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CATHOLICISM AND OVERLAPPING CONSENSUS

*Paul Weithman**

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INTRODUCTION

I believe that I first met Michael Perry early in the 1990s, not long after I joined the faculty at Notre Dame.¹ My earliest correspondence with him, or the earliest I can find in my files, dates from 1992. I was a beginning assistant professor at the time. Professor Perry was already a very well-published and well-established scholar with a chair at Northwestern University. Despite some difference in age and a considerable difference in professional stature, Professor Perry showed me the generous collegueship that he has extended to so many. Our paths crossed at a number of conferences over the years, including conferences that Professor Perry organized at Wake Forest University and Emory University. The conversations were memorable, but so too was Professor Perry's kindness. In the fall of 2000, I told Professor Perry that attending a conference of his at Wake Forest would require leaving my wife with responsibility for our five-month-old twins. Rather than allowing me to decline his conference invitation or pass on that responsibility to my wife, Professor Perry invited all four of us to Winston-Salem and arranged accommodations for our family, the like of which we could never have afforded.

Early on, I was not just moved by Professor Perry's generosity and kindness, I was also inspired by his scholarship. Liberal Catholics are not thick on the

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¹ I am grateful to Peter de Marneffe for very helpful conversations and correspondence about some of the main ideas of this paper, and to Jean Porter and the editors of the *Emory Law Journal* for helpful comments on an earlier draft.

ground in the professional circles in which I work. To see a scholar who proudly identified himself as one, who daringly approached religious and philosophical questions about politics and who enjoyed considerable professional success in the bargain showed me what might be possible. Although I doubt that I have realized the possibility, I have always been grateful to Professor Perry for his example. It is a great pleasure to be able to return the favor in some small measure, three decades after I began running up debts to Professor Perry, by contributing to a collection assembled in his honor.

Professor Perry's example prompts a number of questions that interest me greatly. Can Catholic social thought support liberal ideals and principles? What liberal ideals and principles might it support? What does "support" mean in this connection?

These questions have received regrettably little treatment within academic political philosophy, but the size and influence of the Catholic Church make them questions of obvious political importance. The threats to liberal democracy in the contemporary world, and the unpalatability of the live alternatives to it, make these questions of urgent interest to Catholicism. They are also questions that touch on issues of philosophical importance. But if the questions are to be tractable, then they are clearly in need of refinement. One way of refining them is to ask whether some form of Catholic political thought might support liberal principles in the special circumstance of John Rawls's well-ordered liberal society.² More specifically, we might ask whether Catholicism can take part in the "overlapping consensus" that Rawls said would have to obtain in that society if it is to be stably just.³

In addressing that question, I am pursuing an inquiry that is not just inspired by Professor Perry's example but also one that makes contact with some of his work—work in which he offers a mixed assessment of Rawls's political liberalism.

In his essay *Neutral Politics?*, Professor Perry claimed some affinities between his own views about the proper relationship between religion and politics and Rawls's "strategy of identifying normative materials[] concerning political morality[] supported by a wide consensus."⁴ The relationship that Professor Perry defended, like Rawls's overlapping consensus, would presumably connect a wide variety of religious and secular views with

² See JOHN RAWLS, A THEORY OF JUSTICE 4 (rev. ed. 1999) (1971).

³ See John Rawls, *The Idea of an Overlapping Consensus*, 7 OXFORD J. LEGAL STUD. 1, 3–5 (1987).

⁴ Michael J. Perry, *Neutral Politics?*, 51 REV. POL. 479, 498 (1989).

“normative materials” at the heart of democratic theory.⁵ As if to confirm that it would, Professor Perry argued quite forcefully in *The Political Morality of Liberal Democracy* that religious believers often have theological grounds for their commitment to human dignity.⁶ This is just the sort of relationship between theology and the fundamental ideals of liberal democracy that would have to be in place if a Rawlsian consensus were to be possible.

At the same time, Professor Perry averred that “the hope that there is on our horizon a *full-blown political conception of justice* that, when it arrives, will enjoy the support of an overlapping consensus, seems wistful.”⁷ How remote the possibility of such a consensus is, and how wistful the hope, depend upon political circumstances. But both also depend upon whether there are insurmountable conceptual obstacles to Catholic participation in an overlapping consensus. The conceptual, and not the political, question is the one I shall investigate here.

In Part I, I shall say what I mean by “Catholic political thought.” In Part II, I shall say what Rawls means by an overlapping consensus and what problem the idea of an overlapping consensus is introduced to solve. Once we see that, it will be clear that the question I have posed falls squarely within the Rawlsian project. The question is of interest, or should be of interest, to those working within that project. But it may seem doubtful that answering it contributes much to a dialogue between Catholicism and liberalism because—for reasons I shall get to—it may seem doubtful that the question is of interest to theorists of Catholic political thought.

I think this skeptical reaction would be a mistake. In Part II, I highlight two conditions that a view must satisfy if it is to take part in an overlapping consensus: it must (1) have a standard of distributive justice that applies to basic institutions, and (2) be capable of being presented as resting on political values. In Parts III and IV, I show why Aquinas’s treatment of justice might be taken to imply that Catholic political thought cannot satisfy the first of those conditions. In Part V, I argue that it can. In Part VI, I argue that it can satisfy the second condition, and in Part VII, I illustrate the possibility.

⁵ *Id.* at 489–93, 498.

⁶ See MICHAEL J. PERRY, *THE POLITICAL MORALITY OF LIBERAL DEMOCRACY* 27–57 (2010).

⁷ Perry, *supra* note 4, at 498 (emphasis added).

I. CATHOLIC POLITICAL THOUGHT

By “Catholic political thought,” I mean a body of thinking about justice that is rooted in and has tried to carry forward the Aristotelian treatment of justice found in the *Secunda Secundae* of Aquinas’s *Summa Theologiae*.⁸ There may be much Catholic theorizing about justice that owes little, if any, debt to Thomistic Aristotelianism. My use of the phrase “Catholic political thought” is somewhat narrow in leaving that theorizing aside. But I trust that the influence of Thomistic Aristotelianism within Catholicism is sufficient to justify my decisions to focus on it and to attend closely to Aquinas’s own texts.⁹

The part of the *Summa Theologiae* devoted to justice is long and complex. Its most important elements for my purposes are Aquinas’s claim that justice is a virtue and his division of justice into legal or general justice, commutative justice, and distributive justice.¹⁰ These will be the foci of my attention. I shall therefore leave aside Aquinas’s lengthy and fascinating discussion of the many vices opposed to justice, as well as his justly famous and influential discussions of law in the *Prima Secundae*.

While these decisions further narrow my attention, I think that they too are justified. For Aquinas’s taxonomy of justice and his claim that justice is a virtue seem not to make room for the species of justice of which Rawls offers an account and on which he hopes for consensus. Insofar as Catholic political thought operates within Aquinas’s framework, it does not make space for that species of justice either. Aquinas’s framework therefore seems to pose an obstacle to Thomistic Aristotelianism’s participation in a Rawlsian overlapping consensus. To see whether this is so, we need to see what participation in an overlapping consensus entails. And to see *that*, it helps to see what work the idea of an overlapping consensus does in Rawlsian political philosophy.

II. THE QUESTION POSED

In *A Theory of Justice*, Rawls tried to identify principles of justice to regulate the way all of society’s major institutions taken together—what Rawls called society’s “basic structure”—distribute rights, liberty, income, wealth, and

⁸ THOMAS AQUINAS, *Secunda Secundae*, in *SUMMA THEOLOGIAE* (1274). Since there are many editions and translations of the *Summa Theologiae*, I follow the usual convention of citing it simply by part, question, and article. Thus “SUMMA THEOLOGIAE, IIaIIae,58,3” refers to the Second Part of the Second Part of the *Summa* (or the *Secunda Secundae*), question 58, article 3.

⁹ See John Finnis, *Aquinas as a Primary Source of Catholic Social Teaching*, in *CATHOLIC SOCIAL TEACHING* 11, 11, 32–33 (Gerard V. Bradley & E. Christian Brugger eds., 2019).

¹⁰ AQUINAS, *supra* note 8, at IIaIIae,58,3, 58,6–7, 61,1.

opportunity.¹¹ He argued that those principles should be identified by asking what parties to his social contract, the original position, would choose.¹² And he argued that they would choose principles requiring equal basic liberties, the fair value of the political liberties, fair equality of opportunity, and a stringent regulation on economic and social inequalities: any such inequalities must work for the maximum benefit of the least advantaged.¹³

But Rawls recognized that identifying these principles was not enough. He also needed to argue that citizens of a society regulated by them would continue to observe them over time.¹⁴ Signatories to the social contract would agree to naught if they defected from their agreement after exiting the contract situation. And so, Rawls argued that citizens of a just society would develop a sense of justice that would move them to adhere to the principles.¹⁵ He also developed an ingenious and multi-pronged argument for two surprising conclusions: (1) that they would judge that having a sense of justice so informed was good for them, and (2) that they would do so for the same reasons.¹⁶ Having a sense of justice that belongs to their good, they would not find it rational to defect from the agreement reached in the social contract.

Rawls introduced the idea of an overlapping consensus as part of his attempt to recast his theory of what he called a “political liberalism.”¹⁷ In his later work, he abandoned the thought that everyone in a just society would have the same reasons for affirming their sense of justice. Instead, he argued that they would judge their sense of justice to be good because the various views of the good adhered to in a just society—the various religious and philosophical views—would provide their adherents with view-specific reasons for supporting, or at least not defecting from, that society’s conception of justice.¹⁸ So an overlapping consensus is obtained in a just society when citizens judge that it is good to be just, and do so because their views of the good overlap on justice, however much they might differ elsewhere.

¹¹ RAWLS, *supra* note 2, at 6–10.

¹² *See id.* at 10–11.

¹³ *Id.* at 266.

¹⁴ *Id.* at 397.

¹⁵ *See id.* at 407–16.

¹⁶ *Id.* at 504.

¹⁷ *See* Rawls, *supra* note 3 (introducing the idea of an overlapping consensus); JOHN RAWLS, POLITICAL LIBERALISM 451–53 (2005) (1993) [hereinafter RAWLS, POLITICAL LIBERALISM] (developing the idea of a political liberalism).

¹⁸ RAWLS, POLITICAL LIBERALISM, *supra* note 17, at 147. To put it crudely: Rawls originally thought that there was one set of reasons that would move all the citizens in a well-ordered society to affirm a sense of justice. In later work, he reversed the order of the quantifiers.

When Rawls introduced the idea of an “overlapping consensus,” he still thought of a just society as being well-ordered by the conception of justice he developed in *A Theory of Justice*—the conception he called “justice as fairness.”¹⁹ That, he initially thought, was the conception of justice on which views of the good would overlap. Call the consensus on justice as fairness alone “a single-focus consensus.” While the notion of an overlap on a single focus is suggestive and picturesque, it threatens to blur an important complication: some conceptions of the good—offered by utilitarianism and Catholicism, for example—come with conceptions of justice attached to them. This raises the question of how such views can overlap on “justice as fairness.” To greatly simplify, Rawls’s answer is that they overlap if their adherents find justice as fairness to be a reasonable approximation of the demands of justice as they understand them.²⁰ One way of asking about the participation of Thomistic Aristotelianism in an overlapping consensus is, therefore, to take the consensus as “single-focused” and ask whether justice as fairness reasonably approximates the demands of justice made by Catholic political thought. But I want to pose the question differently.

Rawls eventually came to think that “a single-focus consensus” on justice as fairness was less likely than a consensus on a family of liberal political conceptions of justice.²¹ What makes these conceptions *political* is their satisfaction of two conditions:

- (P₁) They are accounts of the justice developed for society’s “basic structure”; and
- (P₂) They can be presented as founded on political values.²²

What makes them *liberal* is their satisfaction of three conditions:

- (L₁) They identify basic liberties;
- (L₂) They give those liberties priority of some kind over concerns of the general welfare; and
- (L₃) They assure citizens “adequate all-purpose means” to make intelligent use of their liberties.²³

¹⁹ See RAWLS, *supra* note 2, at 3 (introducing the concept of “justice as fairness”).

²⁰ For a more precise statement, see RAWLS, POLITICAL LIBERALISM, *supra* note 17, at 171.

²¹ *Id.* at 164.

²² *Id.* at 11–13.

²³ *Id.* at 450.

Because Rawls said that these conceptions “vary within a certain more or less narrow range,”²⁴ I will call consensus on the family a “narrow-focus consensus.” Thus, in asking about Thomistic Aristotelianism’s participation in a Rawlsian overlapping consensus, I mean to ask whether Thomistic Aristotelianism can be, or can be mined for, one of the liberal political conceptions of justice that is in the narrow focus.²⁵

III. ARISTOTLE, AQUINAS, AND THE BASIC STRUCTURE

The question I have posed concerns what Catholic political thought would support in Rawls’s version of an ideally just liberal democracy. It is not a question about Catholic political thought in our world as it is. The relationship of Catholicism to liberalism in our world may ground reasonable conjectures about what it would support in such a democracy, but the conjecture falls short of deduction because Rawls allows for—and may even count upon—the development of doctrine under just institutions.²⁶ My question is therefore internal to a certain strand of liberal political theory. But at least some of those who work on Catholic political thought—such as those who study the tradition of Catholic Social Teaching that began with Leo XIII and that centers on the great social encyclicals²⁷—are not, like Rawls, engaged in working out the details of an ideal democracy. We may wonder why they should take any interest in the question.

I believe that the question, although internal to liberal theory, is of considerable interest to Catholic political thought, and not just because investigating it may require us to explore the possibilities of doctrinal development. To see why it is of interest, let us return to the first condition on political conceptions, (P₁). According to that condition, a political conception is “worked out for a specific kind of subject, namely, for political, social, and

²⁴ *Id.* at 164.

²⁵ Rawls himself seems to have thought the answer was yes. For he conjectured that “Catholic views of the common good and solidarity when they are expressed in terms of political values” could be worked up in a liberal political conception and could provide the basis for a form of public reason. JOHN RAWLS, *The Idea of Public Reason Revisited*, in *THE LAW OF PEOPLES* 129, 142 (1999). Rawls cited John Finnis’s treatment of the common good as an especially clear—and I believe he thinks an especially promising—example. *Id.* at 142 n.29.

²⁶ Rawls says at one point that “[a] reasonable and effective political conception may bend comprehensive doctrines toward itself.” RAWLS, *POLITICAL LIBERALISM*, *supra* note 17, at 246.

²⁷ The major social encyclicals are introduced and collected in *CATHOLIC SOCIAL THOUGHT: ENCYCLICALS AND DOCUMENTS FROM POPE LEO XIII TO POPE FRANCIS* (David J. O’Brien & Thomas A. Shannon eds., 3d rev. ed. 2016) (1992).

economic institutions. In particular, it applies to . . . the ‘basic structure’ of society.”²⁸ A few sentences later, Rawls continues:

The initial focus, then, of a political conception of justice is the framework of basic institutions and the principles, standards, and precepts that apply to it, as well as how those norms are to be expressed in the character and attitudes of the members of society who realize its ideals.²⁹

Although this passage allows that a political conception of justice may contain moral precepts that apply to individuals, I believe Rawls continued to think—as he had in *A Theory of Justice*—that principles for society’s basic institutional structure are prior and needed to specify what principles individuals are to follow.³⁰ A political conception’s focus on the justice of the basic structure—on the justice of the distributive effects of fundamental institutional arrangements—might be thought at odds with the way Thomistic Aristotelianism has traditionally thought about justice. In Part IV, we shall see that Aquinas, following Aristotle, distinguished several species of justice. But as we shall also see in that Part, leading scholars of that tradition maintain that those species either do not include, or do not give primacy to, the kind of institutional justice that Rawls says must be the focus of a public conception. If they are right, then it is questionable whether it is possible to frame a truly Thomistic conception of justice that satisfies (P₁).

Rawls was well aware that in focusing on the justice of the basic structure, his theory might seem to depart from a way of thinking about justice that Aristotle inaugurated in the *Nicomachean Ethics*. The passage in which Rawls anticipates and tries to dispel this worry is worth quoting at length:

Now this approach may not seem to tally with tradition. I believe, though, that it does. The more specific sense that Aristotle gives to justice, and from which the most familiar formulations derive, is that of refraining from *pleonexia*, that is, from gaining some advantage for oneself by seizing what belongs to another, his property, his reward, his office, and the like, or by denying a person that which is due to him, the fulfillment of a promise, the repayment of a debt, the showing of proper respect, and so on. It is evident that this definition is framed to apply to actions, and persons are thought to be just insofar as they have, as one of the permanent elements of their character, a steady and effective desire to act justly. Aristotle’s definition clearly presupposes,

²⁸ RAWLS, POLITICAL LIBERALISM, *supra* note 17, at 11.

²⁹ *Id.* at 11–12.

³⁰ *Id.* at 257–58.

however, an account of what properly belongs to a person and of what is due to him. Now such entitlements are, I believe, very often derived from social institutions and the legitimate expectations to which they give rise. There is no reason to think that Aristotle would disagree with this, and certainly he has a conception of social justice to account for these claims. The definition I adopt is designed to apply directly to the most important case, the justice of the basic structure. There is no conflict with the traditional notion.³¹

Intellectual historian Teresa Bejan has described this passage as “strange.”³² “[W]hy,” she asks, “does it matter whether Rawls’s conception of justice ‘tallies with tradition?’ What does the agreement of Aristotle, of all people, add?”³³ Her answer is that it does not add anything, that Rawls’s argument goes to “unnecessary pains,” and that it merely “suggest[s] a deliberate intention to render Aristotle’s ancient and alien conception more familiar and palatable to modern audiences.”³⁴ I believe that Bejan has Rawls’s intentions exactly backwards. It is because Rawls thinks Aristotle’s conception of justice is familiar to modern audiences and readers that he finds it necessary to show that the institutional focus of his theory “tallies with tradition.”

As Rawls observes, Aristotle’s definition of justice “is framed to apply to actions.”³⁵ Properly speaking, actions are what agents do intentionally rather than accidentally or unthinkingly. It follows that what is just or unjust, on the Aristotelian account, must be actions that proceed from the reason and will of agents. This, I submit, is our common sense view of justice and injustice. That it is why justice and injustice are connected with what Strawson famously called “the reactive attitudes,” the attitudes with which we respond to acts of various kinds.³⁶ Injustice is appropriately met with indignation, resentment, and condemnation. These reactions are difficult to make sense of, except as responses to what an agent has done. Conversely, where there is no agent responsible for an outcome, these reactions would seem to be out of place. And where they seem to be out of place, there would seem to be no injustice.³⁷ That

³¹ RAWLS, *supra* note 2, at 9–10 (citing ARISTOTLE, *NICOMACHEAN ETHICS* bk. V, at 81–83 (Lesley Brown ed., David Ross trans., Oxford Univ. Press rev. ed. 2009) (1980)).

³² Teresa M. Bejan, *Rawls’s Teaching and the “Tradition” of Political Philosophy*, 18 *MODERN INTELL. HIST.* 1058, 1064 (2021).

³³ *Id.*

³⁴ *Id.*

³⁵ RAWLS, *supra* note 2, at 9–10.

³⁶ P.F. STRAWSON, *Freedom and Resentment*, in *FREEDOM AND RESENTMENT AND OTHER ESSAYS* 1, 15 (2008) (1974).

³⁷ It is because structural injustice is said to be possible in the absence of an agent who is the proper object of the reactive attitudes that structural justice seems to strain our common categories of injustice. For an attempt

is why justice is commonly thought to govern relations between, and only between, persons.³⁸

Because the common sense view of justice links justice and injustice to intentional agency, Rawls is at pains to argue that “[t]here is no conflict with the traditional notion” of justice and why—contrary to what Bejan says—those pains are necessary.³⁹ Rawls’s argument is premised on the claims that Aristotle’s account of justice presupposes “an account of what properly belongs to a person and of what is due to him” and that individual entitlements are “very often derived from social institutions and the legitimate expectations to which they give rise.”⁴⁰ Rawls therefore thinks an account of institutional distributive justice of the sort he develops is presupposed by the common sense, Aristotelian view of justice.

As we shall see, Rawls’s reference to “legitimate expectations” anticipates an important feature of the theory of justice Rawls proceeded to develop. What is of more immediate interest is a remark that has received too little attention: that “[t]here is no reason to think that Aristotle would disagree with this, and certainly he has a conception of social justice to account for these claims.”⁴¹ “Social justice” is a technical term for Rawls. It refers to the justice of basic institutions.⁴² Whether the task of developing a political conception of justice is at odds with the Thomistic Aristotelian tradition of thought about justice and whether Catholic political thought can participate in a narrow-focus consensus depend upon whether the corresponding claim about Aquinas—the claim that Aquinas has a conception of social justice in Rawls’s sense—is right.

IV. AQUINAS AND THE BASIC STRUCTURE: SATISFYING (P₁)

Aquinas follows Aristotle in treating justice as a virtue⁴³ and, like Aristotle, he distinguishes general from particular justice.⁴⁴ The former orients someone toward the common good and so encompasses all of the virtues whose acts can

to show the reactive attitudes appropriate to structural injustice, see Robin Zheng, *Moral Criticism and Structural Injustice*, 130 MIND 503, 518 (2021).

³⁸ As Gregory Vlastos, whom Rawls claims to follow, says, “What holds these two senses together is that δικαιοσύνη is the pre-eminently *social* virtue: it stands for right dealings between persons.” GREGORY VLASTOS, *Justice and Happiness in the Republic*, in PLATONIC STUDIES 111, 116 (2d ed. 1981) (citation omitted).

³⁹ RAWLS, *supra* note 2, at 10.

⁴⁰ *Id.*

⁴¹ *Id.* at 10–11.

⁴² *Id.* at 5–6.

⁴³ AQUINAS, *supra* note 8, at IIaIIae,58,3.

⁴⁴ *Id.* at IIaIIae,58,6–7.

be directed toward that object.⁴⁵ The latter is a virtue whose object is what Aquinas calls “the right”⁴⁶ and which is distinct from other virtues such as courage and temperance.⁴⁷ Aquinas also follows Aristotle in distinguishing commutative from distributive justice.⁴⁸ When Rawls says that Aristotle “has a conception of social justice to account for” he claims “derived from social institutions,”⁴⁹ I believe it is distributive justice that he has in mind. But is distributive justice—in Aristotle’s and Aquinas’s sense of that term—enough like the institutional justice of which Rawls provides an account to vindicate his claim that that account tallies with tradition? Does it therefore tally closely enough that a liberal political conception of justice can be developed that is faithful to the main lines and categories of Catholic political thought?⁵⁰

It is sometimes said that distributive justice, as Aquinas understands it, governs “relations between an individual and the state as a whole.”⁵¹ If “the state as a whole” means “the entirety of a political community’s governing apparatus,” then, while the Rawlsian basic structure is not the state, Thomistic distributive justice would regulate the distributive effects of a set of institutions. Rawls’s claim about his consistency with the tradition stemming from Aristotle would be completely vindicated, or at least supported. But Aquinas does not say distributive justice governs relations between an individual and set of governing institutions. What he says is that it governs relations between individuals and the community of which they are parts.⁵²

Since a community is what is governed by a state, and not the state itself, what Aquinas says does not straightforwardly imply that distributive justice is institutional. Jean Porter denies that it is. Of the differences between Rawls’s and Aquinas’s accounts of distributive justice, she writes the following:

⁴⁵ *Id.* at IIaIIae,58,6.

⁴⁶ *Id.* at IIaIIae,57,1.

⁴⁷ *Id.* at IIaIIae,58,5.

⁴⁸ *See id.* at IIaIIae,61,1.

⁴⁹ RAWLS, *supra* note 2, at 10–11.

⁵⁰ Pope Pius XI is sometimes said to have ramified this taxonomy by adding the category of social justice. If he did, then that would greatly complicate Catholic political thought as I have described it. But what Pius meant by “social justice” seems not to be what Rawls means by it, for Russell Hittinger has argued convincingly that “social justice” is another name for what Aquinas called “general justice.” And so, it seems that Catholic political thought operates with just the three categories Aristotle and Aquinas distinguished. *See* Russell Hittinger, *The Coherence of the Four Basic Principles of Catholic Social Doctrine: An Interpretation, in PURSUING THE COMMON GOOD: HOW SOLIDARITY AND SUBSIDIARITY CAN WORK TOGETHER* 75, 114 (Margaret S. Archer & Pierpaolo Donati eds., 2008).

⁵¹ ELEONORE STUMP, AQUINAS 317 (2003).

⁵² AQUINAS, *supra* note 8, at IIaIIae,61,1.

The differences between these two perspectives are more fundamental. For Rawls and his interlocutors, justice is embodied in social and institutional systems, insofar as they operate in accordance with norms of equality, respect for and promotion of personal autonomy, or the like. Justice thus understood can be said to be a virtue, but only in an extended sense, much as truth can be said to be the first virtue of an intellectual construct. For whatever reasons, Aquinas does not offer a theory of justice in this sense.⁵³

If Aquinas does not offer a theory of distributive justice in Rawls's sense, it may be for a reason that Porter herself stresses: justice is a virtue of the will.⁵⁴ If it is a virtue of the will, then something without a will cannot, properly speaking, act from the virtue of justice. Because institutions lack wills, they cannot have the virtue of justice except, as Porter suggests in this passage, "in an extended sense."⁵⁵ And if Aquinas thinks institutions cannot have the virtue of justice, then he would dissent from—or heavily qualify—Rawls's famous remark that "[j]ustice is the first virtue of social institutions, as truth is of systems of thought."⁵⁶ More important for present purposes, he would deny that a conception of justice developed for the basic structure is faithful to his own treatment of justice.

There is at least one way Rawls could try to salvage the claim that developing an account of justice for the basic structure tallies with the Thomistic tradition. He could grant Aquinas that only an entity with a will can be just but insist that institutions have wills and thus can be the subject of distributive justice in Aquinas's sense. This rejoinder would not be entirely foreign to social contract theory. Locke speaks of "the will of the legislative."⁵⁷ I believe he thinks he can do so because the legislative has a decision procedure: its will is ascertained and exercised by majority rule.⁵⁸ But, although Rawls does suggest that institutions can reason about what to do,⁵⁹ and so presumably thinks them capable of making decisions, he does not say that they can will or that they are agents on all fours with the sort of agent that Porter thinks can possess a virtue.⁶⁰

⁵³ JEAN PORTER, *JUSTICE AS A VIRTUE: A THOMISTIC PERSPECTIVE* 269 (2016). Porter says that "it is admittedly not clear that [Aquinas] would regard the operations of social structures and institutions as falling within the scope of distributive justice." *Id.* at 125 n.15.

⁵⁴ See AQUINAS, *supra* note 8, at IIaIIae,58,4.

⁵⁵ PORTER, *supra* note 53, at 269.

⁵⁶ RAWLS, *supra* note 2, at 3.

⁵⁷ JOHN LOCKE, *SECOND TREATISE OF GOVERNMENT* 4 (Jonathan Bennett ed., 2008) (1689).

⁵⁸ See *id.* at 30.

⁵⁹ Cf. RAWLS, *POLITICAL LIBERALISM*, *supra* note 17, at 220–21.

⁶⁰ Porter observes:

The will as Aquinas understands it is both the highest and unifying appetite of the rational

John Finnis implies that the Thomistic theory of distributive justice he develops in *Natural Law and Natural Rights* does include an account of justice for basic institutions.⁶¹ But his exposition of Aquinas's view in his book on Aquinas gives no indication that he thinks Aquinas's treatment of distributive justice contains such an account.⁶² Finnis does not draw out the implication in developing his own theory and there is no hint that, were he to draw it out, he would give distributive principles for institutions the kind of priority Rawls gives them. So, although Finnis may seem more amenable than Porter to an account of distributive justice for basic institutions that is faithful to Aquinas's thought, there is reason to wonder whether that seeming amenability reflects his considered view.

Thus, Rawls's view that the basic structure is the primary subject of distributive justice and the proper focus of a liberal political conception seems irreconcilable with a defining feature of Aquinas's view of justice as Porter interprets it. Neither Finnis's interpretation of Aquinas nor his own Thomistic view seems to hold out hope for a reconciliation. But we might still wonder whether the gap between Rawlsian and Thomistic views is as wide as it seems. For Aquinas quite clearly says that distributive justice regulates relations between individual and the whole—by which he means “the community”—of which she is a part.⁶³ If a community is subject to requirements of distributive justice, then—even if a community cannot be identified with its basic structure

creature and the principle for acts *ad extra*. Seen from the first perspective, it is innately oriented toward some comprehensive good, in such a way as to move the rational creature to act and to sustain an integrated course of activity over the course of a lifetime. Seen from the second perspective, it is innately oriented toward others, especially toward other men and women, and it moves the agent to relate to these others in appropriate ways. We would like to think that these two aspects of the will and its operations are integrated, but there is no *formally compelling reason* why this should be the case.

PORTER, *supra* note 53, at 229 (emphasis added). If Porter means that it is not a conceptual truth that relating to others as justice demands integrates one's plan of life, then she is surely right. But in a fascinating yet neglected section of *A Theory of Justice*, Rawls argues that the sense of justice *does* conduce to the kind of psychological integration he calls “unity of the self.” See RAWLS, *supra* note 2, at 560–67. Rawls, like Porter, does not think that this conclusion is a conceptual truth; he thinks it follows from the contract doctrine and its Kantian interpretation. See *id.* at 491–96.

⁶¹ See JOHN FINNIS, *NATURAL LAW AND NATURAL RIGHTS* 163 n.4 (2d ed. 2011) (“[J]ustice as treated in the present chapter would appear not only where Rawls places it in that diagram but also at the foot of arms III,II(b), and both limbs of II(a).” (referencing RAWLS, *supra* note 2, at 109)).

⁶² See JOHN FINNIS, *AQUINAS: MORAL, POLITICAL, AND LEGAL THEORY* (1998).

⁶³ AQUINAS, *supra* note 8, at IIaIIae,61,1 (“Respondeo dicendum quod, sicut dictum est, iustitia particularis ordinatur ad aliquam privatam personam, quae comparatur ad communitatem sicut pars ad totum. Potest autem ad aliquam partem duplex ordo attendi. Unus quidem partis ad partem, cui similis est ordo unius privatae personae ad aliam. Et hunc ordinem dirigit commutativa iustitia, quae consistit in his quae mutuo fiunt inter duas personas ad invicem. Alius ordo attenditur totius ad partes.”).

or, as we saw earlier, with its governing apparatus—such requirements would apply to an entity that lacks a will and that contains social positions that profoundly affect life prospects from the start.⁶⁴ In that case, the distance between Aquinas's account of distributive justice and Rawls's would seem to be narrowed considerably.

But although this line of thought seems promising at first blush, Aquinas does not say that principles of distributive justice apply to communities. What he says is that distributive justice orders the community to its parts *by directing the way common things are distributed to members of the community*.⁶⁵ That distribution is affected by natural persons in the community who, by virtue of their positions, are responsible for setting up and administering whatever distributional mechanisms there might be. These natural persons naturally have wills. It is they, rather than communities or institutions, who are subject to distributive justice and can act from it.⁶⁶ The gap with Rawls's approach to distributive justice so far remains unbridged.

Samuel Fleischacker has argued that when we turn attention from who does the distributing to what gets distributed, that gap seems very large indeed. For Fleischacker argues that according to Aquinas, distributive justice is concerned only with the distribution of honors and offices on the basis of merit, and not at all with the distribution of material necessities.⁶⁷ To drive home his point about the size of the gap between Aristotelian and Rawlsian views, Fleischacker says that “to see Aristotle and Aquinas as essentially concerned with the same issues that trouble Rawls[] . . . would be a great mistake.”⁶⁸ By contrast, Porter uses the example of citizens' “equal claim[s] on the material and cultural benefits of the community” to illustrate Aquinas's account of distributive justice, thereby suggesting that Aquinas *would* recognize such claims, while cautiously observing that the example is not Aquinas's.⁶⁹ Finnis claims explicitly that Aquinas thinks the poor are entitled to have their needs met even if the poor are not in extreme necessity.⁷⁰ Stump reads Aquinas roughly the same way.⁷¹

⁶⁴ See RAWLS, *supra* note 2, at 6–7 (discussing the basic structure).

⁶⁵ AQUINAS, *supra* note 8, at IIaIIae,61,1 (“[E]t huic ordini assimilatur ordo eius quod est commune ad singulas personas. Quem quidem ordinem dirigit iustitia distributiva, quae est distributiva communium secundum proportionalitatem.”).

⁶⁶ See FINNIS, *supra* note 62, at 195. I am grateful to Russell Hittinger for helpful correspondence about this point.

⁶⁷ SAMUEL FLEISCHACKER, A SHORT HISTORY OF DISTRIBUTIVE JUSTICE 21–22 (2004).

⁶⁸ *Id.* at 16 (emphasis omitted).

⁶⁹ PORTER, *supra* note 53, at 125.

⁷⁰ FINNIS, *supra* note 62, at 191–93.

⁷¹ See STUMP, *supra* note 51, at 325, 338. Stump also says that money and honor are among the

I cannot enter this interpretive controversy here. Instead, I shall give Aquinas the benefit of the doubt and suppose, with Porter, Finnis, and Stump, that Aquinas—like Rawls—thinks that whatever else distributive justice concerns, it concerns the proper distribution of income and wealth. So, however different their theories of justice in some respects, I shall suppose that Aquinas and Rawls do not differ along the dimension Fleischacker identifies.

V. DISTRIBUTIVE RIGHTNESS

It is time to take stock. The question of whether Thomistic Aristotelianism can take part in an overlapping consensus is internal to Rawlsian political philosophy. But it is, I claimed, a question of interest beyond that subfield. What I called a “narrow-focus” overlapping consensus holds in a just society when conceptions of the good support one or another liberal political conception of justice. So, to see whether Thomistic Aristotelianism can take part in such a consensus, we need to see whether a conception of justice which satisfies (P₁), (P₂), (L₁), (L₂), and (L₃) can be developed out of that body of thought. According to condition (P₁), political conceptions of justice are formulated specifically to apply to the basic structure. As we saw, Rawls claims that the Aristotelian tradition in which Aquinas—and thus much of Catholic political thought—stands has an account of distributive justice for basic institutions. Perhaps that is among the reasons he conjectured a Thomistic political conception can be developed.

But we have seen that according to Aquinas, justice is a virtue of the will.⁷² Entities that lack wills—such as states, institutions, and communities—cannot exhibit the virtue of justice. I have granted that Aquinas thinks members of a community have claims on necessary material goods. Those claims are to be honored by natural persons who, because they have wills, *can* act from the virtue of distributive justice. It therefore seems that the Rawlsian conjecture was mistaken: an account of distributive justice for society’s basic institutional structure—an account that satisfies (P₁)—cannot be developed within Thomistic and Aristotelian categories. Even if both Rawlsian and Thomistic approaches to distributive justice supported the same distributions, they would do so for quite different reasons and the theoretical overlap would be minimal at best.

It may now be protested that this conclusion is overstated. As I observed earlier, Aquinas thinks that justice—including distributive justice—has an

distribuenda. Id. at 317.

⁷² AQUINAS, *supra* note 8, at IIaIIae,58,4.

object: what he calls “the right.”⁷³ What makes an action an exercise of distributive justice is that the action advances or honors that object. So, there must be some rightness about the proper distribution of material goods or about states of affairs in which the claims of individuals to those goods are honored. Thus, while Aquinas may reserve the term “distributive justice” and its cognates for qualities of the will, his treatment of distributive justice presupposes a standard of distributive rightness.

There are, I believe, several reasons for thinking that this standard applies to basic institutions. To cite just one: in societies with advanced market economies, many individuals’ needs will be met by what they secure through market transactions. Parties to those transactions will often act from motives that cannot plausibly be numbered among the characteristic motives of distributive justice, such as self-interest and perhaps self-interested welfare maximization. And so, many people are going to have their needs met as an unintended consequence of citizens acting on the rules and incentives provided by their basic institutions and not because of distributive justice. But markets will distribute so as to meet people’s needs adequately only if rules and incentives are properly structured so that they result in outcomes that satisfy distributive rightness. And so, there must be some standards of distributive rightness that apply to the way institutions of a market economy operate. That is what Rawlsian principles are supposed to do.

It may be that a society’s rules and incentive structure must be enacted and monitored by public officials, and it may be that officials have to exercise the virtue of distributive justice when they enact and monitor. If so, then the achievement of distributive rightness depends upon exercises of distributive justice. But what will *make* their actions instances of distributive justice is that they bring the operation of institutions into conformity with distributive rightness. And so, Aquinas’s standard of distributive rightness must apply to basic institutions and not—or not only—to actions or entities with wills. Aquinas might not *call* that standard a standard of distributive justice. But if not, Rawlsians could reply that it is a standard of distributive justice in everything but name and that nominal differences are merely verbal ones. Thus, although Aquinas may appear to operate with different categories of justice than Rawls does, this analysis seems to vindicate Rawls’s claim that Aristotelian views like his have “a conception of social justice to account for [individuals’] claims” on their community.⁷⁴ Initial appearances notwithstanding, the need to satisfy

⁷³ *Id.* at IIaIIae,57,1.

⁷⁴ RAWLS, *supra* note 2, at 10–11.

condition (P₁) does not foreclose the possibility of a liberal political conception of justice that is faithful to Aquinas.

VI. POLITICAL VALUES: SATISFYING (P₂)

The foregoing line of thought narrows the gap between Rawlsian and Thomistic accounts of distributive justice, but not yet enough to show that accounts indebted to Aquinas can take part in a narrow-focus consensus. For while it shows that Aquinas's view presupposes a standard of distributive rightness, it does not show how individuals' claims on their community are grounded.

Spelling out the condition I labelled (P₂), Rawls says that political conceptions of justice must be capable of being presented as “freestanding.”⁷⁵ That is, they need not be presented as part of or as derived from a view of the human good.⁷⁶ Rather, they can be presented as having sufficient intellectual resources to yield reasonable answers to fundamental political questions without appeal to such views. Whatever else this “free-standing condition” implies, it also implies that individual claims are to be derived from political ideals and values—in the case of Rawls's justice as fairness, from ideals of citizens as free and equal, and of society as a fair scheme of social cooperation.⁷⁷ The grounding of these claims in political values marks a significant difference between Rawlsian and Aristotelian views.

That difference should be of interest to theorists of Catholic political thought. Rawls imposes the free-standingness condition because he thinks that if a conception of justice depended upon a particular view of the good, then citizens who adhere to other views of the good—views inconsistent with that on which the conception depends—would find a tension between justice and goodness.⁷⁸ In short, they would not find it good to be just. To foreclose this possibility, Rawls insists that conceptions of justice that are the objects of a narrow-focus consensus be founded on shared political values.⁷⁹ But with condition (P₂) in place, the project of developing Catholic political thought seems to be precisely antithetical to the project of framing a political conception of justice. For the former is an attempt to draw out the implications of a body of moral and religious thought for economic and political life, while the latter is an

⁷⁵ RAWLS, *POLITICAL LIBERALISM*, *supra* note 17, at 12–13.

⁷⁶ *Id.* at 12.

⁷⁷ RAWLS, *supra* note 2, at 6, 13–14.

⁷⁸ *Id.* at 11–13.

⁷⁹ *Id.* at 14.

attempt to identify the demands of justice without doing that. (P₁) may not preclude the participation of Catholic social thought in a narrow-focus consensus. (P₂) certainly seems to do so.

But while the development of Catholic political thought may seem a project internal to Catholicism, it shares with Rawlsian political philosophy the aspiration of articulating a view of justice that can appeal to religiously and morally pluralistic audiences.⁸⁰ Conceptions of justice that satisfy (P₂) do not depend upon conceptions of the good that are bound to be controversial in a pluralistic society. To see more clearly what that condition requires, and whether a conception of justice in the tradition of Thomistic Aristotelianism might be presented as free-standing, it will be helpful to recall how Rawls's own conception of justice satisfies that condition.

The starting point of a free-standing conception is the shared political culture of liberal democratic societies. That culture contains a number of political conceptions or ideals.⁸¹ For example, it contains a conception of citizens as free and equal. Rawls also claims that it contains the conception of society as a fair "scheme of social cooperation."⁸² The presence of these two conceptions suggests that, ideally, society ought to be a fair cooperative scheme in which citizens relate to one another as free and equal cooperators. It raises the question of how liberal democracies under modern conditions might realize that ideal.

Rawls thought that they could realize the ideal only if their basic institutions satisfied principles of distributive justice. The principles he identified furnish a standard of distributive justice, or what I called "distributive rightness." Because the theory from which they emerge is founded on ideas in the political culture and dispenses with the idea of pre-institutional merit, Rawls's conception of justice satisfies (P₂). By allowing for the possibility of an overlapping consensus with a narrow focus, Rawls allows for the possibility that conceptions of distributive justice other than his own could be worked up from ideas in the public culture. The question of whether Catholic political thought could take part in an overlapping consensus raises the question of whether it is possible to begin with ideas in liberal democratic culture and work up a conception of distributive

⁸⁰ See PONTIFICAL COUNCIL FOR JUSTICE AND PEACE, COMPENDIUM OF THE SOCIAL DOCTRINE OF THE CHURCH § 12 (2004) ("This document is proposed also to the brethren of other Churches and Ecclesial Communities, to the followers of other religions, as well as to all people of good will who are committed to serving the common good . . .").

⁸¹ John Rawls, *Justice as Fairness: Political Not Metaphysical*, 14 PHIL. & PUB. AFFS. 223, 228 (1985).

⁸² RAWLS, *supra* note 2, at 5–6.

rightness that satisfies (P₂) but is faithful to the tradition of Thomistic Aristotelianism.

It might seem that the answer is “no” because Aquinas’s account of justice seems to depend upon moral ideas from which the account cannot stand free, for Aquinas seems to ground individuals’ claims on premises that are ineliminably theological. For example, his argument that wealthy persons cannot retain wealth for their exclusive use when others are in need depends upon the assumptions that all things by their nature belong to God and not to those who are in possession of them, and that they belong to God because God created them.⁸³ This argument establishes that the needy have claims only given the further assumption that God intended the goods of creation for human sustenance. The assumption is one Aquinas is happy to make.⁸⁴ But his reliance on that assumption, and on the assumption that God owns all things in virtue of having created them, at least raises questions about whether a Thomistic view of distributive rightness could satisfy (P₂).

Aquinas’s assumption that God created goods for the sustenance of all humanity has come to be known as “the universal destination of the earth’s goods” and is a staple of papal social teaching.⁸⁵ But if Aquinas’s assumption is taken literally, then his argument shows only the grounds of individuals’ claims to goods created by God. In economies that consist of the pastoral, extractive, and agricultural work of individuals and families—in which resources available to meet human needs consist of naturally occurring goods—honoring claims to goods created by God may satisfy distributive rightness. But ours is an economy in which the great bulk of surplus resources are made available by cooperative enterprises. Many individuals’ claims to those resources are grounded in their role as cooperators. The point of standards of distributive rightness that apply to basic institutions is precisely to say what cooperators are owed. And so, in modern economies, we need such institutional standards to ground individual claims. Aquinas does not, to my knowledge, say anything incompatible with this conclusion and papal social teaching has insisted that his assumption about the universal destination of goods should be interpreted flexibly rather than literally.⁸⁶ So, Catholic political thought may be compatible with beginning, as Rawls does, with the idea of citizens as free and equal and of society as a fair scheme of social cooperation among them.

⁸³ AQUINAS, *supra* note 8, at IIaIIae,66,1 ad 2.

⁸⁴ *Id.* at IIaIIae,66,1 ad 1.

⁸⁵ Pope John Paul II, *Centesimus Annus*, para. 31 (1991) (emphasis omitted), https://www.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_01051991_centesimus-annus.html.

⁸⁶ See PONTIFICAL COUNCIL FOR JUSTICE AND PEACE, *supra* note 80, § 178.

VII. PARTICIPATION AND SUFFICIENCY

It may also be possible to frame a more recognizably Catholic and Thomistic view by beginning elsewhere. Suppose we start with the common sense Aristotelian idea that many of the goods of human life are realized in activity.⁸⁷ Some strains of liberal democratic thought contain the idea of a common good, or common goods, that societies should realize.⁸⁸ Common sense Aristotelianism suggests that those common goods are realized in the many collective activities in which members of society engage—including economic activity, the production and enjoyment of entertainment and high culture, and political deliberation and decision-making, to name just a few. If those goods are to be truly common goods, then everyone with the requisite native abilities should be *able* to participate in them to some significant degree. By this route, we might be led to the ideal of society as a fair scheme of *participation* by free and equal citizens. And we might be led to the question of how a liberal democracy can realize that ideal.

Participation in the various activities in which common goods are realized arguably requires access to threshold amounts of various advantages. These advantages include education, economic opportunity, income and wealth, meaningful work, entree to civil society, political information, and political voice. Participation may also require a threshold level of psychological goods, such as a threshold sense of self-worth. And so, it may be argued, society can be a fair scheme of participation only if everyone has access to the advantages listed at these threshold levels. Because society should realize that ideal—because everyone ought to be able to participate in the activities that realize common goods—these threshold levels can be exploited to yield a standard of distributive rightness. Because what rightness demands is that everyone have access to a threshold of sufficiency, the standard is sufficientarian. If the goods to be distributed admit of a common measure, then the account of distributive rightness will be a form of monistic sufficientarianism. If they do not, then the account will be pluralistic.

I assume that a sufficientarian account of the kind now in view would satisfy Rawls's conditions (L₁) and (L₂). That is, I assume they would identify, protect, and prioritize basic liberties. It would also satisfy Rawls's requirement (L₃) that objects of a narrow-focus consensus guarantee citizens sufficient resources to make use of their liberties and would satisfy it by construction.

⁸⁷ See ARISTOTLE, *supra* note 31, I.7, 1097a15, bk. I, at 10.

⁸⁸ Waheed Hussain, *The Common Good*, STANFORD ENCYC. OF PHIL. (Feb. 26, 2018), <https://plato.stanford.edu/entries/common-good/>.

Sufficientarian views have been subject to searching examination in recent years and face a number of philosophical difficulties.⁸⁹ My own view is that the difficulties with sufficientarianism are such that Rawls's principles of distributive justice are more intellectually defensible.⁹⁰ But whether this position is correct depends upon how sufficientarianism is ultimately developed, and I do not want to foreclose the possibility of satisfactory development here. What matters for present purposes is that a sufficientarian view of the kind suggested seems to satisfy the free-standingness condition (P₂). For it is developed out of ideas that I have supposed may be found in liberal democratic culture and it eschews reliance on prior moral ideas, such as the idea of moral merit and the ideal of a practically wise person. Moreover, if worked out in enough detail to support individual entitlements, then it will not be trivially free-standing. It, like Rawls's conception of justice, could provide at least *prima facie* reasonable answers to pressing political questions.

The shape of the view is also recognizably Aristotelian and Thomistic. For it is founded on what I called common sense Aristotelianism about human goods, on the claim that society is to realize certain common goods and that citizens participate in those goods by participating in collective activity. Those ideas are assumed to be broadly compelling and *prima facie* plausible because of their presence in a political culture we share. But it is possible that they can be given further support and elaboration by distinctively religious or Catholic sources. The possibility that the value of participation can be given such further grounding was an important theme in the U.S. Catholic Bishops' Pastoral Letter *Economic Justice for All*.⁹¹ In her recent book *Radical Sufficiency*, Christine

⁸⁹ See Richard J. Arneson, *Why Justice Requires Transfers to Offset Income and Wealth Inequalities*, 19 SOC. PHIL. & POL'Y 172 (2002). Proponents of sufficientarianism, which is pluralistic, still need to make all-things-considered interpersonal comparisons to determine from whom and to whom resources are to be transferred. Developing the standards of such multi-dimensional comparisons would be a task of some conceptual and mathematical complexity. Views that take sufficiency as the sole standard of distributive rightness are insensitive to inequalities between persons above the threshold and block efficient transfers between persons below the threshold without a principled reason. Hybrid views that balance sufficiency against other values, such as efficiency or equality, need to provide some underlying principle that justifies the balance.

⁹⁰ Liam Shields recently observed that "[t]he big bang of contemporary sufficientarianism is the publication, in 1987, of Harry Frankfurt's 'Equality as a Moral Ideal.'" Liam Shields, *Sufficientarianism*, 15 PHIL. COMPASS 1, 1 (2020). I criticize Harry Frankfurt's sufficientarianism in my review of his book *On Equality*. See Paul Weithman, *Harry Frankfurt, On Inequality*, 28 UTILITAS 227 (2016) (book review).

⁹¹ The Bishops noted the following:

All people have a right to participate in the economic life of society. Basic justice demands that people be assured a minimum level of participation in the economy. It is wrong for a person or group to be excluded unfairly or to be unable to participate or contribute to the economy. For example, people who are both able and willing, but cannot get a job are deprived of the participation that is so vital to human development. For, it is through employment that most

Firer Hinze defends a sufficientarian standard of distribution by appealing to the importance of participation.⁹² She finds the value of participation in American political culture.⁹³ But she also stresses the theological roots of her view.⁹⁴ She traces its lineage to John Ryan, and so ultimately to Thomas Aquinas.⁹⁵

CONCLUSION

In Parts II and III, we saw that Aquinas's texts suggest a quite different view of distributive justice than Rawls's. According to the view they suggest, the demands of distributive justice apply to entities capable of voluntary action and not to society's basic institutions. A Rawlsian overlapping consensus is, by stipulation, consensus on a view of distributive justice that satisfies the condition I called (P₁): it applies specifically to those institutions. It thus seemed that a view that is faithful to Thomistic Aristotelianism could not be the object of such a consensus. In Parts IV and V, I argued that Thomistic Aristotelian views presuppose a standard of distributive rightness and, under modern economic conditions, *that* standard must apply to basic institutions. Thomistic Aristotelian views can therefore satisfy (P₁) after all.

Rawls imposes a second condition on views that can be the focus of an overlapping consensus. That condition, which I called (P₂), requires that views can be presented as standing free of contested moral and theological claims. The deeply theological character of Aquinas's work might initially seem to preclude the development of a Thomistic view that satisfies this condition. In Part VI, I argued that—initial appearances to the contrary notwithstanding—the condition can indeed be satisfied by a Thomistic view. In Part VII, I illustrated this possibility. The sufficientarian views that I considered are not just Thomistic in contour but also Catholic in substance. Their possibility shows that Catholic political thought could indeed take part in a Rawlsian overlapping consensus.

individuals and families meet their material needs, exercise their talents, and have an opportunity to contribute to the larger community. *Such participation has special significance in our tradition because we believe that it is a means by which we join in carrying forward God's creative activity.*

U.S. Cath. Bishops, *Economic Justice for All: Pastoral Letter on Catholic Social Teaching and the U.S. Economy*, at viii (1986) (second emphasis added), https://www.usccb.org/upload/economic_justice_for_all.pdf.

⁹² See CHRISTINE FIRER HINZE, *RADICAL SUFFICIENCY: WORK, LIVELIHOOD, AND A US CATHOLIC ECONOMIC ETHIC* 273–76 (2021).

⁹³ See *id.* at 11.

⁹⁴ See, e.g., *id.* at 8.

⁹⁵ *Id.* at 9, 30–31.