovereignty and the State

As stated above, the principle of sphere sovereignty, as a principle of policy choice and design, is a normative guide to government intervention in other spheres of life.

Sphere sovereignty requires the state in a *negative* sense to establish systems of basic justice and order, (judiciary, police, defence, i.e. instruments of coercion), as it cannot exist in their absence without undermining its public legal order.

Sphere sovereignty requires *positively* that the state maintain a normative role in accordance with its typical structural principle of public justice in all aspects of public life. This includes education, public health, housing, agriculture, industry, science and the arts etc. However, the principle ensures there is a normative limit to the state's law interference within the internal law-making function of non-state spheres (Cameron, 1994, p. 60). Also, every government intervention within the life of the nation is subject to the *inner normative law* of the state, implied in its structural principle of public justice (Dooyeweerd, 1957, p. 445).

Sphere sovereignty also establishes a moral obligation of the state to support and empower other institutions to fulfil their specific function and responsibility. It requires the state (as the keeper of public justice) to aid each typical structure, as a relative governing authority, to ensure the common good within that sphere.

Subsidiarity and the State

Opting for Chaplin's (1993) modified notion of subsidiarity, this Catholic principle provides that a community of a higher order should not interfere in the internal life of a community of a lower order (Pius XI, 1931, #79). The principle asserts that social issues are best addressed by those closest to the problem, and that higher orders should be enlisted only in cases of obvious failure (Sirico, 1993, p. 13).

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[2] For a description of the "aspects" see Dooyeweerd's "theory of modal aspects" and the "typical structures of a differentiated society" in chapter two above.

The subsidiarity function of the state is the duty to offer non-state communities sufficient aid or sufficient autonomy, in order for them to realise their distinctive ends (Chaplin, 1993, p. 182).

The principle of subsidiarity requires *positively* that all communities not only permit but enable and encourage individuals to exercise their own responsibility, and that larger communities do the same for smaller ones (Kohler, 1993, p. 36). Responsibilities and decisions should be attended to as close as possible to the level of individual initiative in local communities. This invokes principles of devolution, decentralisation, local participation etc.

It requires *negatively* that state intervention should not deprive individuals or communities their right to exercise self-responsibility. Intervention, in other words, is only appropriate as "helping people help themselves" (Kohler, 1993, p. 36). Subsidiarity, therefore, serves as the principle by which to regulate competencies between individuals and communities, and between smaller and larger communities (Kohler, 1993, p. 36).

Solidarity (Public Cooperation)

What Niebuhr terms as the ideal of brotherhood, Catholic social teaching terms as solidarity. Solidarity is a term denoting the interdependence of creation, the connection of love, kinship and brotherhood. Solidarity is about encouraging a caring and interdependent society where community well being is valued (Social Justice Statement, 1993, #18). It encourages mutual bonds of community and kinship, strengthening social and relational ties.

As a principle in economic management it adopts models of economic cooperation. In the economic realm, "public cooperation" is the approximation of the ideal of solidarity (Boswell, 1993, p. 209). For Boswell, public cooperation means that institutional decision units freely collaborate with each other, external groups, government, and the economic sector, in the cause of public interest. Boswell (1993, pp. 214-219) therefore establishes four principles for the structural realisation of public cooperation within the economy: (1) continuity; (2) proportionality of organisational size; (3) transparency; (4) proximity. These principles serve as prescriptive possibilities for increased public cooperation and solidarity.

The Balance of Power and the Peril of Anarchy

From the summary of the critical reflections on human vitality and interaction, as stated above, Christian Realism highlights that the human vitalities are governed by two aspects of social power which are essential for community organisation: Firstly, the principle of the balance of power; and secondly, the organising power of government. These principles are essential and perennial aspects of communal organisation, which every society is dependent upon.

The principle of the equilibrium of power is a principle of justice insofar as it prevents domination and enslavement of one life to another; but it is a principle of *anarchy* and conflict insofar as its tensions, if unresolved, result in overt conflict (Niebuhr, 1960, p. 107). Government therefore should include mechanisms for the resolution of tensions that may result from the "balance of power" between various interests. Policy should ensure that social tension is reflected, re-channelled and mitigated.

Consistent with the principles of sphere sovereignty and subsidiarity, the balance of power affirms the pluralistic organisation of power. Power should be distributed widely within the political/economic/societal system - through local units of decision-making (decentralisation) and principles of deliberation, devolution, partnership, etc. (Chaplin, 1993, p. 199). The principles of modern democracy are extensions and elaborations of the strategy of the balance of power (Niebuhr, 1960, p. 108).

The Organisation of Power and the Peril of Tyranny

Social life, when not consciously managed and manipulated, does not develop perfect equilibrium of power in its own accord (Niebuhr, 1960, p. 108). Disproportions of power are inevitable and generate various forms of domination. Human society therefore requires a conscious control and manipulation of the various balances of power that exist (Niebuhr, 1943, pp. 275-276).

However, the same power that establishes unity can also become the basis of injustice and contradict the spirit of kinship and social cohesion. The organising power of government is always subject to the possibility of a coerced unity,

seeking its own ends, rather than the common good, impairing the freedom of individuals, and degenerating into tyranny (Niebuhr, 1943, pp. 267-268).

The Values and Social Ethic of a Christian Frame

The fourth element of the Christian theoretical frame of reference discussed in this thesis is the inherent values and ethics that ought to orientate human behaviour. These values and ethics are gathered principally from CST, but also from the Christian Realism of Reinhold Niebuhr.

The Transcendent Norm of Love

Christian ethics begin with the ultimate commandment of Christ, and the standard of all behaviour, *self-sacrificial love*. Described by Niebuhr as the "impossible possibility," self-sacrificial love is exemplified in the selfless act of Christ dying on the cross.

The transcendent ethic of love is understood as the motivating force, but cannot be applied in the public realm. It is therefore approximated and given concrete expression through the principles of justice. These principles are transcendent and can never be fully realised due to the sinfulness of humanity.

The Rules and Principles of Justice

Christian Realism conveys the character of justice as a transcendent principle and existing in a dialectical relation to the ideal of love (kinship - spirit of neighbour love). Justice, and the principles of justice are never fully realisable in history and always exist with the possibility of rising to greater heights of approximation.

Niebuhr identifies freedom and equality as principles of justice. Freedom is understood as an essential aspect of human nature. The human spirit is inherently free due to its capacity for indeterminate transcendence over nature. However, as a social principle freedom cannot be unfettered and is consigned with the principle of equality.

Equality is understood also as a transcendent principle, being "a rational and political version of the law of love" (Niebuhr, 1935, pp. 65-66). It is not understood in the egalitarian sense as equality of outcome or social status.

Acknowledging that human diligence will create inequality, a measure of inequality is necessary for the performance of social functions. The principle is applied politically as equality of opportunity.

Imaginative justice for Niebuhr looks beyond freedom and equality to a consideration of the special needs of the other. Thus, what Niebuhr terms as imaginative justice, is a principle of need, whereby justice also requires the consideration of special needs and vulnerable members of the community.

Types of Justice: Commutative, Distributive, and Social Justice

CST has traditionally distinguished between three dimensions of basic justice: commutative justice, distributive justice, and social justice (US Bishops, 1986, #68). Commutative justice is defined as fairness in all agreements and exchanges between individuals or private social groups (US Bishops, 1986, #69). Distributive justice requires the allocation of income, wealth, and power in society on the basis of its effects on persons whose basic material needs are unmet (US Bishops, 1986, #70). Social justice, as also defined by the US Bishops (1986, #71), is contained in the idea of contribution or participation. Social justice requires that all persons have an obligation to be active and productive participants in the life of society and that society has a corresponding duty to enable them to participate actively and productively.

Human Dignity

The human person being made in the image of God means that each and every person possesses a basic inalienable dignity and intrinsic value (sacredness) derived from their God likeness. The test of any policy is whether it enhances or threatens the life and dignity of the human person (Social Justice Statement, 1993). Thus CST typically asks three questions: what does the policy do *to* people, *for* people, and how does it assist people to *participate* (US Bishops, 1986, #1).

Family, Community and Participation

Drawing from the social and relational character of human nature, CST emphases the God-given institutions of marriage and the family as the basis, and foundation of society, which must be supported and strengthened.

Beyond the family, CST maintains that every person has a right and corresponding responsibility to participate in the wider society, to contribute to the advancement of the common good and the well-being of others, particularly the poor and vulnerable.

The Common Good

Whilst the whole purpose and reason for the existence of the state is for the common good, the task of working for the common good is not only for government but is everybody's concern. All are called to become informed, active and responsible citizens in social, economic and political processes (Social Justice Statement, 1993, #30).

Rights and Responsibilities

Basic rights and responsibilities are conferred on every person on the basis of one's inherent human dignity. It is the role of government therefore to ensure that no citizen is deprived of human rights (Social Justice Statement, 1993, #15) whilst also to ensure that active and responsible participation and citizenship is promoted.

Thus CST affirms internationally accepted civil and political rights of the right to life, freedom of speech, worship and assembly etc., but the tradition also upholds economic/social rights such as food, clothing, shelter, rest, private property, health care, education, and employment. This also includes the right to security in sickness, unemployment, and old age, and fair and healthful working conditions.

As consistent with communitarianism, CST always discusses rights within the bounds of a corresponding responsibility. Therefore corresponding to these rights are duties to one's family, to one another, and society at large.

The Dignity of Work

CST understands the significance of work in both natural and spiritual terms. Work is a natural activity of economic provision, however, one's labour must not be conceived exclusively in economic terms, but also as contains a deeper social, moral and spiritual meaning.

CST therefore affirms work as containing a three-fold moral significance (US Bishops, 1986, #97). Firstly, work is the principal way that people can exercise their distinctive human capacity for self-expression and self-realisation. Secondly, work is the moral and ordinary way for human beings to fulfil their material needs (US Bishops, 1986, #97), and therefore contains a corresponding right to employment. Thirdly, work is not only for oneself, but enables people to contribute to the well-being and the common good of their family, local community, nation, and indeed the larger human family (US Bishops, 1986, #97). It is this spiritual and moral character that gives work its genuine value and gives workers their specific dignity (Weigel, 2000, p. 17).

From these three-fold moral assertions of the dignity of work, CST affirms four basic principles for social policy. First and foremost, human labour cannot be treated as a mere economic commodity, which might be bought, sold, or dumped, without a broader regard for human dignity and the moral order (Cullinane, 1992, p. 5). Secondly, the demands of social justice necessitate the ethical requirement of full employment as a primary objective of social and economic management. Thirdly, this places a concomitant obligation on the state to ensure unemployment benefits, social security in old age, or compensation, for those who are unable to participate in the life of the community through work. And finally, as work with *adequate pay* for all who seek it should be the primary means of achieving basic justice and participation in society (US Bishops, 1986, #73), CST has therefore traditionally supported the right to a "family wage."

Preferential Option for the Poor

The fundamental moral criterion in CST for all economic, social and political decisions, policies and institutions, are that they must be in service of all people, but especially the poor (US Bishops, 1986, #24). Indeed the way society

responds to the poor through its public policies is the litmus test of its justice or injustice. A preferential option for the poor requires that special consideration should be given to how a particular policy or decision treats the defenceless, vulnerable and the poor, and how that policy enables them to become more active participants in social and economic life.

Stewardship of Creation

The earth is God's creation and the goods of the earth are gifts from God. This principle establishes a responsibility to care for these goods as stewards and trustees, not as mere consumers and users. Thus private property in CST is an indispensable right and condition for the natural perfection of humanity as stewards and trustees of creation. Concomitantly, CST teaches that God created the earth and gave its resources for the benefit of the whole human race, for the sustenance of all its members without exclusion or favouritism (principle of the universal destination of goods). Thus the right to private property is not absolute, but is a relative right, in that the resources of the earth are for the benefit of all.

Conclusion

The above synopsis of the theological, social, political, and ethical theory canvassed in this thesis is an attempt to review, orchestrate and organise the three traditions into a useful framework. Offered here is a distinctively Christian perspective and ethic of social life, which can inform the normative analysis, choice and design of social policy. This concludes the first research objective/question: given that I come from a Christian world-view and ethic, how do I think and reflect about social policy in a theoretical and normative sense. This Christian communitarian frame is summarised below in diagram 5.1.

Diagram 5.1

SUMMARY OF A CHRISTIAN COMMUNITARIAN THEORETICAL FRAME

Human Nature

- Created in the likeness of God
- Is a coherent unity of nature and spirit
- Corrupted by sin
- The mind is the servant of the self
- The sociality and interdependence of human nature

Critical Reflections on Human Behaviour

- The self is both self-seeking and self-giving
- The relation of the individual to the community
- The perennial struggle for power
- Principle of the "moral individual and immoral society"
- The predominance of power to ethics and group relations
- Collective social responsibility

Institutional Arrangements

- Sphere sovereignty
- The common good
- Subsidiarity
- Solidarity (cooperation)
- The balance of power and the peril of anarchy
- The organisation of power and the peril of tyranny

Social Ethics

- The transcendent norm of love
- The rules and principles of justice: freedom, equality, and need
- Types of justice: commutative, distributive and social justice
- Human dignity
- Family, community, and participation
- The common good
- Rights and responsibilities
- The dignity of work
- Solidarity
- Preferential option for the poor
- Stewardship of creation

3. AN OVERVIEW OF A STYLE OF POLICY ANALYSIS: A FRAME AND VALUE CRITICAL APPROACH

Up to this point, the investigation has been concerned primarily with the first research question, to which the theoretical findings surveyed have been summarised in the preceding section. This next section takes up the second

question pertinent to the investigation. As such, the remainder of the chapter attempts to develop a method for the engagement of a Christian theoretical framework in the analysis, choice and design of social policy.

The discussion that immediately follows appraises some of the characteristics of the three traditions surveyed, and the approach undertaken in the study, to ascertain a method for the engagement of a Christian normative theory in policy analysis. This next section therefore outlines the nature and general contour of the approach to policy analysis adopted in this study. This serves as a justificatory argument and discussion for the step-by-step method subsequently delineated. While frequent reference has already been made to many of these characteristics, they are discussed here with specific reference to their applicability for policy analysis.

A Frame of Reference as the Starting Point and Object of Analysis: Frame-Critical Policy Analysis

In articulating a Christian frame of reference, the present study has thus taken the concept of a frame or perspective as its starting point, attempting to use this frame as an interpretive perspective to think about and analyse policy. The examination of frames or perspectives that shape and define the policy debates is termed by Schon & Rein (1994) as a frame-critical policy analysis.[3] This model of analysis takes theory, thought, action, values, interests, and ideology, all-inclusive within a frame, as the object of analysis. As Rein (1983) explains further:

> A value-critical inquiry takes frames as the object of its analysis. A frame is a way of describing how people think about reality and linking this description to human purposes. A value-critical analysis probes the categories of people's thoughts, examining where these thoughts come from, where they lead, and what ambiguities and inconsistencies they contain. (Rein, 1983, p. 101)

In policy debates, frames that shape policies are usually tacit and part of the taken-for-granted world of policy making, such that the participants are usually unaware of their role in organising their actions, thoughts and perceptions. This

[3] A frame-critical analysis was termed initially by Rein (1983) as a value-critical analysis.

means that one usually argues *from* a tacit frame, *to* an explicit policy position (Schon & Rein, 1994, p. 34).

Rein (1983, p. 97) also affirms the utility of using the concept of a frame for the analysis of policy as: firstly, a way of dealing holistically with the perspective's by which political actors see reality and respond to it; secondly, a frame provides a wider structure by integrating interests, actions, theory and facts; and finally, a frame enables the analyst to go beyond theory and deal with the normative action implications and the interests served by the perspective.

A Normative, Value-Inclusive Approach to Policy Analysis

Another obvious characteristic of the approach taken in this thesis, and already explicitly stated, is the normative and value-inclusive nature of the inquiry. A normative approach understands that the design of social policy and social service systems is not merely a process of problem solving governed by criteria of technical-rational analysis (Schon & Rein, 1994, p. vii), but on the contrary, requires the inclusion and analysis of the wider value-inclusive, normative frames of meaning. As Fischer (1995) writes:

> There is no shortage of literature devoted to the failure of the social sciences to adequately incorporate the normative dimensions of social and political life. Such writings tell the story of disciplines capable of collecting massive amounts of data but lacking systematic methods for exploring normative frameworks which give these data meaning. (Fischer, 1995, p. ix)

The normative approach to policy analysis thus recognises empirical verification as a valuable and essential aspect of policy analysis, but rejects the idea that an empirical assessment is the sum total of a rational policy analysis (Fischer, 1995, p. 40).

The normative approach also accepts that the policy analyst brings his or her own normative assumptions to the task of analytical judgement (Fischer, 1995). By naming the theoretical framework as a communitarian, or more specifically a Christian communitarian frame, this makes the normative assumptions of the analyst explicit.

The Christian Communitarian Frame as a Counter-System

When engaged in the analysis of policy, and policy debates, this normative frame serves as a counter-system with which to evaluate an existing policy or regime (Sjoberg, 1975). According to Sjoberg (1975, p. 46) a "counter-system analysis" is "a negation of and logical alternative to the existing social order in question," and is evaluated against the "ideal" model constructed in the preceding chapters, and summarised above. A counter-system analysis thus provides the policy analyst with a standard or ulterior system with which to evaluate the existing social order. No doubt, all counter-systems vary according to the assumptions held about human nature, society and the role of the state.

Another characteristic of a counter-system analysis is its dialectical reasoning approach. The dialectical method demonstrates that mutually opposed concepts stand together in mutual relation, holding two antithetical principles in tension. A dialectical method of analysis also presumes that each perspective is a relative opinion, and is not absolute. The method uses the tools of logical contrast and searches for a higher synthesis of relative opposites (Dooyeweerd, 1979).

This is not unlike the Christian Realism of Reinhold Niebuhr. Niebuhr holds together two opposite poles, which stresses the "both - and" and the "yes - but", or the "related in both a positive and negative fashion," rather than the "either - or" (Hucker, 1988, p. 2). This dialectical character of Niebuhr's thought is described by Wolf (1967) as:

> ...he believes that most of the deeper truths about man, history, and reality must be stated in such a way as to do justice to contradictory or seemingly contradictory aspects of reality....A somewhat stylised Niebuhrian analysis of a human problem is to state two opposite facets of the problem, then reduce each further to negative and positive elements, to correlate the sub-negation of the basic affirmation with the sub-positive of the basic negation, then show how the Christian answer meets these complexities, but only in the wholeness of the problem....(Wolf, 1967, p. 231).

This thesis therefore draws on the Niebuhrian dialectical method, placing the Christian communitarian frame as a counter-system, with which to critique the contending frames to a policy.

An Analysis of Social/Political Choice

The essential utility and purpose of a normative Christian communitarian frame in a frame-critical counter-system analysis is as an instrument of social choice (ideology), which at times can have a determinant influence on policy choice and design (as is demonstrated in the next chapter). Fischer (1995) defines "social choice" as the ideal kind of society we should like to live in, providing a reasoned basis for the selection of ideological principles that should govern the maintenance and development of the 'ideal' society (Fischer, 1995, p. 156).

For Fischer (1995, p. 172), ideology bears on policy analysis by placing a critical influence on the processes of analytical judgement, which at times is a major determinant of the conclusions and recommendations. Where fundamental ideological agreement exists, this can serve to simplify the task of policy choice, as an ideology places decision rules and criteria giving precedence for particular options over others. It can also allow particular assumptions or arguments to be treated as facts, evading the often over-whelming empirical task of assessing these assumptions (Fischer, 1995, p. 173). However, on other occasions, political ideology is too far removed to be helpful in policy choice. Nonetheless, in such cases, ultimate values and norms, which are ideological in nature, are inherent in the activities of the analyst, and thus cannot be disregarded entirely. In this way, ideological belief systems provide data for policy analysis (Fischer, 1995, p. 173).

The analysis therefore attempts to examine the contradictory positions as grounded in their respective ideological argumentation. This understands that each perspective is a partial viewpoint, and fundamentally rooted in ideological social choice (Fischer, 1995, p. 170).[4]

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[4] In dealing with ideologies, Niebuhr (in Davis & Good, 1960, p. 130) provides three conclusive insights. As such, he writes: "From this analysis we may draw insights which are instructive for dealing with this whole problem of the ultimate validity and the ideological corruptions of moral concepts of politics. These insights include: 1) the recognition of the validity of a viewpoint despite the ideological distortion furnished by the interests of its chief proponents; 2) the recognition of the possibility of winnowing truth from error in various ideological positions; and 3) the admission that it is not possible finally to eliminate certain ideological preferences of classes and nations. They must be accepted as the inevitable fruit of the finiteness of man's intelligence and the intimate association between reason and interest in human affairs."

Policy Analysis as Applied Political and Moral Philosophy/Theology

> Articulating a new policy orientation in political philosophy, William Brandon (1984) has gone as far as to suggest that public policy analysis can be understood as "the continuation of moral philosophy by other means." (Fischer, 1995, p. 169)

Pertinent to this investigation were three philosophical/theological traditions, of which their basic academic discipline also has bearing on the method of social policy analysis employed within this thesis. As Anderson (1987) alludes, policy analysis is inevitably derived from political philosophy such that it is possible to have as many forms of policy analysis as there are systems of thought.

Characteristic of a theological/philosophical approach is the nature of the conceptual lens that one approaches the analytical task. For the policy analyst, "a focus on social choice contains a fundamental shift from a methodological microscope to a theoretical macro-scope, concentrating on the relationship between public policy and the overall political-economic system" (Fischer, 1995, p. 112).

Also characteristic of the theoretical macro-scope is its approach to the logic of analysis. That is, political philosophy employs a deductive inference approach, moving from the abstract philosophical and theological principles of social choice to concrete policies and programmes for action. As compared with the social scientist, Fischer (1995) writes:

> Whereas social scientists tend to enter the logic of evaluation through technical discourse of verification, at least formally speaking political philosophers and ideologists typically start with social choice and deductively work backward toward verification. (Fischer, 1995, p. 155)

This interpretive task, which is the product of the disciplines of philosophy and theology, also has the added advantage of interacting and analysing a policy situation and making social judgements within the full stature and being of the human person. For example, and as Niebuhr (1949, p. 13) insightfully states:

> It is man in the unity of his being who must come to terms with his fellow-men and, for that matter, with himself. Scientific knowledge of what human nature is and how it reacts to various given social situations will always be of service in refashioning human conduct. But ultimately the problems of human conduct and social relations are in a different category from the relations of physical nature.

> The ability to judge friend or foe with some degree of objectivity is, in the ultimate instance, a moral and not an intellectual achievement, since it requires the mitigation of fears and prejudices, envies and hatreds which represent defects, not of the mind, but of the total personality. Moreover, the ability to yield to the common good, to forego special advantages for a larger measure of social justice, to heal the breach between warring factions by forgiveness, or to acknowledge a common human predicament between disputants in a social situation, is the fruit of a social wisdom to which science makes only ancillary contributions. This type of wisdom involves the whole man in the unity of his being (Niebuhr, 1949, p. 13).

This form of policy analysis is understood as "counsel" (Jennings, 1987), such that some attempt is made to be impartial and objective, but accepts the fact that the analysis remains the partial wisdom and opinion of the policy analyst. As Jennings (1987) writes:

> This sort of objectivity will not give policymakers an understanding of the policy options that is based on science, but will give them one based on *phronesis* – prudence and practical rationality. And that is the understanding that policy analysts as counsellors aim to provide.

Conclusion

The above discussion can be summarised in the following progression. Proceeding from the idea of a *frame-critical policy analysis*, the study takes the *normative and value inclusive* Christian communitarian frame (a macro-theoretical evaluative tool), as a *counter-system*, with which to dialectically critique contesting policy viewpoints as grounded and framed in *ideological social choice*. This approach to policy analysis enters the policy discussion through the disciplines of *applied political and moral philosophy / theology*.

4. A FOUR-STEP METHOD FOR A FRAME-CRITICAL POLICY ANALYSIS

From the above discussion of the nature and characteristics of the methodological approach adopted, this next section formulates these broad characteristics into a practical four-step method, for a frame-critical analysis of a social policy issue.

Step #1: Profile the Historical Context of the Policy

No policy issue ever exists in a historical vacuum; all policy begins, and develops within history. Thus, the first step of the analysis contextualises the policy issue, and examines the historical unfolding and evolution of the current situation. The purpose of doing so is not to explicate a running commentary or complete historical analysis (as we are concerned with the present situation), but to briefly examine the nature and structure of the previous policy, what primary determinants influenced the policy in the past, why it was implemented the way it was, how the policy has come to the forefront of the public agenda, and the reasons why the policy may require modifying. The exact nature and extent, however, of the historical briefing will be necessitated by the policy/problem to be analysed.

By way of an example, and illustration of the importance of canvassing the historical unfolding of a given issue, is revealed by Prime Minister Helen Clark during the second reading of the Employment Relations Bill (2000):

> This is actually an exceptionally moderate legislation. I was once – more than a decade ago – Minister of Labour for about 14 months. As such, I introduced enterprise bargaining under controlled conditions. I know that had I brought this bill to Parliament at that time, undoubtedly my friends in the Labour movement – and I have many – would have said I was letting them down. Today, unions embrace this legislation. That is how much times have changed, and that is a sign of how moderate this legislation is.
>
> I can say that this legislation is very close to the demands of the Employers Federation when the previous Labour Government passed the Labour Relations Act in 1987. This is the sort of bill it said it wanted.... (Clark, 2000, p. 3966)

Clearly, this example demonstrates the importances of the historical unfolding of a policy issue, in that, the opportunities that were previously unavailable are now presently being pursued.

Step #2: Frame the Contending Perspectives

The second step of the frame-critical analysis is to define and construct the dialectically opposed frames debating the issue. This step consists of three interactive and interdependent sub-steps.

Firstly, describe categorically each perspective's view of the issue, paying close attention to the formulation and definition given to the issue. This step, asserts Rein (1983, p. 98), is a critical element of a value (frame)-critical analysis because: firstly, it gives the political actor a predisposition to ask or call attention to particular questions, and to neglect the importance of others; secondly, the frame names and ascribes certain meaning to certain events and institutions; and thirdly, there are normative implications of viewing the world in that particular way.

Secondly, and in conjunction with the previous sub-step, formulate the contending views within their larger theoretical (political ideological) perspective. This attempts to come to grips with many of the deeper assumptions that shape the contesting viewpoints, such that much of how the problem is conceived is couched in its political ideological choice.

Thirdly, in placing the views in their larger theoretical and ideological choice, the aim is to peel back the complexities of these contradictory and contestable positions to their basic ideas and presuppositions; to uncover the root assumptions of the policy issue as perceived by the contesting viewpoints.

Step #3: Dialectically Critique Each Frame Against a Christian Communitarian Frame of Reference

Once each perspective has been framed and their basic presuppositions revealed, these assumptions are then dialectically critiqued against a Christian communitarian frame. Niebuhr's dialectical method, delineated above, identifies three steps: firstly, he states the problem and basic presuppositions from the two opposite facets (as already completed in step two); secondly, he reduces each position to the positive and negative elements (presuppositions) of each perspective; thirdly, he critiques each of these elements against a Christian perspective, which in this case is a Christian communitarian frame.

Drawing from Niebuhr's dialectical method, this thesis critiques the contending frames in three stages, with each stage corresponding to the four components distinguished in the Christian communitarian frame.

Stage 1: The Choice and View of Political Ideology/Human Nature for Interpreting Social and Political Reality

The first stage of the critique takes the foremost assumptions of each frame, contained in the perspective's view of human nature, and its wider choice of political ideology, and assesses the merits and weaknesses of the basic presuppositions against the Christian communitarian components of human nature and the critical reflections of human behaviour, interaction and vitalities.

As stated in chapter two, the ultimate reference point in political ideology is human nature and the needs derived from it (Fischer, 1995, p. 164). Reference to a perspective's ultimate presuppositions will invariably refer to its assumptions of human nature. It is at this point that the Christian insights on human nature can converse with the perspective's choice of political ideology.

Stage 2: The Choice of Technical Institutional Arrangements

Secondly, the contending frames choice of technical and organisational arrangements, and the role and task of the state, is assessed against the corresponding Christian communitarian principles for institutional arrangements. An institutional analysis brings the distinct principles sphere sovereignty, and subsidiarity to bear on the proposed policy prescription. Here, the analysis tests the consistency or inconsistency of the policy with Christian principles of institutional organisation.

This aspect of the analysis is conducted in two parts: firstly, an analysis of the non-state institutions involved in the core issue (i.e. the employment relationship consists of two forms of voluntarily associated communities, that of business and unions); and secondly, an analysis of the role and task of the state as an intervening institution in the core issue or problem. An analysis of state intervention focuses on the legitimation of the state in its subsidiarity and intervention activities in non-state spheres.

Of the three traditions canvassed, six perennial principles of communal organisation are apparent and of significant utility for the normative considerations of policy choice and design. These principles are useful axioms and act as diagnostic tools in policy analysis.

As diagnostic tools, the principle of sphere sovereignty for example, is useful for articulating the ontological nature of the institutional forms; identifying the normative structural laws that should be realised within the institutional arrangement; provides an aid for the derivation of principles from these norms; and therefore suggests the correct governance response with regard to the subsidiarity and intervention function of the state. This principle therefore aids the design of policy to maintain the inviolable integrity of each jurisdiction.

Stage 3: The Choice of Social Values

The third stage of the dialectical critique examines each perspective's basic choice of social values and ethics, which are considered against the analogous Christian communitarian social ethics component. Social ethics of community, family, solidarity, social cohesion, an option for the poor, and responsibility form ethical benchmarks for policy choice and design. As such, these principles serve a number of functions: firstly, they *define* a basic Christian social ethic; secondly, they act as *criteria* in which to prioritise social values; and thirdly, they *orientate* a Christian perspective in conflicting social values.

Step #4: Frame the Choice and Design of Policy

From the preceding dialectical critique, the final step in this analysis is to develop clear directive principles and policy objectives. This acts as a summary of the prior analysis and provides points of departure for subsequent action. Thus the consequential principles and objectives give clear normative guidance in the *choice* of social policy, providing also an Archimedean point of which to embark upon further policy *design*.

This therefore completes the frame-critical policy analysis. These four steps delineated above are arranged below in diagram 5.2.

A FOUR-STEP METHOD FOR A FRAME CRITICAL ANALYSIS OF SOCIAL POLICY

Step #1

Brief the historical context of the policy

Step #2

Frame the contending perspectives
- Outline how each position defines the issue
- Place the policy issue in their larger theoretical and ideological choice
- Depict each position's basic ideas and presuppositions

Step #3

Dialectically critique each position against a Christian communitarian frame of reference
Stage 1: Choice of theoretical frame
Stage 2: Choice of technical institutional arrangements
Stage 3: Choice of social ethic

Step #4

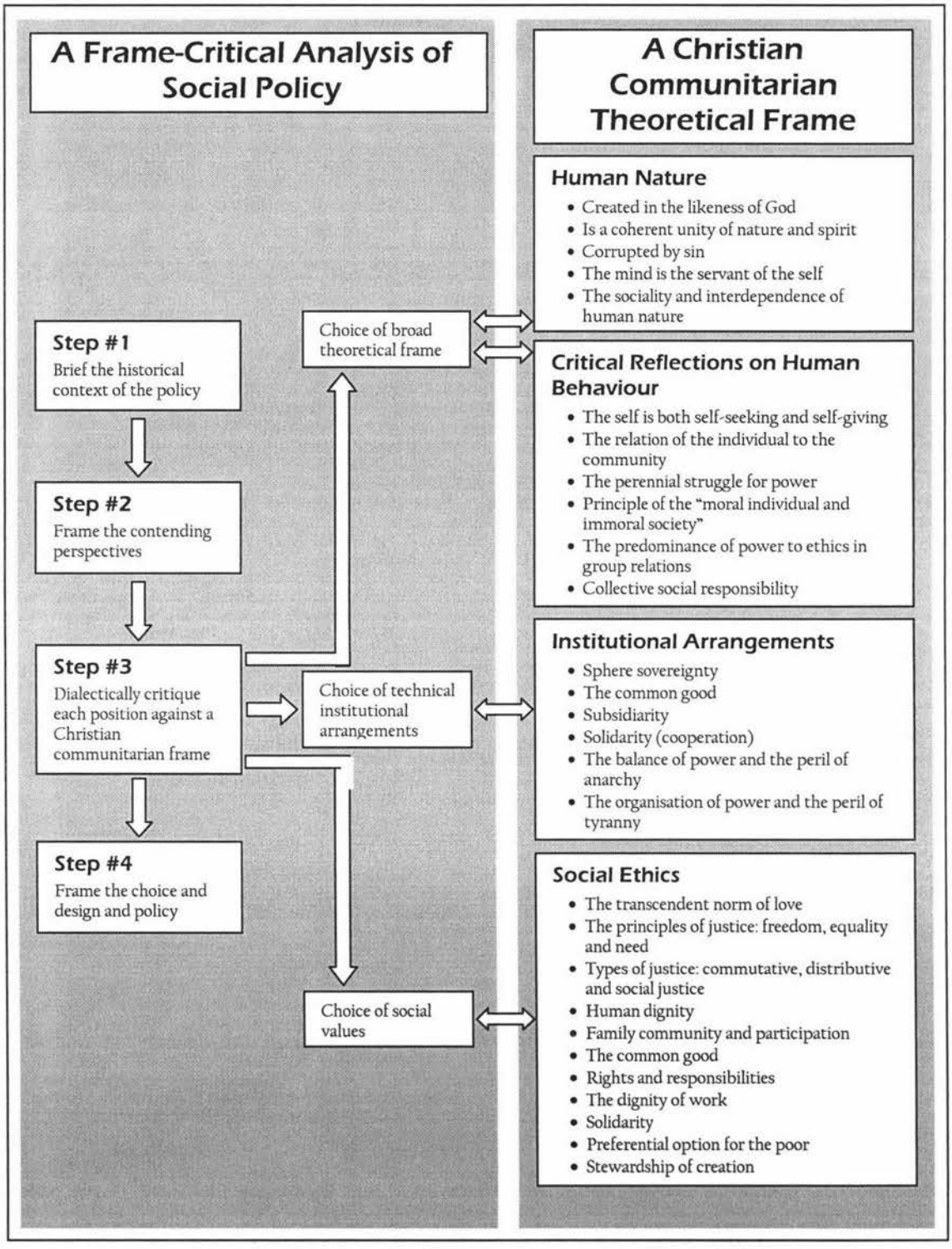
Frame your choice and design of policy

5. CONCLUSION

The conclusiveness of this chapter is reasonably self-evident. The chapter commenced with a synopsis of a Christian communitarian theoretical frame, which is abridged above in diagram 5.1. This brought together the social theory of three Christian traditions offering a unique perspective and social ethic. The chapter then proceeded to address the second research question and investigated the frame-critical method for policy analysis, incorporating the Christian communitarian frame as a counter-system to evaluate social policy issues. These ideas were further developed into a four-step method for a frame-critical policy analysis, and summarised directly above in diagram 5.2. To complete the chapter, diagrams 5.1 and 5.2 are integrated in diagram 5.3 below, which provides a complete summary of the thesis to date. The diagram also illustrates the correlation between the two research objectives/questions, that of

developing a theoretical frame to think and read social policy, and a method to analyse social policy.

Diagram 5.3: A Christian communitarian frame and method for the analysis of social policy



This distinct framework is applied in chapter six as a macro-theoretical evaluative tool in the analysis and critique of the political frames contending the provisions in the Labour/Alliance Coalition Government's *Employment Relations Act* 2000.

Chapter Six

THE POLITICAL FRAMES CONTESTING EMPLOYMENT RELATIONS POLICY

A Christian Communitarian Frame-Critical Analysis of the Contesting Frames Debating the Employment Relations Act 2000

1. INTRODUCTION

The research is concerned with the questions of how to think about (on a theoretical level), and the concomitant use of a method for the analysis, choice and design of social policy within a Christian frame of meaning. To this end, much theoretical literature has been canvassed and a method for the analysis of social policy explored. This is summarised in the preceding chapter.

The purpose of the present chapter is to build upon the former foundation, and to utilise and illustrate the normative framework already developed in the analysis, choice and design of the New Zealand Labour/Alliance Coalition Government's *Employment Relations Act* 2000 (ERA).

The following analysis investigates how those who framed the ERA and those who oppose its provisions *think* about and *view* the employment relationship. These viewpoints are then contrasted and examined against a Christian communitarian frame. The analysis does not consider such details as the inclusion, deletion, or rewording of particular provisions, or the effect those provisions might have once implemented. It is concerned, rather, with how a Christian communitarian theoretical frame might understand and analyse the key provisions of employment relations policy - how one might think about employment relations policy. Thus the analysis is a macro-level evaluation concerned with the Act's ideological "social choice" and policy design.

The structure of the present chapter is simple and correlates to the four-step method of frame-critical policy analysis. Firstly, the chapter provides a brief history of recent employment relations policy in New Zealand. It then proceeds to frame the basic assumptions, theory, thoughts, actions, values, and interests of the market-liberal and social-democratic positions. These opposing positions are then analysed against the Christian Communitarian frame of meaning articulated in the earlier chapters of this thesis. And finally, the chapter concludes by framing very briefly, the major principles and objectives of a Christian communitarian choice and design of employment relations policy.

2. A BRIEF HISTORY OF EMPLOYMENT RELATIONS POLICY IN NEW ZEALAND

Until 1991, New Zealand's formal industrial relations system enjoyed considerable continuity within the provisions of the *Industrial Conciliation and Arbitration Act* 1894. Whilst there where other statutes that regulated employment and conditions, the 1894 Act established the rules to regulate conflict at a time of increasing unrest. This Act began a tradition of conciliation and arbitration - conciliation being voluntary dispute resolution and arbitration being compulsory dispute resolution when conciliation failed (Rudman, 1996). The 1894 Act also provided that a single employer or an association of employers could invoke disputes procedures, but for employees, only unions, not individual employees could invoke the dispute procedures. The legislation did not account for employers and employees who were not legally associated. Whilst the original 1894 legislation was amended frequently over nearly one hundred years, the basic ideas and tradition of conciliation and arbitration remained largely intact.

The fourth Labour Government made significant changes to employment relations legislation with the enactment of the *Labour Relations Act* 1987. This legislation marked the beginning of the decline of compulsory conciliation and arbitration, and began an impetus for change in employment relations. Boston *et al.* (1996, p. 231) summarise the Act's key provisions as follows:

> This [Labour Relations] Act preserved the bargaining monopoly that unions had enjoyed historically, permitted the inclusion of compulsory union membership

> clauses in awards and agreements, and provided for awards to apply to all employers in an occupation or industry regardless of whether they had been involved in its negotiation. The effect of these arrangements was to ensure a highly unionised workforce and a high level of multi-employer collective bargaining coverage. (Boston *et al.*, 1996, p. 231)

Notwithstanding these changes, the strong employer and neo-liberal agendas that dominated the newly elected National government in 1990, led to radical labour market reform. The National government's *Employment Contracts Act* 1991 (ECA) represented an enormous and radical break with the past and ended the formal system of conciliation and arbitration in New Zealand. Its long title read "an Act to promote an efficient labour market" which signified the intentions of the architects to deregulate the labour market, by replacing the previous emphasis on collective bargaining and centralised wage determination with contract negotiations, which would take place at level of the individual employer/employee.

The ECA abandoned the historical distinction between two categories of employment relationship, those regulated by industrial legislation and those governed by contractual principles of common law, and extended its reach to apply to all employment contracts, not just those covered by a registered award or agreement (Walsh, 1992). The ECA also abandoned compulsory unionism; the protection of unions' bargaining rights; and the system of centralised occupational awards. It promoted a direct relationship between employers and employees to enable them to work together, placing the responsibility for negotiation between the employers and their employees. The legal framework of the intervention of unions as a third party was also abolished, enabling employees to choose union representation if they wished. Bargaining could be conducted at enterprise, industry, workplace or individual level. However, the Act encouraged enterprise collective bargaining, rather than multi-employer bargaining, and prohibited any industrial action to force an employer to become a joint party to a collective contract (Boston *et al.*, 1996, p. 232).

Amongst other changes, the primary effect of the ECA on the labour market was to accelerate the decline of union membership (from 40% when the ECA was first introduced in 1991, to less than 20% in 2000) (NZEF, 2000). This has lead naturally to a decline in collective bargaining and the relative

powerlessness that unions have experienced. As such, Walsh & Brosnan (1999, p. 132) assert that "trade unions have yielded the vast majority of workplaces to the unchecked authority of employers." Many academics agree that there is little doubt that one of the key objectives of the Employment Contracts Act was to weaken substantially the trade union movement, thus increasing employer prerogatives (Boston, 1992a, Walsh, 1999, Geare, 1992).

This thesis therefore takes the view that the ECA correctly marked the end of the progressively discredited industrial conciliation and arbitration system, with its adversarial and centralised nature. However, with Walsh & Brosnan (1999), this thesis also considers that the ECA tilted the balance of power toward employers, and as such became increasingly discredited (Boxall, 2000; Tipples, 2000; Walsh & Brosnan, 1999; Wellington Young Christian Workers Movement, 2000).

Consistent with the incoming Government's electoral promises, the Labour-Alliance Coalition repealed the ECA and enacted the *Employment Relations Act* 2000 (ERA). The explicit policy goal of the Labour-Alliance Coalition was to repeal the *Employment Contracts Act* 1991 and establish a "better framework" for employment relations (Employment Relations Bill, 2000).

As a "better framework," the ERA's ethos and primary objective is to build productive employment relationships through the promotion of good faith, mutual trust and confidence in all aspects of the employment relationship (s3). The core duties of good faith require the parties to meet, consider and respond to the other party's proposals; recognise the authority of other party's elected choice of representative and advocate; and supply relevant information for the purposes of bargaining.

The second objective of the ERA is to bring New Zealand's employment relations framework into the mainstream of international industrial relations legislation (s3). As such the Act promotes the observance of two "core" International Labour Organisation conventions: freedom of association (No. 87), and the right to organise and bargain collectively (No. 98).

The ERA (ss 7-11) retains the provisions established in the ECA for freedom of association, namely, the voluntary membership of unions, but restricts one's

freedom of choice by providing that collective bargaining can only be conducted through a registered union.

Recognising the inherent imbalance of power and influence in the employment relationship, the ERA reinstates and promotes the collective organisation of employee interests and thus gives legal recognition to unions.

In accordance with the right of employees to organise, the ERA promotes collective bargaining as the best means of redressing the inherent imbalance of bargaining power. Collective bargaining is also to be conducted under the duty of good faith for which the Act provides: (1) the core requirements of the duty of good faith (ss 32-34); (2) for codes of good faith, for the purpose of assisting the parties to understand what good faith means in collective bargaining processes (ss 35-39); (3) the promotion of an orderly collective bargaining process (ss 40-50); (4) sets out the rules relating to such things as the form, ratification, duration, content, and application of collective agreements (which replace collective employment contracts) (ss 51-59).

The ERA also provides for the development of a Code of Good Faith by a tripartite committee, which outlines the general principles in undertaking the bargaining process (ss 35-39). The Code is to be developed by a group of at least one representative from the union and employer, which is chaired by an appointee of the Minister of Labour, and to be specified within a particular period. If a Code has not been developed the Minister of Labour will develop and recommend appropriate codification of good faith bargaining.

Distinct to the ERA is also an emphasis on mediation as the first port of call in problem resolution (ss 144-155). Grievances do not progress through the specialist employment institutions unless mediation has first been attempted. The Act therefore establishes a nation-wide mediation service to facilitate speedy problem resolution.

Also, specific to the ERA is the establishment of Employment Relations Education Leave (EREL) (ss 70-79). EREL enables chosen members of a union paid education leave for the purpose of improving relations between unions, employees and employers; and to promote the object of the Act, that of good faith and cooperation in the workplace.

3. FRAMING THE CONTENDING POLITICAL POSITIONS: THE IDEOLOGICAL "SOCIAL CHOICE" FRAMES DEFINING THE NATURE OF THE EMPLOYMENT RELATIONSHIP

The *Employment Relations Act* is part of the Labour/Alliance Coalition Government's policy and electoral mandate to introduce a "better" framework for the conduct of employment relations. What constitutes a better framework is of course a matter of debate, as what is considered "better" is contested on the basis of one's ideological social choice. Establishing a better framework implicitly asks normative questions, such as: what conditions or arrangements *ought* to exist for a better employment relation's framework? The term "better" then, can be equated philosophically with the term "good," where each political perspective asserts what it thinks to be a good framework.

The ERA defines, or rather, redefines the nature of the employment relationship, which is a foundational part of the overall economic framework. Thus, the ERA is not just a piece of legislation, but reconceptualises the "contractual" framework established by the market-liberal economic rationalism of the previous National government.

The two opposing positions framed in this analysis consist of the social-democratic and the market-liberal perspectives. The Labour, Alliance, and Green parties share the left of the political spectrum forming the social-democratic position. The National,[1] Act,[2] New Zealand First,[3] and United parties, are a coalition of centre-right/right-wing political parties, taking a market-liberal perspective, and form the opposition in the current Parliament.

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[1] In terms of the party's political philosophy, Jenny Shipley (2000c) recently ascribed the National Party is a "radical conservative" party, where radical refers to "returning to our roots."

[2] Act, on the other-hand endorses itself as a "liberal-progressive centre-right" party (Prebble, 1996, p. iv).

[3] New Zealand First (who seem to play a more pragmatic politics of swinging the middle-ground to the balance of power) initially sided with the Labour/Alliance coalition. However, after the Select Committee stage the party switched allegiance and called for stalling the progress of the Employment Relations Bill. They promoted a consensual approach to policy-making, where the new legislation is built upon and amends the ECA (Select Committee Report, 2000).

The Market-Liberal Frame of the Employment Relationship (The Employment Contracts Act 1991)[4]

The Market-Liberal View of Human Nature

Much of the market-liberal position on the employment relationship can be understood in its view of human nature, where many of its basic presuppositions of reality are framed.

Whilst liberalism is an ambiguous concept posing significant difficulties to define, at its most basic level, all liberalism, but especially neo-liberalism is committed to individualism and the freedom of the individual. This is where the individual comprises the basic building block of society, and is perceived to be ontologically prior to society (Vincent, 1995). Whilst there are a number of variations on how liberals view the individual, the most common theme is further explained by Vincent (1995):

> The desires and interests of the individual are seen as sovereign. Reason is instrument to the achievement of one's desires. Each person is driven from within by desires and passions and is, by definition, the best judge of his or her own interests. In this sense, institutions should avoid judging for individuals. There could not be any collective or institutional responsibility, since only individuals can be responsible for themselves. The only good is individual good. (Vincent, 1995, p. 32)

Such a normative insistence on the sovereignty of the individual, places the individual actor, not a collectivity, as the basic unit of desire and analysis. This establishes that "there do not exist collective desires and beliefs" (Yeatman, 1995, pp. 129-130), otherwise distinguished as methodological individualism. Because the market-liberal approach places such an emphasis on individualism, market-liberals assert that individuals are generally the best judges of their own interests, and stress the importance of individual liberty, maximising individual choice and minimising state intervention and paternalism. Individual choice becomes the primary condition in the employment relationship and the market

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[4] The Employment Contracts Act was part of a broader reform agenda enacted by the Bolger National Government in 1991. These reforms, resulting from a combination of an ideological shift to a neo-liberal agenda, political opportunities and economic pressures, have been well documented and critiqued (see Boston & Dalziel, 1992; Boston, Martin, Pallot, Walsh, 1991, 1996; Cheyne, O'Brien, Belgrave, 1997, 2000; Kelsey, 1995).

is the primary mechanism for facilitating individual choice. Socially optimal outcomes are achieved through the use of economic incentives, such that freely choosing individuals engage in voluntary contracting via a relatively free, and competitive market (Boston, 1999c, p. 23).

The Employment Relationship: A Legal Contract [5]

Thus, the market-liberal view values and judges the employment relationship according to two primary criteria: firstly, the things that make a free-market and growing economy (economic rationalism), which is derived from its interpretation of human nature as methodological individualism.[6]

Here, freely choosing individuals can engage in a voluntary capacity to exchange services in a mutually agreed relationship or contract. Workers and employers are conceived as free agents who contract with each other and establish the price of labour and conditions of work. The concept of consenting parties to a contract is systematically developed in agency theory.[7] Agency theory is based on the central tenet that social and political life can be understood as a series of "contracts" (or agreed relationships) in which one party, referred to as the principal, enters into exchanges with another party, referred to as the agent (Boston *et al.*, 1996, p. 18, Shaw, 1996, p. 80). The contractual agreement requires the agent to perform various tasks on behalf of the principal, whilst the principal, in exchange, compensates the agent in a way that is mutually acceptable (Boston *et al.*, 1996, p. 18). Of the many reasons for the principal to seek an agent, principal/agency relationships enable efficiencies to be gained through the specialisation of knowledge and expertise, and reflect

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[5] Historically, the legal relationship between an employer and employee is founded on the centuries old tradition of the *law of contract* finding its expression in the contract of employment or service (Rudman, 1996, p. 357). In a minimal sense, the employment relationship has its legal standing as a contractual relationship.

[6] Methodological individualism is defined by Boston (1995, p. xvi) as the notion that the whole is never more than the sum of its parts and that collective desires and beliefs do not exist.

[7] Agency theory derives from new institutional economics, which stresses the impact that institutional arrangements have on optimal economic outcomes. It shares a number of core assumptions and values with public choice and neo-classical economics, including the primacy of individuals, and the assumptions of rationality and instrumentality.

the need for expertise, which emerge from the division of labour (Shaw, 1996, p. 80).

The market-liberal view of the employment relationship, therefore, establishes that the terms and conditions of employment relationship are best negotiated by freely consenting individuals, and best codified in binding contracts.

The Meaning of "Freedom of Association" in the Market-Liberal View

Given the desires and interests of the individual are seen as sovereign in the market-liberal view, the principle of freedom of association is interpreted on the basis of "individual freedom of choice." This was given effect in the ECA as guaranteeing the right of individual employees to determine who should represent their interests in relation to employment issues. The individual employee or employer could choose to bargain for an individual or collective contract. The individuals freedom of choice also meant that workers could choose whether or not to associate with other employees, both unions or non-union associations, for the purpose of advancing the employee's collective employment interests.

The Significance and Priority of Unions

Unions, in the market-liberal perspective are considered a "third-party" constraint, bringing inefficiency and unnecessary costs to a relatively free, competitive market. As with any third-party (e.g. the state), market-liberals do not like the idea that an individual's freedom can be constrained. Under the ECA, individuals were free *to* join or *not* to join a union, which was a radical break from preceding legislation. As Jenny Shipley (2000) contends:

> the new era of employment relations in the 1990s saw the third party - that is, the outside union - relegated to where it belongs: that is, out of the system in general....In our view, the concept that, somehow or other, if workers are given power equal to employers, there will then be growth and prosperity, is ill-founded....Real wages will decrease if unions are allowed to interfere (Shipley, 2000a, p. 1166).

In much more flamboyant language, the Hon. Dr. Lockwood Smith (2000a, p. 1177) interjected during the parliamentary debates, with the assertion that unions "destroy the human spirit of individuality"

Rather, the market-liberal perspective, in accordance with agency theory, views unions as voluntary associations, fulfilling a subordinate role as a "bargaining agent" for the individual. The ECA, according to Walsh (1992):

> assigns unions or other organisations or individuals a new subordinate role as the worker's agent, exercising on the worker's behalf rights enjoyed directly by the worker. The focus of labour law shifts them from the collective to the individual, who, for the first time in the case of the unionised workforce, enjoys freedom of choice in the selection of a representative. The Act thus establishes a system based upon the process of individual contracting, for, even when individuals join a collective contract, they do so on an individual basis and through individual choice. (Walsh, 1992, p. 64)

Again, Walsh (1992) writes:

> The language of this section sums up the Act's view of trade unions. They are bargaining agents, pure and simple...confined to 'advocating collective employment interests', as opposed to the broader social, political and economic objectives unions have historically set for themselves. (Walsh, 1992, p. 65)

In this view, employment legislation should not give unions any additional support, as they do not have a right to secure a non-contested and institutionalised workplace presence (Harbridge & Walsh, 1999, p. 19). The union is relegated to a role outside the employment relationship as a third-party and bargaining agent, where the employment relationship exists between those who sign and settle the agreement (the principle and the agent). Thus individuals take primacy over collectives.

The Market-Liberal View of Bargaining Structure

Methodological individualism and the concomitant principle of freedom of choice also bear on the bargaining arrangements of the market-liberal view. Under the ECA, an employee is free to bargain individually or can choose whatever agent they wish to represent them. This means that both a union or non-union employee association is able to represent the interests of an employee, where a union does not maintain a bargaining rights monopoly. As Lindsay Tisch (2000) contends:

> We argue that there needs to be a provision to make it possible for employees in the workplace to negotiate their own enforceable collective contracts without having to be members of a union, or even having to form a union. National wants

> to restore voluntary unionism. It is about choice and it is about freedom of opportunity. (Tisch, 2000, p. 4277)

Between 1991 and 2000, those measures have ensured that bargaining was largely conducted on an individual and enterprise level, such that multi-employer agreements or industry level bargaining was "all but a thing of the past" (Harbridge & Walsh, 1999, p. 20).

The Market-Liberal View of the State

The role of the state in employment relations policy is essentially to protect the right of property, contract and free enterprise. This is reflected in ACT New Zealand's Minority Report to the Employment and Accident Insurance Legislation Select Committee before the assent of the Act:

> The Bill will establish a raft of new rights and privileges for unions and place onerous new demands and obligations on employers - once again unions will dominate the industrial landscape. ACT believes the Bill is an attack on business, on the sanctity of contract and free enterprise.... It is ACT's view that the core result of the Bill, to deliver power money and members to unions, remains unchanged. (ACT New Zealand Minority Report, 2000, pp. 53-54)

Here, the state must protect, "business, the sanctity of contract, and free enterprise" from the intrusiveness of unions, assuming (and some evidence suggests otherwise) that unions create market inflexibility, wield power against employers, create additional costs, lower productivity and economic growth, and hence decrease prospects for job creation. This view of the state is consistent with Robert Nozick's (1974) conception of a minimal state, asserting the primacy on individual rights and liberty. As Morris & Batten (1988) argue:

> Individual rights to liberty are paramount in this concept of society, and it is only in defence of individual rights that this state may exercise its authority to coerce. Protecting its citizens from harm and ensuring free acquisition of property are the limits to legitimate state authority. (Morris & Batten, 1988, p. 4)

Institutionally, under the ECA, the role of the state was both extended and withdrawn from its historical moorings. The ECA extended the role of the state in industrial relations by expanding the jurisdiction of specialist institutions, such as the Employment Court, to all employees rather than just those covered by a collective contract (Walsh & Brosnan, 1999, p. 132). Concomitantly, the

state retracted from industrial relations by accepting no responsibility for the promotion of collective representation in the workplace.

Over and above the individual/economic/freedom of choice conception of employment legislation, the market-liberal view does not see that employment legislation should do anything else. That is, this minimalist conception of the state does not acknowledge that the state should have any other social or moral objectives or responsibilities within employment law.

Summary of the Market-Liberal Frame

In summary, the market-liberal frame of the employment relationship is contained in three fundamental assumptions of human nature and society: that of methodological individualism, economic rationalism, and freedom of choice. The principle of freedom of association is therefore interpreted as "freedom of individual choice" and means guaranteeing the right of employees to determine who should represent their interests and whether or not to associate with other employees. Third-party intervention (i.e. unions or the state), are constraints on individual freedom and bring inefficiency and unnecessary costs. Unions are understood as "bargaining agents" for individual employees, and thus the market-liberal favours a bargaining structure of individual contracts and enterprise level collective bargaining. The essence of the market-liberal view of employment relations ascribes labour to be much like any other commodity, and therefore should not be given any preferential treatment.

The Social-Democratic Frame of the Employment Relationship (The Employment Relations Act 2000)

Social-Democratic View of Human Nature

Many of the basic presuppositions of a social democratic view of the employment relationship are also bound in its concept of human nature, which, like the market-liberal view, consists of two very basic and enduring ideas.

The typical conception of human nature in social-democratic thought is to see the roots of human nature in social (collective) life (Vincent 1995, p. 95). For the social-democrat, both the material and moral condition of human beings must be understood in the context of society.

Secondly, social-democrats usually have an optimistic and developmental view of human beings; they tend to embrace, to some degree, a "perfectibility thesis" - that is, that human beings can grow and improve in moral stature. This views human nature as "fairly decent" to start with (essentially good), and is capable of indefinite development (Vincent, 1995, p. 292).

The Employment Relationship: A Collective and Cooperative Endeavour of Good Faith

Consistent with its basic ideas of human nature, and in contrast to the market-liberal perspective, the social-democratic paradigm views the employment relationship in collective terms, thus privileging collective institutional design and organisation (Wilson, 2000c, p. 3). Graham Kelly (2000a), Labour member and chairperson which considered the draft legislation for the Employment and Accident Legislation Select Committee, argues:

> It does recognise that to build a modern economy we have to encourage productivity, support economic growth, and support job creation. To do otherwise would be irresponsible. It is our view that this can best be achieved through a collective rather than an individual...approach to industrial relations. (Kelly, 2000a, p. 1177)

The key idea of the social-democratic perspective is that it contests the market-liberal view of labour as just like any other factor or commodity of production. It views relations between employers and employees as human relationships (not a human employer and a commodity), which should therefore be treated entirely different from other non-human commodities of production. Thus, the social-democratic perspective also reacts strongly to the market-liberal view of contractualism[8] with its inherent individualism as epitomised in the ECA.

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[8] Contractualism as is often understood in a social-democratic view, is equated with a libertarian free-market doctrine of "economic rationalism," which Yeatman (1995, p. 132) describes as subordinating the value of equality "to the right of survival of the contractually fittest." She writes:

> That there is a vulgar libertarian version of contemporary contractualism which deserves such critique in the name of equality cannot be doubted. The social welfare policies of Reagan, Thatcher and Bolger governments, in part at least, appear to have been designed according to a libertarian-contractualist doctrine of survival of the fittest, accompanied by the non-egalitarian defence of employer prerogative within the employment contractual relationship. (Yeatman, 1995, p. 132)

This view tends to reject the contractualist concept altogether, as a libertarian ideological doctrine.

Social-democrats argue that the employment relationship goes beyond a mere contract and is based on the understanding that the employment relationship is a human relationship. As the Prime Minister, Helen Clark (2000) comments:

> The National Party's Employment Contracts Act was not a balanced piece of legislation. It treated employment relationships as nothing more than commercial contracts, ignoring the workplace reality that employers and employees are people. (Clark, 2000, p. 3961)

And, as Graham Kelly (2000a) argues:

> The framework of this Bill is for the conduct of relationships in employment to be based on a different criteria from that we have had. It will be based on the understanding that employment is a human relationship. It is not some economic individual tool that has no relationship to social existence in society, and it is not simply some contractual or economic relationship that exists in splendid isolation.... (Kelly, 2000a, p. 1177)

In placing the social nature of people in the centre, the social-democratic view asserts that the employment relationship should be underpinned by the fundamental principle of cooperation and good faith in the work environment; that these relationships should contribute to the common good (Wilson, 2000a, p. 1164). Human relationships that function well and efficiently are based on mutual trust and confidence, and fair dealing (Wilson, 2000b, p. 3962). Thus, the social-democratic perspective places an obligation:

> on all parties to act in good faith throughout their employment relationship. That applies not only when bargaining for the collective or individual agreement, but also during the life of the agreement and the relationship. Second, there is an obligation to resolve peacefully any problems that arise in the workplace, through the use of mediation and adjudication services. (Wilson, 2000a, p. 1165)

The Significance and Priority of Unions

In placing a high value on the collective interests of employees, social-democrats reject the market-liberal understanding of a union as nothing more than a "bargaining agent." As Kelly (2000b) posits:

> The Bill re-establishes the special character and nature of unions in our society. It accepts that unions are not simply the agents of individual members. It recognises that they are collective organisations. They must be independent...because their rules must provide for that. (Kelly, 2000b, p. 4163)

Rather, social democrats assert that unions are the means and instrument of workers to a fairer, balanced, just and democratic society.[9] Thus Wilson (2000b) contends:

> If we reflect on what a trade union is, we see that a union is a group of people coming together to further and protect their working interests.... In any democratic society we need balance. We need the legitimate interests of all parties to be represented effectively, and that takes place in the workplace just as it takes place anywhere else. The union movement historically has been associated with furthering the protection of democratic processes. (Wilson, 2000b, p. 4160)

The Meaning and Priority of "Freedom of Association"

A social-democratic view conceives of freedom of association in a positive form as freedom *to* join (as opposed to freedom *from*) or not to join a union, as a means to securing fairer/better wage/salary outcomes for workers. This freedom, however, and unlike the market-liberal view, is not unfettered; that is, if one wants to bargain collectively one must join or form a union. Thus Wilson (2000b) asserts:

> The criticism of the legislation - that it confers unions the sole right to negotiate collective agreements - is misguided. The Government is of the view that collective bargaining is a benefit that should be conferred only on those organisations that have demonstrated, through the registration process, that they are democratic, non-discriminatory, and independent from an employer. (Wilson, 2000b, p. 3963)

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[9] The ERA makes provision for the lawful operation of unions to participate in collective bargaining and other activities. Upon gaining legal registration a union is able to: (1) negotiate and enforce employment agreements; (2) take up safety and health matters affecting members; (3) provide and distribute information about unions; and (4) recruit new members.

Section 13 of the ERA requires unions to: (1) gain legal recognition by applying for registration to the Registrar of Unions (s15); (2) be incorporated societies with at least 15 members; and (3) have rules stating how committees are ratified, how officers are elected, and explicating the rights of members. The Act (s14 (1)(c)) also poses minimal conditions, upon the satisfaction of the Registrar of Unions, for the regulation and legal operation of unions. The union must demonstrate that it is a democratic organisation of employees that is accountable to its members; independent of employers; financially accountable; and has appropriate rules that are not unreasonable, undemocratic, unfairly discriminatory or unfairly prejudicial, or contrary to law.

Social Democratic View of Bargaining Structures

The social-democratic view has always supported collective bargaining through collective organisation, as indeed it is the core business of trade unions (Harbridge & Walsh, 1999). Collective bargaining is understood as the means of achieving a balance of interests for the advancement of a fair settlement that is acceptable and enduring (Wilson, 2000b, pp. 4212-4213). Distinct, however, to the ERA is the conduct of collective bargaining in good faith (Wilson, 2000b, p. 3963).[10] As Wilson (2000b) maintains:

> The Government's intention in this part was to ensure that the parties no longer could be involved in a "take it or leave it" attitude towards bargaining but were given some direction as to how to negotiate.... (Wilson, 2000b, p. 4213)

Whilst no particular level of bargaining is promoted, there has been a progressive evolution towards enterprise bargaining over a period of 50 years (Harbridge & Walsh, 1999), which was been supported historically, in controlled conditions, by the Labour Government in 1987 (Clark, 2000, p. 3966). Whilst under the ECA multi-employer agreements were extremely difficult to obtain, under the ERA they are permissible, but cannot be imposed without negotiation or through strike action. This is consistent with the good-faith provisions in the Act, which encourage the parties to make a genuine attempt at negotiation before such action as a strike or a lockout is used. Overall, the intent, asserts Wilson (2000b, p. 4213), is to encourage the parties to get agreement.

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[10] The ERA (ss 41-45) provides specific procedural requirements to enable the orderly conduct of collective bargaining on both a single and multi-party basis. Bargaining may be initiated by one or more unions or by one or more employers, where only registered unions and employers will be able to negotiate and enter a collective agreement. There are preconditions and additional rules particularly with multi-party collective agreements.

The ERA (ss 51-59) also outlines the rules relating to collective agreements. The basic rules maintain that every collective agreement has no effect unless it is in writing and signed by the parties to it; a union must not sign the agreement unless it has been ratified by its members; the agreement has a maximum life of 3 years; the collective agreement must state the terms of the agreement; it must describe the coverage of the agreement; and make provision for variations to the agreement during its term.

A collective agreement has an implied term that employees will continue to be employed by the employer for the term of the agreement. This does not, however, negate the employer's right to dismiss an employee for just reason and cause.

The Role of the State in Employment Relations

The role of the state with regards to the employment relationship from a social-democratic perspective is to ensure that power is distributed principally through industrial democracy by establishing a democratic process of collective bargaining for employment remuneration and conditions. This perspective views unions as a means to democratic participation, elaborated further by Helen Clark (2000):

> The objective is to restore fairness in the workplace; to build better relations between employers and employees; and to bring New Zealand back into the mainstream of labour legislation. (Clark, 2000, p. 3966)

Thus metaphorically, the social-democratic view of the role of the state can be termed as the "restorer of fairness."

Institutionally, the ERA establishes the state's presence in the existence and operation of specialist labour market institutions, such as, the mediation service, Employment Relations Authority (replacing the Employment Tribunal) and the Employment Court.

The mediation service operates on an informal basis and has been established to: support both collective and individual employment relationships; provide information about employment rights and duties, and what services are available; assist in the smooth conduct of employment relationships, and in the resolution of employment problems.

The Employment Relations Authority is an investigative body commissioned with the role of resolving employment relationship problems in a quick, informal and non-adversarial way. The Authority has discretionary investigatory jurisdiction and powers with the role of establishing the facts and making a determination according to the substantial merits of the case, without regard to the technicalities.

The Employment Court differs from the other institutions due to its judicial nature, focusing only on points of law. Further appeals can be lodged with the Court of Appeal.

Summary of the Social-Democratic Perspective

The social-democratic view is also founded in its basic assumptions of human nature and society: that is, the roots of human nature are found in social (collective) life; and humans are understood as essentially moral and good and can grow and improve in moral stature. Thus the social-democratic framework of employment relations privileges collective institutional design and organisation and ensures that the employment relationship is based on good faith, confidence, mutual trust and fair dealings. Unions are therefore a means to a fairer and more just society, and freedom of association is understood as freedom *to* join a union. Naturally support for union membership is concomitantly accorded with the support and promotion of collective bargaining. This views the state as establishing fairness in an inherently exploitative power distribution of the capitalistic market-economy.

The essence of the social-democratic perspective is that labour cannot be regarded as any other commodity, and the conditions of capitalism, if unchecked, are inherently exploitative of labour.

Summary

To date, the analysis has contextualised the historical unfolding of employment relations policy in New Zealand (step one) and framed the opposing views to the present debates (step two). This section of the analysis has discussed the way the employment relationship is conceived and shaped according to the ideological social choice of each perspective. Having constructed the contending frames (consisting of its basic ideas, ideology, interests, institutional arrangements, key provisions, actions, etc.) to employment relations policy, we now turn to the third step, an assessment of the contending positions against a Christian communitarian counter frame.

4. CRITIQUE OF THE CONTESTING POSITIONS AGAINST A CHRISTIAN COMMUNITARIAN FRAME

This next section, consistent with the third-step of a frame-critical policy analysis, evaluates these views against a Christian communitarian counter-system frame. This focuses on some of the fundamental differences espoused by

the competing frames over the key provisions in the *Employment Relations Act* 2000. This next section is therefore conducted in three stages: firstly, it analyses the key assumptions and presuppositions contained in the viewpoints' perspective of human nature and society; secondly, it evaluates the normative structural organisation of each perspective's preferred institutional arrangements; and thirdly, it investigates the foundational social ethic of each perspective.

Stage #1: An Analysis of Key Assumptions and Presuppositions as Contained in Human Nature and Society

Critique of the Market-Liberal View of Human Nature in the Employment Contract

As asserted above, the market-liberal view judges and values good employment law on the basis of two primary assumptions: the primacy of the economy (economic rationalism), and secondly, respect for individual choice as conceived in the wider notion of methodological individualism. These assumptions are grounded in the market-liberal view of human nature, which can be critiqued on a number of counts.

My first contention, which determines the following two, is that both the economic rationalist, and methodological individualist assumptions represent a reductionist view of reality. This narrow view of reality is termed by Dooyeweerd an "ism" (i.e. economic rational*ism*). An 'ism' absolutises, or raises above (in this case both the individual and the economic aspect) other aspects of meaning such as the moral, justitial, or the social aspects, such that the economic aspect becomes the interpretive basis of the whole, determining a "good social policy." The principle of sphere sovereignty requires that each aspect of reality is mutually "irreducible" and cannot be subordinated to any other aspect of reality (see Dooyeweerd's theory of modal aspects).

Thus, the economic rationalist assumption neglects many inherent social, moral and justitial aspects (the human aspects) involved in the employment relationship. All three Christian traditions canvassed in this thesis warn against reducing the human aspects of labour and work solely to their economic purpose. In considering labour solely according to its economic purpose, the

economic rationalist does not account for the spiritual and transcendent capacities of human nature. To quote John Paul II:

> This way of stating the issues contains a fundamental error, what we call the error of economism, that of considering human labor solely according to its economic purpose. This fundamental error of thought can and must be called an error of materialism, in that economism directly or indirectly includes a conviction of the primacy and superiority of the material, and directly or indirectly places the spiritual and the personal (man's activity, moral values, and such matters) in a position of subordination to material reality. (John Paul II, 1981, #60)

The individualist assumption on the other hand, neglects and refuses to acknowledge collective interests and a collective unit of desire. A Christian communitarian perspective, consistent with the social-democratic view asserts that groups, institutions and communities take on a life of their own and are not merely collections of individuals (Hucker, 1988). Thus groups develop collective relations and collective responsibilities that a purely individual ethic does not acknowledge, that is, they equal more than the sum of their parts. Again, this reductionist view of reality, neglects these inherent social and collective responsibilities, and has the effect of reducing the employment relationship to its bare minimum and individual legal standing - an employment contract.

Another criticism of the market-liberal perspective is its optimistic illusions of the individual morality of the employer. In maintaining an institutional imbalance of power, market-liberals assume that individual employers can achieve justice in the absence of an institutional balance of power.

This thesis considers, on the other hand, that the ECA has established a number of positive elements in the employment relationship, for example, the possibility for a closer relationship between the employer and employee, and a consolidated move towards deregulated enterprise bargaining (consistent with the principle of subsidiarity), and a degree of labour market flexibility. However, its basic assumptions reduce reality to the economic and individual aspects of human living, neglecting important issues of social justice, morality, and the communal nature of social life. These premises are not consistent with a Christian communitarian perspective.

Critique of the Social-Democratic View of Human Nature and the Employment Relationship

Nevertheless, the primary assumptions of the social-democratic view are also questionable. As per its first assertion of the sociality of human nature, the social-democratic view correctly moves beyond economic rationalism and individualism, considering the employment relation as a human relationship based on good faith and mutual trust, as these are human qualities of morality and are pertinent to the employment relationship. The social-democratic view thus acknowledges, intentionally or unintentionally, the collective and spiritual aspects of human nature.

However, it is the second assumption of human nature that the Christian communitarian frame disputes. The problem with the social-democratic frame is that it has an overly optimistic view of the human good, and the human ability to achieve these moral developments in history. Human sinfulness and falleness are attributed too enthusiastically to historical causes (the circumstances or environment) such that the belief is often held that it is the conditions under which humans develop that determine their character and nature. The key assumption is that "good-faith" employment relations can build afresh, through the use of reason and the right circumstances, to improve the conditions of human development, forming the character of humans anew. This argument is beautifully summarised by Wolf (1967) who asserts:

> A...critical problem has been the attempt to explain away historical evil in terms of institutionalism or psychological structures of personality. Since it was usually assumed that man could change these elements at will, this easy optimistic view rejected the Christian understanding of original sin as touching all aspects of the self.... The self righteousness which has attended some of these modern short-cuts to utopia has exacerbated the course of modern history and ought to have revealed the illusion of the simple perfectibility of man or of history as its own redeemer. (Wolf, 1967, p. 235)

Whilst the case may be a little overstated for the present situation, Helen Clark's (2000) speech to the House suggests that this argument may have some weight:

> Most employers are not bad employers. Most employers are decent people. But if we have bad law, bad employers will use it, and they did. This is good law that will build better relationships, and people will deal with one another in good faith.

> I believe that it has every prospect of bringing a more harmonious labour relations environment. (Clark, 2000, p. 3965)

This subtle assumption reflects a belief that if material circumstances are changed, then human nature will also be modified (Vincent, 1995, p. 96); it is the belief that in shaping the environment, that people will become good. Notwithstanding the ideological rhetoric, Doug Kidd (2000) typifies these concerns in the following statement:

> To legislate for good faith bargaining seems to me to declare the triumph of hope over experience.... But those of the socialist persuasion will never give up. Those of us of other persuasions know that one has to die to achieve salvation, but they believe that they can legislate for it. Despite 100 years of attempts, they have all failed...(Kidd, 2000, p. 4083)

A better environment does encourage better relationships, but a Christian view also considers that human nature is always fallen and corrupted by sin; that human will-to-power will always find expression in this new era of employment relations. Such a belief in the "harmonious employment relations" suggests an overly optimistic and idealistic view of the human vitalities and the natural egoistic desire for individual and collective power. Where Niebuhr (1960) asserts:

> The realists understand that certain perennial problems of political organization emerge in new forms, but are of the same essence on each level of the political integration of human society. The idealists are more conscious of novel and radical elements in a new situation and are more inclined to believe and hope that old problems and vexations will disappear in the new level of political achievement. (Niebuhr, 1960, p. 65)

It is essentially this possible lack of realism about the human condition that has historically been the Achilles' heel of the social-democratic perspective of employment relations. While its moral grounding is correct, its idealism of good faith, mutual trust and co-operation, underestimates the human condition of corruption by sin, and may encounter unexpected and unwanted consequences, circumventing its very goals of cooperation and productivity in the workplace. As such, I conclude with Boston (1999c):

> if social democrats are to recapture the moral high ground in the current policy debates, it will be necessary to combine vision and principle with hard-headed realism. (Boston, 1999c, p. 38)

A Christian Communitarian View of Human Nature and the Employment Relationship

> From this point forward it will be necessary to keep in mind that the main thread and, in a certain sense, the guiding principle of Pope Leo's encyclical, and of all of the Church's social doctrine, is a correct view of the human person and of the person's unique value, inasmuch as the human being "...is the only creature on earth which God willed for itself." God has imprinted his own image and likeness on human beings (cf. Gen 1:26), conferring upon them an incomparable dignity, as the encyclical frequently insists. (John Paul II, 1991, #11)

In rejecting the assumptions of economic rationalism, methodological individualism, and the over confidence in the human potential, a Christian communitarian view of human nature, and the employment relationship, is built upon four foundational principles: (1) the principle of humanity as created in the likeness of God and containing an inherent dignity; (2) the principle of coherent unity (nature and spirit); (3) the principle of corruption by sin; and (4) the sociality and interdependence of human nature.

As per the first principle, the Christian communitarian view and ethic recognises that humanity is made in the likeness of God and therefore contains an inherent dignity. Concomitantly, tied to a person's inherent dignity is the value of work as a crucial expression of their dignity and creativity. Whilst work is a means to economic provision, it is also a means for creative expression, self-development, physical and mental health and a means for human fulfilment and involvement in the community (see chapter four for the three-fold moral significance of work).

Inextricably linked to this concept is the second principle of humanity as a unity of nature and spirit. As argued above, this is based on the assumption that work and hence the employment relationship is not just a natural phenomenon but is also a spiritual activity. In this regard, these two principles are in agreement with the social-democratic perspective of the employment relationship as something more than a mere contract, affirming employment to be a human and social relationship. In this respect, the social-democratic perspective shifts the emphasis to a more correct view of the human person and the employment relationship.

A Christian communitarian view also attempts to be realistic in its assessment of human nature and thus recognises sin as a pervasive feature of humanity, that forbears itself on all aspects of human life. The force of sin in social life - which Niebuhr defines as the persistent tendency to regard the self as more important than the other - inherently limits the ability of human beings to transcend their own interests sufficiently and to envisage the interests of others. This affects even the most intimate of relationships. Thus employment legislation must consider the moral limitations of human nature, particularly in collective behaviour. This principle rejects the social-democratic tendency towards a too optimistic view of the human good and potential, underpinned by its "perfectibility thesis," whilst also rejecting the market-liberal belief that the individual morality of employers, within an institutional imbalance of power, can result in fair negotiations and a just outcome.

The fourth principle of the sociality and interdependence of human nature recognises collective relations and responsibility. Thus persons are not only atomised, self-sufficient, and abstracted individuals, but are essentially interdependent, social and historical beings. This view stresses the interdependent rather than the self-sufficient aspects of human nature and stands in stark contrast to the extreme assumptions of methodological individualism and economic rationalism in the market-liberal view.

In short, the market-liberal perspective over-looks the sociality of human nature, whilst the idealism of the social-democrats requires some hard-headed realism about the human condition. A Christian communitarian perspective views human nature and hence the employment relationship as: (1) grounded in the inherent dignity of work; (2) containing not only a natural/economic/material condition, but human/spiritual/moral elements also; (3) corrupted by sin and therefore requiring realistic measures to safeguard human will-to-power and self-interest; (4) an interdependent, historical and social relationship where employment relations contain both individual and collective properties, rights and responsibilities.[11]

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[11] See Elshtain, J. B. (1995, pp. 108-109). The communitarian individual. In A. Etzioni (Ed.). *New communitarian thinking: Persons, virtues, institutions, and communities.* Charlottesville, London: University Press of Virginia.

Stage #2: An Institutional Analysis

As noted above, there is some discrepancy between the market-liberal and social-democratic views of the employment relationship with respect to the nature and jurisdiction of unions and the state. This next section offers a critique of these arguments against a Christian Communitarian understanding of a business enterprise, labour union, and the state as contained in the principles of sphere sovereignty and the normative principles for technical and institutional arrangements.

Critique of the Market-Liberal View of Institutional Arrangements: The State, Unions, Collective Bargaining, and Freedom of Association

Whereupon the desires and interests of the individual are seen as sovereign, the market-liberal perspective affirms the right of employees to determine who should represent their interests in relation to employment issues; whether individually, through a union, or another employee association. Thus, freedom of association means complete individual freedom (*from* unions), such that unions are purely voluntary associations (of no special status or powers), and function as bargaining agents for individuals. Bargaining is conducted individually or by any employee association that the individual chooses.

The market-liberal view admonishes the social-democratic view of unions as conferring special privilege, status and powers, placing a governmental function on non-governmental and voluntary associations. Here, Simon Upton (2000) posits:

> Unions are not creatures of Government. They are private, non-governmental organisations, and they are being given powers by statute and a particular status. Then, having been given that status as one of the bargaining parties, they are being given the legal obligation and right to monitor the legislation....They are being given a unique legal status and personality. (Simon Upton, 2000, pp. 4162-4163)

And, as Hon. Dr. Lockwood Smith (2000b) asserts:

> Of course we accept the right of people to come together in their own interests; what we object to is legislation that gives powers beyond the powers that other people in society have - powers that give them the right to walk all over other people in our society. That is what we object to. Part 4 gives unions those powers, and they are objectionable. (Smith, 2000b, pp. 4160-4165)

Due to the market-liberal's radical commitment to individualism that conceives of all rights as individual rights, whereupon the state protects the rights of the individual, other societal structures are not recognised as legitimate governing institutions. Thus, the market-liberal view does not recognise the relative self-governing function of the family, voluntary associations, or the church, as containing its own inner nature and governing jurisdiction. Here Clouser (1991) writes:

> The individualist theory is closer to the biblical view with respect to its desire for a limited state, but by confining legal rights only to individuals, it slights the state's *public* duties. In addition it has difficulty with respect to the state's relations to other communities. For it has no way to limit the state's power with respect to them other than accepting the fiction that other communities are individual persons, and declaring the "internal" affairs of each community off-limits to the others (in a way analogous to the way each person's private life is off-limits to strangers). (Clouser, 1991, p. 277)

The plural nature of sphere sovereignty, however, emphasize that unions in conjunction with business (engaged in a bargaining process) have a specific lawmaking and jurisdictional function within the economic sphere, as do parents in the family sphere, etc. The principle of sphere sovereignty affirms that each typical structure in society has a governing jurisdiction, in that they exercise their justitial capacity in their own jurisdiction. Thus both unions and businesses are not "non-governmental" but have a relative justitial and governmental function pertaining specifically to the economic realm. Here, the principle of sphere sovereignty endorses a unique legal status and sphere of powers for unions. Sphere sovereignty recognises particular social spheres as individuality structures (existing within its own sphere as a whole) such that the state is required to protect and respect the relative self-government of that sphere.

Critique of the Social-Democratic View of Institutional Arrangements: The State, Unions, Collective Bargaining and Freedom of Association

Social-democrats, on the other hand, assert that the best means to industrial organisation is achieved through a collective rather than an individual approach to employment relations. Thus the social-democratic view interprets the

principle of freedom of association in less individual terms and promotes collective forms of industrial organisation giving the state a more positive role.

Whilst a Christian communitarian position does not agree with the social-democrat that employment relations are "best" conducted in collective terms, that is, that the collective is ontologically prior to the individual, it does assert that neither the individual nor the community are ontologically and normatively prior to the other. Both are distinct individuality structures, and both are mutually irreducible and presuppose the other. However, on a more policy and pragmatic level, the Christian communitarian perspective articulated in this thesis supports the social-democratic endeavour pertaining to this debate, as the historical context of employment relations has over-emphasised individualism. It thus recognises the need for more collective forms of social organisation to be nourished at this present time.

Again, this view can be critiqued on one of its foundational assumptions pertaining to the optimism and idealism of the human potential - its belief in the achievement of "good-faith" behaviour in collective organisation. The critical and realist reflection on human interaction in a Christian communitarian perspective questions the ability of collectivities to operate ethically in good faith, mutual trust and confidence, and views these assertions as optimistic. In this respect a clear distinction must be made between the moral and social behaviour of individuals (individual ethics) and social groups (social ethics).

Individuals may be moral in the sense that they are able to consider the interests of others, and are capable of preferring the advantage of others to their own. However, as Niebuhr (1960, p. 84) asserts "in every human group there is less reason to guide and check impulse, less capacity for self-transcendence, less ability to comprehend the needs of others, and therefore more unrestrained egoism than the individuals who compose the group reveal in their personal relationships."

As collective social groups are more self-seeking in nature than individuals, they must be constrained primarily by power, not ethics. Thus the likelihood of good faith, mutual trust, and cooperation with respect to collective organisation is questionable. As Niebuhr (1960) writes:

> The exercise of power requires more than the inner restraints of a social tradition or a moral mood, desperately as those are needed in some unions. It requires constitutional restraints. The...devotion to labor ought not to obscure the fact that even the best unions are defective in the constitutional safeguards against the misuse of power. (Niebuhr, 1960, pp. 223-224)

In reviving unions, it is human nature to wield any form of individual or collective power for one's own particular purpose. Its emphasis on "good faith" may overlook the fact that collectivisation is the primary means for wielding power. On this basis, the ERA may have the effect of making employment relations more confrontational, by creating a balance of employer and employee power. As the Christian Realist perspective states: the principle of equilibrium of power is a principle of justice insofar as it prevents domination, exploitation, and enslavement; but it is a principle of anarchy and conflict insofar as its tensions, if unresolved, result in overt conflict (Niebuhr, 1960, p. 107).

In summary, the social-democratic perspective of promoting union organisation is marred by optimism that collective power can be conducted in good faith, mutual trust and confidence. This analysis suggests that in collective conditions this becomes increasingly more difficult to achieve. Market-liberal individualism, on the other hand, does not ascribe any governmental function to voluntary associations. This assumption was repudiated on the grounds that unions in conjunction with business are self-governing entities within the economic sphere. What then of a Christian communitarian perspective of institutional arrangements?

A Christian Communitarian View of Institutional Arrangements

Sphere Sovereignty and Subsidiarity

The Christian communitarian perspective, founded on the principle of sphere sovereignty, classifies both business and unions as *voluntary organisations* which are *established for the attainment of certain goals and objectives*. Their voluntary nature makes them non-institutional communities (members can more easily able join or leave) as distinct from the institutional communities (marriage, family, state, and church) where people's membership tends to cover their

lifetime (Kalsbeek, 1975, p. 251).[12] Hence, the very nature of a union or business as a voluntary association requires the normative principle of "freedom of association" to be realised in its organisation.

From Dooyeweerd's theory of modal aspects we can identify the qualifying functions of a business and union.[13] The qualifying function of a business (noted in chapter two) is founded on the historical aspect and lead by the economic aspect, meaning that whilst the relation between an employer and employee contains social, moral, and justitial implications a business structure is qualified and founded on an economic basis. The structural goal-orientation of a business requires that all relationships *within* this work community are directed by the normative economic aspect (Kalsbeek, 1975, p. 254).

A union, on the other hand, is qualified by the founding historical aspect, and lead by the moral aspect:

> Dooyeweerd describes the internal leading function of a labour union...as a "moral bond of solidarity between the labourers typically founded in their organised historical vocational power to elevate labour to an essential and equivalent partner in the process of production." (Kalsbeek, 1975, pp. 252-253)

The structural goal-orientation of a union as a voluntary association means a union's primary purpose and objective, consistent with its qualifying moral aspect, is "to create and preserve the moral bond of *solidarity* among the workers and to "obtain the most favourable working conditions possible in accordance with human dignity" (Kalsbeek, 1975, pp. 252-253). Catholic social teaching ascribes a similar purpose to a union as to "secure the just rights of workers within the framework of the common good of the whole society" (Destro, 2000, p. 19).

A union achieves its major objective via its relationship with a business - which is termed by Dooyeweerd as an inter-communal linkage. The Christian communitarian perspective views the inter-communal linkage, being the

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[12] See Dooyeweerd's classification of social institutions (chapter three).

[13] See Dooyeweerd's classification of the "typical structures of a differentiated society" as they range across the aspectual modalities (chapter three).

bargaining or negotiating process, as an integral and essential form of inter-communal negotiations.

Having described the nature of a business enterprise and union as voluntary associations, specific norms can be inducted that should be realised within employment relations legislation. The implementation of these norms maintains the inviolable integrity of a business enterprise and a labour union according to its normative inner nature (sphere sovereignty).

Firstly, since both a business and union are according to their inner nature voluntary associational forms, membership in neither should be compulsory. Neither management nor union representatives have the right to coerce or cajole employees to join, or not to join, a union (or a business enterprise, for that matter) (Kalsbeek, 1975, p. 254). This aspect is correctly realised in the ERA.

Secondly, the democratic and voluntary nature of a labour union institution also requires that it should only bargain for those that are voluntarily associated, such that its inner nature does not warrant compulsory membership and exclusive bargaining power (Kalsbeek, 1975, p. 254). The maintenance of the bargaining monopoly of unions, whilst it retains many benefits and awards for members, was in my opinion the base error of the Conciliation and Arbitration system and was correctly disestablished by the ECA. These aspects of voluntary membership and non-exclusive bargaining power of unions (individuals are free to negotiate for themselves) are also correctly realised in the ERA.

The critique above repudiated the market-liberal perspective on its view of the non-governmental stature of unions. Whilst a market-liberal or even a social-democratic view may conceive of collective bargaining as simply a method of setting remuneration rates, hours required to work, working conditions, etc., the principles of sphere sovereignty and subsidiarity view these aspects as only part of what collective bargaining represents. Collective bargaining, as an inter-communal linkage between a business and union, is also a private law-making system, and a form of industrial participatory democracy or self-government (Kohler, 1993, p. 46). Thus, the Christian communitarian view interprets a contractual arrangement as a form of private law, a social self-regulating or self-governing relationship, placing a relative governmental function on trade

unions and business pertaining to the economic sphere. As Kohler (1993) writes:

> Collective bargaining can best be thought of as a private law-making system....a collective-bargaining agreement "is more than a contract; it is a generalised code" representing "an effort to erect a system of industrial self-government" by which the employment relationship may be "governed by an agreed upon rule of law." The affected parties alone are responsible for promulgating and administering this law, and its reach extends to virtually every condition of employment. (Kohler, 1993, p. 46)

A negotiating process will invariably erect an agreed private mediation system that is administered jointly by the employer and the union (i.e. a code of good-faith). The agreement will have jurisdiction over all kinds of matters and disputes that could arise between the parties, and, hence, the justitial law-making function of a business in collaboration with a union precludes state intervention through courts or mediation services. Bargaining, therefore, places the responsibility on the parties through a contractual agreement, whether individual or collective, to work out and maintain the order of the relationship for themselves (Kohler, 1993). It also enables the greatest possible responsible participation of employees in economic governmental process that directly affects key aspects of their daily lives (Kohler, 1993).

The Role of the State: Sphere Sovereignty and Subsidiarity

The Christian communitarian view as understood in the principles of sphere sovereignty and subsidiarity supports the self-regulating governance of non-state spheres, through the means of the bargaining process (inter-communal linkage) between a business and union. Their relative self-governmental function has the effect of placing a normative limit to the state's law interference, within the internal law-making function of the economic sphere (Cameron, 1994, p. 60).

Hence, it becomes the role of the state to recognise and integrate the internal legal spheres (law) of non-state institutions and communities,[14] and the juridical interactions (linkages) of individuals and communities into its public legal system (Cameron, 1994, p. 59-60). This notion is based on Dooyeweerd's

[14] For example, customary Maori law.

theory of modal aspects whereby private law, internal to non-state spheres, is an expression of the justitial modal aspect functioning within that sphere. With regard to the employment relationship, a contract or a collective agreement is the result of a law-making act internal to the sphere of freely interacting (voluntary) persons in economic relations (Cameron, 1994).

Sphere sovereignty and subsidiarity also imply that a business or a union, when practising as voluntary associations, have a right to be protected and fostered by the state when attempting to make an impact on society as voluntary associations.

The Role of the State: Solidarity

A Christian communitarian view also places solidarity as an essential and perennial principle in social organisation. As the moral aspect qualifies a labour union, described by Dooyeweerd as the "moral bond of *solidarity*," the ideal of solidarity thus also plays a large role in employment relations. Indeed, Pope John Paul II (1991, #10) affirms that solidarity is a foundational principle in Christian social and political organisation.

The ideal of solidarity, is in itself, however, a difficult concept to implement. Boswell (1993) therefore places "public cooperation" as a mediating concept and approximation of solidarity in the economic sphere. For Boswell (1993), the corollary concepts of public cooperation are mutual trust and confidence, which the ERA correctly identifies within its overall objectives.

For solidarity to be realised, Boswell has (1993) identified four structural factors that promote solidarity and its corollary principles in the economic sphere. These are: (1) continuity; (2) proportionality of organisational size; (3) transparency; and (4) proximity across sectional groups.

Firstly, solidarity requires continuity and loyalty from both the employer and employee. Employment legislation can contribute to mitigating needless volatility in the labour market by encouraging forms of stability, continuity and longevity in the employment relationship, valuing long-term service, and encouraging the development of networks (social capital).

Secondly, for the realisation of solidarity and mutual trust, this requires proportionality of organisational size. Boswell (1993) puts forward a "village-type" size organisational distribution as a structural principle making it more possible for shared duties and greater opportunity for participation and public cooperation. In the employment relationship, this principle suggests an enterprise bargaining model - also consistent with the principle of subsidiarity, such that bargaining should be promoted at a local level, encouraging local participation.

Thirdly, Boswell promotes transparency as a means of accountability, public cooperation, and mutual trust, whereby he advocates for statutory disclosure requirements to enforce a minimal degree of openness. Here Tam (1998) writes:

> The financial, social and environmental impact of the activities of large companies, especially when they involve mergers and takeovers, and of trade unions and pressure groups, would allow citizens to be aware of the full implications of what different groups are proposing. Coupled with this would be generally improved social monitoring of sectional organisations. (Tam, 1998, p. 99)

On grounds of solidarity, this thesis supports minimal statutory measures of information sharing for good faith bargaining provided in the ERA.

The fourth structural factor that promotes solidarity is proximity and communication across sectional groups. Here, the mixing of different sectional groups is an important feature in facilitating mutual trust, confidence, and good faith. As Tam (1998) contends:

> Trust, which is increasingly, if a little belatedly, gaining the recognition of economists as a crucial factor in business affairs, needs considerable cultivating. Yet trust takes time and effort to build up, and with opportunities for face-to-face interactions in the ever-expanding business networks very much limited, new arrangements have to be made to maximise the mixing of different sectional groups. (Tam, 1998, p. 99)

Communication and proximity across socio-spatial gulfs can be conducted on a number of levels and in various ways. One example might be a company/industry workgroup forum, for addressing industry-wide problems.[15]

Solidarity also invokes notions of safeguarding the rights of the poor and vulnerable as implementing a "preferential option for the poor." I support the new employee clauses in the ERA as consistent with this principle.[16]

The Role of the State: The Principle of the Balance of Power

The Christian Realism of Reinhold Niebuhr asserts two aspects of social power, which are essential and perennial principles of communal organisation that govern the human vitalities. These are: firstly, the balance of power and, secondly, the organising power of government.

As concluded above, collectivities are more self-interested than the individuals who comprise the group, such that, relations between groups are predominantly political rather than ethical and are determined by the proportion of power each group possesses (Niebuhr, 1949, pp. xxii-xxiii).

Thus the state as an organising centre has a role to redress the disproportions of power by conscious shifts in the balance whenever the present equilibrium makes for injustice (Hucker, 1988, p. 25). In the case of the employment relationship, this means a balance of bargaining power. As stated above, many academics agree that there is little doubt that one of the key objectives of the Employment Contracts Act was to weaken very substantially the trade union movement, whilst also, increasing employer prerogatives (Boston, 1992a,

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[15] Communication across sectional groups not only promotes trust and solidarity to deal with company/industry problems, but is also a means for policy debate and analysis. Public forums for periodical review and evaluation of the ERA could consist of representatives from (1) Council of Trade Unions; (2) Employers Federation; (3) the Mediation Service; (4) the Employment Relations Authority; (5) the Employment Court; and (6) the Department of Labour. This should be established within the Act, to periodically monitor its impact using key economic and social indicators to fine-tune the policy as necessary.

[16] The ERA (s62) correctly identifies a new employee as more vulnerable and makes provisions to ensure their adequate protection. In this, the Act goes beyond simple equality to ensure the needs of more vulnerable members involved in employment arrangements.

Walsh, 1999, Geare, 1992). The ERA, therefore, correctly ascertains that the government should seek to correct this imbalance.

The Role of the State: Managing and Mitigating Social Tension

However, while the principle of the equilibrium of power is a principle of justice, as it prevents employer prerogative and possible domination of the bargaining procedure, it also a principle of anarchy, in that if the tensions that the balance of power creates are unresolved, the conflict can become overt (Niebuhr, 1960, p. 107). Thus the tensions created by the new balance of power need to be properly mitigated. Policy should ensure that social tension is deflected, re-channelled and mitigated into productive ends.

In this respect I agree with Dr Boxall (2000, p. 13) that the goal of employment legislation should be to *conclude* collective agreements. He rightly comments that the right to strike and the availability of mediation in stalemate disputes are much more important than ambiguous clauses of "good faith," as much as good faith, solidarity, and cooperation are required.

The Role of the State: Encourage the Moral and Rational Resources of Human Nature

A Christian communitarian perspective also identifies a role for the state in the moral aspects of public life, and hence requires the state to encourage both the rational and moral resources of human nature.

For this reason, this thesis fully supports the ERA provisions for Employment Relations Education Leave (EREL).[17] Its object is to increase the knowledge of employees about employment relations for the purpose of improving relations between unions, employees, and employers; and to promote the object of the Act, that of good faith and cooperation in the workplace.

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[17] The ERA (ss 70-79) makes statutory provision for a union to allocate EREL to members of the union who are employed by an employer and are party to a collective agreement with that employer. An employee taking EREL is entitled to be paid ordinary pay by their employer. The calculation, allocation, and taking of EREL is calculated according to a formula contained in section 74 of the Act.

In accordance with EREL, the ERA establishes a state-funded contestable fund to finance the development and provision of employment relations education programmes, which may be delivered by unions, employers or other providers.

The state also encourages the moral and rational resources of human nature by asserting good faith behaviour as a norm in the employment relationship.

Summary

This concludes the institutional analysis. Clearly, the Christian communitarian normative principles for the technical and organisational arrangements of society contain many prescriptive applications, aiding the analysis, choice, and design of social policy.

Stage #3: A Social Ethics Analysis

Also central to the current debate are the social ethics and values that each perspective argues should underpin the employment relationship, that is, what values ought to be pursued, and what priority should be given to these values? Here, again, the market-liberal and social-democratic perspectives contest one another over pertinent issues of justice and corollary principles of freedom and equality.

The Market-Liberal Social Ethic: Justice, Equality and Freedom.

The market-liberal social ethic is contained within three pertinent issues regarding the provisions governing the employment relationship.

Firstly, market-liberals assert the primacy of individual freedom over and above any other social ethic. This concept of freedom defines freedom in its negative and formal sense as "freedom *from* constraint." Any provision that restricts individual freedom to choose is seen as a contradiction to freedom. Market-liberals contend the social-democratic provisions for freedom of association in the ERA over-ride individual choice and rights. This is flamboyantly expressed by Max Bradford (2000) who argues:

> Part 3 is a lie in the legislation. It is about freedom of association. Clause 9 talks about voluntary membership of unions. What a joke! This bill removes, for some, peoples rights not to belong to a union. The Minister will say: "But all we're doing is simply repeating the Employment Contracts Act.", and she would be right. But this Government has used sneaky little tricks, as in clause 68(1)(b)(ii), so anybody who wants to be part of a collective agreement has to be a union member. That removes people's right to not belong to a union. (Bradford, 2000, p. 4130)

Secondly, as market-liberals view the employment relationship as best established by two freely consenting individuals, and as long as these individuals are free from coercion, individual employees can negotiate on an *equal* footing with their employer. Market-liberals view the contract as just because it was freely entered into through consent. Thus market-liberals refute the idea that the employment relationship contains an inherent inequality of bargaining power, rather, they presume the employment relationship to be on an equal footing and thus negate the claim that the state should play a role in equalising power imbalances (Geare, 1992, p. 5).

The third issue illustrating the market-liberal social ethic is the idea that morality cannot be legislated for. Market-liberals argue that good faith, trust, and confidence, whilst desirable ideals, apply to all relationships and therefore a case cannot be made for special regulation of the labour market against such moral ideals as opposed to other forms of community (New Zealand Business Round Table (NZBRT), 2000). As the NZBRT assert:

> There is no reason why lawmakers should assume that mutual trust and confidence is more important in one type of relationship than another (for example than between a franchisor and franchisee). It this were the case, the logical extension of the argument would be to have strict regulation of family life, since this is presumably where the promotion of trust and confidence is especially important. (NZBRT, 2000, p. 18)

From these three issues of: individual negative freedom, the presumption of equality of bargaining power, and the inappropriateness of lawmakers to legislate morality, essential insight into the market-liberal view of justice can be gained. As Vincent (1995) writes:

> Justice for classical liberalism involves the maintenance of a general body of formal rules and procedures. It provides the over-arching structure, the rule of law within which individuals are protected in the pursuit of their interests. Law does not exist to interfere in particular human activities and choices. It is concerned with the conditions in which individuals express their preferences. Justice is not concerned with outcomes of preferences. Poverty, economic inequality or unemployment are not in themselves issues of justice. This particular notion of justice has been called 'commutative justice' and it has been contended that it is the essence of what liberals mean by justice. (Vincent, 1995, p. 41)

The Social-Democratic Social Ethic: Justice, Equality and Freedom.

The social-democratic perspective also contains a distinct social ethic pertaining to the three issues just referred.

Firstly, and as framed above, the social-democratic perspective argues for a more positive and substantial form of freedom as freedom *to* join (as opposed to freedom *from*) or not to join a union. This form of freedom is interpreted as the substantive ability of individuals and social groups to make meaningful choices, to participate in the community, and to develop and fulfil one's own potential. The social-democratic perspective thus advances a fettered freedom of association, constraining collective bargaining to unions alone.

The social-democratic perspective also views the employment relationship as containing an inherent inequality of bargaining power, defined as the extent of each party's ability to have a reasonable say in decisions affecting the partnership. Social-democrats typically argue that whilst market-liberals view the employment contract as just because it was freely entered into, through consent, the practice is in fact discriminatory and unjust, because the contract was made by two persons who were fundamentally on different ground. The employer could offer work at his/her choosing whilst the employee is constrained by his/her need to accept whatever work may be offered (Murphy, 1993, p. 22). Social-democrats therefore place great emphasis on the need to equalise bargaining power, as Harre (2000) points out:

> It honours a promise that was made to workers and employers...that when we had a chance to govern we would restore equality, or the greatest extent of equality possible, to the bargaining relationship.... All that we can hope to do with our industrial laws is enable people to bargain in the fairest possible conditions, which is why the promotion of collective bargaining, the protection for those who bargain individually, the requirements of good faith and honest dealings, and effective settlements of disputes will underpin the new laws. (Harre, 2000, Hansard, pp. 1168-1169)

Thirdly, while the market-liberal rejects any role for lawmakers to legislate morality within the labour market, social-democrats believe it is possible and furthermore desirable to legislate minimum good faith provisions, as this cannot be satisfactorily achieved through general contract law. As Liala Harre (2000) asserts:

> It articulates the view of this Government that employment is a social system, and that we should strive to the extent that a Parliament can strive, to design rules around the social relationships in employment that place the dignity of people at the forefront of our concerns.
>
> Disempowerment, exploitation, or abuse at work, can injure a person's dignity deeply. Any society that seeks to be a decent society must be allowed to look into its workplace relationships. We must take on the responsibility, as legislators, to ensure that those relationships reflect the dignity of every single person who participates in them. (Harre, 2000, p. 1168)

Critique Against a Christian Communitarian Social Ethic

The above description frames three issues within the provisions governing the employment relationship that reflect the position of each perspective on key ethical concepts and principles of social policy. Of primary contention in this debate is the relation between the principles of freedom and equality. These concepts are intricately related, such that it becomes difficult to discuss one without the other.

As already explicated, the market-liberal perspective takes a rigid form of individual freedom and absolutises the concept as the interpretive basis of the whole, thus overriding the concepts of equality and justice. Each of the three traditions explicated in this thesis asserted that the principle of freedom, on its own, is an inadequate principle for social organisation. Each tradition, rather, sought to consign freedom to justice, community and equality in a mutually irreducible relation. This negates any philosophy or policy that gives unrestricted reign and primacy to individual freedom. Thus according to a Christian communitarian perspective (and in accordance with the social-democratic perspective) the principle of freedom of association is a necessary and fundamental principle for voluntary association. However, it must be held in mutual irreducibility with the interests of equality of bargaining power.

As per the second issue, the inherent inequality of bargaining power is refuted by the market-liberal view as part of the "exploitation of labour" philosophy. This has the effect of dismissing and neglecting the concept of equality (or inequality), and the relative levels of bargaining power altogether, leaving the resolution of employment conditions purely to the forces of the market or the more powerful. But as Pope John XXIII (1961) affirms:

> The remuneration of work is not something that can be left to the laws of the marketplace; nor should it be a decision left to the will of the more powerful. It must be determined in accordance with justice and equity.... (John XXIII, 1961, #15)

Thus the Christian communitarian perspective, in contradistinction to the market-liberal view, asserts that the inter-individual/communal linkages (bargaining process), which lead to individual/collective agreements of freely and voluntary associating people (conceived here as a form of private lawmaking and a self-regulating system), presupposes that these negotiations must occur on the basis of equality. And by inference, where inequality of effectual bargaining power exists, government intervention is required to ensure that this is provided for.

However, while the provisions of the ERA are supportive of the present view, the philosophical underpinnings of the social-democratic perspective are also questionable. Thus, in contradistinction to the social-democratic viewpoint, the Christian communitarian perspective understands that the inter-individual/communal linkage (bargaining process) cannot be construed as a struggle between two classes - interpreting the employment relationship as an envious relationship. Nor is the employment relationship to be construed as an adversarial relationship, between the interests of workers (labour) and management (capital) *within* the organisation - interpreting the employment relationship solely in power terms (Kalsbeek, 1975, p. 254). On the contrary, Christian communitarianism conceives of the employment relationship as based on the norms of equality of bargaining power and the mutual dependence and cooperation of workers (labour) and management (capital). This is also asserted by John Paul II (1981a, #58) who teaches:

> Opposition between labor and capital does not spring from the structure of the production process or from the structure of the economic process. In general the latter process demonstrates that labor and what we are accustomed to call capital are intermingled; it shows that they are inseperably linked.

Thus, whilst it is pleasing to see that these norms are correctly identified within the provisions of the ERA, Christian communitarianism also contends with the social-democratic philosophical basis of the "inherent" inequality of bargaining power. But in policy terms, and in congruence with social-democracy, the

present view accords that the employment relationship should be based on the fairest possible bargaining conditions.

On the whole, the social-democratic perspective acknowledges individual freedom in a positive form, but curbs freedom in an attempt to achieve some form of bargaining equality and social justice. The social-democratic perspective, of the two, appears to achieve the most appropriate balance between the values of freedom, equality, and ultimately justice. It approximates[18] most clearly in this circumstance the appropriate balance between the mutual values of freedom and equality in a mutually irreducible relationship. Thus, the Christian communitarian perspective, as appropriated in this thesis, supports the measures contained in the ERA as a more adequate balance between the interests of freedom of association and equality of bargaining power.

As per the third issue, that of legislating a basic level of morality, the market-liberal perspective argues that good faith, trust, and confidence, apply to all relationships and therefore a case cannot be made for special regulation of the labour market as opposed to other forms of community.

Again, the market-liberal perspective can be critiqued on the basis of its philosophical equipment, that of the ontological primacy of the individual. The market-liberal viewpoint cannot distinguish and therefore overlooks the distinct inner normative nature of various forms of community, having no philosophical grounding to discern the inner normative requirements of the economic sphere

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[18] Employment law is understood in this thesis as merely an approximation of justice, equality and freedom, such that there can no perfect solution to the relation of these values. Niebuhr (1944) argues this point well: "The debate between those who see the necessity of freedom and those who desire more social control in the community is not merely ideological conflict and the opposing protagonists are not merely retionalizing their class interests. The issue is a real one; and that means that the two positions are not equally false or equally true. Since freedom and community are partially contradictory and partially complementary values in human life, there is, however, no perfect solution for the relation of the two values to each other. This means that the debate on how much or how little the economic process should be brought under political control is a never-ending one." (Niebuhr, 1944, pp. 149-150)

"On the other hand there is always an "ideological" element in the debate. Those who have great power and would like to preserve it, desire a social situation in which "individual initiative" will be preserved. Those on the other hand who are particularly exposed to the perils of a highly interdependent industrial process and who periodically become victims of its dislocations and maladjustments, naturally desire "social security" as the primary goal of the community." (Niebuhr, 1944, p. 150)

toward the labour market and how the form and nature of that jurisdiction differs from that of other areas of human endeavour (i.e. the family).

Contrary to a market-liberal view, and again in accord with the social-democratic viewpoint, Christian communitarianism argues that basic personal morality cannot be legislated for, but minimal standards of behaviour can be regulated, and thus, law invariably contains a moral element. As Wogaman (1988), citing Martin Luther King (1963), argues:

> Morality cannot be legislated, but behaviour can be regulated. Judicial decrees may not change the heart, but they restrain the heartless.... The habits, if not the hearts of the people, have been and are being altered everyday by legislative acts, judicial decisions and executive orders. (Martin Luther King (1963), cited in Wogaman, 1988, p. 230)

The opinion of this thesis is that the state cannot avoid legislating minimal social morality; that law will invariably uphold certain moral standards whether desired or undesired. The question, therefore, is not whether one should or should not legislate basic social morality, but by what moral standards is law being formulated?

In response to this question the social-democratic perspective asserts that employment law should be underpinned by values of human dignity,[19] good faith, mutual cooperation, etc. To return to the position of Liala Harre (2000), Associate Minister of Labour:

> It articulates the view of this Government that employment is a social system, and that we should strive to the extent that a Parliament can strive, to design rules around the social relationships in employment that place the dignity of people at the forefront of our concerns. (Harre, 2000, p. 1168)

It is precisely this attitude that is consistent with Christian communitarianism. As ascertained in CST, the principle test of the "justness" of public policies is what the policy does *to* people, *for* people, and how it assists people to *participate*. And as John Paul II (1981a) teaches, human dignity requires the primacy of the person over things.

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[19] The ERA provides a number of measures with regard to human dignity. This includes (1) tightened personal grievance rights and remedies (ss 123-128), but places the primary remedy as reinstatement (s125) where this is sought by the complainant (refer

Clearly, the market-liberal emphasis on the economy and labour market flexibility, whilst important goals, loses sight of the primacy and dignity of those party to the economy – the people, both individuals *and* collectives. This view, does not readily consider human dignity as a legislative priority. Rather, the ECA limited the Court's ability to vary or cancel exploitative contracts, by applying an unusually high (criminal) standard of proof to a civil matter (Walsh, 1992, p. 68). Courts are not required to apply such a high standard in other civil cases, and it is evident that this provision was inserted to limit the Court's ability to vary or cancel exploitative contracts (Walsh, 1992, p. 68).

Also, of considerable importance to Christian communitarianism is the "preferential option for the poor." As such, employment law should consider the more vulnerable and powerless (the unskilled, poorly educated, women, ethnic minorities, disabled, etc.) and aim to protect their interests from exploitation. The ERA is most consistent with this social ethic making special provision for the new employee at the most vulnerable stage of the employment process.

Put very simply, the ERA provides for freedom of association; establishes a fairer balance of bargaining power; and has the greatest positive affect on human dignity, as measured by what the policy does *to* people, *for* people, and how people *participate*. The social-democratic perspective is therefore the closest to approximate conditions for human dignity and justice in the employment relationship.

Summary.

This concludes the third step and the third stage of the Christian communitarian counter-system analysis. This stage of the critique clearly finds the social-democratic perspective to be morally and ethically more consistent with a Christian communitarian social ethic.

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to solidarity); (2) empowerment through the inherent shift in bargaining power which attempts to achieve a more equitable bargaining relationship.

5. CONCLUSION: FRAMING THE CHOICE AND DESIGN OF EMPLOYMENT RELATIONS POLICY

From the preceding analysis, a brief summary of the major principles and objectives for a Christian communitarian view of employment relations legislation would read as follows. Employment law should:

- be founded on the premise that work is a crucial expression of human dignity and creativity;
- recognise that the employment relationship is a human relationship and must be built on moral principles of good faith, mutual trust, confidence and honesty;
- encourage the moral and rational resources for good faith behaviour;
- preserve the integrity of voluntary association in the principle of freedom of association and individual choice.
- promote the principle of solidarity (cooperation) between employer and employee as a principle of productivity;
- ensure a balance of employee and employer bargaining power;
- promote the means of collective bargaining and work-group forums as economic and industrial self-government;
- mitigate social conflict into productive ends through problem-solving and mediation for quick and conclusive collective bargaining.
- recognise and encourage an economic social responsibility. Employers contribute to the well-being of those employed in the business. Good employment relations therefore contribute to the wider welfare mix and provision.

On the whole, these principles are more visible in the ERA than the ECA. I therefore maintain that the ERA is a markedly significant leap forward in the on-going development and debate of industrial relations in New Zealand. It maintains a tricky balance between issues of economics and social justice. In this sense, I believe that the ERA is a closer approximation of justice in employment relations than its predecessors. It correctly identifies the moral

requirements needed for a productive working relationship between employer and employee, recognising the human person as a social being; instituting the requirements of justice in a balance of bargaining power, whilst maintaining freedom of association; and gives a measure self-government inherent in the law-making function of voluntary associations. I therefore support the ERA on the basis of its consistency with the principles as outlined within the Christian communitarian frame.

This normative and theoretical analysis demonstrates how a Christian communitarian frame of social choice might think about and analyse pertinent policy issues, giving directive guidance to the design and choice of social policy. The ERA has been an excellent example to utilise a Christian communitarian theoretical frame. This is attributed primarily to the fact that the debates surrounding its enactment are very ideological in nature, where basic definitions of what is perceived to be fact, and a desirable and valued state of affairs, are highly contested.

Chapter Seven

SUMMARY & CONCLUSIONS

Social Policy in a Christian Frame of Meaning

1. INTRODUCTION

As indicated throughout, this thesis has examined social policy in a Christian frame of meaning, canvassing Christian theological, social, political, and moral theory for the thinking, reading, and analysis of social policy. This final chapter wraps-up the investigation by summarising and highlighting key findings that have become evident while undertaking the study. This is conducted in a cross-section summary, systematically demarcating the conclusions already reached throughout the text. The chapter then draws attention to the limitations of the study, provides possible avenues for further research, and closes the commentary with a final sentiment.

2. SUMMARY OF THE THESIS

Three Fundamental Ideas and Two Research Questions

The research began with three fundamental ideas which were developed into two research questions: Firstly, the idea of perspective was asserted, whereby the study employed three levels of perspective: a general Christian meta-physical world-view with which the research began; a political ideology as a theoretical framework for social policy; and a situation-specific frame of meaning, containing both a world-view and theoretical frame. The second idea of the study emphasized that social policy is conceived in terms of one's political ideology, of which the chapter asserted a four-component categorisation to organise the theory exhibited and examined in the study. The third idea, in a similar vein, asserted that all social judgement (scientific or

political) is ultimately influenced by the presuppositions contained in one's world-view. From these three preliminary notions the following research questions were developed. Whilst the questions themselves are simple, the task they set has proved to be an ambitious project.

Part one, contended with the question of how to think and reflect theoretically about social policy, given that I begin from a Christian world-view. Moreover, having begun with inherent Christian presuppositions, and having developed a normative theoretical framework for which to read and think about social policy, part two, corresponded to the second research question, and preceded to orchestrate a "Christian communitarian frame" and examine how to relate this theoretical framework developed in the engagement and analysis of social policy. This was then illustrated in chapter six to recent changes in the provisions governing the employment relationship.

This process has clarified and provided significant theoretical constructs, principles, and ethics, which assist as a hermeneutic or a normative interpretive perspective guiding the thinking, reading and analysis of social policy. The essential utility, therefore, of this thesis is encapsulated within the following quote:

> When someone asks you what your position or policy...is on a particular...issue you would probably answer in terms of three Ps: under Principles you would state the hermeneutical (interpretive) presuppositions and guidelines you use in approaching a particular issue; under Particulars you would state the specific conclusions which in context flow from your Principles; and under Procedures you would show how you would implement and apply your Particulars in a way that would be consistent with your Principles. (Kickasala, 1984, p. 113)

An Exploration of Three Christian Traditions for the Development of a Theoretical Framework

Having identified the research objectives and the four-component categorisation for which the theory is to be examined and organised, the investigation proceeded to explore three Christian traditions, each contributing to a Christian theoretical framework.

Considerable attention has already been given to the many theoretical constructs and themes discussed throughout and these are summarised in the

chapter five synopses. I do not wish to reiterate these again here. However, there are some general overall observations that do require mention.

Probably the most striking element of the theory examined was that the Christian standpoint has a very clear position and doctrine of human nature and the human condition, providing essential assumptions, insights, and moral guidance into a political wisdom for social policy. Over the development of the study, the relevance of the Biblical account of human nature to social life as contained in the first chapters of Genesis, became extremely transparent and impacted upon me significantly. Niebuhr's Christian Realism applied very powerfully the traditional Christian theological doctrines of human nature to the social and political life of modern culture.

Another very striking element revealed in the theory was that Christian thought maintains a distinct view and construct of the technical organisation of society and its social institutions. Each tradition asserted a plural form of social organisation, giving legitimate scope to the relative autonomy and development of all kinds of community. The state was recognised as one legitimate form of community. Each tradition also rejected the extremes of libertarianism and socialism and opted for some form of middle ground. This thesis therefore understood the social theory of each tradition to be most consistent with communitarianism, and thus developed a Christian communitarian theoretical framework. The plural nature of Christian social theory was also rooted in theological notions of the divine sovereignty of creation, creation ordered through law, and the mutual irreducibility of creation (sphere sovereignty).

Probably, however, the most well known aspect of a Christian response to social policy are the social ethics that the Christian position asserts. The Christian tradition in general has always maintained a consistent body of social thought on the morality of the social, economic and political order. Having explored these avenues, it can be concluded that these principles, contained in a Christian view of human nature, social institutions, and social ethics, make a perennial and distinctively Christian contribution to any adequate social and political theory.

Another observation over the process of the study was the interdependent and interconnected nature of each tradition. Whilst each tradition contributes and

comments on each element of the theoretical framework, each tradition also displayed a particular strength and articulated more systematically or more insightfully one particular component, than did the other traditions. As such, the Christian Realist tradition excelled in the Christian conception of human nature, providing deep insights into individual and collective behaviour in the struggle for power. The Reformed tradition was unsurpassed in its systematic institutional and organisational social theory, whilst the Catholic tradition focused on the ideals to which society ought to be orientated, thus explicating most systematically a Christian social ethic. Each tradition's specialty therefore contributes in consecutive order to each component of the theoretical framework as articulated above.

And finally, in examining a general world-view and ethic for the construction of a theoretical framework, the study also found a very ambiguous line between the disciplines of theology, philosophy and ethics. Each tradition, particularly the Realist and Reformed traditions, tended to bridge the disciplines for their application in political and social ethics. Thus as Davis & Good (1960) assert:

> For Niebuhr, theology and politics are not really distinct fields, but two perspectives on a single reality, each helping to illumine the data of the other. His central concerns clearly bridge the two disciplines: the nature and destiny of man, the perplexities of social ethics, the conditions of human community. (Davis & Good, 1960, p. vii)

Critique of the Theory

Upon the exploration of these three traditions, the study also very briefly critiqued and assessed the theory and therefore concluded on a number of findings.

The thesis argued that whilst Reinhold Niebuhr considers political realism as the disposition to take into account all factors in a social and political situation that offer resistance to established norms, Niebuhr himself did not carefully enunciate what the specific norms exactly are, or should be. This was accorded primarily to his unclear articulation and unsystematic approach to political and moral theory. The thesis concluded that Niebuhr's lack of systematic social theory, particularly a normative theory of the structure of society, is a limiting factor in the effectiveness of a Christian Realist, and therefore requires

Niebuhr's thought to be supplemented by a tradition of a more systematic and structural nature. The thesis then turned to the cosmonomic and sociological thought of Herman Dooyeweerd of the Reformed tradition.

The strength of the Reformed tradition lay in its clearly articulated structural account of society, enunciating the inner normative nature of typical social structures, and providing an indispensable law-framework for preserving the integrity of each societal sphere, establishing a unique platform for the normative design and approach to social policy.

The thesis found, however, that Dooyeweerd's law-framework lacked a sufficient account of the subject-side of modal aspects; the human response required to operationalise the normative sphere-laws. The thesis argued therefore that Niebuhr's Christian Realism and Dooyeweerd's law-framework are complementary. Dooyeweerd articulated the law-side, the ontological form and structure of society (based on the Christian motive of "creation"), whilst Niebuhr expressed the nature of human behaviour within the structures of society (based on the Christian motive of "fall into sin"), displaying significant insights into the complexities of human power and self-interest in social life. Niebuhr, on the other hand, lacks organisational structure to his thought and theory of society and the state, therefore requiring Dooyeweerd's systematic structure. Dooyeweerd gives no account of the dynamics of human vitality in the political and policy process, and is thus supplemented by Niebuhr's insights to human self-seeking and pride-to-power.

The Catholic tradition focusing primarily on the ethics and morality of social life provided the most systematic and universally accepted Christian account of social ethics. The thesis also critically interacted with the Catholic tradition, which was assessed in two stages – its social theory, and its moral/ethical teachings. Firstly, the thesis concluded that whilst the tradition's doctrine is generally endorsed, it's teaching on social institutions remains ambiguous and uncertain. As such, this thesis stood primarily on the Reformed social theory, opting for a modified principle of subsidiarity (Chaplin, 1993), which responds to Dooyeweerd's criticisms of Thomist social theory.

Secondly, the thesis also discussed the Catholic tradition's tendency toward idealism, and, at times, the tradition's unrealistic analysis of the human

condition. The thesis concluded that the general ethical thrust of the tradition requires a more realistic analysis in light of the complexities of individual and collective self-interest and power. The various ethical themes conveyed within CST, are therefore held in this investigation as basic moral ideals for which one should strive, but indeed they need to be coupled in a dialectical sense with the Christian Realism of Reinhold Niebuhr.

The surveillance of these three Christian traditions as contributories to a theoretical frame has therefore taken an eclectic approach to the theory, focusing primarily on the mutually supportive aspects of the three traditions. The study found a triangular relationship between the three traditions, that of mutual weakness and therefore mutual compatibility. It found that each tradition acted to compensate and supplement the weaknesses of the other. The Realist tradition maintained a consistent human element of human self-interest and power in social life, therefore appending both the Reformed and Catholic traditions. The Reformed complemented the Realist and substituted the Catholic social theory with a systematic theory of the structure of society, whilst the Catholic tradition provided the Reformed and Realist traditions with the systematic moral and ethical ends (telos) for which Christian social action ought to be orientated.

The eclectic theoretical approach, however, is not unfitting considering the broad nature and extent of the theory. As Vincent (1995, p. 19) discerningly comments, all political ideologies are a conjunction of intellectual hybrids, that there is no pure and one true doctrine from which to interpret all social life. Thus, he writes:

> A further point to note is the interweaving and overlapping of ideological continuums at both fundamental and operational level. Often, the same basic unit, idea, argument, technique or thinker will be used by apparently quite alien ideologies for different reasons and outcomes. This overlap...gives rise to titles like liberal socialist, liberal conservative...Ideologies are complex structures of discourse which carry immense amounts of inherited, interwoven intellectual baggage, often increasing by year. (Vincent, 1995, p. 19)

The Development of an Approach to Social Policy

Over the course of the present investigation, these theoretical findings have contributed not only to the philosophical constructs (reviewed in chapter five) for a Christian communitarian frame, but also a general attitude and approach to social policy. The approach developed in this thesis is a hybrid of the major ethos and orientation that characterises each tradition. These are each briefly explained as follows.

A Realist and Responsible Approach to Social Policy

Any person involved in politics or social policy must approach the discipline with a firm grasp of the realities of social life. The perspective of a Christian Realist emphasises the distance between ethical or religious norms and political realities (Messer, 1984, p. 80). This approach is based on the tenet that while Christian social ethics provide valuable and essential insights for assisting and guiding policy, these teachings are neither a set of inflexible standards or rules nor an absolute identification and automatic programme for particular policies or programmes (ibid, p. 82). Messer (1984) places them, rather, as an "aid in the accuracy in guidance." Thus, he argues:

> The temptation in political ethics is always to simplify. The human desire is ever wishing that decisions could be easy. But the Christian in politics knows that there are no shortcut solutions to complex questions and no panaceas for ambiguous political problems. The seductive option is to pretend that the concepts of "love" or "justice" can readily by applied to circumstances and to claim that right and wrong can be discerned quickly in any situation.... But truth demands that we juggle and adjudicate many more considerations and concerns in the decision-making process. (Messer, 1984, pp. 82-83)

A Christian Realist perspective also understands that policy and politics are ambiguous matters. There is no automatic connection between the Christian faith and policy (ibid, p. 113). The purpose of this thesis is to clarify policy within the Christian framework of thinking, but does not ascertain particular policy prescriptions as self-evident. In this regard, hard-work, prudent clear thinking, and a little pragmatism are essential virtues in a political wisdom.

A Christian Realist approach also recognises the limitations of perspective. Niebuhr (1953, p. 22) emphasises that particularly with political problems, there

is much confusion in both Catholic and Protestant circles over the effort to claim some ultimate sanction for what must always be hazardous and tentative opinions. Niebuhr (1953) writes:

> In this tendency I can see little difference between some theologians and some modern scientists. Both of them tend to appeal to what is to them an ultimate authority to sanction judgements which do not flow inevitably from either the Christian faith or from the "scientific method." (Niebuhr, 1953, p. 22)

It must also be realised that solutions are proximate and partial to the ideals of love and justice, that is, the ideals can never be fully realised in reality. As Messer (1984) affirms:

> In the tradition of Christian realism, it struggles to interface the ideals of humanity with the realities of human existence. The test of a political ethic is how effectively it can deal with both the "ideal" and the "real." If it only offers platitudes of universal love or utopias of human harmony and does not cope with the nature of humanity or the structure of actual social systems, then it is of questionable use to the conscientious decision maker. (Messer, 1984, p. 115)

An Approach that Recognises Distinct Jurisdictions of Society and Their Inter-Relationship

The Reformed tradition has also not only contributed theoretical constructs, but an attitudinal approach towards the legitimacy and necessity of the whole of society (creation). Sphere sovereignty, understood as the mutual irreducibility of creation (not sphere autonomy), considers the distinct nature, contribution, and destination of all various kinds of communities. This plural view of society rejects the notion of various typical communities as merely parts of the state, nor does it consider the state as the highest form of community, but establishes that each community is mutually irreducible, existing in plural-form. Each community also contains its own inner destination or calling, and should be developed according to its own inner nature. This theoretical construct warrants a very different attitude and approach to social policy, and is a far cry from an individualist or collectivist view of society. The principle of sphere sovereignty is thus a defining Christian principle and contributes markedly to a Christian theory of society.

This can be demonstrated with reference to debates about welfare provision. Much of the welfare debate in earlier years seemed to be caught in a dualistic

tension between the Scylla (increased state intervention) and Charybdis (privatisation) of welfare (De Goede & Nelissen, 1999). However, many across the political spectrum have attempted to transcend this dichotomy and sought a "third-way," by seeking other social structures to mediate between the state and the individual (Chaplin, 1993). The path of the "third-way" appears to be recognising other forms of community as legitimate forms of welfare. For example, recent developments have brought the recognition and incorporation of the voluntary and informal (family) sectors into policy discussions, which are again being seen as legitimate forms of welfare and care (Ungerson, 1998).

The principles of sphere sovereignty and subsidiarity are thus essential for the future development of social policy and the state's role in welfare. In essence they assert a plural-form approach to the provision of welfare; that is, the recognition of distinct forms of community such that welfare is provided according to the nature of each form of community. In similar fashion, Novak (1984) explicates these ideas as follows:

> The ideal of democratic capitalism is to bring the three independent, interdependent systems - the political system, the economic system, the moral-cultural system - into harmonious collaboration. Moral cultural institutions such as churches, the schools, families, and the press cannot meet our social problems alone. Economic institutions such as the great corporations, the unions, and small businesses cannot meet then alone. Political institutions such as the agencies of government cannot meet them alone. If it was an earlier error to reply solely upon individuals, and a later error to reply too much upon the state, self-knowledge suggests a new approach to public policy through empowering other social agencies besides the state. Adopting it step by step and pragmatically, sorting out what works and does not work.... (Novak, 1984, pp. 207-208)

An Attitude that Approaches Social Policy in Compassion for and the Centrality of the Human Person

Whilst a realist and responsible approach to social policy, and a plural-form system of social organisation is asserted, these must be orientated towards fundamental Christian ideals. The ideals of social justice, solidarity, the common good, community and participation, must be at the heart of one's approach to social policy. Probably the foremost ideal however, is a commitment to the dignity of the human person.

Christian social thought has always maintained a focus and intensity on the value and dignity of the human person as "made in the image of God." This must be recognised in one's approach to social policy. Many Catholic social teaching documents espouse that all policies, institutions, social structures, and economic systems should be built on the principle of the transcendental dignity and worth of human persons. The central test of one's approach to social policy is what the policy does to people, what the policy does for people, and how it assists people to participate.

Thus social policy in a Christian frame of meaning is captured in the following Maori proverb by Meri Ngaroto of the Te Aupouri:

> He aha to mea o te ao? He tangata, he tangata, he tangata! (Glossed as: What is the greatest good in the world? It is humanity, it is humanity, it is humanity!) (Cited in Henare, 1999, p. 58)

The Development of a Method for Social Policy Analysis

Germane to the second research question, the study also attempted to develop a method for the engagement of the Christian communitarian theoretical frame in the analysis, choice and design social policy. To this end the thesis developed the idea of a frame-critical policy analysis.

A "frame-critical" inquiry takes whole frames of meaning as the object of its analysis, probing the perspectives by which opposing actors see reality and respond to it. As such, a frame provides a wider structure by integrating interests, actions, theory and facts, enabling the analyst to go beyond theory and deal with the normative action implications of the perspective.

The study also discussed the notion of the normative and value inclusive Christian communitarian frame as a counter-system with which to dialectically critique contending policy viewpoints as grounded and framed in ideological social choice. As a "counter-system," the analysis provides a point of engagement for the Christian theoretical framework explicated. This gives the policy analyst a normative standard and ulterior system (macro-level evaluative tool) to evaluate the existing social order based on the assumptions contained within the Christian communitarian perspective.

This approach to policy analysis enters the policy discussion through the disciplines of applied political and moral philosophy/theology. The study is philosophical in the sense that it focuses on root ideas and basic presuppositions that shape and drive social policy.

The thesis also developed a four-step method for the practical engagement of a Christian communitarian frame in a frame-critical policy analysis. This is also summarised in chapter five, and utilised in the analysis of employment relations policy in chapter six.

Analysis of a Social Policy Issue: Employment Relations Policy

Having developed a Christian communitarian theoretical frame and a method for the analysis of social policy, these findings where then utilised in a frame critical analysis of the contending perspectives debating the provisions of the Employment Relations Act 2000.

The analysis briefly outlined the basic historical unfolding of the provisions governing the employment relationship, and sought to frame both the market-liberal and social-democratic perspectives. These viewpoints were examined and dialectically critiqued against a Christian communitarian counter-system.

Again, these findings are summarised in the conclusion of chapter six. Of importance here, however, is the conclusive fact that the normative and theoretical analysis demonstrated the utility and procedure of a Christian communitarian frame engaged in the analysis, choice and design of social policy.

3. LIMITATIONS OF THE STUDY

The very nature, scope and parameters of the study mean that inevitably there are limitations to the research.

Consequently, the first limitation must be the theoretical nature of the investigation. The study's emphasis on the thinking and reading of social policy, limits the data collection and discussion to philosophical and theoretical concepts. The theory explicated in the above chapters merely guides an

approach to social policy and how issues can be defined from a Christian communitarian perspective. In this, the theoretical framework contributes in some way to a situation-specific frame, but it is by no means sufficient within itself. Social policy is a field and draws on many disciplines, such that social, political, and moral philosophy are only some of the many disciplines that contribute to an adequate assessment of social policy. The method employed therefore in this investigation has considered empirical situation specific evidence.

A concomitant limitation, which also pertains to the nature of the study, is the normative focus of the investigation. At many times throughout the policy process, there is little guidance in the theoretical and normative nature of a political, social or moral philosophy. Social policy requires technical specialists with expert knowledge in economics, sociology, political science, management and other disciplines. Whilst these sciences too have normative and philosophical assumptions, they also have a unique and distinct contribution to policy. As argued in chapter five, the normative approach views empirical methods as fundamental to research, but such empirical findings are not exclusive to normative considerations. For the application of this Christian communitarian frame to specific social problems and policies, policy analysts will also require more definitive theory, empirical data, and other technical analyses.

Finally, the exploratory nature of the investigation also means the study is limited in scope. An explorative study is germane to a more general overview, sacrificing depth in order to gain breadth. To some extent, this will invariably do an injustice to and may even misrepresent the intricate patterns and complexities of each theorist. Concomitantly, it may neglect to inform of the variation of opinion contained within each tradition.

4. FURTHER RESEARCH

As just stated, an exploratory study can always be charged with neglecting the particular, and it is therefore appropriate to briefly explicate future directions in which the gap between breadth and depth can be closed. The following comments indicate further research of a theoretical nature.

Firstly, as Boston & Cameron (1994, p. 7) assert, there is a dearth of serious, in-depth analysis of contemporary economic and social policy issues in New Zealand, particularly from a distinctively Christian perspective. It is hoped, therefore, that this research may contribute an incremental step toward articulating a theoretical frame that informs a distinctive Christian perspective on contemporary economic and social policy issues. Nevertheless, there is always need to continually assess social, political, and economic issues from a Christian perspective.

Secondly, a considerable difficulty encountered throughout the research process was the lack of comparative analyses between the traditions canvassed. On this point, I found no theoretical literature critically comparing Niebuhr's Christian Realism to Dooyeweerd's political philosophy (nor vice versa), and only three articles (Dooyeweerd, 1979; Chaplin, 1993; Cameron, 1994) examining the Catholic position of subsidiarity to the Reformed notion of sphere sovereignty. Comparative analysis of various points of congruence within the diverse range of normative Christian theoretical systems is therefore an avenue for further research.

Thirdly, no doubt, further research could also be conducted within each tradition. For example, and in particular, Dooyeweerd's law-framework of the norms characterising the nature and structure of social institutions may well be further explored with reference to a host of other public policy issues. As the concept is relatively unknown in this part of the world, the application of sphere sovereignty (as contained in Dooyeweerd's law framework) has a wide scope for its application to many other policy issues. Thus Clouser (1991) concludes:

> ...lacking is any attempt to apply its consequences to concrete political and legal matters, since doing that for even a few issues would take another book. In recent years, however, other advocates of the theory have been able to do the work, and there is now a growing body of literature available from the law framework point of view. These authors have been able to point out a significant number of unique insights by which this theory can contribute to needed clarification or correction to a host of important issues. In the United States alone, for example, they have been able to expose major injustices embedded in such matters as the ways government related to education, the laws governing how elections are conducted for the House of representatives, governmental policies concerning poverty and welfare, economic justice, human rights, and environmental concerns, to name a few.

> They have also been able to provide additional justification for many elements in our political and legal traditions which are sound, and to point out ways these can be developed further...A number of authors have also produced excellent work on the law framework view of non-political communities. (Clouser, 1991, p. 285)

Finally, each component and theme canvassed in this thesis can itself be the subject matter of an entire research project. Provided here is simply a framework, where each of these themes, need significant teasing out and application to the New Zealand context.

As stated at the outset, this research has focused on the development of a "frame of meaning" for which to make normative sense of policy data. Having now developed this framework, its usefulness is dependent on its interpretive ability to provide normative meaning for empirical data. Thus it is important that the framework does not remain in the realm of theory, but its essential purpose requires that it be harnessed as an interpretive heuristic. The framework must be coupled with empirical research, not only for the purpose of providing essential dogma for the ordering and meaning of data, but to test the very assumptions asserted within the framework.

5. CLOSING SENTIMENT

This thesis has successfully achieved what it set out to do, that is, to think, read, and analyse social policy from a Christian frame of meaning. If anything, this investigation has confirmed that the Christian faith does contain a unique and distinctive perspective and ethic for the development of social policy. As a world-view, the Christian faith is an interpretive conceptual lens that cannot be relegated in a dualistic notion to the "inner sanctuary" or to the "spiritual" aspects of life. On the contrary, the Christian hope and faith is a world-view that applies to all of life, the public domain included. It provides many essential values and presuppositions that guide the analysis, choice, and design of social policy.

The journey, observations, and findings encountered in this thesis thus bring us back, and validate the fundamental ideas that underpinned the study. That is, firstly, a Christian world-view or frame of meaning influences how social policy is conceptually constructed, and secondly, one's social judgement is ultimately

and significantly shaped according to the very presuppositions contained in their world-view. Whilst one's world-view has a significant bearing on the construction of social policy, a person's world- and life-view serves an even greater and more important function; it defines the very purpose, direction, and meaning of one's life. I thus close with the following quote:

> The notion 'world-view' denotes a distinctive vision of reality, which not only interprets and orders the places and events in the experience of a people, but lends form, direction, and continuity to life as well. World-view provides people with a distinctive set of values, an identity, a feeling of rootedness, of belonging to a time and place, and a sense of continuity with a tradition which transcends the experience of a single lifetime...(Alfonso Ortiz, cited in Henare, 1999, p. 42)

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