Social Justice and Economic Order According to Natural Law

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Social justice is a controversial notion that emerged in political debates in the nineteenth century. It subsequently began to interest and be used by economists, but its meaning crucially depends on the theory of law that supports it. This concept has been particularly developed by social Catholicism based on Aquinas' natural law. After a rapid account of the diversities in the meaning of justice in relation to the specific philosophy of law, we present Taparelli's development of the notion of social justice. We then highlight some of the differences in the use of this concept in early social Catholicism to point out the difficulties it implies in a context dominated by a positive idea of law.

Social Justice: A Controversial Concept

The term *social justice*, as reported by Vallin,[1] became widely used in political debates in the middle of the nineteenth century when the "social question" demanded a new balance of economic forces in society. An interesting issue is why the term *social* was (and is) added to *justice* and how it was related to political economy. Vallin noted that *social* was opposed to *individual* to contrast the perspective of liberal individualism.[2] In the case of social Catholicism, it was mainly opposed to the term *political* to denote the reference to civil society as opposed to the state. However, this idea, mixing the principles of utility and justice, presents some theoretical difficulties due to different concepts of the law supporting the notion of justice.

Modern works on economic justice totally neglect the first theorizations of social justice and almost totally exclude the most historically relevant and influential ideas from their theoretical treatments. In general, in contemporary economic literature, we note a noncritical adoption of contemporary positive-analytical theories and, in particular, of Rawls' approach,[3] while the classic natural-law school is underrepresented.

In this article, we aim to present the first ideas of social justice as they emerged in the middle of the nineteenth century from an application of Thomistic natural-law principles to social economics. In order to highlight the singularity of this approach and the difficulty of its correct application in economics, in the next section, we will propose a brief survey of different views of the law. Then, after presenting the neo-Thomistic origins of social justice, we will discuss the difficulties of its application due to the differences in understanding the law, even among proponents of social Catholicism.

The Changing Idea of Justice

Justice and utility represent the two main principles acting as the reference point for the development of economic and political theories. The idea of justice maintained a privileged position in social thought until the modern age when utility emerged as a new reference and replaced it.[4] The principle of justice as a criterion for judging social results reemerged in the middle of the nineteenth century directly related to the development of the social question. Since that time, it has constantly been adopted by "dissenting" economists as a principle, at least complementary to utility, useful for evaluating the legitimacy and desirability of economic outcomes.

The introduction of the notion of justice in economics implies a reference to the principles defining rights and the law. However, there are many theoretical frameworks for understanding rights and the law. A double distinction concerning the notion of right (law) assumes extreme importance. First, we can distinguish the perspectives of natural law (classical or modern) from legal positivism. Second, the different traditions of natural law—the classic-scholastic and the modern tradition—produce relevant differences in the interpretation of this notion. In this work, we mainly focus on the distinction between classic natural law versus modern natural law, which also entails the medieval versus modern perspective and that assigned a prevalence to the ethical versus the economic-utilitarian judgment.[5] The former affirms the inseparability of ethics and economics, while the latter is in fact based on the separability of these matters.[6]

Among the many theorizations developed by classical philosophers, Aristotle's principles of justice—as exposed in the fifth section of *Nicomachean Ethics*[7]—remain the cornerstone of all definitions of this notion.[8] Aristotle distinguished between a *general justice* (a comprehensive virtue) and three specific forms: *distributive*, *corrective*, and *reciprocity based*. Distributive justice concerned honors and goods to be divided among the participants in some form of collective action in proportion to their merit. Corrective justice was oriented to offset inequalities in exchange (or due to fraud and violence), and it was based on "harmonic" proportionality. Finally, reciprocity based justice applies to community exchanges and was based on reciprocal proportionality (relative to status) to keep and strengthen social ties.

The scholastic tradition, in particular Thomas Aquinas, reelaborated these principles. Aquinas' theory of knowledge and action was based on the idea of *practical reasonableness* that separated the role of reason from that of will.[9] He exalted the role of reason in human action and, in particular, in the ability to understand what is good. In Aquinas, *jus* is the just thing in itself and concerns acts or states of affairs as subjects of a relationship. Justice is relational and intersubjective; it concerns any relation necessary to avoid a wrong. In particular, justice entails both rights and duties in a relationship,[10] and equality is intended in the sense of right proportion. As a consequence, *legal justice* (corresponding to the general justice of Aristotle) is the power and liberty to identify the common good and to correctly establish rights and obligations in intersubjective relationships complemented by the principle of *moral necessity*. In general, justice was applied to the "extended self," man and his whole possessions (material, relational, and human capital) through the notion of decency, suitability, or appropriateness.[11] On the other hand, in Aquinas, the specific forms of justice fall into two types: *distributive* justice and *commutative* justice.[12] The reason is probably that the same idea of legal justice prevents the distinction between exchange and reciprocity.

The natural-law school evolved and gave a predominance to will over reason and focused on only one side of the relationship of justice proposed by Aquinas.[13] In Suarez's (1610) *De Legibus* justice remains a moral power, but it is interpreted as an attribute of any man over his property; it predominantly refers to *what is due to him*. Similarly in Grotius' (1625) *De Jure Belli ac Pacis* it is a quality of the person that enables him to have or to do something just. Justice is referred to persons: power and liberty related exclusively to the beneficiary of the just relationship.[14] In this shift of focus, the person becomes a "right holder" and not a part in a relationship with an objective state of justice: obligation shifts out of focus.

A further more relevant change, however, occurred with the Enlightenment when the principle of *right practical reason* lost importance and was substituted by utility. With Hobbes, there is the definitive separation of right from law and of obligation from liberty. His view that man had full rights in the state of nature and that the law limits such rights turns Aquinas' perspective upside down, producing a bifurcation between rights and duty. The work of David Hume is of particular interest for signalling a major change of perspective in modernity: experience and not reason is the prime source of useful knowledge about political and social life. Rules of morality develop through human experience, and, therefore, they are artifices that are accepted because of their social utility. Justice is a "geometrical" system of formal laws that impartially protects the life and property of all. Justice arises from human conventions because of the public utility it produces.[15] This approach was to affect the entire development of economic theory.

It is precisely in the middle of the nineteenth century that ideas on the inter-action between justice and political economy emerged and some preliminary theories were formulated. Besides the claimed humanism of John Stuart Mill, who was able to go marginally beyond utilitarianism, Walras defined himself as a follower of natural law as developed by Quesnay.[16] He wrote a work on justice to contrast the pragmatic socialism of Proudhon who adopted a positive view of law. According to Walras, political economy is an intersection of natural, moral, and historical facts. Value responds to general objective laws, while property is related to moral principles that derive from natural law. The law is therefore relevant, but there is no point in inquiring into the rights or wrongs of the present situation because they are a mix of *objective laws*, the theory of value (which cannot be the object of principles of justice) and *natural laws* such as the property right. The latter is subject to the principles of justice, but, because property is a natural law, we cannot question its distribution but only the way it is acquired. As a consequence, justice was subordinated to political-economy laws.[17]

To conclude this section, we note that in the nineteenth century no economist systematically theorized social justice. In general, the attribution of the term *social* to justice was intended to refer to rules and institutions intentionally produced in the polity. The notion of social justice was instead defined and introduced by Jesuits into Roman Catholic social economy as a coherent system of thought based on Aquinas' classic natural law.

The Introduction of Social Justice in the Neo-Thomistic Philosophy of Law

In the nineteenth century, the Thomistic tradition of natural law based on practical reasonableness was reproposed by Jesuits to counter individualistic utilitarianism and materialistic liberalism. However, they also had to counter the drift of the natural-law school.

Aquinas proposed a legal framework based on *right reason* and on the possibility of discovering and communicating what is good and, consequently, what is just. Obligation is the rational necessity of some means to achieve the common good. Duty is not separable from rights because the good objectively connects them in a relationship. This view changed with modernity, in the same tradition as natural law, as the role of reason (and therefore the discovery of objective good) was abridged in favor of the concept of will.[18] Suarez already interprets obligation as essentially the effect of an act of will by a superior, directed to moving the will of an inferior.[19] In Cajetan, legal justice orients the parts to the whole, distributive justice the whole to the parts, while commutative justice orients the parts to one another. Soto adopted the same framework but used the notion of "the state" for the whole. This constituted a major shift from Aquinas' position where legal justice is the basis of all justice and all obligations and where obligation is not primarily defined as that of citizens toward the state. In fact, in Aquinas, anyone in charge of a common stock has duties of distributive justice; moreover, commutative justice also concerns the interactions between the state and private actors.

The neo-Thomist school of the nineteenth century intended to revive Aquinas' original framework and to apply it as an integrated system able to connect philosophy of law and social sciences.[20] It represented an attempt to build social sciences' compatibility with religion, and its aim was to provide an alternative to both liberalism and socialism. It became the official social philosophy of the church with Leo XIII's encyclical letter *Aeterni Patris* in 1881. The theoretical definition of *social justice* was a true innovation of nineteenth century neo-Thomism. Unlike the liberal approach of Walras, neo-Thomism was oriented to developing analytical instruments out of classic natural law to systematically question economic facts according to principles of justice. Luigi (Prospero) Taparelli D'Azeglio was one of the most important scholars who renewed Thomistic thought and was largely responsible for its adoption as the official social philosophy of the Church.[21]

In Taparelli, the concept of social justice is developed according to a precise idea of man and society. Man is conceived as an intelligent being, that is to

say, gifted with the faculty of knowledge and will. Society is defined by the identification of a unity of ends, "*deriving from a cognition unity, producing a union of will, here is the essential idea of society*,"[22] which refers to the unity constituted by the being and by operation and to the "natural sociability of man,"[23] the principle of which lies in the law of justice and benevolence.[24] As a consequence, the "social being" can be achieved only when the communality typical to the social dimension does not result in the simple identification of an end but when it also concerns the will of humans that are joined in a common intent "*in a way that nobody can claim it for himself if not by communicating it to others, craving and getting for them the same thing he craves and gets for himself.*"[25]

On the grounds of this assumption, Taparelli develops what he calls social law (*diritto sociale*), which springs from the idea of *order* and develops as a "non-material non-power"[26] or, again, as an "*unrestrictable power-according-to-reason*,"[27] that is to say, the voice of a moral order tending toward social justice as a "*justice between man and man.*"[28] It is in this juridical dimension that the social being unfolds an essential property of human nature,[29] developed around the hendiadys universal-general versus singular-particular, abstract versus concrete, species versus individual, abstract individual versus concrete man. Universal is what pertains to nature, the particular is what derives from human facts.

Developing these concepts, Taparelli attempts a conciliation between idealism and empiricism by means of what he conceives as a "tempered philosophy." The latter, from the perspective of the universal, founds the origins of society "*in the nature of man, by nothing more than combining the analysis of the idea, and the natural fact with the prime moral principle*";[30] relative to the particular, it founds it in the "very facts of man."[31] In this way, if society is a necessary consequence of human nature, at its basis we can find only moral order, understood as an order oriented to obtaining truth and good.[32]

It is interesting to remark that in Taparelli the idea of social justice, as "justice between man and man" is developed from the idea of right, which can be pursued by men thanks to their usual inclination toward justice as a tendency to "*ragguagliar le partite*" (balance the entries).[33] However, social justice intended in this way is completely abstract; it deals only with man in abstract terms, as a "replicated unit."[34] Conversely, from an actual perspective, men are naturally unequal, and we should refer to both perspectives to properly single out the concept and principle of justice.

Consequently, if from the universal (abstract) point of view justice is first of all a "specific natural equality"—that of humans from an abstract perspective as "pure reasoning animal"—where the relationship means only "humanity replicated two times," then from the particular (concrete) point of view, the

relationship is between naturally unequal men—because "*all men are between them naturally unequal in respect of individuality, as they are naturally equal in respect of the species*."[35]

The concept of justice consequently acquires different value if applied to particular goods or to the common good. In the former case, justice is defined as commutative because it is elaborated between equals and it would apply as a "balance of quantity."[36] In the latter, it would be distributive and would have to be balanced as the "*proportions in the share of the common good*."[37] We can have full justice only when both cases are considered.

The concept of social justice developed by Taparelli unfolds from the fundamental principle of any morals—do good—that represents a duty of love that leads one to recognize (admit) the diversities in behavior according to justice, and from the right of independence, as a recognition of the right not to be reasonably hindered to achieve our good.[38] In this way, "the social fact, considered at its maximum generality, presented us subjects as intelligent beings and human society as men, that is to say made of intelligence and sense,"[39] in relation to which the joint aspiration to an end is the attribute that gives that subject the status of social being, as the communality of intents and therefore of will.

As a consequence, in Taparelli, "social justice consists of rightly measuring collisions of rights, and in assuring" in fact *what* lively *right asks*.[40] This clearly is a reformulation of the legal justice of Thomas Aquinas and is probably closer to the original compared to other followers of natural law. The interesting issue is why he called it social, thus risking political misunderstandings. This inevitably produces a shift from Aquinas' notion of community to the modern notion of society. The thesis of Calvez and Perrin is that the term *legal* could have had a flavor of legal positivism, and this notion could have been confused with the socialist "philosophical voluntarism."[41] Probably, however, Taparelli intended to develop a concept to allow Catholic scholars to prudently elaborate progressive tools to study the imbalances of the social order in the modern context without the excessive simplifications and rigidities of the legal positivists. Taparelli's work was followed by other excellent studies connecting moral philosophy and economic issues (in general relating to the social question) such as those of Liberatore, Lehmkuhl, and Cathrein.[42] Taparelli himself applied his ideas to social economy in some articles in *Civiltà Cattolica*.[43]

We can underline how the definition of commutative and distributive justice in Taparelli and Walras is remarkably similar. Walras proposes his (liberal-progressive) idea of justice founded on reciprocity of rights and obligations: "equality of conditions; inequality of positions: here is the law of the social world. The state for all, and each for himself."[44] However, charity is not included in this justice,

even if it can be a completion of it, but it has no right to intervene before justice has pronounced its last word.[45] In this, we find a separation between exchange and charity and an idealization of the (unrestricted) market exchanges that are instead under the critical investigation of Catholic (and socialist) thinkers. Walras (who writes after Taparelli) studied natural law and probably achieved a good understanding of these issues. However, the influence of the enlightenment version of natural law is clear when we consider that in Walras' positivistic view the market obeys natural laws and is able to produce the common good, while in the Thomistic tradition the effective achievement of the common good must be effectively analyzed in practice, and it is not possible (scientifically) to conceive *a priori* the efficiency of markets. In Thomistic terms, exchange is not the mechanical functioning of a market. Exchange is defined in a context of justice and is therefore never clearly separable from charity.[46]

The Controversies on the Meaning of Economic Justice

The close relationship between the definition of economic justice and the natural-law view of social interactions caused some difficulties among Roman Catholic social economists to precisely use this notion. In particular, the exact context in which the different notions of justice had to be applied and the relationships with charity were protagonists of a continuous change.[47] In particular, some different positions were put forward by, on the one hand, what we would nowadays call liberal-conservative Catholic scholars, such as the economist Charles Périn and Claudio Jannet and, on the other, the reformers of social Catholicism including La Tour-du-Pin and most of the Austro-German scholars.[48]

Charles Périn avoided the use of *social justice* and preferred the simple notion of *justice*, fundamentally interpreted as commutative justice. This would be the less controversial kind of justice where the principle *suum cuique* is easily identified, but a wide set of problems arose relative to the correct criteria for evaluating rights and obligations. The problem is how far we can rely on the impersonal market (which economists say is efficient in objectively evaluating social scarcity) to measure the just value of certain goods (like labor) or whether we should take into account the personality of the exchangers as in the Aristotelian-Thomistic tradition. This issue is exemplified by the use of the term *natural justice* in *Rerum Novarum* where the just salary is said to be the result of a free bargain between man and man, with the limit that salary should in any case be sufficient to grant a decent life to the worker.[49] Requested to clarify this notion of natural

justice, Cardinal Zigliara explained that natural justice in the above text had to be understood as commutative justice.[50] Similarly, Heinrich Pesch reaffirmed that commutative justice involves rendering to another exactly what is his strict due (the principle of equivalence) like the just price for goods, the just wage, and so forth. However, he added, "anyone who is completely imbued with the sense of commutative justice will quite naturally also be inclined to deal equitably with his fellow citizens" and therefore not "insist on his rights no matter what the consequences are for his neighbor, even though the law is on his side."[51]

In any case, the act of fairness is not mere liberality; it derives from a sense of decency and obligation that cannot be separated from a correct price. As a consequence, commutative justice is not a justice of the perfect market; it is part of legal (or social) justice, applying the same principles.

The wider controversies concerned distributive justice. The thorny problem was to understand at what level of society this justice can be defined.[52] Conservative scholars were reluctant to attribute this task to the state, while they did not deny this justice in organizations or in specific forms of collective action through patronage.[53] Reformers envisaged a major role for the state, blending distributive justice and charity at that level because the state was seen as an ethical state and an agent of progress. Liberals tended to affirm that charity suffices to solve the social question and should be spontaneously given; the state could limit its intervention to enforce commutative justice where the idea of right is stricter. Social Catholics instead asked for an intervention to foster rights and to enforce a whole set of positive laws to grant justice.

Social justice, however, was the most problematic concept. Sometimes it was assimilated to legal justice, and sometimes it was expressed as something different. Antoine defined legal justice as involving the common good of society as a whole, including the state that has an important role in it.[54] However, he complicated the thing, arguing that *social justice* may be understood in strict terms or in a metaphorical sense.

In the metaphorical sense, it refers to the health of society. It is best rendered with the term *social order* because order is conformity with the ideal state of society. Antoine says that there is much confusion on this term: some understand it as a *subjective virtue* that induces citizens to contribute to the common good; others interpret it as a *state of society* that concretizes a specific ideal. The latter is the sense used by socialists, and many use the term *justice* for equity.

In the proper sense, the object of social justice is the right to the social good. In this case, the social good can be interpreted in its production or in its enjoyment. As a consequence, it comprises both the right of society to demand from each person a contribution to the production of the good and the right of each

person in relation to society to enjoy this good. Therefore, we have a two-way relationship that has to be regulated by social justice. In this sense, social justice includes legal, distributive, and commutative justice.

Consequently, Antoine affirmed that if we want to appoint social justice as the justice that *has to exist in society*, then it includes all the other kinds of justice (and maybe also equity).[55] If, instead, we wish to understand social justice as the justice where society, considered as a moral being, is the subject or the term, then it is no different from legal and distributive justice. Finally, if, more precisely, we understand social justice as a juridical bond of society, the principle of unity of society, this is legal justice.

The second generation of Roman Catholic social economists intensively studied the problem of a right economic order and related it to social justice, as Taparelli originally did.[56] The concept of a just *order* is central in this analysis oriented to the study of the relationship between the individual and social utility, and this can be considered an application of the principle of social justice. In fact, Taparelli (1854) argued that "*the good of man on earth, the supreme and only good, is ORDER: ORDER in the use of his individual faculties, the ORDER of social relations*."[57] Natural law is the application of human rationality to the experience of intersubjective relationships. The regulating principle of relationships is rationally extracted from the dialectic confrontation between the positions of the social parts. This should give rise to some practical rules that evolve with the context. Institutions have the task of enabling this process and are, at the same time, the result of the process. The economic order is therefore important to obtain just economic situations as it helps the dialectic confrontation between parts. No impersonal mechanism, such as the market in neoclassical economics, achieves this.

Heinrich Pesch connected social justice to the concrete institutional order. Metaphorically, social justice means social order, the "*objectively well ordered condition of the social body, the correspondence of actual social conditions to the ideal juridical state of affairs*."[58] Pesch distinguishes legal justice from social justice. Social justice has as its object "*the claim to the well-being of society*"[59] that can be understood in a twofold manner, "in fieri, *and in* facto esse, … how it comes into being, and how it is enjoyed."[60] Therefore, social justice includes

> both the claims of society on those in authority, as well as on each of its members, on its citizens, and on the various occupations and stations in life, for *promoting* and *preserving* the public welfare; and it includes also the right of every citizen and of the various classes, occupations, and levels of society to *share in the enjoyment* of the social good. It is the function of social justice to

> govern both kinds of claims; and thus we may distinguish between *contributive* and *distributive social justice.* It takes both of these aspects together to make up the *integral notion of social justice.*
>
> *Social justice, therefore, requires the* fulfilment of all obligations *as well as the* realization of all claims which have the well-being of society as their object.[61]

Here again, inevitably, the shadow of the state appears behind the idea of economic order.

Conclusion: Social Justice and the Economist

In this article, we have illustrated the presuppositions, the genesis, and the evolution of the notion of social justice elaborated by nineteenth-century neo-Thomistic thought and applied by Roman Catholic social economists. We have highlighted the differences in the meaning of social justice and the effects on the interaction with economics due to the differences that exist inside the classic natural law school and with the modern natural school. The case of Walras has helped us to single out the turning point in favor of an abstract economic reasoning produced by the modern concept of natural law. The latter prevents practical inquiries into the effective state of economic affairs by separating the moral from the material value. No such separation between facts and values, between the morals and the law is possible in Thomistic natural law. This does not prevent the definition of any objectivity of rights and duties, even if it requires more sophisticated philosophical (hermeneutical) work. Moreover, classic natural law allows the use people make of property rights to be questioned while modern natural law takes them to be absolute. In accordance with classic natural law and its epistemology, justice determines efficiency and cannot be separated from it even for analytic purposes. Only in positivistic terms can we conceive a trade-off between justice and efficiency.

We have argued that the application of the Aristotelian-Thomistic principles to the contemporary economy presented some difficulty even for the same Roman Catholic social economists. In general, we have observed an unnecessary complexification and hybridization of the notion of justice that has not helped with clarity and application (which could also be due to the interaction with economic theories popular at the time). In particular, it was difficult to translate an idea of law conceived for a small political community into the new context of industrial society structured by states claiming the monopoly of politics and law. That probably led Taparelli to propose the notion of social justice in opposition to

positive law. Other scholars simply acknowledged the new role of monopolistic states in the economic order and shifted this notion to include them. However, it remains difficult for economists who are not acquainted with classical natural law to understand the interpretative role of justice, achievable through a complex mediation between rational and practical plans of reasoning as in the Thomistic tradition. The result is a continuous tendency to refer to individual rights and to separate rights from obligations—particularly obligations connected to property—in opposition to the relational and objective nature of Thomistic justice. That, on the one hand, tends to minimize the value of human interaction in exchange and to exalt the mechanical functioning of markets. On the other hand, it produces an opposite noncritical tendency to invoke the state and positive-law intervention to correct the bad functioning of impersonal markets.

Notes

1. See R. P. J. Vallin, "Aux origines de l'expression 'justice sociale,'" *Chronique Sociale de France* 68, no. 5 (1960): 379–92.

2. Vallin, "Aux origines," 382.

3. On the other hand, Rawls himself reveals a very limited perspective on contemporary moral philosophy. We refer to John Rawls, *Lectures on the History of Moral Philosophy* (Cambridge: Harvard University Press, 2000).

4. C. B. Macpherson, *The Rise and Fall of Economic Justice* (Oxford: Oxford University Press, 1987).

5. Gerson Moreno-Riaño, "Natural Law and Modern Economic Theory," *Journal of Markets & Morality* 8, no. 2 (Fall 2005): 387–413 highlights the implications of the adoption of classic natural law for economic theorizing.

6. A related but distinct issue concerns methodology, the distinction between practical judgment and conventional theory (formal rationalism), which can affect the way justice is introduced into economic reasoning.

7. Aristotle, *Nicomachean Ethics* (Batoche: Books Kitchener, 1999).

8. A detailed account of the evolution of the idea of justice is given in *Social Justice in the Ancient World*, ed. K. D. Irani and M. Silver (Westport, Conn.: Greenwood Press, 1995) and *Ancient and Medieval Economic Ideas and Concepts of Social Justice*, ed. T. Lowry (Leiden: Brill, 1998).

9. Daniel Westberg, *Right Practical Reason—Aristotle, Action, and Practice in Aquinas* (Oxford: Clarendon Press, 1994).

10. John Finnis, *Natural Law and Natural Rights* (Oxford: Clarendon Law Series, 1980).

11. R. Goodwin, "Aquinas' Justice: An Interpretation," *The New Scholasticism* 63, no. 3 (1989): 275–85.

12. Actually, the definition of Aristotle includes a reciprocal justice in exchange that in the course of time has been lost or incorporated in the commutative principle, see R. Goodwin, "Aquinas' Justice."

13. John Finnis, *Natural Law and Natural Rights*, 45.

14. Ibid., 207.

15. "Public utility is the *sole* origin of justice, and that reflections on the beneficial consequences of this virtue are the sole foundation of its merit … the rules of equity or justice depend entirely on the particular state and condition, in which men are placed, and owe their origin and existence to that UTILITY, which results to the public from their strict and regular observance.…" David Hume, *An Enquiry Concerning the Principles of Morals, in Essays* (1751; repr., London, 1882), 179 and 183; e-book: *Essays, Moral, Political, and Literary*, vol. 2, http://socserv2.mcmaster.ca/~econ/ugcm/3ll3/hume/index.html.

16. Quesnay assumed a naturalistic position deeply affected by the approach of medicine. He defined the natural right (*Droit naturel*) as "*le droit que l'homme a aux choses propres à sa jouissance*" then he defined justice as "*une règle naturelle et souveraine, reconnue évidemment par les lumières de la raison, qui détermine évidemment ce qui appartient à soi même, ou à un autre*" (113) and moral law as "*la règle de toute action humaine de l'ordre moral conforme à l'ordre physique évidemment plus avantageux au genre humain*" (121). See François Quesnay, "Observations sur le droit naturel des hommes réunis en société," *Journal de l'Agriculture, du Commerce et des Finances*, repr. in *Oeuvres Économiques Complètes et Autres Textes*, ed. C. Théré, L. Charles, and J.-C. Perrot, vol. 1 (1765; repr., Paris: Institut National d'Études Démographiues, 2005).

17. Léon Walras, *L'Économie Politique et la Justice* (1860; repr., Paris: Economica, 2001): 167.

18. In Aquinas, reason discovers good and good moves the will, which is passive, see Westberg, *Right Practical Reason*.

19. We should note that Suarez held an eclectic position, trying to conciliate Thomism with nominalism, which placed more emphasis on will and less on objective truth.

20. However, Misner notes that Taparelli used a modern language and concepts not totally comparable with Aquinas' system, P. Misner, "The Predecessors of *Rerum Novarum* within Catholicism," *Review of Social Economy* 49, no. 4 (1991): 444–64.

21. See also T. C. Behr, "Luigi Taparelli D'Azeglio, S.J. (1793–1862) and the Development of Scholastic Natural-Law Thought as a Science of Society and Politics," *Journal of Market and Morality* 6, no. 1 (2003): 99–115, and A. Chafuen Rismondo, "I precursori italiani del personalismo economico …" in *Il Coraggio della Libertà*, ed. E. Colombatto and A. Mingardi (Soveria Mannelli: Rubettino, 2002), 109–44.

22. "Unità di fine, derivante da una unità di cognizione, producente unione di volontà, ecco l'idea essenziale di società." L. Taparelli, *Saggio Teoretico di Diritto Naturale Appoggiato sul Fatto* (Livorno: V. Mansi, 1840), 133.

23. Ibid., 137.

24. Ibid., 140.

25. "*Talché niuno possa arrogarselo se non comunicandolo cogli altri, bramando e procacciando per essi ciò che brama e procaccia per sé.*" Ibid., 133.

26. Ibid., 142.

27. "*Irrefragabile potere-secondo-ragione.*" Ibid., 144.

28. Ibid., 144. Taparelli defines natural law as "*the morals proceeding from natural principles which demonstrates how man should use the faculty of will.*" Ibid., 25.

29. Ibid., 141.

30. "*Rinvenuta nella natura dell'uomo, con nulla più che combinare l'analisi dell'idea, e il fatto naturale con il principio primo morale.*" Ibid., 134.

31. Ibid., 142.

32. Ibid., 143.

33. Ibid., 144.

34. "Unità replicata," ibid., 145.

35. "*Tutti gli uomini sono fra loro naturalmente disuguali, per ciò che s'aspetta alla individualità, come sono uguali naturalmente, per ciò che s'aspetta alla specie.*" Ibid., 145.

36. Ibid., 145.

37. Ibid., 146. Interestingly, inspired by Aquinas' charity principles, Taparelli justifies progressive taxation—contrary to Aristotle's geometrical proportion that is proportional.

38. Ibid., 147.

39. Ibid., 165.

40. Ibid., 44.

41. See J.-Y. Calvez and J. Perrin, *The Church and Social Justice* (London: Burns and Oates, 1959).

42. See M. Liberatore, *Ethica et Ius Naturae*, vol. 3 of *Institutiones Philosophiae* (Rome: Typis civilitatis catholicae, 1857); M. Liberatore, *Principii di Economia Politica* (Rome: A. Befani, 1889); V. Cathrein, *Moral Philosophie*, 5th ed. (Freiburg: Herdersche, 1911).

43. See L. Taparelli, "Analisi critica dei primi concetti dell'economia sociale," *Civiltà Cattolica* 8 (1857): 546–59 and 11 (1857): 17–34.

44. Walras, *L'Économie Politique et la Justice*, 173. *Commutative justice*, according to Walras, is based on a balance, the equality of each individual given its nature of free person. This justice presupposes that "*tous les individus possèdent en commun les valeurs que la nature a données à tous en commun.*" Ibid., 178. Distributive justice is based on an inequality of merit due to the different aptitudes, talents, and efforts of people.

45. Ibid., 184.

46. In fact, Taparelli insists on the adoption of the practical approach to the economy. See R. F. Crespo, "Freedom and Coordination in Economics: An Epistemological Analysis," *Journal of Markets & Morality* 7, no. 1 (2004): 47–62.

47. This encyclical letter *Rerum Novarum* (1891) did not explicitly propose the notion of social justice. Pius XII finally officially introduced this concept into Roman Catholic social doctrine with *Quadragesimo Anno* (May 15, 1931) and *Divini Redemptoris* (March 19, 1937).

48. An account on the French debate on the definition of social justice can be found in *Aux Sources du Catholicisme Social*, ed. Robert Talmy (Tournai [BE]: Desclée & Co., 1963).

49. The original passage in *Rerum Novarum* is: "*45. Let the working man and the employer make free agreements, and in particular let them agree freely as to the wages; nevertheless, there underlies a dictate of natural justice more imperious and ancient than any bargain between man and man, namely, that wages ought not to be insufficient to support a frugal and well-behaved wage-earner.*"

50. Reported by Talmy, *Aux Sources du Catholicisme Social*, 196.

51. H. Pesch, *Lehrbuch der Nationalökonomie* (Freibourg: Herder, 1905–1926); H. Pesch, *Teaching Guide to Economics*, five volumes/ten books, trans. Rupert J. Ederer (Lewiston: Edwin Mellen Press, 2002–2003), 2:273.

52. In the 1930s, Monsignor Ryan argued that the production process (in general) can be considered a form of collective action to which distributive justice applies when we consider the rewards attributed to the factors of production. See J. A. Ryan, *Distributive Justice* (New York: Macmillan, 1939).

53. See Charles Périn, *Le Patron* (Paris: Lecoffre, 1886).

54. In this way, C. Antoine in his *Cours d'Économie Sociale*, 6th ed. (1896; repr., Paris: Lib. Félix Alcan, 1921), 127, affirms that "*le rôle de la justice légale c'est d'obliger chaque associé, dans la mesure de ses forces, à coopérer au bien commun*" and there may be the coercion of law. As a consequence, this implies that for people, legal justice means "*prêter concours exigé par l'autorité en vue du bien commun*," the authority has to demand of citizens all that is due from them. Ibid., 138.

55. Ibid., 141.

56. In this Pesch's theories show a clear influence of the theoretical system developed by Adolf Wagner—who was also a Christian economist even though he cannot be included in social Catholicism.

57. L. Taparelli, *Esame Critico degli Ordini Rappresentativi nella Societa Moderna* (Rome: Tip. della Civilta Cattolica. 1854), 257.

58. H. Pesch, *Lehrbuch der Nationalökonomie*, 2:274.

59. Ibid., 2:275.

60. Ibid.

61. Ibid.