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Subsidiarity & Vulnerability Theory: A Case Study for Deepening the Relationship Between Catholic Social Teaching and the Responsive State

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Subsidiarity & Vulnerability Theory: A Case Study for Deepening the Relationship Between Catholic Social Teaching and the Responsive State

Cover Page Footnote

Nathaniel Romano, S.J., LL.M. is Adjunct Professor of Law and Assistant Director of Campus Ministry for Liturgical Programs at Marquette University. This essay began as a seminar paper while I was a student at Emory University and was refined while serving as Drinan Scholar at Boston College Law School. I have profound gratitude to Martha Fineman for that seminar, as well as to my fellow students in the seminar, as well as my colleagues at BC, particularly Diane Ring and Katharine Young for their assistance in preparing this article. Opinions and viewpoints in this article are my own and do not necessarily reflect the opinions or views of the Society of Jesus, or any province or official thereof. AMDG.

SUBSIDIARITY & VULNERABILITY THEORY: A CASE STUDY FOR DEEPENING THE RELATIONSHIP BETWEEN CATHOLIC SOCIAL TEACHING AND THE RESPONSIVE STATE

Nathaniel Romano, S.J., LL.M.⁺

Religion and religious voices have long had a role to play in shaping community norms and values and public policy; this role continues in contemporary America. Yet, legitimate questions arise about the extent of this role and its place in a pluralist and democratic state. These questions are particularly pronounced when religion is perceived as partisan, a situation that seems apparent in contemporary America. Hoping to combat this perception, this paper explores the relationship between Catholic Social Teaching and Vulnerability Theory, aiming to show how religious values can inform legal theory across the political spectrum. This paper surveys both Catholic Social Teaching and Vulnerability Theory and then uses the principle of subsidiarity to explore the parallels, overlaps, and distinctions between these approaches. Such an exploration can help recognize how religious traditions can be in dialogue with legal theories across the political spectrum, without becoming tied to one particularly partisan or narrow approach. Religion and religious voices can thus be resources to aid in the building of truly just states, regardless of the ideological and political commitments of state actors.

⁺ Nathaniel Romano, S.J., LL.M. is Adjunct Professor of Law and Assistant Director of Campus Ministry for Liturgical Programs at Marquette University. This essay began as a seminar paper while I was a student at Emory University and was refined while serving as Drinan Scholar at Boston College Law School. I have profound gratitude to Martha Fineman for that seminar, as well as to my fellow students in the seminar, as well as my colleagues at BC, particularly Diane Ring and Katharine Young for their assistance in preparing this article. Opinions and viewpoints in this article are my own and do not necessarily reflect the opinions or views of the Society of Jesus, or any province or official thereof. *AMDG*.

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INTRODUCTION

Religion and religious voices have long had a role to play in shaping community norms and values, including legal norms. This role continues, even in contemporary America. At the same time, legitimate questions arise about the role of religion in a pluralist democratic state. Such questions and concerns arise particularly when religion is perceived as a partisan tool or is associated with only one political party. This was particularly apparent in the media coverage of the role of faith in the nomination of Amy Coney Barrett to the Supreme Court, for example. Likewise, whether the perception is accurate—or even fair—several recent Supreme Court cases can be read as protecting traditional *Christian* values, but not other religious values.¹ While there are many conservatives motivated by their religious commitments, religious faith is

1. For example, in *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, the Court relied in part on single commissioners' remarks to conclude that unlawful anti-religious animus against a Christian baker so infected the proceeding as to require it be set aside. *Masterpiece Cakeshop, Ltd. v. Colo. Civil Rights Comm'n*, 138 S. Ct. 1719, 1729 (2018). Only a few weeks later, however, the Court upheld former President Donald Trump's "travel ban" despite his regular and consistent statements indicating that he wanted to substantially limit, if not eliminate, entry into the United States by Muslims. *Trump v. Hawaii*, 138 S. Ct. 2392, 2406, 2409 (2018) ("[P]laintiffs' request for a searching inquiry into the persuasiveness of the President's justifications is inconsistent with the broad statutory text and the deference traditionally accorded the President in this sphere."). In another instance, the Court allowed the execution of a Muslim inmate to proceed despite the fact that his imam was not allowed to attend, but a Christian chaplain would have been. *Dunn v. Ray*, 139 S. Ct. 661, 661 (2019). In contrast—and only a few weeks later—the Court stayed an execution when a Buddhist inmate's request to have his religious minister was similarly denied. *Murphy v. Collier*, 139 S. Ct. 1111, 1111 (2019). There were undoubted reasons in doctrine and case law that support the Court's decision in these cases. These instances taken as a whole could feed a perception, such as the one regarding the nomination of Justice Barrett, that religion is somewhat partisan at the Court.

not itself tied to any particular political movement.² Such a perception is dangerous, for it undermines both the justifications for the civil and constitutional protection of religion and the ability of religion to exercise the role it sees itself as playing within the political community.

In order to combat the perception of partisanship, this article aims to explore the parallels and overlaps between Catholic Social Teaching and Vulnerability Theory. In so doing, it will aim to show how religious values can inform legal theory from across the political spectrum, benefiting all and not just partisans of one stripe or another.³

Our lens for this exploration will be the principle of “subsidiarity,” one of the fundamental principles of Catholic Social Teaching. This article will demonstrate how this principle can inform our understanding of how a responsive state can function and help build resilience in the face of the universal condition of human vulnerability. Dialogue between Catholic Social Teaching and Vulnerability Theory will be beneficial for both, even as they remain distinctive approaches.

Vulnerability Theory takes the human condition seriously and posits that individuals and communities subject to state action are defined by the universal constant of “vulnerability.” Each human person and every human community is vulnerable. Understanding this fundamental reality is key to building a state that is truly responsive to human needs. This understanding of the human condition is understood and developed independent of religious convictions; at the same time, we can acknowledge that there are overlaps with certain religious traditions. Moreover, this theory is quite distinct from the conservative traditions often associated with religion in contemporary America, while also being critical of liberal and neoliberal impulses. In this regard, Vulnerability Theory and Catholic Social Teaching already overlap.

Part I of this article briefly describes the contribution of religious values, particularly Catholic Social Teaching, to the project of legal theory even in a pluralist state and for non-Catholic theorists. Part II discusses Vulnerability Theory and its conceptions of the Vulnerable Subject and Responsive State. Part III sets out the principles of Catholic Social Teaching. Part IV will investigate how those principles might be relevant for deepening our understanding of the Vulnerable Subject and the Responsive State. Part V uses the principle of

2. See, e.g., Pope Benedict XVI, *Address of His Holiness Benedict XVI*, THE HOLY SEE (Sept. 17, 2010), http://www.vatican.va/content/benedict-xvi/en/speeches/2010/september/documents/hf_ben-xvi_spe_20100917_societa-civile.html (“This is why I would suggest that the world of reason and the world of faith—the world of secular rationality and the world of religious belief—need one another and should not be afraid to enter into a profound and ongoing dialogue, for the good of our civilization. Religion, in other words, is not a problem for legislators to solve, but a vital contributor to the national conversation.”).

3. Cf. Pope Benedict XVI, *supra* note 2 (“While couched in different language, Catholic social teaching has much in common with this approach, in its overriding concern to safeguard the unique dignity of every human person, created in the image and likeness of God, and in its emphasis on the duty of civil authority to foster the common good.”).

subsidiarity as a case study in how the dialogue between Vulnerability Theory and Catholic Social Teaching can proceed and be beneficial. This includes a brief discussion of family law as a particular opportunity for collaboration and reform consistent with shared principles. Part VI offers a concluding remark.

I. CATHOLIC SOCIAL TEACHING AS A VALUE FOR A PLURALIST AND DEMOCRATIC STATE

“Catholic Social Teaching” generally refers to the teachings of the Catholic Church applied to what are usually termed “social questions.”⁴ Distinct from questions of faith (“Who is God?”) or Church discipline (“Who can receive a sacrament?”), these focus on practical questions of how the world ought to function. Church leaders and theologians take the insights gleaned from faith, theological investigation, and the lived experience of Church communities across time and locale and apply them broadly to issues of public policy. It is, then, an applied theology.⁵ In making this application, the Church attempts to set forth a teaching that, while being informed by its religious convictions, is accessible to anyone, believer or not, and that can be utilized as a tool for public policy across a wide variety of social, political, and economic systems. Taken seriously, this teaching can be a model, even in pluralist states such as the United States, for developing a truly responsive state.

As this article will show, there is a clear parallel or overlap between the concerns of the theorists of vulnerability and the proponents of Catholic Social Teaching. This overlap presents an interesting place for excavation and discovery and mutual self-enrichment. In the best cases, this process will better American society, allowing the best of both sides to collaborate for the common

4. See, e.g., *Quadragesimo Anno: Encyclical Letter of His Holiness Pius XI by Divine Providence Pope*, (May 15, 1931), in *CATHOLIC SOCIAL THOUGHT: ENCYCLICALS AND DOCUMENTS FROM POPE LEO XIII TO POPE FRANCIS*, 43, para. 2 (David J. O’Brien & Thomas A. Shannon, eds., 2016) (“*Rerum Novarum*, however, stood out in this, that it laid down for all mankind unerring rules for the right solution of the difficult problem of human community, called the ‘social question,’ at the very time when such guidance was most opportune and necessary.”).

5. Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church*, para. 8 (Libreria Editrice Vaticana 2004) (“Herein the most relevant theological, philosophical, moral, cultural and pastoral considerations of this teaching are systematically presented as they relate to social questions. In this way, witness is borne to the fruitfulness of the encounter between the Gospel and the problems that mankind encounters on its journey through history.”) [hereinafter *Social Compendium*]. Two points of grammar and structure to note with regard to the *Social Compendium*. First and foremost, the authorized translations utilize heavily gendered language like “mankind” for example, or the use of “man” to mean “human.” This is an unfortunate consistency across English translations of official Vatican documents. In this paper, I will attempt to use gender-inclusive language where possible, but direct quotations will retain the gendered language, in the interest of presenting the material as accurately as possible. Second, and much less importantly, the authors and compilers of the *Social Compendium* italicize quite generously, for the apparent purpose of emphasis, or perhaps simply to mark the main point of any given paragraph or item. Italics will usually be avoided in direct quotations for ease of reading, unless it is clear that the italicization conveys a real meaning beyond just emphasis.

good. At the same time, however, there may be a tendency to shy away from such an exploration. The state that Vulnerability Theory concerns itself with is rarely a confessionally Catholic one. Even in historically Catholic states, the reality of religious pluralism and commitments to religious liberty may legitimately lead us to question if a fundamentally religious analysis has a role to play. Moreover, there are serious methodological differences in how legal and religious scholars approach their subjects.⁶

Beyond this, there is a deeper concern about the ways in which religion has been, and continues to be, used in the legal-political landscape. Claims of religious liberty and freedom of conscience sit uneasily with allegations of harms caused by religious exercises in the public sphere.⁷ Any attempt to utilize languages and models based in religious experience must rightly be concerned about the impact of those usages on non-believers; in attempting to build a responsive state and resilient persons, our goal must be to avoid exploiting vulnerability for our own ideological agendas.

Still, there are benefits to understanding how those religious languages and models relate to Vulnerability Theory and other secular policy concerns. Initially, these benefits stem from the fact that law and religion are interrelated, interwoven, and complementary expressions of the organizing principles that underlie society. Law and religion are distinct disciplines, yet remain deeply connected.⁸ Both are norm-defining projects. Each makes normative judgments about how the world operates; each, moreover, makes normative judgments about how the world—or perhaps those living in the world—ought to operate.

[B]oth disciplines draw upon the same underlying concepts about the nature of being and order, of the person and community, of knowledge and truth. Both law and religion embrace closely analogous concepts of sin and crime, . . . redemption and rehabilitation, righteousness and justice that invariably combine in the mind of the legislator, judge, or juror.⁹

This is a mutual complementarity. It can be understood in terms of institutional supports. Law gives religious communities structure within society, while

6. John Witte, Jr., *Law, Religion, and Human Rights*, 28 COLUM. HUM. RTS. L. REV. 1, 3 (1996).

7. *Compare*, Travis S. Weber & L. Lin, *Freedom of Conscience and New “LGBT Rights” in International Human Rights Law*, 2 J. GLOB. JUST. & PUB. POL’Y 277, 283, 285 (2016) (discussing religious-based objections to the understanding of LGBTQ+ rights in international human rights documents), and Douglas Nejaime & Reva B. Siegel, *Conscience Wars: Complicity-Based Conscience Claims in Religion and Politics*, 124 YALE L.J. 2516, 2518–20, 2532–33 (2015) (discussing objections and concerns towards religious-liberty claims in tension with third-party rights claims).

8. *Cf.* Witte, *supra* note 6, at 3–8.

9. *Id.* at 5.

religion cloaks the legal system with the veil of sanctity and legitimacy.¹⁰ Or, where the relationship is less explicit, religion becomes a source—one, perhaps, among many—of reflection and guidance for lawmakers and jurists.¹¹ “Making and enforcing laws are themselves human actions subject to moral and practical evaluation.”¹²

Religious believers are likewise shaped by the law. Legal norms give structure to their congregations and channel how their beliefs are lived out; thus, religious believers not only need the law to be cognizant of them, but they want to participate in the shaping of law and policy so that their own deeply held moral convictions have legitimate outlets for expression within their societies.¹³ Collaboration between religious and legal institutions allows the religious ones to refine their sense of missions and to respond effectively to the actual situations they encounter in the societies they find themselves in.

There is, too, a legacy of mutual collaboration and cooperation between religious and legal reformers for the benefit of the common good and in furtherance of human rights and justice. This collaboration is both theoretical and practical. In the West, religious voices—including Catholic ones—have been heavily involved with the development of theories of rights and liberties.¹⁴ Rights were seen not as claims made against others (such as the state), but as the duties, obligations, and requirements of justice; rights were the mechanisms by which fundamental human dignity is promoted and preserved.¹⁵ For example, “[r]ights in Catholic teaching are moral claims which ought to have legal standing because the claims made pertain to goods which are essential for a person to participate with dignity in the life of a society.”¹⁶ Rights in this

10. *Id.* at 7–8. Legal systems can, and do, derive legitimacy from non-religious sources, although an interesting study could be made as to whether and how those sources themselves utilize religious or quasi-religious language.

11. Cathleen Kaveny, *Law's Virtues: Fostering Autonomy and Solidarity in American Society*, 46 (Geo. Univ. Press, 2012); see also *Social Compendium*, *supra* note 5, para. 396.

12. Kaveny, *supra* note 11, at 46.

13. See, e.g., *Social Compendium*, *supra* note 5, paras. 397 (“Authority must recognize, respect and promote essential human and moral values.”), 398 (“Authority must enact just laws, that is, laws that correspond to the dignity of the human person and to what is required by right reason.”).

14. John Tasioulas, *Human Rights, Legitimacy, and International Law*, 58 AM. J. JURISPRUDENCE 1, 2–3 (2013).

15. See *Natural Law in Catholic Social Teachings*, in MODERN CATHOLIC SOCIAL TEACHING: COMMENTARIES AND INTERPRETATION, 41, 44 (Kenneth Himes, et al., eds., 2004) (“Thomas [Aquinas] interpreted justice in terms of natural ends. Right (*ius*) obtains when purposes are respected and fulfilled, for example, when parents care for their children. He thus understood ‘right’ in human relations, objectively, as ‘the object of justice’ and ‘the just thing itself,’ and not as a claim made by one individual over and against others (right as a moral faculty, the notion of ‘subjective right’).”).

16. Kenneth R. Himes, *Rights of Entitlement: A Roman Catholic Perspective*, 11 NOTRE DAME J.L. ETHICS & PUB. POL’Y 507, 521 (1997).

tradition served much the same purposes that the concept of resilience serves in Vulnerability Theory, as we will see.

Beyond this parallel, however, there is also a history of concrete steps taken by religious believers in the push for social justice and the building of a truly responsive state. Particularly since the end of the Second World War, religious leaders have been engaged in this project. Jacques Maritain, a leading French Catholic philosopher from the middle of the twentieth century, was a staunch supporter of and advocate for the Universal Declaration of Human Rights during its drafting process.¹⁷ In the United States, religious voices were major leaders in the Civil Rights movement, including not only advocacy work but also by taking direct action to dismantle official segregation. The Roman Catholic Archbishop of New Orleans Joseph Rummel, for example, excommunicated Catholics in his diocese who refused to integrate their parishes or schools.¹⁸

Christian and religious rhetoric, moreover, continues to inspire political leaders who call for preservation and extension of civil rights and equality. President Joseph Biden described the unity he desires in the political sphere by referencing St. Augustine of Hippo in his inaugural address.¹⁹ President Biden cited Augustine, “a saint of [his] church,” for the proposition that “a people was a multitude defined by the common objects of their love.”²⁰ He went on to use that framing to describe his own call for healing, reconciliation, and unity after the struggles and even violence that marked the transition from his predecessor.²¹ Similarly, Senator Raphael Warnock was elected the day before violent protests, which included ostensibly Christian imagery, occurred at the United States Capitol Building.²² Senator Warnock is a Baptist pastor at the same church where Martin Luther King, Jr. once preached.²³ The Sunday after his election, he, like President Biden, relied upon religious imagery to set forth a political vision of empowerment, healing, and reconciliation.²⁴ The

17. Andrew Woodcock, *Jacques Maritain, Natural Law and the Universal Declaration of Human Rights*, 8 J. OF THE HIST. OF INT’L L. 245, 247 (2006).

18. Vincent Rougeau, *Politics & Communion: A bishop’s response to segregationists*, COMMONWEAL 17, 17–18 (Oct. 8, 2004).

19. Joseph R. Biden, Jr., President of the United States, Inaugural Address (Jan. 20, 2021), <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/01/20/inaugural-address-by-president-joseph-r-biden-jr/>.

20. *Id.*

21. *Id.*

22. See, e.g., Ken Camp, *Christian Nationalism clearly evident in Capitol Riot*, BAPTIST STANDARD (Jan. 7, 2021), <https://www.baptiststandard.com/news/nation/christian-nationalism-clearly-evident-in-capitol-riot/>; see also, Robert P. Jones, *Taking the white Christian nationalist symbols at the Capitol riot seriously*, RELIGION NEWS SERV. (Jan. 7, 2021), <https://religionnews.com/2021/01/07/taking-the-white-christian-nationalist-symbols-at-the-capitol-riot-seriously>.

23. Eugene Scott, *What you need to know about Raphael Warnock*, WASH. POST (Jan. 6, 2021), <https://www.washingtonpost.com/politics/2021/01/06/who-is-raphael-warnock/>.

24. See, e.g., Eric Levenson, *Senator-Elect Warnock contrasts his election with Capitol attack in his first sermon back*, CNN (Jan. 10, 2021), <https://www.cnn.com/2021/01/10/politics/warnock-ebenezer-church-sermon/index.html> (“He called on listeners to combat the violence of prejudice

implications should be clear; religious principles, imagery, and modes of argument ought not to be understood as limited or partisan, but as resources available to all positions across the political and ideological spectrum.²⁵

The result, then, is that theology has a role to play in public discourse, even as there are legitimate actions to cabin it, to avoid the excessive entanglements that can lead to division or even violence in the broader community. The history of collaboration shows that theology can be a productive source of progress towards social justice and the truly responsive state; this is particularly true when theological positions can be made accessible to those who do not share their premises about divinity and metaphysics.²⁶

Recognizing this, the Church grounds its social teaching not only in Scripture and divine revelation, but in the experiences of the human person. Catholic Social Teaching is derived from principles that do not require assent to the articles of Catholic faith in order to be understood, accepted, and applied within a society, even if those articles of faith might flesh out the metaphysical background. Thus, the Church attempts to set forth those beliefs in ways that are accessible and available to all persons, regardless of religious beliefs. “This social doctrine is a teaching explicitly addressed to all people of good will[.]”²⁷ The doctrine, though derived from religious convictions, is aimed at offering principles for reflection and judgment that do not rely upon religious belief in order to be utilized.²⁸ Principles of Catholic Social Teaching, then, can be of service to anyone, Catholic or not, precisely because the Church attempts to offer an analysis that is indeed accessible without needing to share the religious convictions at the foundation of that analysis. Catholic Social Teaching indeed depends upon the religious beliefs at its core, but it is formulated so that it is accessible even to those who do not share those beliefs.

and fear, the violence of poverty, and the violence of our politics. ‘The violence in this world is real, don’t be dishonest about that, yet violence does not have the last word,’ he said. ‘God is still up to something in this world. So don’t give in to cynicism, don’t give in to fear. Don’t give in to hatred, don’t give in to bigotry, don’t give in to see the xenophobia because violence will never have the last word.’”).

25. Cf. Lucia A. Silecchia, *Faith the Public Square: Some Reflections on Its Role and Limitations From the Perspective of Catholic Social Teaching*, 6 U. MD. L.J. RACE, RELIGION, GENDER & CLASS 69, 72 (2006) (“Religious communities are uniquely suited to articulating a vision as to those things which are moral absolutes, and toward which societies should consistently move.”).

26. See, e.g., Jürgen Habermas, *Religion in the Public Sphere*, 14 EUROPEAN J. PHILOSOPHY 1, 9–16 (2006) (discussing a “religious translation” filter for the inclusion of religious believers in public policy discussions); Russell Powell, *Theology in Public Reason and Legal Discourse: A Case for the Preferential Option for the Poor*, 15 WASH. & LEE J. CIVIL RIGHTS & SOC. JUSTICE 327, 334–38 (2009) (discussing differing approaches to including theological claims in public discourse).

27. *Social Compendium*, supra note 5, para. 84 (emphasis omitted).

28. Cf. Jose Gomez, *All You Who Labor: Towards a Spirituality of Work for the 21st Century*, 20 NOTRE DAME J.L. ETHICS & PUB. POL’Y 791, 791–92 (2006).

With this understanding of the value that a theological approach to legal theory can bring, we can turn to a specific engagement and dialogue. Our place of dialogue will be between Catholic Social Teaching and Vulnerability Theory.

II. VULNERABILITY THEORY AND THE RESPONSIVE STATE

Vulnerability Theory is an analysis of the human condition that recognizes a universal reality in order to argue for a state that truly responds to the needs and challenges of its subjects. It emerges out of a frustration with the limits of the liberal or neoliberal approach to contemporary social justice issues. In particular, it is concerned with understanding how societies and social groups are structured to advantage some and disadvantage others. The lens of vulnerable subjects and the responsive state will hopefully allow more effective and substantively just response to the problems of inequality, marginalization, and oppression than current models of social justice.²⁹

Liberal, neoliberal, and capitalist models presume every person is autonomous and thus responsible for their actions.³⁰ State action, then, is circumscribed, often quite drastically, out of a fear of reducing or infringing that autonomy.³¹ Protection or support is reserved for those whom society feels deserve it due to some particular vulnerability or limitation, usually events or conditions beyond their control or that seem exceptionally tragic. Help is then conditioned upon the surrendering of autonomy and agency, coupled with a stigmatizing characterization of being in need.³²

Pushing against this approach, Vulnerability Theory begins with a reconceptualization of the individuals and communities who make up societies and states. A vulnerability analysis invites us to move away from the liberal and capitalist model to a new sense of who individuals and their institutions are.³³ “[T]he ‘vulnerable subject’ must replace the autonomous and independent subject asserted in the liberal tradition.”³⁴ Such a replacement is necessary because the liberal traditions fail to account for the actual reality experienced by the vast majority of individuals. The end result is a world filled with vast inequalities and, far more importantly, a world filled with state institutions unable to effectively deal with these inequalities at their roots.³⁵ A vulnerability analysis, by contrast, takes people as they are, rather than as abstracted and

29. See generally, Martha Albertson Fineman, *The Vulnerable Subject: Anchoring Equality in the Human Condition*, 20 YALE J.L. & FEMINISM 1, 1, 4–5, 8–9 (2008) [hereinafter *Anchoring Equality*].

30. Martha Albertson Fineman, *The Vulnerable Subject and the Responsive State*, 60 EMORY L.J. 251, 259–60 (2010) [hereinafter *The Vulnerable Subject and the Responsive State*].

31. *Id.* at 258.

32. *Id.* at 259.

33. *Anchoring Equality*, *supra* note 29, at 1–2.

34. *Id.* at 2.

35. *Id.* at 2–5 (discussing limits of current American approaches to inequality).

reified philosophical constructs. From this, a state can be posited that truly responds to their needs.

In order to get to this point, then, Vulnerability Theory reconceptualizes or reframes how we think about individuals. Looking at the condition of humans as a whole, Vulnerability Theory posits “a universal, inevitable, enduring aspect of the human condition that must be at the heart of our concept of social and state responsibility.”³⁶ This condition is the fact that every human being and every human institution is subject to and affected by changes occurring to them and over which they have no control.

Vulnerability initially should be understood as arising from our embodiment, which carries with it the ever-present possibility of harm, injury, and misfortune from mildly adverse to catastrophically devastating events, whether accidental, intentional, or otherwise. Individuals can attempt to lessen the risk or mitigate the impact of such events, but they cannot eliminate their possibility. Understanding vulnerability begins with the realization that many such events are ultimately beyond human control.³⁷

This is the core of vulnerability—a universal experience that anyone, at any time, can be subject to devastating loss outside their ability to control or manage. At the same time, this universal experience is itself experienced in particular ways because each person has their own unique set of relationships and resources that are subject to loss or that can help them respond to such loss.³⁸

Vulnerability, moreover, is not exclusively the experience of individuals. Institutions are vulnerable to injuries, ranging from mild to catastrophic. Institutions may not have the same type of embodiment as a human individual, but they are nonetheless subject to different types of injuries beyond their control; they, too, are present in an embodied world and are subject to its whims and arbitrary fancies.

For example, civil and social associations were once pillars of American life. They provided what some scholars have called a “social capital;” others noted that these institutions helped shape and strengthen the democratic elements of America’s political and civic life.³⁹ These institutions, though, faced serious challenges in the late-twentieth and early-twenty-first centuries. Cultural developments and the focus on individuals and individual rights at the heart of the liberal project undermined alternative traditions that built up civic and social societies.⁴⁰ Institutions were subject to these trends and movements even as they

36. *Id.* at 8.

37. *Id.* at 9.

38. *Id.* at 10.

39. See, e.g., Simone Chambers & Jeffrey Kopstein, *Bad Civil Society*, 29 *POLITICAL THEORY* 837, 840–42 (2001).

40. Cf. Robert N. Bellah, et al., *Habits of the Heart: Individualism and Commitment in American Life*, 142–44 (Univ. of Cal. Press, rev. ed. 2008) (discussing the emergence of modern individualism and its impact on historic traditions).

played only partial roles in them. And the impact upon them was and remains substantial. Many of these institutions simply faded away or have become shades in the cultural landscape of America.⁴¹ Even more problematic, as some institutions that have become subject to capture by more malignant forces seek to stay relevant, they morph into versions of themselves that seek to replicate the goods that were offered but in more extreme or problematic ways.⁴²

This demonstrates for us how vulnerability works both as a universal and as a unique experience, both on the individual and on the collective levels. The human condition is one of universal vulnerability. No individual can escape it. No institution is immune to it. However, by recognizing this universal experience, Vulnerability Theory allows us to move beyond the stigmatizing role that is often attached to so-called “vulnerable groups.”⁴³ Since we can no longer push the reality of our vulnerability off on scapegoated groups, we can no longer look at inequalities as the result of either failure to take responsibility or as simple bad luck. All of us are vulnerable, so all of us depend on others to some degree. “The vulnerability approach recognizes that individuals are anchored at each end of their lives by dependency and the absence of capacity.”⁴⁴ While this is a scary and perhaps even demoralizing account, it is an honest one.

That honesty allows us to ask real questions about the inequalities that exist in our society. If all of us are vulnerable, why do only some of us have the resources necessary to grapple with or respond effectively to our vulnerabilities? Some inequalities undoubtedly come about through realities and facts beyond our control, and which are, for the most part, uncontrollable; the person born with Type-1 diabetes cannot control that, for example. Others, though, are the results of things beyond individual control yet subject to some level of social control. As an example, a child born to a wealthy family has many more resources than one born to a poor family, yet those resources can be accounted for, and a poorer family can be supported in calculated ways to correct that deficit. Still, other issues require some level of mass social reform; systemic racism, misogyny, and homophobia deprive people of color, women, and the LGBTQ+ communities of the resources they may need, but these are neither natural nor inevitable deprivations. Concerted efforts can be taken to recognize where resources are malapportioned, or where more resources are needed, and then to actually provide them.

This is the goal Vulnerability Theory sets out for state institutions. Vulnerability Theory calls for a “responsive state.” Such a state neither treats some groups as better or more entitled than others nor does it require some

41. This is the basis of Robert Putnam’s theory captured by stark imagery of “bowling alone.” See generally, Robert Putnam, *Bowling Alone: America’s Declining Social Capital*, 6 J. OF DEMOCRACY 65 (1995).

42. See, e.g., Chambers & Kopstein, *supra* note 39, at 844–45 (describing the case of the Nation of Islam).

43. *Anchoring Equality*, *supra* note 29, at 11–12 (discussing vulnerability and dependency).

44. *Id.* at 12.

special claim to victimization or unique vulnerability as the basis of protection or subsidy. Instead, it calls for a state that recognizes all people as vulnerable, therefore, all people need care and protection. “Vulnerability analysis demands that the state give equal regard to the shared vulnerability of all individuals, transcending the old identity categories as a limitation the recognition that the state has a vital role to play in protecting against discrimination.”⁴⁵ States, in this model, take as their primary obligation the provision of the resources needed for everyone, tailored to their specific cases of vulnerability. It is no longer a matter of restraining the state unless some special case justifies acting, as with situations of discrimination or uniquely vulnerable populations. Rather, the state sees its obligations as universal; all people need support because all people are vulnerable.

The result is a state that responds to the real situation of each person. Every person is vulnerable in their own unique way. No longer requiring some special justification to support a person, the state can intervene when necessary to build up the resources needed to respond to the reality of universal vulnerability.

We can turn, now, to investigating how Catholic Social Teaching might supplement or help inform the vulnerability analysis and our conception of the responsive state.

III. CATHOLIC SOCIAL TEACHING AND ITS CONTRIBUTIONS TO THE RESPONSIVE STATE

Catholic Social Teaching stems from the Catholic understanding of the human person. It is the practical application of a theological anthropology. The site of that application is the human person in community and relationship. Starting first from principles about the nature of the human person, it derives certain conclusions and understandings about how the human person ought to function in the communal setting. This functioning involves a reciprocity of duties and obligations: between individuals and other individuals; between individuals and communities, including the state; and between communities and the state.

Out of this synthesis, the Church derives several key principles that form the nucleus of its social teaching. “These are the principles of: *the dignity of the human person* . . . which is the foundation of all the other principles and content of the Church’s social doctrine; *the common good*; *subsidiarity*; and *solidarity*.”⁴⁶ Although these are broad categories, they are understood to be universal and perduring, a lens by which all other social structures can be evaluated and judged.⁴⁷ Each expresses some core truth about the human person and their relationship to the broader communities in which they are a part. Subsidiarity will be addressed in detail, *see infra* Part V, but a survey of

45. *Id.* at 20.

46. *Social Compendium*, *supra* note 5, para. 160 (footnote omitted).

47. *Id.* para. 161.

the other three principles is essential for understanding the role subsidiarity plays and the overall synthesis of Catholic Social Teachings.⁴⁸

Human Dignity is the key starting point. Catholic Social Teaching is grounded in the Catholic conception of the human person.⁴⁹ Ontology leads to morality. Who humans are defines the obligations that they owe to each other and that their communities owe to them. And human identity begins with creation. Human beings are made in the image and likeness of God and so are reflections of the divine life. “Then God said: Let us make human beings in our image, after our likeness . . . God created mankind in his image; in the image of God he created them; male and female he created them.”⁵⁰ This fundamental belief is at the core of the Catholic understanding and view of Catholic Social Teaching. The teaching absolutely and explicitly identifies the human person as special, dignified, and the proper and absolute subject of social analysis and reform. Human beings cannot be ignored or made an incidental or secondary part of the analysis; they must be the core and end of any social program, because they are, uniquely, images and icons of divine life. “The Church sees in men and women, in every person, the living image of God himself.”⁵¹

As such, each human person has inherent dignity. This dignity represents an irreversible core of the human person, something not dependent upon nationality, citizenship, social class, economic wherewithal, personal qualities, or any other distinction. God is valuable simply for being God. Likewise, the human person, made in God’s own image, is valuable simply for being human. And because all people are made in God’s image, it follows that all people share in this dignity. There is no claim to special status on account of any reason at all. “God shows no partiality.”⁵²

Following on this comes the absolute insistence on the human person as an end, rather than a means. Human persons are never at the service of some greater good of society; the greater good of society is always at the service of human persons. “The person cannot be a means for carrying out economic, social or political projects imposed by some authority, even in the name of an alleged progress of the civil community as a whole or of other persons, either in the

48. See, e.g., *id.* para. 162 (“The principles of the Church’s social doctrine must be appreciated in their unity, interrelatedness and articulation. This requirement is rooted in the meaning that the Church herself attributes to her social doctrine, as a unified doctrinal corpus that interprets modern social realities in a systematic manner. Examining each of these principles individually must not lead to using them only in part or in an erroneous manner, which would be the case if they were to be invoked in a disjointed and unconnected way with respect to each of the others.”) (italics and footnote omitted).

49. *Id.* para. 153.

50. *Genesis* 1:26–27. All Scripture quotations are from the New American Bible Revised Edition, unless otherwise noted.

51. *Social Compendium*, *supra* note 5, para. 105 (emphasis omitted).

52. *Acts of the Apostles* 10:34.

present or the future.”⁵³ In moral terms, each person is an end in themselves, never a tool or a resource for the accomplishment of some other ends.

As ends, then, each person must be respected and considered inviolate. This is understood as a shield and a type of support. It is a shield because each person is to be protected in their life and bodily security. It is a type of support because each person is guaranteed those things essential to having a life of dignity.⁵⁴ Ultimately, the goal of public life is for each human person, dignified and unique, to be protected and supported.

From the conception of human dignity, we recognize that society must always be working for *the common good*. Working for the common good is not a uniquely Catholic or even Christian concern, but the Church has directly incorporated this idea into its social teachings in recognition of the fact that society must be directed for the benefit of all of its members, not just some.⁵⁵ This is a key reflection of the universal dignity Catholicism sees in each and every person.

The common good does not consist in the simple sum of the particular goods of each subject of a social entity. Belonging to everyone and to each person, it is and remains “common” because it is indivisible and because only together is it possible to attain it, increase it and safeguard its effectiveness, with regard also to the future.⁵⁶

Thus, each person participates in building up the common good and is entitled to benefit from it.⁵⁷ And the state has the responsibility of working towards the common good by empowering and supporting the actions of its members who support the common good, and by restraining and redirecting the actions of individuals and communities that disrupt it.⁵⁸

Protection and support come from the community, understood not simply as voluntary associations, but as a core and fundamental component of the human person. Human beings are social beings and thus community is fundamental to human identity. “[B]y his innermost nature man is a social being, and unless he

53. *Social Compendium*, *supra* note 5, para. 133 (italics omitted).

54. *Pacem in Terris: Peace on Earth*, in O’Brien & Shannon, *supra* note 4, at 135, 139 para. 11 (listing the essentials each person has a right to receive “for the proper development of life.”) [hereinafter *Pacem in Terris*].

55. *Social Compendium*, *supra* note 5, para. 81 (“By means of her social doctrine, the Church shows her concern for human life in society, aware that the quality of social life—that is, of the relationships of justice and love that form the fabric of society—depends in a decisive manner on the protection and promotion of the human person, for whom every community comes into existence. In fact, at play in society are the dignity and rights of the person, and peace in the relationships between persons and between communities of persons. These are goods that the social community must pursue and guarantee.”).

56. *Social Compendium*, *supra* note 5, para. 164 (italics omitted).

57. *Id.* paras. 166–167.

58. *Id.* paras. 168–169.

relates himself to others he can neither live nor develop his potential.”⁵⁹ Fundamentally, this stems from the fact of creation; God created humanity in the plural—“male and female, he created them.”⁶⁰ Scripture further recounts that God understood relationships to be core to the human experience: “The Lord God said, ‘It is not good for the man to be alone.’”⁶¹ This extended to how the first humans understood themselves: when the first human encountered the second, the response was one of recognition and identification—“[t]his one, at last, is bone of my bones and flesh of my flesh.”⁶²

Even more, the Church recognizes that humans have lived since time immemorial in social situations. Experience justifies and reinforces what faith revealed.⁶³ Over the centuries, this experience fostered a theology of communities and societies and of human relationships. Society and community came to be seen and understood as essential elements of what makes people real and which allow them to flourish.⁶⁴ This understanding came not as the result of a social contract, nor by the application of force and violence, but was understood to emerge naturally and organically from the very nature of human persons. “The human person needs to live in society. Society is not for him an extraneous addition but a requirement of his nature.”⁶⁵

This does not result in simply one “society” composed of all human beings, but of many different, overlapping societies. These are the voluntary associations which many people may freely join and leave. Each person by their very nature engages and participates in multiple communities to which they are bound inextricably, and from which separation is almost impossible. “A society is a group of persons bound together organically by a principle of unity that goes beyond each one of them.”⁶⁶ These societies are characterized by their members and the ends towards which they are oriented.⁶⁷ When they are well-functioning, they aid those bound together to achieve the dignity and freedom to which they are called and for which they are created.⁶⁸

Still, these societies are not always well-functioning; some societies can become sclerotic, dysfunctional, or even harmful and oppressive.⁶⁹ This does not require rejection of society, but its reform; social authority is not to be power

59. *Gaudium Et Spes: Pastoral Constitution on the Church in the Modern World*, in O’Brien & Shannon, *supra* note 4, at 174, 181 n.12.

60. *Genesis* 1:27.

61. *Id.* 2:18.

62. *Id.* 2:23.

63. *Cf. Social Compendium*, *supra* note 5, para. 149.

64. Himes, *supra* note 16, at 516.

65. *Catechism of the Catholic Church* para. 1879. The full Catechism is available online at http://www.vatican.va/archive/ENG0015/_INDEX.HTM (last accessed Jan. 25, 2021).

66. *Id.* para. 1880.

67. *Id.* para. 1881.

68. *Cf. Social Compendium*, paras. 108-113.

69. *Id.* para. 1883.

unbounded, but power exercised in conformity with the good of the whole community of moral ends we call human.⁷⁰ There may indeed be times when societies can rightly limit the activity of their members, but never by attacking their lives or dignity as people. Authority is always to be exercised in service of human life and dignity, never in opposition to it.

Community, thus, remains at the service of human beings. Constantly, the Church rejects any attempt at instrumentalizing human persons for the service of some greater whole. “An authentic moralization of social life will never be possible unless it starts with people and has people at its point of reference: indeed, ‘living a moral life bears witness to the dignity of the person.’”⁷¹ This serves to resist both calls to a state-centered collectivism, as well as to the overwhelming dominance of the capitalist market.⁷² A well-functioning community is simply that community which enables the human person to flourish and to truly express their identity as creatures made in God’s own image.⁷³

In part, this flourishing comes about because societies are recognized as possessing internal structure and organization. Such is essential to them in order to be balanced and function well. There is a sort of hierarchy, not to make distinctions about who is better or worse, but so that authority can be exercised coherently and effectively. When properly defined and exercised, hierarchy is not about inequality or wielding power to the benefit of some at the expense of others, but it is about organizing society efficiently and effectively for the service of all. “Human society can be neither well-ordered nor prosperous unless it has some people invested with legitimate authority to preserve its institutions and to devote themselves as far as necessary to work and care for the good of all.”⁷⁴ But that hierarchy and authority, to avoid excesses and abuses, is done in accord with law and within a legal framework.⁷⁵

The end result is a system that resists both the excessive individualism of capitalism and the all-encompassing collectivism of a socialist or communist approach. Society is neither the result of a contract made among rational beings nor a pre-personal collective towards which all must serve, but rather an extension of the human person who lives always in relationship and community.⁷⁶ “It has not embraced either liberal capitalism or revolutionary socialism. However, it shares the values of both liberty from liberalism and the common good from socialism.”⁷⁷

70. See *Pacem in Terris*, *supra* note 54, paras. 47, 54.

71. *Social Compendium*, *supra* note 5, para. 134 (quoting *Catechism of the Catholic Church*, *supra* note 65, para. 1706).

72. See Himes, *supra* note 16, at 517.

73. *Social Compendium*, *supra* note 5, paras. 149–151.

74. *Pacem in Terris*, *supra* note 54, para. 46.

75. *Id.*

76. Himes, *supra* note 16, at 516–17.

77. Powell, *supra* note 26, at 339.

Subsidiarity will be discussed further below. In this brief survey, it is enough to note that it is the fundamental organizing constant of the Church's social teachings.⁷⁸ If societies need a just and equitable framework for their organization—thus avoiding the potential misuse of hierarchy and authority—the principle of subsidiarity provides that framework. The core of the principle of subsidiarity is that societies ought to be organized to ensure that actions are taken by those organs of society closest to the need. That is, the “lowest” level possible ought to undertake any social action, supported, if need be, by “higher” levels of society.⁷⁹ Indeed, the very name of the principle is taken from the Latin word *subsidium*, meaning “to help” or “to assist.”⁸⁰ The entire point of the principle of subsidiarity is that societies are required to help their members promote human flourishing and development, rather than take it over and do it for them.

Related to this comes the final principle, the principle of *Solidarity*. Like subsidiarity, the principle of solidarity is a structural or organizing principle for societies. Like the concepts of human dignity and the common good, it is a substantive statement about the nature of the human purpose. “Solidarity is seen therefore under two complementary aspects: that of a social principle and that of a moral virtue.”⁸¹ Solidarity is an expression of interconnectedness and interrelationship of all persons within a society and between societies.⁸²

The moral principle of solidarity relates to the reform of social institutions and their reordering to the benefit of the common good and in support of human dignity. “On the basis of this principle the ‘structures of sin’ that dominate relationships between individuals and peoples must be overcome. They must be purified and transformed into structures of solidarity through the creation or appropriate modification of laws, market regulations, and juridical systems.”⁸³ Thus, if subsidiarity is the organizing principle of society, while human dignity and the common good are the ends of society, solidarity can be understood as the means to which accomplish those ends and to undergo the process of reorganization. Solidarity in this sense is the motivating or animating principle of social reform, with the other principles of Catholic Social Teaching serving as the aims towards which the motivation or animation is directed, or the manner in which societies move towards those aims.

78. *Social Compendium, supra* note 5, para. 185.

79. *Id.* para. 186. In this sense, “higher” and “lower” are not to imply value judgments, but rather descriptors of social organization, with “higher” social organs and societies covering broader areas and “lower” ones being more targeted or specific. For example, the family would be the “lowest” social organization, but it has far greater importance than the “higher” society such as a municipality government. *See, e.g., id.* para. 211 (“Enlightened by the radiance of the biblical message, the Church considers the family as the first natural society, with underived rights that are proper to it, and places it at the centre of social life.”) (emphasis omitted).

80. *See, e.g., id.* para. 186.

81. *Id.* para. 193 (emphasis omitted).

82. *Id.* para. 192.

83. *Id.* para. 193.

Catholic Social Teaching insists, however, that solidarity stems from moral convictions, not merely an empathetic concern for suffering individuals.⁸⁴ Solidarity is not simply seeking to correct injustices or to alleviate suffering (though those are certainly worthy impulses). Instead, solidarity is the demand that each person sees themselves as part of a community whose common good requires the flourishing of all. Members of a community are trustees for each other member of that community. Suffering of one is the suffering of all and solidarity requires that all work for all. Or perhaps more appropriately, that each works for each.⁸⁵

The principle of solidarity requires that men and women of our day cultivate a greater awareness that they are debtors of the society of which they have become part. They are debtors because of those conditions that make human existence livable, and because of the indivisible and indispensable legacy constituted by culture, scientific and technical knowledge, material and immaterial goods and by all that the human condition has produced. A similar debt must be recognized in the various forms of social interaction, so that humanity's journey will not be interrupted but remain open to present and future generations, all of them called together to share in the same gift in solidarity.⁸⁶

Solidarity is the requirement that each of us recognize and act in accordance with the reality of our human nature.

These four fundamental principles constitute the essence of Catholic Social Teaching. They are grounded in the Catholic conception of the human person and the relationship between individuals and communities. They are elaborated on and developed through the use of reason and an analysis of the human experience. Before delving into our case study in subsidiarity, it is good to analyze how these principles relate to Vulnerability Theory and its quest for the responsive state.

IV. CATHOLIC SOCIAL TEACHING AND VULNERABILITY: RESONANCES AND RELATIONSHIPS

Having briefly surveyed both Vulnerability Theory and Catholic Social Teaching, we can see how Catholic Social Teaching reinforces our understanding of a universal constant in the human experience that renders all participants in our communities vulnerable to change and exploitation. In addition, we can see the outlines for building up resiliencies across individuals and communities, thus beginning to form a truly responsive state. Similarly, the vulnerability analysis gives a concrete specification of the failures bemoaned by

84. *Id.*

85. *Id.* paras. 194–195.

86. *Id.* para. 195.

Catholic Social Teaching and creates an image of a state that can rectify and remedy those failures in ways that the teaching supports or endorses.

Perhaps the greatest insight that Catholic Social Teaching brings to the vulnerability analysis is the universal claim that Catholicism makes. Recall that the Church sets forth its social teaching in general terms precisely because it seeks to offer resources that can be beneficial regardless of the socio-political system individuals find themselves in.⁸⁷ This is not to say that everyone is called to practice Catholicism, but that Catholic Social Teaching seems to offer principles accessible to those who do not share its faith commitments or doctrinal precepts. On this account, Catholic Social Teaching can speak in a variety of settings and offers tools that can be utilized by the theorist or practitioner of Vulnerability Theory regardless of their own cultural, social, or political location.⁸⁸

This is helpful because the fundamental analysis that Catholic Social Teaching offers is consistent with that of Vulnerability Theory. This is not to say the analyses of each are coextensive, or that practitioners or theorists of one approach will necessarily agree with their counterparts. Rather, the Catholic approach highlights the vulnerability of the human person and the human condition in ways that the Vulnerability Theorist will undoubtedly recognize and offers solutions that support the creation of a responsive state.

The history of the Church's engagement with differing systems of order (aristocracy, liberalism, capitalism, socialism) is at the same time a history of the concept of vulnerability in its migration between these different systems. It is a history of vulnerability's constant presence in the human condition, even in the face of differing forms of political order.⁸⁹

That this history supports proponents of Vulnerability Theory should be clear. Again, it is not that there is an overlap in ideas and executions, or that Vulnerability Theory should be baptized, but rather, that there is potential for real convergence between differing schools of thought.⁹⁰ Catholic believers may recognize in Vulnerability Theory a method seeking to achieve goals their own principles call them to. Meanwhile, practitioners of Vulnerability Theory can achieve a more comprehensive understanding of the nature of vulnerability and how a responsive state can build resiliency by understanding how influential institutions work towards these ends.⁹¹

87. Cf. *id.* para. 161.

88. Cf. Jo Renee Formicola, *Globalization: A Twenty-First Century Challenge to Catholicism and Its Church*, 54 J. OF CHURCH & STATE 106, 107–08 (2012) (discussing the various contexts where the Church has offered critiques of social, economic, and political systems).

89. Sean Coyle, *Vulnerability in Catholic Social Thought*, WORKSHOP ON LEGAL MIGRATIONS, VULNERABILITY, AND RESILIENCE AT EMORY UNIVERSITY SCHOOL OF LAW (Dec. 9–10, 2016).

90. Cf. Powell, *supra* note 26, at 336–37.

91. *Id.*

And what we see between these two is indeed a clear convergence of ideas. Vulnerability is a concept that is not foreign to Catholic Social Teaching. Building a responsive state is a place of commonality, as well. At the same time, Catholic Social Teaching offers interesting supplements to the standard vulnerability analysis.

Catholicism acknowledges the vulnerable subject without making vulnerability a defining trait of the human person. Like Vulnerability Theory, Catholic Social Teaching sees the person quite distinct from analytical approaches such as liberalism. The human person is first and foremost dignified, special, and unique, worthy of protection and entitled to flourish, regardless of political expediency or social value. The human being has worth simply as a creature made in God's own image. Made in God's image, the human person is not vulnerable *per se*, for God is not vulnerable. The human being, all else being equal, is a being of dignity and power, capable of participating in God's own creative endeavors and of receiving God's inexhaustible grace and love.⁹²

Vulnerability, while not a constitutive element of human nature, is constitutive of the human experience. "This marvelous vision of man's creation by God is inseparable from the tragic appearance of original sin."⁹³ The particular theologies of original sin are well beyond the scope of this article. Relevant for our purposes, however, is the fact that, in the human experience, there is replicated a dysfunction, an alienation, a catastrophic deviation from the dignity at the heart of our shared humanity. Whether we want to theologize or moralize this as "sin" or simply acknowledge it as dysfunction, there is a division that cuts across human experiences. "At the root of personal and social divisions, which in differing degrees offend the value and dignity of the human person, there is a wound which is present in man's inmost self."⁹⁴

This wound is what makes humanity—both individuals and communities alike—vulnerable. Or, more precisely, this wound exposes human vulnerability as a constant. This wound alienates individuals from each other and from their communities.⁹⁵ And these wounds are repeated over and over again by individuals, intentionally and otherwise.⁹⁶ What Catholic Social Teaching terms "sin" is not something alien to the vulnerability analysis. Sin is shorthand for offenses against human dignity, assaults upon bodily integrity, denials of those things essential to our flourishing as human beings.⁹⁷ These actions stem from

92. *Social Compendium*, *supra* note 5, paras. 105–107, 109–114.

93. *Id.* para. 115.

94. *Id.* para. 116.

95. *Id.*

96. *Id.* para. 120 (discussing the universality of sin).

97. *Id.* paras. 115–116, 118; *see also*, *Catechism of the Catholic Church*, *supra* note 65, para. 1849 ("Sin is an offense against reason, truth, and right conscience; it is a failure in genuine love for God and neighbor caused by a perverse attachment to certain goods. It wounds the nature of man and injures human solidarity. It has been defined as 'an utterance, a deed, or a desire contrary to the eternal law.'").

a desire to control others and to protect the self. Pope John Paul II concisely described the essential causes of sin as it relates to the social sphere as two particular impulses and indulgences: “on the one hand, the *all-consuming desire for profit*, and on the other, *the thirst for power*, with the intention of imposing one’s will upon others . . . one can add the expression: ‘at any price.’”⁹⁸ Indulging in either of these desires wounds individuals and their communities.

Over time, individuals and societies become inured to the reality of these wounds or dysfunctions. They become ingrained behaviors that the *Social Compendium* refers to as “structures of sin.”⁹⁹ “The consequences of sin perpetuate the structures of sin . . . It is thus that they grow stronger, spread and become sources of other sins, conditioning human conduct.”¹⁰⁰ Over time, the reality of these dysfunctions become seemingly inescapable and lead to exploitation and division. No human community can fully escape them.

If Vulnerability Theory posits that we are all vulnerable to change over time, to things we cannot control, the Church agrees, while refining our understanding of what causes that vulnerability. Humans are vulnerable to change because other humans, individually and collectively, seek to exploit them for profit and power. It is not, for the Catholic, that anyone of us is vulnerable by nature but, rather, that we all experience ourselves as vulnerable because we are all subject to the reality of a broken and dysfunctional world.

At the same time, Catholic Social Teaching, through the various principles discussed above, further highlights how we might go about creating a truly responsive state that builds up our resiliency in the face of this universal experience of vulnerability. Because vulnerability is experiential and not constitutive, it is not inescapable. Woundedness is not something we can escape, but neither does it define us nor determine the outcome of the story.¹⁰¹ Human beings are by nature dignified and special; returning to that fundamental conception allows the building of responsive institutions. This is the key to the principle of solidarity. Each of us can see the dignity of the other — especially when it is threatened—and so work to reform personal and institutional behaviors. Subsidiarity is the tool by which institutions can be reformed, and common good is the metric by which reforms are measured. Human dignity remains the lodestar that both animates and attracts.

Thus, we can see that the principles of Catholic Social Teaching offer a powerful supplement to Vulnerability Theory. Understanding vulnerability as a universal human experience, both are able to speak to the condition of people in the world today as the real persons that they are, rather than abstracted philosophical constructs. Moreover, the principles of Catholic Social Teaching

98. *Sollicitudo Rei Socialis: On Social Concern*, in O’Brien & Shannon, *supra* note 4, at 424, 453 para. 37 [hereinafter *Sollicitudo Rei Socialis*] (emphasis added).

99. *Social Compendium*, *supra* note 5, para. 119.

100. *Id.* (italics and footnote omitted).

101. For Catholics, this is ultimately grounded in the hope of salvation. *See id.* paras. 121–122 (discussing the eschatological reality of the victory of Jesus Christ).

offer useful tools to help set up a true alternative to liberalism, capitalism, or socialism, even if one does not fully subscribe to the metaphysics underlying them. In order to better understand how this happens, we can utilize subsidiarity as a case study.

V. SUBSIDIARITY AS A CASE STUDY

Subsidiarity is one of the fundamental principles of Catholic Social Teaching.¹⁰² Using it as our case-study for how Catholic Social Teaching may be of benefit to the vulnerability analysis, we will describe it and then look at how it might function in a specific example: the role of the responsive state in support of family life.

A. *Understanding the Principle of Subsidiarity*

Subsidiarity is fundamentally an organizing principle for societies. States organized under the principle of subsidiarity understand authority and responsibility in what we might imagine a “bottom-up” type of world. Smaller, more tightly connected societies and institutions are presumed to be closer to both their individual members and problems than are larger socially dispersed institutions. Accordingly, these “lower” institutions are understood to be the primary responders to social problems, while the “higher” institutions have the primary responsibility of helping lower institutions respond to social ills.

Such social organization stems from the Catholic approach to human nature. Human beings are fundamental persons with inherent dignity and worth. Thus, more responsive institutions are privileged, and less responsive institutions are subordinate to them.

In this way, intermediate social entities can properly perform the functions that fall to them without being required to hand them over unjustly to other social entities of a higher level, by which they would end up being absorbed and substituted, in the end seeing themselves denied their dignity and essential place.¹⁰³

This is a reminder that societies are not mere voluntary institutions, but instead natural and organic elements within that broader society we call the state.¹⁰⁴ Since each community is a natural and organic element of the broader human community, none can be denied their proper role to play.¹⁰⁵ As an organizing principle, subsidiarity reframes how the state is to operate within the social sphere. It is a restraint inasmuch as the state is forbidden from overriding the

102. *Id.* para. 160.

103. *Id.* para. 186.

104. *Cf. Catechism of the Catholic Church*, *supra* note 65, paras. 1880–1882; *Social Compendium*, *supra* note 5, paras. 150–151.

105. See Jonathan Rothchild, *Federalism, Subsidiarity, and Voting Rights: Critiquing The Shelby County Decision Through Johannes Althusius and Catholic Social Teaching*, 32 J.L. & RELIGION 147, 156–57 (2017).

legitimate choices and activities of smaller societies within its own jurisdiction.¹⁰⁶ It is an affirmative obligation inasmuch as the state is obliged to support those societies in their pursuits and ensure that they have the resources necessary to accomplish the ends for which they have been established.¹⁰⁷

Additionally, the state remains obligated to intervene when necessary to protect individuals from harm or when societies have themselves become dysfunctional or abusive.¹⁰⁸ The *Social Compendium* identifies a wide variety of circumstances where such intervention may be necessary. For example, economic stimulus may be needed when smaller markets are strained and unable to provide sufficient resources for their members.¹⁰⁹ Likewise, social injustices can require intervention when it becomes clear that the unjust societies are unable to reform themselves without intervention.¹¹⁰ Such interventions are understood to be exceptional situations; the presumption is that societies will function as they are intended most of the time.¹¹¹

This presumption informs the concern of Catholic Social Teaching that excessive intervention should not be adopted, and that intervention be limited in both time and scope to only what is directly required to address the situation that requires intervention. “[I]nstitutional substitution must not continue any longer than is absolutely necessary, since justification for such intervention is found only in the exceptional nature of the situation.”¹¹² The fear or concern here should be evident: allowing the state too much space to intervene will lead to the very imbalances and abuses the subsidiarity principle is intended to prevent.

Still, this refers primarily to direct interventions when the state takes upon itself the activities or governance of lower-order societies. This is not necessarily a general call for the limitation of state action.¹¹³ The principle, as

106. *Social Compendium*, *supra* note 5, para. 187.

107. *Id.* para. 186. In fact, the *Social Compendium* notes that this is the very origin of the word “subsidiarity.” *Id.*

108. *Id.* para. 188 (“Various circumstances may make it advisable that the State step in to supply certain functions.”) (emphasis omitted).

109. *Id.* (“One may think, for example, of situations in which it is necessary for the State itself to stimulate the economy because it is impossible for civil society to support initiatives on its own.”).

110. *Id.* (“One may also envision the reality of serious social imbalance or injustice where only the intervention of the public authority can create conditions of greater equality, justice and peace.”).

111. *Cf. id.* para. 419 (“The activities of civil society—above all volunteer organizations and cooperative endeavours in the private-social sector, all of which are succinctly known as the “third sector,” to distinguish from the State and the market—represent the most appropriate ways to develop the social dimension of the person, who finds in these activities the necessary space to express himself fully.”).

112. *Id.* para. 188 (emphasis omitted).

113. A number of scholars have challenged the co-option—potential or actual—of the subsidiarity principle by libertarian or “free-market” politicians and pundits; whatever the value of those positions, they engage in a form of limiting on state action that is inconsistent with the approach taken by Catholic Social Teaching. *See e.g.*, Centesimus Annus: On the Hundredth

we have seen, is primarily one of aid and support—of subsidy. Whereas the idea of state intervention may be a dramatic one, far more ordinary is the requirement of support and development. The state is obliged to provide for individuals and lower-order institutions with all those things necessary for them to function and fulfill their purposes.¹¹⁴ For the Church, this requires certain concrete actions that the state must take. These include:

respect and effective promotion of the human person and the family; ever greater appreciation of associations and intermediate organizations in their fundamental choices and in those that cannot be delegated to or exercised by others; the encouragement of private initiative so that every social entity remains at the service of the common good, each with its own distinctive characteristics; the presence of pluralism in society and due representation of its vital components; safeguarding human rights and the rights of minorities; bringing about bureaucratic and administrative decentralization; striking a balance between the public and private spheres, with the resulting recognition of the social function of the private sphere; appropriate methods for making citizens more responsible in actively “being a part” of the political and social reality of their country.¹¹⁵

Specification of these obligations will, of course, vary from country to country, and perhaps even within countries, depending on their social, political, cultural, and economic contexts. The key element to understand is that this is a requirement of direct action on the part of the state.

Direct action in support of other institutions and societies, moreover, will be understood to be the primary mechanism by which the state acts in the world. As just noted, direct intervention is considered an exceptional circumstance and one limited in both scope and duration. Subsidy and support, though, are not so limited. Where there is a need, the state is obligated to act.¹¹⁶

Anniversary of Rerum Novarum, in O'Brien & Shannon, *supra* note 4, at 471, 500 para. 35 [hereinafter *Centesimus Annus*]; Daniel K. Finn, *Nine Libertarian Heresies Tempting Neoconservative Catholics To Stray From Catholic Social Thought*, 14 J. OF MKTS. & MORALITY 487 (2011); Thomas M. Kelly, *A House Divided: Catholic Libertarian Economics and Catholic Social Thought*, 14 J. OF RELIGION & SOC'Y SUPP. SERIES 58 (2017); Todd David Whitmore, *John Paul II, Michael Novak, and the Differences Between Them*, 21 THE ANNUAL OF THE SOC'Y OF CHRISTIAN ETHICS 215 (2001).

114. *Social Compendium*, *supra* note 5, para. 186 (“On the basis of this principle, all societies of a superior order must adopt attitudes of help (“subsidiium”)—therefore of support, promotion, development—with respect to lower-order societies. In this way, intermediate social entities can properly perform the functions that fall to them without being required to hand them over unjustly to other social entities of a higher level, by which they would end up being absorbed and substituted, in the end seeing themselves denied their dignity and essential place.”) (emphasis omitted).

115. *Id.* para. 187.

116. *Id.* para. 186 (“On the basis of this principle, ALL SOCIETIES OF A SUPERIOR ORDER MUST ADOPT attitudes of help (“subsidiium”)—therefore of support, promotion, development—with respect to lower-order societies.”).

B. Subsidiarity and Vulnerability Theory

It is this requirement of direct action on the part of the state where we see how the principle of subsidiarity overlaps with Vulnerability Theory. Subsidiarity may be understood to be a clear principle of the responsive state. Recall how we noted that the responsive state is obligated to provide for each person in their unique experience of vulnerability and dependency.¹¹⁷ This is precisely what the principle of subsidiarity aims to do. It recognizes that individuals and institutions are vulnerable and in need of support. To the extent that they are unable to satisfy or accomplish the ends they are aimed at, they need aid. States exist to provide this aid.

Observing, for example, the ways in which Professor Fineman describes the responsive state, we can see clear overlaps and parallels with how Catholic Social Teaching speaks of the state, even though it does not directly characterize it as “responsive.” In Professor Fineman’s formulation, the state’s first obligation is assessing how it supports other institutions in society.

Has it acted toward those institutions in ways that are consistent with its obligation to support the implementation and maintenance of a vital and robust equality regime—a regime in which individuals have a true opportunity to develop the range of assets they need to give themselves resilience in the face of their vulnerabilities?¹¹⁸

Although Catholic Social Teaching would not use the exact same language and does not speak of equality *per se*, it is clear that both the vulnerability and subsidiarity approaches look to the state as a support and bulwark for other institutions.

Vulnerability Theory calls for structural reform on the part of the state to consider the needs of individuals to build resilience and to respond to experiences and realities of inequality.¹¹⁹ Such reform is an outcome of the application of the principle of subsidiarity. Since subsidiarity calls for the empowering of lower-order institutions and for the protection of their rights and interests, it necessarily calls for structural reform.¹²⁰ Sometimes this will be through the provision of resources necessary for institutions to make such reforms for themselves in their own capacities. At other times, it may also be a case for the direct engagement and intervention foreseen for exceptional circumstances to apply, such as when the government intervenes to end racial or ethnic discrimination in lower-levels of government or among other “private” institutions.¹²¹

117. Cf. *Anchoring Equality*, *supra* note 29, at 20–21.

118. *Id.* at 20.

119. *Id.*

120. See, e.g., Robert K. Vischer, *Subsidiarity As A Principle of Governance: Beyond Devolution*, 34 *IND. L. REV.* 103, 138–42 (2001).

121. See *id.* at 138 (“For example, the widespread exclusion of African-Americans from collective decision-making in southern states required higher-body action under any reasonable interpretation of subsidiarity.”).

To see how this might work in practice, an examination of a responsive state's support of family relationships demonstrates how Vulnerability Theory and Catholic Social Teaching's principle of subsidiarity might function in tandem.

C. Subsidiarity, The Responsive State, and Families

Family law presents a clear example of how approaching an issue informed by the principles of subsidiarity can be a powerful tool to building a truly responsive state. And, moreover, this can be done in ways that demonstrate how to incorporate these principles without necessarily embracing the theological premises underlying them; it also allows for a point of dialogue when policy preferences of progressive reformers diverge from those of Catholic clergy and hierarchs. In this way, questions of family law encapsulate and demonstrate for us the themes presented in this article.

As an initial matter, it is clear that families are vulnerable institutions. Threats to family life are acknowledged by theorists of vulnerability and by Catholic thinkers; both share certain understandings of these threats but also disagree on others. Still, both recognize families as institutions vulnerable to various injuries, changes, and vicissitudes beyond their control. Families are vulnerable to social, cultural, legal, economic, and even physical threats; threats aimed both at the members of the family (parents, children, extended families) and the family as an institution.

Vulnerability Theory clearly recognizes families as vulnerable institutions. Indeed, one of the core conceptual transformations of this theoretical framework, as we have seen, is that we no longer start from an autonomous legal subject who rationally and freely creates their own relationships. Rather we begin to recognize a universally vulnerable subject who is enmeshed in various social institutions and relationships. This approach allows us to see families as institutions that are vulnerable, but also as proper subjects for support and at times, reform. Structures built to support autonomous subjects routinely treat families as "private" and place family life beyond regulation's reach.¹²² As in other circumstances, especially "vulnerable" groups—victims of abuse or neglected children, for example—may be entitled to certain protections, but this would not be available to the family generally. Instead, families would be expressions and extensions of the autonomous subject and that autonomy is protected.¹²³

By recasting the matter, though, Vulnerability Theory allows us to unearth both the dynamics of privilege and power that disadvantage members of families and that disadvantage the family units as whole. So, for example, we can begin to recognize the ways in which family life is structured (and privatized) so as to devalue the work of caretakers, primarily women, as opposed to those employed

122. *Anchoring Equality*, *supra* note 29, at 5.

123. *The Vulnerable Subject and the Responsive State*, *supra* note 30, at 263.

outside the home—“homemakers” versus “breadwinners.”¹²⁴ This is merely an instantiation of gender imbalances that occur both within and without family and are themselves hidden.¹²⁵ Institutionally, too, families, are vulnerable to a number of broad dynamics that undermine their abilities to function or even survive. Economic inequalities, for example, disrupt the ability to form families. Marriage itself becomes a competitive advantage but requires the investment of resources which are not always available to underprivileged and socio-economically disadvantaged communities.¹²⁶

An approach based on Vulnerability Theory recognizes these sorts of challenges and invites policy makers to respond to the specific needs, building resilience for both individual members of a family and for families as institutions. Done right, these become mutually reinforcing avenues for building resiliencies. Family units help their members develop resiliency, enduring and even thriving amidst their vulnerabilities. Strengthened, these members become supports for their family units, repeating and reinforcing this very dynamic. Thus, a responsive state can provide real, lasting, and sustained assistance not only to the victims of domestic violence, abuse, or neglect, but in providing basic and fundamental services for all members of a family. Rather than seeing if an individual or a family deserves some particular form of social assistance, a responsive state can provide those resources as a matter of course, recognizing that the dynamics of inequality are already at work. On a practical level, this can be in the form of comprehensive health care, ensuring that each member of a family has the resources to provide for their physical, mental, and affective health needs. As children age, moreover, it can mean including them in their healthcare decisionmaking, empowering them with the resources to build personal resilience. Institutional protection can be provided by strong protections in the realm of employment and financial remuneration. Working family members can be guaranteed just wages as well as benefits that include extended leisure or vacation time with their families. Various forms of remuneration can also be provided to the so-called homemakers, those members of a family who do the important and often ignored labor of building family life.

The principle of subsidiarity recognizes the value in this approach, as well, and offers a strong process for building this sort of responsive state. As already noted, subsidiarity requires that the state act to support and empower lower-tier orders in society, intervening when necessary to stop injustices. The family is one such order. Indeed, in the Catholic imagination, the family is the essential order; pre-political, perhaps even pre-social, the family is the ground by which all other societies are organized.¹²⁷ Similar to the vulnerability analysis, the

124. *See, id.* at 265–66.

125. *Id.* at 264–65.

126. *See, e.g.,* Meredith Johnson Harbach, *Forward-Looking Family Law*, 51 *TULSA L. REV.* 419, 421–22 (2016).

127. *Social Compendium, supra* note 5, paras. 211–212.

Church grounds this, in part, on the recognition of the individuals at the core of the family, individuals in need of protection and support.¹²⁸

The result is that the Church proffers a clear requirement for the state to support the family, both in terms of direct support (*subsidium*) and in terms of interventions for protection when things go awry. “Society, and in particular State institutions, respecting the priority and ‘antecedence’ of the family, is called to guarantee and foster the genuine identity of family life and to avoid and fight against all that alters or wounds it.”¹²⁹ In terms familiar to the theorist of vulnerability, the Church calls for the family to be supported financially by a living wage and support for domestic work, with health care, with access to education, and the elimination of violence, abuse, and neglect.¹³⁰ Connected with this, the Church even calls for support sufficient to enable multi-generational families, recognizing that family life cannot be limited to just the immediate family imagined by contemporary Western values.¹³¹

Subsidiarity calls for all of this because the family is that institution best suited to the protection and promotion of individual human dignity. Certainly, families have special and unique roles to play that stem from their position as the fundamental social unit. But there is fundamentally a recognition that the family is the essential support for individual human persons. “The first and fundamental structure for ‘human ecology’ is the family, in which man receives his first formative ideas about truth and goodness and learns what it means to love and to be loved, and thus what it actually means to be a person.”¹³² Subsidiarity aims to empower those orders of society closest to a particular need. Thus, since families are closest to the needs of individual human persons, they are given the greatest form of empowerment.

This is consonant with the analysis of Vulnerability Theory. Vulnerability Theory recognizes that all humans and their institutions are vulnerable. Families, which can provide immense resources for building resiliencies, are often themselves undermined. They hide inequalities from us and are themselves vulnerable to changes in society. By applying the principle of subsidiarity, however, we are able to counteract this and begin developing a responsive state. The state will no longer see itself as trying to foster autonomy unless an individual falls within some particular pre-defined “vulnerable

128. *Id.* para. 213 (“A society built on a family scale is the best guarantee against drifting off course into individualism or collectivism, because within the family the person is always at the centre of attention as an end and never as a means. It is patently clear that the good of persons and the proper functioning of society are closely connected ‘with the healthy state of conjugal and family life.’”) (emphasis omitted).

129. *Id.* para. 252 (emphasis omitted).

130. *See, e.g., id.* paras. 244–245 (protection of rights of children and elimination of violence, abuse, and neglect against them); 250 (a living or “family” wage), 251 (protecting women in families, particularly the work of housekeeping and ensuring that family responsibilities are evenly divided).

131. *Id.* para. 222.

132. *Id.* para. 212, *in Centesimus Annus, supra* note 113 (emphasis omitted).

population” that deserves special help. It will, rather, simply ask what supports are needed to empower families so that they might empower their members and what interventions are needed to protect those individuals from harm when family members become violent, or family dynamics become unhealthy.

The principle can be invoked in support of Vulnerability Theory even when there may be disagreements over its particular application. That is, one need not share the Church’s entire view of the family in order to utilize the principle of subsidiarity as part of our vulnerability analysis or in the building up of the responsive state. We would be remiss if we did not acknowledge that the Church has particular views on the nature of marriage, the role of reproductive rights, and how to treat LGBTQ+ individuals. We would be equally remiss if we did not mention how these views are often at odds with those taken by many progressive reformers.¹³³ This fact, however, should not be the end of the dialogue. Indeed, there are places where Church leaders, inspired by their faith commitments, work to protect vulnerable members of the LGBTQ+ community.

In early 2021, for example, a group of Catholic archbishops and bishops—including at least one Cardinal—issued a statement via the Tyler Clementi Foundation to offer support and encouragement for at-risk LGBT youth.

All people of goodwill should help, support, and defend LGBT youth; who attempt suicide at much higher rates than their straight counterparts; who are often homeless because of families who reject them; who are rejected, bullied and harassed; and who are the target of violent acts at alarming rates. The Catholic Church values the God-given dignity of all human life and we take this opportunity to say to our LGBT friends, especially young people, that we stand with you and oppose any form of violence, bullying or harassment directed at you. Most of all, know that God created you, God loves you and God is on your side.¹³⁴

This statement highlights how principles of subsidiarity allow religious and non-religious to build resiliency among the particularly vulnerable community of LGBTQ+ youth. It starts at the core reality—those who are vulnerable themselves offering affirmation and support, and rejecting the rhetoric of hate and abuse. It works to empower and affirm the broader community as well, again by rejecting harmful rhetoric and moving to a place of dialogue.

133. Still, even within the Church, there have been calls for integrating the experience of LGBTQ+ individuals into Catholic theology in ways that are both more pastorally sensitive and theologically responsive. See generally James Martin, SJ, *Building a Bridge: How the Catholic Church and the LGBT Community Can Enter Into a Relationship of Respect, Compassion, and Sensitivity* (rev. and expl. 2018) (discussing new pastoral approaches to the Church’s relationship to the LGBTQ+ community); James Alison, *Faith Beyond Resentment: Fragments Catholic and Gay* (2001) (discussing a new theology of LGBTQ+ persons).

134. Cardinal Joseph W. Tobin, et al., *A Statement by Catholic Bishops*, TYLER CLEMENTI FOUNDATION (last visited Apr. 25, 2022), <https://tylerclementi.org/catholicbishopsstatement/>. There were initially 8 signatories; as of the date this footnote was last edited, there were 14 signatories, three retired and nine active bishops, one cardinal, and one archbishop.

Undoubtedly, statements such as this should not be the exclusive tools to build resiliency or address the serious problems discussed. Yet, they are signs of the possibility and value of collaboration, even on issues where differences appear to be substantial. Ultimately, these differences stem on both sides from attempts to articulate theories of personhood that build up the common good and allow each person to live their lives with integrity; none are brought in bad-faith or with the explicit goal of undermining individual dignity or personhood.¹³⁵

Such disagreements, though, do not undermine or remove the ability of the principle of subsidiarity to be of benefit in the vulnerability analysis. They are reducible to disagreements about the nature of the support owed to families as vulnerable institutions and how responsive states ought to actually respond. These disagreements do not signal a rejection of the principles on either side. They may, and should be, places of dialogue. However, if they are not, there is the recognition that the principles are beneficial and complementary to each other. This is the major benefit of the Church's approach to its social teaching. By not grounding its teaching exclusively in divine revelation, the Church builds up tools and resources that can be of service even to reformers who disagree with particular applications or even certain background premises. Catholic Social Teaching—by virtue of being grounded in a broad understanding of the human person, the state, and their societal roles—allows for incorporation by many different social, political, and legal reformers. Responsive states can use the principle of subsidiarity to address the concerns identified by Vulnerability Theory and build up a broad support of the human person.

CONCLUSION

Catholic Social Teaching and Vulnerability Theory are strong complements for each other. Each builds on the strength of the other. This article has primarily focused on how Catholic Social Teaching can be an aid to the vulnerability analysis, using the principle of subsidiarity as our primary case study. However, Vulnerability Theory also can be a support to Catholic Social Teaching. Much of that can already be gleaned from what we have described here. Explicitly, we can say that vulnerability analysis offers a tool for Catholic Social Teaching to understand how human dignity and flourishing are in danger. Precisely because both Catholic Social Teaching and Vulnerability Theory reject the premises of the autonomous agent of the liberal and neoliberal imagination,

135. On the Church's side, for example, even as the teaching rejects the notion of same-sex marriage, it calls for the deep respect of the human dignity of LGBTQ+ persons. *Social Compendium*, *supra* note 5, para. 228 (“Homosexual persons are to be fully respected in their human dignity and encouraged to follow God's plan with particular attention in the exercise of chastity.”) (emphasis omitted). The entirety of the teaching on marriage is grounded in a particular view of the human person and how such persons express their love for one another; to that end, the Church is concerned much more generally with the realities of divorce and non-marital unions; the resistance to same-sex marriage is but an expression of that concern far more than any other. *See id.* 225–227.

they are much better suited for a complementary analysis of the human experience than that alternative. Thus, Vulnerability Theory and Catholic Social Teaching overlap so that they each benefit from and build upon the work of the other. The principle of subsidiarity is one clear example of this overlap; further examples can be the subject of future research.

