A Christian Political Theory: Review of Books by Jacques Maritain

Christianity and Democracy & The Rights of Man and Natural Law, by Jacques Maritain. Trans. by Doris C. Anson, Intro. by Donald Arthur Gallagher. San Francisco: Ignatius Press, 1986. Cited *in* the text as *C&D* and *RM&NL.*

Man and the State, Jacques Maritain. Chicago: The University of Chicago Press, *1951.* Cited in the text as *M&S.*

Scholasticism and Politics, by Jacques Maritain,, (tr.) Mortimer Adler. London: Geoffrey Bles: The Centenary Press, 1945. [A reprint is forthcoming from the University of Notre Dame Press]. Cited in the. text *as S&P.*

True Humanism, by Jacques Maritain. Westport CT: Greenwood Press, Publishers, 1970. Cited *in* the text as *TH.*

It has become relatively fashionable today for political practitioners and scholars to focus on the absence of a "moral foundation," of the political order of society. While the focus itself is not wrong, most commentary fails to address more cogent issues such as what morality, for what purpose, and by which method is it to become foundational?

Jacques Maritain provides insight into all these issues. But more important, he not only describes and examines the cause of our contemporary plight, but provides a realistic and hopeful antidote for it.

In commenting on the role of power and amoral and immoral politics-which he describes as Machiavellianism-he points to its

ultimate failure-prophetic in light of the events of 1989:

> The illusion proper to Machiavellianism is the illusion of *immediate success.* The duration of the life of a man, or rather the duration of the activity of the prince, of the political man, circumscribes the maximum length of time required by what *I* call immediate *success.* Now immediate success is success for a man, it is not success for a state or a nation, according to the duration proper to state-vicissitudes and nation-vicissitudes. The more dreadful in intensity the power of evil appears; the weaker in historic duration are the internal improvements and the vigor of life which have been gained by a state using this power. [Such states] do not possess lasting inner force; their huge machinery of violence is a token of their inner human weakness. The breaking down of human freedom and conscience, because it engenders everywhere fear and insecurity, is in itself a process of self-destruction of the body politic. How long, then, can the power of a State endure which becomes more and more of a giant as regards the external or technical forces, and more and more of a dwarf as regards the internal, human, actually vital forces? It will do during some generations the job it has been assigned or permitted. I doubt that it can take root in the historical duration of nations *(M&S* 57-58).

Because the position of power politics will ultimately fail, and because it ignores the moral nature of the political mission, Maritain argues that truly human, civilized, and humane objects are properly served when the foundational moral basis of the society is that morality that comes from the Gospel of Jesus Christ. He writes:

> Christianity cast the net of the Gospel upon the Pagan Empire and the Pagan Empire died of it, for there is no quarter given between the evangelical law of the Son of God and the law of the Empire which sets itself up as God. Once man has understood that, in truth of things, politics depends upon morality because its aim is the human good of the community, once he has understood that political life must conform to

> natural law and, according to specific conditions of its temporal object, even to the law of the Gospel, he sees at the same moment that to call for justice and law in politics is to call for a great revolution which will substitute for the power politics of the masters, men, States ōr nations, the politics of the common good over which the people themselves must watch as the chief interested parties. A community of free men cannot live if its spiritual basis is not solely law. Machiavellianism and the politics of domination, in the sight of which justice and law are a sure means of ruining everything, are the born enemies of a community of free men *(C&D* 42-43).

Maritain's life and intellectual career were dominated by his desire to point to the nature of the political, social, and economic order consistent with the nature and purpose of humankind and the prescriptions of the Gospel.

One finds great comfort in the face of the discordant voices, ideologies, and philosophies which dominate so much of political discourse, in the writings of a truly great modern political philosopher such as Jacques Maritain. One who reads and reflects on Maritain's marvelously perceptive and penetrating examination of man and his place in the mundane world, is exposed to an optimistic and yet realistic evaluation of man and his human problems, and a prescription for a truly civilized society.

I

Central to Maritain's thought is his recognition that the spiritual and temporal dimensions of human life while "distinct,...are not separate" *(TH* 289, & 105; *S&P* 17-19). The historical movement that has led to the extensive disjuncture of the two has contributed significantly to the variety of disorders present in the contemporary world. Central to this historical movement has been the belief in anthropomorphic humanism.

In his preface to *Christianity and Democracy,* Maritain states that he grounds his belief in an "authentic humanism" capable of providing a realistic and hopeful view of man in his society. "Opti-

mism" he states:

> had no part in its inspiration. It did not spring from an optimistic state of mind; it sprang from hope and from a deliberate will to hope *(C&D 8).*

The hopefulness evident in Maritain is one tempered by a clear visioned realism about man-his history, his present, and his future. Maritain's is a call to both understanding and action. Anyone who accepts the reality of human free will understands that man's individual or collective action can bring either good or evil-a fact reflected in man's history. Maritain observes:

> This movement [of societies within time] depends on a great law which might be called the double law of degradation and revitalization of the energy of history, or the mass human activity upon which the movement of history depends. Where the wear and tear of time and the passivity of matter materially dissipate and degrade the things of this world and the energy of history, the creative forces, which are characteristic of the spirit and of liberty and are also their witness and which find their point of application in the effort of the few-thereby destined to sacrifice-constantly revitalize the quality of this energy. Thus the life of human societies advances and progresses thanks to that vitalization or super-elevation of the energy of history springing from the spirit and from liberty, and thanks to the technical improvements which are often ahead of the spirit (whence catastrophe) by which by nature ask only to be the instruments of the spirit *(RM&NL* 114; *C&D* 113-117; *M&S 68-75).*

What men think, what they believe, and what they know-all are of great importance *hi* giving encouragement to the success of the spiritual force of human activity which elevates man and contributes to the wholesomeness of individual and collective life. Indeed, according to Maritain, that is the role of "authentic humanism"-a heroism of love. As Maritain asks:

> Is there a humanism free and conscious of itself, which leads man to sacrifice and to greatness which is truly superhuman, because here human suffering opens its eyes and endures its pain in love,-not in the renunciation of *joy,* but in a greater thirst, a thirst which is already joy's exaltation?...For my part, I answer *yes (TH, xiv).*

Christianity, Maritain says, is the source of this humanism. It is the sole source for Maritain's integral humanism, for Christianity elevates man above himself and his mundane world; its energizing force is love; and it calls man back to his true nature of spirituality, love, and wonderment *(TH,* 85-87).

Many of Maritain's major political writings were completed in the period of W.W. II-which he recognized as a great cataclysmic event. He observes: The end of the Roman Empire was a minor event compared with what we behold" *(C&D,* 11). For Maritain, the marshalled forces of the world that would defeat pagan National Socialism, would, in the process, move through a period of purification. The real task of determining what would follow would pose a far greater test of man's will and ability-more even than victory in the war. He writes:

> The war will not be truly won, the peace will not be won, unless the people *understand* and unless the intellectual and moral reform effected within them is equal to the suffering of their present martyrdom and equal to the breadth of social transformations alike necessary if civilization is to survive *(C&D,* 12).

The world, Maritain understood, was dominated by false ideas and ideals around which political thought and action were mobilized. All such ideas-the barbarism and animality of National Socialism; the atheism and dehumanization of man of communism; and the pharisaical pretense of bourgeois thought-each in their own way reflected the inherent disease of anthropomorphic humanism. Marxism which clearly reflects this anthropocentric humanism believes that man alone and through himself alone works out his salvation.

> Hence, this salvation is purely and exclusively temporal; this salvation is accomplished naturally *without* God, since man is truly alone and acts truly alone only if God does not exist; and even *against* God, I mean against whatever is man and the human *milieu* is the image of God, that is to say, from this point of view, the image of heteronomy. This salvation demands the organization of humanity into one body whose supreme destiny is not to see God but to gain supreme dominion in history. It is a position which still declares itself humanistic, but it is radically atheistic and it thereby destroys in reality the humanism which it professes in theory *(S&P6 6; TH, 27-32; S&P114-16).*

An equally unfortunate reflection of this anthropocentric humanism resulted from the "democratic" theory advanced by Rousseau. Maritain says:

> Democracy of the individual and humanism of the individual arise from an anthropocentric inspiration. Materialism atheism dictatorship, are their fatalities. By saying to men, you are gods by your own essence and will, they have soured men. Practically they have left to men no other internal weight than flat egoism and longing for material possessions *(S&P667).*

This dominant current of thought is clearly separated from the source of the humanism Maritain espouses and the political consequences that flow from it. Christian *or* authentic humanism recognizes that the center for man *is* God; it implies the Christian conception of grace and freedom...(TH, 19) [while the secular or anthropomorphic] kind of humanism believes that man is his own center of all things. It implies a naturalistic conception of man and of freedom *(TH,* 19).

II

Integral to Maritain's Christian or authentic humanism is the inseparable, constructive, and vivifying relationship between man's spiritual and temporal ends and purposes. Maritain observes that for

Christian humanism:

> [There] is no occasion to choose, so as to sacrifice one or the other, between the vertical movement toward eternal life (present and actively begun here below) and the horizontal movement whereby the substance and creative forces of man are progressively revealed in history. These two movements should be pursued at the same time. To claim to sacrifice the second to the first is a sin of Manicheaism. But to claim to sacrifice the first to the second is materialistic nonsense. And the second, the horizontal movement, unless it turns to the destruction of men, is effected only when vitally joined to the first; the vertical one, because this second movement, while having its own proper and properly temporal finalities, and tending to better man's condition here below, also prepares for the Kingdom of God, which for each individual person and for the whole of humanity, is something meta-historical *(TH 8, 90-*91; *S&P* 8, 47-54; *C&D* 76-84).

For Maritain understanding of the separateness and yet the inseparability of the transcendental and the mundane worlds is necessary in order to understand the proper place and behavior of man in the temporal world. Maritain points out that "Every single person, says St. Thomas, is in regard to the community as a part is in regard to the whole and is thereby subordinate to the whole..." *(TH,* 129; *C&D,* 98-100). Because man is the material creature that he is, he lives in necessary conjunction with others, "and has need of the constraints of social life to be led to and sustained in his own life as a person" *(TH,* 129). Were this the full substance of man, any and all demands made on him by virtue of his being a part would be legitimate. However, as Maritain further notes:

> But the point of this [man's temporal social nature] is only and indispensably completed by St. Thomas' other saying: that man has in him a life and goods which surpass the ordering of the social policy....The human person is a member of society as a *part* of a greater whole-butnot *to the whole extent* of his being

> or of all that belongs to him. The core of his life as a person takes him beyond the temporal city, of which, nevertheless he has need *(TH,* 129; *C&D,* 100).

The concept of person to which Maritain is making reference is not the autonomous, rootless being described in social contractarian thought. Indeed, critical to the understanding of Maritain is the careful and creative distinction he draws between that part he calls individual and that part he calls person for, it is "extremely important to distinguish between the person...[and]...the individual" and "to grasp the exact significance of this distinction" *(S&P,* 48, 47-54, *87-90).*

In the material, temporal world individuality must be recognized and understood, but the inseparable relationship of the individual to his personhood must not be ignored.

> ... [T]he human being is held between two poles: a material pole, which in reality does not concern authentic personality, but rather the material conditions and the *shadow,* as it were, of personality; and a spiritual pole, which concerns personality itself *(S&P 47; TH* 199; *C&D 96-98).*

In his material being man is:

> [A] fragment of a species, a part of the universe, a single dot *in* the immense network of forces and influences, cosmic, ethnic, historic, whose laws we obey. We are subject to the determination of the physical world *(S&P, 49-50).*

Thus, the individuality of man is identified and fitted into a particular temporal context. In this position and condition he is, as Maritain says:

> pure potentiality, able neither to *be* nor *be thought* by itself, and from which all corporeal beings are made. Prime matter or "matter absolute" is a kind of non-being, a simple power of receptivity and of substantial mutability, an avidity for being. And, in every being made of matter, this avidity bears the

> imprint of metaphysical energy-"form or soul"-whichconstitutes with matter a substantial unity, and which determines the latter to be that which it is, and which, by the simple fact that it is ordained to inform matter, is particularized to such and such a being, sharing with other beings, equally immersed in space, the same specific nature *(S&P,* 48; *C&D* 96-98).

In this material sense then, each individual is not much differentiated from another. Each is a mere physical unit occupying a space in time. This one dimensional view, however, does not provide an adequate basis for understanding the human person properly. Maritain says:

> One might say that in each of us, *individuality,* being in one that which excludes from one all that other men are, is the narrowness in being, and `the grasping for oneself,' which in a body animated by a spirit derives from matter *(S&P,* 49).

It is essential, therefore, to recognize that each man is also a person-a "creative unity, of independence and of freedom" *(S&P* 550). The notion of personality Maritain says, does not refer to matter, as does the notion of individuality applied to corporeal things. It refers to the highest and deepest dimensions of being; personality is rooted in the spirit, in so far as this latter stands by itself in existence and super-abounds in it (S&P551). This unique quality of man is the source of his freedom, his spirit, and his authentic being which:

> demands the communication of intelligence and love. Because *of* the very fact that I am a person and that I express myself to myself, I seek to communicate with *that which is other* and with *others,* in the order of knowledge and love *(S&P,* 51; *C&D,* 91-92).

The concept of the human person is that which links man directly and authentically to himself, to other men, and to God. God gives to man the capacity to know, to love, and to be free, and it is in relation to these gifts that man pursues the ends which are proper to him as

man. The material and spiritual reality of men thus are joined and from this conjunction is derived man as man. Maritain notes:

> There is not in me one reality called my individuality and another my personality. It is the same entire being which, in one sense, is an individual and, in another sense, a person.I am wholly an individual, by reason of what I receive from matter, and I am wholly a person, by reason of what I receive from the spirit...(S&P, *52).*

For Maritain this proper conception of man is central to political, social, and economic thought, and activity. Maritain does not ignore material individuality, since it is "the very condition of our existence" *(S&P, 52).* However, to focus on individuality exclusively, is fatal to true humanism. He observes:

> If the development of the human being follows the direction of *material individuality,* he will be carried in the direction of the `hateful ego,' whose law is to *snatch,* to absorb for oneself In this case, personality as such will tend to adulterate, to dissolve. If, on the contrary, the development follows the direction of , *spiritual personality,* then it will be in the direction of the generous self of saints and heroes that man will be carried. Man will really be a person, in so far as the life of the spirit and freedom will dominate in him that of passion and the senses *(S&P, 53).*

Adopting a proper angle of vision regarding the nature of man enables one to form correct judgments regarding man's life and man's needs, as well as to provide an understanding of the nature of the social, political, and economic order suitable to his being. Maritain states:

> Whenever we say that man is a person, we mean that he is more than a mere parcel of matter, more than an individual element in nature.... Man is an animal and an individual, but unlike other animals and individuals, man is an individual who holds himself in hand by his intelligence and will. He exists not

> merely physically; there is in him a richer and nobler existence; he has a spiritual super-existence through knowledge and through love. He is thus in some fashion a whole, not merely a part; he is a universe unto himself, a microcosm in which the whole great universe can be encompassed through knowledge, and through love he can give himself freely to beings who are, as it were, other selves to him *(RM&NL,* 88-89; *S&P,* 54-62; *M&TS, 62):*

Given, then, man's true nature certain social consequences necessarily follow which are consonant with man as man, i.e., those designed to serve his true being and his potentiality., Christianity provides an understanding of the motives and means needed to construct a social, political, and economic order befitting man's true nature. Man, Maritain argues, must serve that part of himself which is person that part which involves his soul, his freedom, and his capacity to move vertically toward his creator *(S&P,* 108-113). Yet man, by virtue of his material individuality is placed in a given set of circumstances which involve his relationship to his fellow man in the tasks of temporal life. Consequently man's efforts and labors are used, in part, to aid in directing his society-both in regard to ends and means:

III

Because man, acting in conformance with his own being, seeks good and the good of others, the object of society is to serve the *common good.* For Maritain, the concept of the common good has genuine substance, and is not a rhetorical flourish used for its emotive impact. *Thus,* he says:

> Here we see that antinomy which creates the state of tension which is native to the temporal life of human being. There is a common work to be accomplished by the social whole as such, that by that whole of which *human* persons are part ; and, thus, these persons are. subordinate to this common work. And meanwhile what is deepest in the person, his eternal vocation

> and the goods which, belong to that vocation, are superior to this common work and give it direction *(TH,* 130; *C&D, 92; S&P, 55-,57).*

Maritain's concern is to explain the common good, and also to identify what means are necessary to serve it. The common good is not desired solely to provide for the material needs of its members, although it must do this, of course. Rather, its,major , purpose is to assure that all social, political, and, economic arrangements are fashioned in conformance with goodness and morality. It is, Maritain, observes "a thing ethically good" (S&P, *56; M&TS,5,5).* The common good serves the individual person in his essential nature. The person, Maritain points out, is a whole, but he is not a closed whole he is an *open* whole. *"He,,is* not *a* little god without doors and windows, like Leibnitz's monad, or an idolwhich sees not, hears not, speaks not. 'He tends by his very nature to social life and to communion" *(RM&NL, 91; S&P, 57-59; C&D, 90-92).* Indeed, Maritain grants, that if society were made up of truly "pure persons" the good of each would be identical with the good of all others. "But" he observes:

> Man is very far from being a pure person. The human person is an unfortunate material individual, an animal who is born in an infinitely more deprived state than all other animals. If the person, as such, is an independent whole, and that which is noblest of all natures, yet the human person is placed at the lowest degree of personality. He is destitute and miserable - anindigent person full of needs *(S&P, 57; C&D, 90-92).*

Man's frailty, incompleteness, and dependence makes'natural his need to be with and in communion with his fellows for his own well-being. It is the social order which provides both the opportunity and the wherewithal for man tO move from his "latent life" and to pursue his true potentiality. However, despite his radical dependence on others, man's more valued part-his soul-remains separate and more important than all of society. As Maritain says;

> A single human soul is of more worth than the whole universe of bodies and material goods. There is nothing above the human soul-except God. In regard to the eternal destiny of the soul, and the superior temporal goods, society exists for each person and is subordinate to it *(S&P* 58; *C&D,* 96-98).

Thus, if the individual person possesses this unique value in the divine scheme of things, it would be inappropriate for any political, social, or economic order to treat with him without full attention to his dignity and accord him proper respect(M&TS, 54). Yet a society must be conducted in such a way that the dignity and value of *all* individual persons are respected. Maritain, explaining both the needs of society and the respect necessarily to be accorded to the individual persons of which it is composed writes:

> The aim of society is its own *common good,* the good of the social body. But if we fail to grasp the fact that the good of the social body is a common good of *human persons, as* the social body itself is a whole made up of human persons; this formula would lead in its turn to other errors of a collectivist type-or a type of state despotism. The common good of society is neither a mere collection of the good of individuals nor the good proper to the whole which (as is the case of the species with regard to its individual members or the hive with regard to the bees) draws the parts to itself. It is the good human life of the multitude, of a multitude of persons, the good life of totalities at once carnal and spiritual, and principally spiritual, although they more often happen to live by the flesh than by the spirit. The common good of society is their communion in the good life; it is therefore common *to the whole and to the parts,* to the parts, which are themselves wholes, since the very notion of *person* means totality; it is common to the whole and to the parts, over which it flows back and which must all benefit from it. Under pain of being itself denatured, it, implies and demands the recognition of the fundamental rights of the person (and the rights of the family, in which persons are enmeshed

> in a *more* primitive *way* of communal living than in political society. It involves, as its *chief* value, the highest possible attainment (that is, the highest compatible with the good of the whole) of persons to their lives as persons and to their freedom of expansion or autonomy - and to the gifts of goodness which in their turn flow from it *(RM&NL, 93-94; S&P, 55-62* and 74-81; *C&D, 93-96).*

For Maritain the common *good* must incorporate the following three qualities in order for it to carry out successfully the facilitation of *the* individual good of all persons and the common good of all persons.

The first of these qualities he calls "redistribution" of which he says; "[it] the common good . . . implies *a redistribution,* it must be redistributed among the persons and it must aid in their development." RM&NL *94-95. It* would seem that the commonsense involved in this short prescription, and yet its profundity is easily passed over. Unless a *society* is so constructed to encourage and to facilitate the redistribution of the various goods, talents, and services of its members it cannot successfully serve the common good. In addition this prescription of Maritain's reinforces the underlying assumptions of the dignity and worth of the individuals of whom the society is composed. Because man is so interdependent upon others for his well-being, his safety, and his very existence, the freely given services and goods of others is not only necessary, but is also of equal value and dignity to the other person's own. The common good is thus served when there is *an* encouragement and facilitation of this redistribution of each person's talents, services, and goods.

Second, Maritain maintains the common good *requires* that authority be recognized and given to those who lead the community in the pursuit and protection of the common good. One must recall that *for* Maritain those who control the levers of power in a society are acting as vicars of the people. Their function, their value, and their position are dependent on the freely given endorsement of them by those who are subject to the authority they have. There is a distinct difference between persons being subject to authority as

opposed.. to power, and it is this distinction Maritain underscores when he says:

> Such an authority, aimed at the good of the whole, applies to free men, in utter contrast to the dominion wielded by a master over human beings for the particular *good* of the master himself *(RM&NL,* 95).

Thirdly, Maritain points to the fact that the common good must have "intrinsic morality." The more, predominant, contemporary view of politics as Machiavellian rejects concerns of morality and justice in favor of expediency and success. Rulership based on the predicates of Machiavellianism cannot serve the common good. As Maritain observes:

> The common good...is not merely a set of advantages and conveniences, but essentially integrity of life, the good and righteous human life of the multitude...[and this] is why every unjust and immoral political act is in itself harmful to the common good and politically bad. Thereby we see what is the root-error of Machiavellianism. We also see how, because of the very fact that the common good is the basis of authority, authority, when it is unjust, betrays its own political essence *(RM&NL,* 96).

Iv

Maritain's realistic view of the concept of the common good encompasses what *is* central *to* the thrust of most of his political views-the guarantee of the rights of man *(S&P,* 56; *RM&NL,* 131-189). *Such* guarantee is not built on the fictive, abstract concepts evident in Lockean, Spencerian, Hayekiantypes of argument, but is one which is rooted radically and intelligently in the concept of what is appropriate to the natural order, and protective of the potentiality of man's destiny. Maritain states:

> Now it is important to observe that man must be complete,

> through his own will, what is sketched in his nature. According to a commonplace expression, which is a very profound one, man must become what he is *(S&P, 54; C&D, 94)*. Man is an acting being who, in large measure, is responsible for his own destiny and the conditions of life in which he is located, by use of "...his intelligence and his will" *(RM&NL, 88)*.

In order to determine properly the nature of an individual's relationships with his fellows, Maritain points *to* the need to clarify the use of language to identify such relationships, the. differences there are between them, and. the significance these differences have for understanding a properly formed social order. Man's relationships within a "community" are less formerly structured and related to his intelligence than those he has within a society. Maritain says:

> In a *community,... the* object is *a fact* which precedes the determinations of human intelligence and will, andwhich acts independently of them to create a common unconscious psyche, common feelings and psychological structures, and common mores....The *community* is a product of instinct and heredity in given circumstances and historical frameworks...(M&TS, 3-4).

Clearly this describes man's relation to his fellow man in its most elemental form, i.e., we are all born into a setting characterized by those qualities Maritain maintains our response to them is by adaptation, and not by reflection and reason. Society, on the other hand, Maritain says has as its object "...a *task* to be done or an *end* to be aimed at; which depends on the determinations of human intelligence and will and is preceded by activity-either decision, or, at least, consent-of the reason of individuals; thus, in the case of society the objective and rational element in social life explicitly emerges and takes the leading role.. [A] society [is] a product of reason and moral strength..." *(M&TS, 3-4)*.

A nation is a form of community, according to Maritain, that is clearly evident in civilized life.

> It is something ethico-social; a human community based on the

fact of birth and lineage, yet with all the moral connotation of those terms: birth to the life of reason and activities of civilization, lineage in familial traditions social and juridical formation, cultural heritage, common conceptions and manners: "A nation is a community of people who became aware of themselves as history has made them, who treasure their own past, and who love themselves as they know or imagine themselves to be..." *(M&TS, 5; S&P, 74-81).*

Even though a nation is composed of persons with common sentiments, values, and institutions, it does not compose a society. "It does: not appeal to the freedom and responsibility *of* personal conscience..." *(M&TS, 6).* While a nation may provide the substance from which a society can emerge, it is itself, not a society. Whether a nation has a political form, however, is an indeterminate issue *(M&TS, 6-7).*

The concept of a body politic, while it pertains "to the order of society" must be distinguished clearly from the State *(M&TS, 9).* The state is *apart* of the body politic, it is not coterminous with nor superior to it. The body politic, Maritain says, is natural to man and is a work of his reason: It tends toward a really human and freely achieved communion. It lives on the devotion of human persons and their gift of themselves *(M&TS, 10)."*

As we have seen, *supra,* Maritain believes that when a human person is a part of a whole, he is a part which remains superior to that whole. And *in* relationship to the Body Politic, not only is the individual person as such superior to it, but so also *is* the family which is anterior to body politic, and "a multiplicity of other particular societies which proceed from the free initiative of citizens and should be as autonomous as possible *(M&TS,* 11; *S&P, 78-82)."* The object of *the* body politic is the creation and maintenance of *a* just order supported by law; custom, and right moral values, all of which are necessary for the common good. The state serves the body politic and the persons of which it is composed, and not *vice versa.* As Maritain says

> The state is but an agency entitled to use power and coercion and made up of experts or specialists in public order and

> welfare, an instrument in the service of man. Putting man at the service of that institution is political perversion. The human person as an individual is for the body politic, and the body politic is for the human person as a person. But man is by no means for the State. The State is for man *(M&TS,* 13).

Maritain is aware of the great threat to man, to his pērsonhood, and to his individuality which results from the perversion of the idea of an absolute State. This perverted view holds that the State is a "subject of right" and can legitimately command and direct all human activity. In addition, state power has its own dynamic which causes the state's expansion and the creation of the notion that the state has its own "common good" which, definitionally and logically is contrary to the notion of the "common good" properly understood. Maritain identifies the intellectual sources of this corrupted view- the intellectual grounding of the French Revolution and the philo¯ sophical views of Hobbes, Rousseau, Austin, and Hegel *(M&TS,* 15-18; *C&D, 50-51).* Contemporarily we are challenged, Maritain observes, to restate an appropriate theory'ofthe State, which would identify its proper functions. This cannot be done without an understanding of what intellectual foundation should support the body politic, and an understanding of the rights that attach to persons by virtue of their being human.

Maritain maintains we must reject the notion of the "sovereignty" of the body politic, the state, or the people. While the concept of a sovereign God is suited to Christianity, it lacks legitimate applicability in discussions of politics and society. The concept of the absolutist state destroys the proper relation of man to his government and society, by making them servants. As Maritain says:

> [I]n the last analysis, no earthly power is the image of God and deputy for God. God is the very source of the authority with which the people invest those men or agencies, but they are not the vicars of God. They are the vicars of the people by any superior essential property *(M&TS, 50; S&P, 78-85; C&D, 50-*51).

This wholesome view of the State as a part of the broader political community, views the state's role as facilitating and making possible the common good. The energizing forces for achieving the common good come not from the state but from the body politic.

In performing the task of serving the common good the state must, of necessity, be conscious and protective of the rights of man. Man's rights must be viewed against certain demands, stemming from the needs of the community's existence, that can be placed upon him. But it must be recognized further, that man, by virtue of his being human has other relationships, that are "more important than common life..." *(RM&NL,* 101). These are those "gifts, rights, and values which exist neither by the state, nor for the state, and which *are* outside the sphere of the State" *(RM&NL,* 101).

V

These rights of, which Maritain speaks are derived from natural law. For Maritain the concept of natural law, is not an ephemeral, amorphous concept; capable of being used or misused by conservatives and radicals alike *(M&TS,* 80-100).

First of all, Maritain maintains, natural law has a descriptive concept which is both ontological and ideal.

> It is something *ideal,* because it is grounded on the human essence and its unchangeable structures and the intelligible necessities it involves. Natural law is something *ontological,* because the human essence is an ontological reality, which moreover does not exist separately, but in every human being, so that by the same token natural law dwells as an ideal order in the very being of all existing men *(M&TS,* 89; *C&D,* 139-143).

Man's apprehension of this natural law initially comes, he says:

> When...the human reason discovers the regulations of natural law through the guidance of the *inclinations* of human nature,... [i.e.] that the very mode and manner in which human reason knows natural law is not rational knowledge, but knowl-

edge *through inclination (M&TS,* 91; *C&D,* 142-143).

Moving slowly, but steadily forward to knowledge from inclination, man is able to comprehend, grasp, and understand the natural law *in* its more. specific applications by his reason, will, and intelligence. As Maritain observes: "The law and knowledge of the law are two different things" *(RM&NL, 142; M&TS, 89-92).* Since man is *a* creature endowed with reason and intelligence he is able to move from inclination to knowledge:

> This means that there is, by very virtue of human nature, *an order or a disposition which human reason can discover and according to which the human will must act in order to attune itself to the necessary ends of the human being. The unwritten law, or natural law, is nothing more than that (RM&NL,* 141; *M&TS, 85-89).*

Man's comprehension of natural law is of great significance and importance to his social, political, and economic arrangements. For as Maritain observes natural law not only designates man's obligatory duties to his fellow man, but also his rights, i.e., "rights vis *a vis* other men and all the assemblage of creatures" *(RM&NL,* 146; *C&D,* 144-148; *M&TS, 95-97).* It is, therefore, the great challenge of modernity, not only to recognize these rights of man, but, perhaps, more important, to assure their protection, and to create those circumstances within which their fulfillment can occur. Maritain addresses what he considers the most important of rights-human rights; i.e., those which attach to man as man. He explains:

> **It** *is* because *we* are enmeshed *in* the universal order, in the laws and regulations of the cosmos and of the immense family of created natures (and finally in the order of creative wisdom) and it is because we have at the same time the privilege of sharing in spiritual nature, that we possess *rightsvis-a-vis* other men and all the assemblage of creatures *(M&TS, 95-96).*

Such rights man possesses as man, derive from the nature of his creation. Man derives knowledge of his being and the normality of

his functioning as a human by his apprehension of Divine Reason embodied in the eternal law, in which human reason is equipped to participate. These rights exist prior to government. They are rights, Maritain says, that "civil society does not have to *grant but to recognize,* and sanction as universally valid, and which no social necessity can authorize as even momentarily to abolish or disregard" *(M&TS,* 96).

These qualities of man as man are reflected in his rights as a person, "which belong to the ordination of personality as such to the absolute; that is to say, according to the things which, in him, and of him, depend as to their very essence on something higher than the political community, and properly concern the supra-temporal achievement of the person as person" *(S&P* 61, *C&D 104),*

First of all, it is inconsistent with the nature of man, and totally wrong for the state to intrude upon, seek to control, or dominate man's aspirations toward a spiritual life, in the fullest sense of the term. For Maritain this encompasses not only that spiritual fulfillment offered by grace, but also by truth and wisdom, and adherence to those moral precepts known by man through inclination and reason. He, says: "[T]he State has not the authority to make me reform the judgment of my conscience, any more than it has the power of imposing on intellects its own judgment of good and evil, or of loyalty on divine matters, or of imposing any religious faith whatsoever" *(RM&NL,* 156).

Further, Maritain points out that it is illegitimate for the State to deny to men their choice of their personal destinies-in the choice of their vocation, marriage, or the development and control of their faculties. All of these areas of choice attach to man as man and are superior to the state's control[s] *(C&D,* 152-160). All these rights," Maritain says, are rooted in the vocation of the person (a spiritual and free agent) to the order of absolute values and to a destiny superior to time" *(RM&NL,* 159).

The person stands pre-eminent in any properly conceived social/political philosophy. Man's freedom and will constitute his interior being which is the source of his perfection, and of feeling. But the person, as we have seen, is inextricably bound to his

individuality. In his capacity, therefore, as man-person and individual-he is called to his creative, cooperative, and contributing role toward his fellows. As Maritain explains:

> Thus, personality means interiority to oneself. But precisely because it is the spirit which-in a manner unknown to the plant and animal-makes man cross the threshold of independence, properly speaking, andofinteriority ofoneself. ...Because of the very fact that I am a person and that I express myself to myself, I seek to communicate *with that which is other,* and with *others,* in order of knowledge and love *(S&P,* 51).

Thus, while man is a "whole," of value in himself, he is an "open whole" who by *virtue* of his finite material being and radical dependence on others, has placed upon him certain requisites by the political/social/economic order in which he lives. As Maritain says, "But the social polity is essentially directed, by reason of its own temporal end, towards such a development of social conditions as will lead the generality to a level of material, moral and intellectual life in accord with the good and peace of all, such as will positively assist each person in the progressive conquest of the fullness of personal life and spiritual liberty" *(TH,* 128; *M&TS, 54-55).*

The type of society which is suitable to man, Maritain maintains, has four essential characteristics. First, it is *personalist* because it considers a society to be a whole composed of persons whose dignity is anterior to society and who, however indigent they maybe, contain within their very being a root of independence and aspire to ever greater degrees of independence until they achieve that perfect spiritual liberty which no human society has within its gift" *(RM&NL,* 104; *TH,* 127-133 and 156-168; *C&D, 104).*

This recognition of man as person is essential, if his true freedom and will are to be developed in light of their potential. The "very perfections" which inhere in man require a properly constructed society in which he can become his true self, and this development cannot be completed without his relationship to and with others. In cultivating man's capacities his ability to aid. others is given full and proper reign for he demands to be integrated to a body of social

communications, without which it is impossible for him to attain to his full life and achievement *(S&P, 54).*

Society is essential for man, not only because it is the framework within which his material needs are met, but because he needs society to elevate his knowledge and the "perfection of his moral life" *(S&P555).* Man's true human dignity and ability cannot be achieved exterior to society, and it is in this conjunction of individual and society that the common good is made possible and achieved *(S&P* 555). Society properly understood is ordered to the "extra-temporal good of the person, the achievement of perfection and of spiritual freedom" *(TH,* 127). In regard to its relation to the person the common good of the temporal order is, as Maritain explains, "an *intermediary* or infravelent end"-i.e., it has its own objects and goods, which when properly served, aids each individual person being in the pursuit of his proper end or being *(TH,* 170).

Second, the society is *communal,* because each "person tends naturally toward society and communion" *(RM&NL,* 104; *TH* 127-132; *C&D,* 104). This communal aspect has its own characteristics and imperatives. Maritain explains:

> The common good of society is neither a simple collection of private goods, nor a good belonging to a whole which (as in the case of the species in relation to its individual members) draws the parts to itself, as if they were pure means to serve itself alone. The common good is the *good human* life of the multitude, of a multitude of *persons; it* is their communion in the good life; it is therefore common *to the whole and to the parts,* on whom it flows back and who must benefit from it *(S&P* 55-56; *TH* 127-132),

No such communal value can be achieved without assurance that the rights of the persons are recognized and protected. Nor can it be achieved without assuring man the maximum opportunity for his spiritual and temporal development. This communal task is not predicated on a technical meaning of "advantages and utilities," but rather has as its meaning the pursuit of the intrinsically worthy good" *(RM&NL,* 96). Thus, utility, expediency, gross considerations

based on some "felicific calculus" are all excluded, for the common good is "a thing ethically good" *(S&P,* 56). The great temptation of political ordering is to procure particularized benefits for some at the cost to others. Maritain's conception of the communal nature of society, precludes this, in that such temporary advantage; as maybe had in doing so, in reality is a derogation of all persons' true good both ethically and empirically. For arbitrary limitation of some, or curtailment of their opportunity for full development, imposes a cost and loss to the presumed beneficiaries, for one can never know what one has deprived oneself of by such curtailment and limitation of another. More important, however, is the fact that he debases himself in doing so.

Third, Maritain says society should be *pluralist (C&D,* 105). In explaining pluralism, Maritain is essentially endorsing the idea of "subsidiarity" advanced by Pius XI in the encyclical *Quadragesimo anno,* and cites Pius XI's statement to illustrate his own conception of pluralism. Such a society, Maritain says, will

> gather together in its organic unity a diversity of social groupings and structures which embody positive liberties. It is injustice, a grave evil and a disturbance of right order for a larger and higher organization to arrogate to itself functions which can be performed efficiently by smaller and lower bodies." Civil society is not only made up of individuals, but of social groupings formed of these; and a pluralist commonweal would give the fullest possible measure of autonomy to these groupings and diversify its own internal structure in accord with the typical claims of their nature *(TH,* 157-158; *C&D,* 103).

Human beings who are allowed the freedom to exercise their intellect, their will, and the openness of communion with their fellows will associate themselves with others in the pursuit of multiple objectives and goods. Being allowed to do so constitutes one of the most elemental conditions for the exercise of human liberty, and the role of the state in regard to such activity is to facilitate it-not direct or control it.

A difficult question is posed in light of this prescription as to whether the state can interfere with this process at any time. Maritain answers yes, but it is qualified in the sense that such interference must be done on the basis of the law *and* with a respect for and protection of the common good. Maritain observes:

> The right of association is a natural right which takes politica form when it is sanctioned by the State and subject to the regulations of the State concerning the common good (the State has the right to prohibit and dissolve-not arbitrarily, but according to the decision of appropriate juridical institutions-an association of evildoers or an association of enemies of the public good) *(RM&NL,* 167).

The full meaning of Maritain's prescription must be evaluated in light of his discussion of the moral nature of the political order and the relationship of ends and means. While coercion may be necessary for the operation of society-criminals may be punished, men compelled into service of their country in times of national emergency, etc.-no enduring system can be built on coercion alone. Indeed Maritain from the 1930s forward pointed to this inherent weakness of the then existing totalitarian order of the Communist Soviet Union, and foresaw its imminent internal collapse. *(S&P passim: M&TS, 57-58).* Coercion cannot provide the dynamic for the improvement of the condition of human life. Maritain states:

> Coercion will always have its part to play in human societies; but it is not therein that we must seek the law of progress *(RM&NL,* 116; *TH* 163-169; *C&D* 116-117).

Maritain believes the power of the state must be based on the law, which will be used

> to constrain the *protervi,* the foolish, to a bearingand behaviour of which they are themselves incapable, and also to educate men in such a way that in the end they cease to be under the law (since voluntarily and freely they do what the law prescribes,-which only happens with the wise), the law will there

recover its moral authority, its function as the *pedagogue of liberty,* which it has almost totally lost under liberalism." *(TH,* 165-169).

Pluralism provides the fullest possible leeway for individuals to fulfill their purposes and objects in association with others in a wide variety of forms, but requires that in the pursuit of those purposes their actions not be injurious to the common good. The purpose of such restraints is to enable individuals to fulfill themselves freely, through an internalized recognition of their obligations to themselves and to others. They would freely recognize that certain actions cannot be permitted. When this realization is formed freely in their consciences, this would improve themselves and others. It is necessary to reemphasize that Maritain condemns any attempt of the state to use its coercive powers to attempt to "reform" the consciences of men, not only because such acts would be futile, but also because it is morally objectionable. Man must come to the full realization of his personhood by his own will, love, and intelligence. The fact that some may remain forever "unreformed" merely underscores the nature of man and the eternal problem of his weakness and obduracy. In dealing with the use of the law and the coercive powers of the state to protect and foster the common good Maritain cites St. Thomas' understanding of the limits of human law. Maritain says: "human law cannot, says St. Thomas, forbid and punish every kind of evil; and being ordered to a common temporal good it is natural that its manner of regulation and measurement, of interdiction and punishment, should be in proportion to the varying specifically different types in which this common good, like the city itself and civilisation, is analogically realized" *(TH,* 177).

Elaborating further Maritain says:

> The particular object of politics is the common good of the social body: that is its measure. This common good...is in principle moral and thus is incompatible with no matter what intrinsically evil means. But it also demands, by the mere fact that it is the right common life of the multitude of sinful and

> weakly beings, that *in* order to procure it one should know how *to* apply the principle of the lesser evil, and how to tolerate evils whose interdiction would bring greater evils in their train. Finally, politics is not an affair of abstract entities; the good and evil with which it has to deal are incarnate in historical energies whose intensity, duration and concrete scale are fixed. Faced with the forces in action in the field of history it must not only appreciate the truth and falsehood of the values which they present *as such and in the abstract, in their timeless significance:* it must also estimate the energy of*historical realisation* and the coefficients *offuture* good and evil contained in them. And this estimate may *lead* to conclusions which are in practice very different from those to which a purely abstract consideration would in itself have led *(TH* 212; *C&D,* 121-125).

Pluralism, Maritain states:

> assumes that the development of the human person normally requires a plurality of autonomous communities which have their own rights, liberties and authority; among these commu ¯ nities there are some of a rank inferior to the political state, which arise either from the fundamental exigencies of nature (as in the case *of* the family community) or else from the will of persons freely coming together to form diverse groups. Other communities are of arank superior to the State, as is, above all, the Church in the mind of Christians, and as would also be, in the temporal realm, that organized international community toward which we aspire today *(RM&NL,* 105).

Finally, Maritain identifies the fourth, and the;,most critical criterion of a society of free men. He writes: "the conception of the society we are describing is *theist* or *Christian..."(RM&NL,* 105; *TH, 200-201; C&D,* 105).

Lest this prescription of Maritain's be misunderstood it must be pointed out at the outset that he does not propose nor does he endorse any form of theocracy. Also, he does not propose that the church dictate the policies of government. What he does say that is

so profoundly important and so desperately missing in contemporary political theory and practice, is that the informing principles of a society fit for humans, are those found in the Gospel message of Jesus Christ *(C&D, 108;M&TS,147487). As* Maritain states: "in the sense that it [society] recognizes that the currents of liberty and fraternity released by the Gospel, the virtues of justice and friendship sanctioned by it, the practical respect for the human person proclaimed by it, the feeling of responsibility before God required by it, as much from him who exercises authority as from him who is subject to it, are the internal energy which civilization needs to achieve its fulfillment" *(RM&NL,* 105-106; *TH 200-204; C&D,* 19-*22* and 108-109: *M&TS,* 61-62).

It is readily apparent that no civilized order, i.e., one that provides opportunity to men to fulfill themselves, pursue their vocations, seek their happiness, and be of proper service to themselves' and to others is conceivable without such informing principles. Maritain has noted, "Willingly or unwillingly, States will be obliged to make a choice for or against the Gospel. They will be shaped either by the totalitarian spirit or by the 'Christian spirit" *(M&TS,* 159; *RM&NL,* 107).

Maritain's observation is based on the fact that he perceived, properly, that the political life of a society and the political acts of men are ethical issues, not technical ones. If a society operates solely on the basis of expediency; disregards the fundamental equality of men; and the requirements of justice and friendship as the foundation of the political order, there is an inevitable movement toward the type of cohesion sought by and imposed by totalitarian orders that have visited such tragedies on the world in the course of this century. Maritain is merely saying that without the informing principles of the Gospel the alternative course moves men into conditions that are not suited to their true nature. Temporal civilization is the object of the political order, and the meaning attributable to civilization is not a relative nor an ambiguous one for Maritain. He writes:

> Let us say that civilisation or culture is that flowering which gives space for a rightly human life; is concerned not only with

> the necessary material development which permits the leading of a proper life here below, but also and primarily with men's moral development, the development of those spiritual and practical (artistic and ethical) activities which rightly merit the name of human progress. Civilisation is thus seen to be a natural thing in the same sense as are the workings of reason and virtue, whose fruit and accomplishment it is., It answers to an essential impulse of human nature, but is in itself a work of our spirit and our freedom acting in co-operation with nature *(TH,* 88).

The informing principles of the Gospel, according to Maritain, are not suited only to certain persons, races, classes, or nations. Rather, they are transcendent and universal, and provide the guiding element in temporal development that enables man to become his true. self, and not the creation of a particular force of circumstance, ideology, or power. Indeed these principles provide for the foundation of human freedom understood in its most moral, and perfect sense. The secular orientation of the modem world has brought in its wake destruction, inhuman conditions for countless millions of persons, and denied to endless numbers and generations the opportunity to become truly human. For example, Maritain notes, in relation to the communist system:

> The modern age is' not a sacral, but a secular age. The order of terrestrial civilization and of temporal society has gained complete differentiation and autonomy, which is something normal in itself, required by the Gospel's very distinction between God's and Caesar's domains. But that normal process was accompanied-and spoiled-by a most aggressive and stupid process of insulation from and finally rejection of God and the Gospel n the sphere'of social and political life. The fruit of this we can contemplate today in the theocratic atheism of the Communist State *(M&TS,* 159).

Further, Maritain observes, the informing principles of the Gospel are the most amenable to the progressive development of demo-

cratic governance (C&D, 19-22). Maritain believes that the form of government *is* incidental to the function of government, and the function is tied intimately to the informing principles of the political order. He writes:

> The word democracy, *as* used by modern people, has a wider meaning than in the classical treatises on the science of government. It designates first and foremost a general philosophy of human and political life and a state of mind. This philosophy and this state of mind do not exclude a priori any of *the* "regimes" *or* "forms of government" which were recognizedas legitimate by classical tradition, that is, recognized *as* compatible with human dignity. Thus a monarchic regime can be democratic if it is consistent with this state of mind and with the principles of this philosophy *(RM&NL, 25; C&D, 25-26).*

Of the role of the Gospel in fashioning these informing principles, Maritain writes:

> Not only does the democratic state of mind stem from the inspiration of the Gospel, but it cannot exist without it. To keep faith in the forward march of humanity despite all the temptations to despair of man that are furnished by history; and particularly contemporary history: to have faith in the dignity of the person and *of* common humanity, in human rights and in justice-that is, in essentially spiritual values; to have, not in formulas but *in* reality, the sense of *and* respect for the dignity of the people, which is a spiritual dignity and is revealed to whoever knows how to love it; to sustain and revive the sense of equality without sinking into a leveling equalitarianism; to respect authority, knowing that its wielders are only men, like those they rule, and derive their trust from the consent or the *will* of the people whose vicars or representatives they are; to believe in the sanctity of the law and in the efficacious virtue-efficacious at long range-of political justice in face of the scandalous triumphs of falsehood and violence; to have faith *in* liberty and fraternity, and heroical inspiration and heroical

belief are needed which fortify and vivify reason, and which none other than Jesus of Nazareth brought forth in the world *(RM&NL, 50; C&D,* 28-29 and 34-36).

Maritain therefore, maintains that fashioning of political, social, and economic orders is a spiritual and moral task. The proper objects of such orders cannot be based on the materialistic foundation of modern day liberalism, the false communitarianism of National Socialism, nor the atheistic and grossly material ideology of communism. Rather, he seeks a rejection of such schemes of political thought in favor of an ethical view of politics as vocation and calling.

If a society, such as the one Maritain proposes is to be fashioned and preserved, then one must clearly examine the danger posed to it, by state power. According to Maritain, the state • (an agency which is only *a part* of the body politic) is "neither a whole nor a subject of right, or a person" *(M&TS,* 24). It is an institution needed for limited and important reasons and which is also confined to certain proper purposes and functions. Its primary task is to facilitate the achievement of the common good by fostering and protecting the energizing forces emanating from the body politic as a whole (S&P117-19). Although the state occupies a topmost position in relation to other structures of temporal authority, it must be clearly recognized that the supreme authority is received by the Statefrom *the body politic,* that is from the people; it is not a natural right to supreme power which the State possesses of itself *(M&TS,* 24 and 128-130).

In order for the role of the State to be properly understood and respected it must be divorced from the concept of sovereignty in any political philosophical discussion of the State. This concept Maritain maintains, "...considered in its genuine meaning, and in the perspective of the proper scientific realm to which it belongs political philosophy-the concept is intrinsically wrong and bound to mislead us if we keep on using it *(M&TS,* 30).

The concept of sovereignty as a separate and transcendent power has proper application in certain realms of human philoso-

phy, but not in politics. As Maritain observes:

> It [the concept of sovereignty] loses its poison when it is transplanted from politics 'to metaphysics. In the spiritual sphere 'there is a valid concept of Sovereignty. God, the separate whole, is Sovereign over the created world. According to Catholic faith, the Pope, in his capacity as vicar of Christ, is sovereign over the Church. Even in a moral sense, it may be said that the wise man, and first and foremost the spiritual man, have a kind of sovereignty. For they are possessed of an independence which is supreme *from above* (from the Spirit), with regard to the world of passions and the word of the law, to whose coercive force they are not subjected, since their will is of itself and spontaneously with the law *(M&TS, 49-50).*

The concept, however, is wrongly applied, philosophically insupportable, and dangerous when applied to the realm of politics and political philosophy *(M&TS,* 131-139). The original error is found in Jean Bodin's use of the term in relation to the state. Bodin had concluded "state sovereignty" means that "the people have absolutely deprived and divested themselves of their total power in order to transfer it to the Sovereign, and invest him with it,..." *(M&TS,* 34).

Thus, state power was considered separate from and superior to those over whom it was exercised. This error Maritain notes, was compounded further by Hobbes who argued that the state is: 1) not an integral part of the body politic, and 2) does not serve as vicar of the people whom it serves. Such notions of sovereignty view the state's power as natural and self-justified, and, therefore, unaccountable to the body politic. These notions, Maritain observes, provide the philosophical justification for the modern absolutist state-which rejects both the notion that it is accountable and controllable by those over whom it rules, and which serves its own purposes and ends which are inconsistent with the idea of the common good. Equally dangerous was the injection of the notion that although a king might not be sovereign-the people are-a philosophical argument advanced by Rousseau. For Maritain, the idea of a sovereign people is just as dangerous as the notion of kingly

sovereignty *(M&TS,* 128-130). The doctrine of states sovereignty causes one to forget:

> [T]hat no human agency has by virtue of its own nature a right to govern men. Any right to power, in political society, is possessed by a man or a human agency in so far as he or it is in the body politic apart at the service of the common good, a part which has received this right, within certain fixed bounds, from the people exercising their fundamental right to govern themselves *(M&TS,* 43-44; *S&P,* 62-63, 128-130).

Even though men may legitimately create a state, it cannot, even with vast approval, exercise its powers as its sees fit for:

> The right of the people to govern themselves proceeds from Natural Law: consequently, the very exercise of their right is subject to Natural Law. If Natural Law is sufficiently valid to give the basic right to the people, it is valid to impose its unwritten precepts on the exercise of this same right. A law is not made *just* by the sole fact it expresses the will of the people. An unjust law, even if it expresses the will of the people, is not *law (M&TS, 48; C&D,* 39-40).

Absent a proper philosophical foundation for the understanding of and justification of the state, the dynamics and dialectic of power would result in the destruction of those elements necessary for a good society, and more tragically, destroy the ability of individual persons to fashion their lives in conformity with their true ends and purposes, and develop their potentiality of being truly human *(S&P,* 17-19):

In order to have a proper understanding of the state's role in the body politic, and to identify the functions it should perform, requires an understanding of the nature and scope of human rights.

VII

For Maritain, the rights of man, originate in and from the nature of man himself-"the reality of human nature and [the] human person,...develop from its own principles in a necessary manner"

(RM&NL, 131). For Maritain, most of the evils of the modern world stem from a false philosophy which made "human free will the sovereign rule for the whole social and moral order..." *(RM&NL, 133).* This has proven to be one of the major reasons for the flourishing of the totalitarian, and uncontrolled state. True ideals of democracy, human liberty, and the common good, cannot be based on such a poisonous philosophy. They must be based on a "true humanism." True humanism properly directs and controls the animality that is in man, that is a major cause for the creation of abusive political orders, and orders which deny human value *(C&D,* 136-138). Maritain states:

> [I]t appears that apolitical philosophy, based on reality must struggle against two opposite errors: on the one hand against an optimistic pseudo-liberalism that extends from Rousseau to Lenin, that feeds men with false hopes, and that, while pretending to hasten it, distorts the emancipationto which they aspire; and, on the other hand, against a pessimistic pseudo-realism that extends from Machiavelli to Hitler and that bends man under violence, returning only the animality which enslaves him *(RM&NL,* 138).

As we have already seen, Natural Law is a major constituent element of true humanism, because it maintains "that there is, by very virtue of human nature, *an order or a disposition which human reason can discover and according to which the human will must act in order to attune itself to the necessary ends of the human being" (RM&NL,* 141).

Maritain points out that, if man, by his nature and being, is bound to things which are necessary to his being human and fulfilling his proper ends, ' then "he has the right to the things necessary for this purpose" *(RM&NL,* 145); These "rights" enable man to pursue his true end and destiny, and dictate the nature of his relationship to his fellow men.

First in importance of these rights, are those "rights of the human person." One needs to recall that for Maritain, the personhood of man "transcends political society" for it is an absolute value. While

personhood is the core of man's being, it is evident and clear that "in the perspective of faith and redemption:... [it] does not work contrary to man's nature, but perfects that nature."

Therefore, protection of man's "aspirations toward spiritual life: is of first priority in understanding the rights of man." Man's striving and searching for his true personhood, in God, cannot be prohibited by the power of the state. To illustrate this, Maritain points analogically to the individual's search for and acquisition of "scientific" and "mathematical" truth. As he notes:

> Thus, for instance, mathematical truths do not depend on social community, and concern the absolute goods of the person as such. And the community will never have the right to ask a mathematician *to hold as true* one mathematical system *in* preference to another, one, and to teach such mathematics as may be, considered more suitable to the law of the social group; for example, and to speak madly,Aryan mathematics or *Marxist-Leninist* mathematics *(S&P,* 61; *C&D,* 100-102).

Therefore, though society out of contextual and contingent concerns, may limit the actions of individuals which threaten or injure the common good, it has no right to attempt to compel a change of spiritual or intellectual commitment to the value being served, even though it offends the sentiments of the community. Maritain says: "[T]he State has not the authority to make me reform the judgment of my conscience, any more than it has the power of imposing upon intellects its own judgment of good and evil, or of legislating on divine matters, or of imposing any religious faith whatsoever" *(RM&NL,* 1560).

The rights of the human person in addition to that of spiritual development, encompass all those areas of human activity and being, which are of value to the individual-person and recognize and protect his more important claim *to* personhood. Maritain identifies these. He says:

> [T]he fundamental rights, like the right to existence and life; the right to personal freedom or to conduct one's own life as

> master of oneself and of one's acts, responsible for them before God and the law of the community; the right to the pursuit of eternal good (without this pursuit there is no true pursuit of happiness); the right to keep one's body whole; the right to private ownership of material goods, which is a safeguard of the liberties of the individual; the right to marry according to one's choice and to raise a family which will be assured the liberties due it; the right of association, the respect for human dignity in each individual, whether or not he represents an economic value for society-all these rights are rooted in the vocation of the person (a spiritual and free agent) to the order of absolute values and to a destiny superior to time *(RM&NL,* 158-159; *C&D,* 152-160).

These are rights whose existence, recognition, ' and protection are not matters for election-they are grounded in and constitute thehuman person. If the human person has a spiritual existence that is manifested through knowledge, love, and will, the content and value ofthese 'cannot be imposed on the person by external sources. The inner development of knowledge-its acquisition and its use-is self evident. While such acquisition and use may be facilitated by conditions and circumstances external to the person, it cannot be compelled *(S&P, 64-65).* Further, the developmentof the capacity to love and the manifestation of this love through acts and words can only be the result of the free movement of the inner will of the person. Conformity of behavior to external control is a hollow substitute for the inwardly developed person-as totalitarians of the twentieth century have learned. Such inner development then requires respect for the individual's pursuit of this development, and it is the relation of power to this fact, that constitutes the barrier stands between the individual person and the power of the state *(C&D, 36-38).* To view it differently would mean the person is. an object of the acts of others and not a subject endowed with assurance that he may pursue the development of his life as fully as he will.

Man is by nature bound inextricably to the social order in which he lives. He is by *his* very nature a part of that order, and as Maritain

says: "It is upon this postulate of human nature that political liberties and political rights rest, and particularly the right of suffrage" *(RM&NL,* 162). Maritain, as we have seen, rejects totally the notion that the state is a separate part of the society-it is rather an integral part of such a society. Those who staff the state have no independent source of legitimacy other than the approval of those over whom they rule. As such rulers are "vicars of the people." Consequently, the courses of action they pursue, the policies they adopt, and the matters that they subject to regulation must reflect their willingness to serve the common good, i.e., the good of all individuals. Suffrage is thee means whereby restraint-at least in theory-may be place upon such offices. The method of selection of governing officials, the nature of the offices they occupy, and the limits to their scope of action-all are to be determined by those who are governed. Maritain observes: "The right of the people to take unto itself theconstitution and the form of government of its choice is the first and most fundamental of political rights. Such a right is subject only to the requirements of justice and natural law" *(RM&NL,* 165).

Thus any configuration of government must-in terms of the rights of the civic person-assure the following three things: (1) political equality; *(2)* equality before the law; and (3) equal admission of all citizens to public employment (TH193-195; *C&D, 40-42,* 161-169). It is readily evident, that in addition to the right of suffrage, how necessary these rights of the civic person are if a society is to serve justice, and the common good. Political equality for Maritain refers to the assurance of every individual's "status, security, and liberties" within the state. It is evident that the denial of status to anyone leads to injustice, because their very lives depend on others' whims, and the opportunity for development can be curtailed *at* will. The second-security-needs little elaboration. If law were administered on the basis of any other criterion than equality of all parties, it could no longer serve the common good nor provide justice to the parties before it. Wealth, status, power, race, sex, or age should not have a bearing on what effects the law will achieve. Administration of the law on any basis other than equality, violates the dictates of the natural law. In regard to the third-liberty-Americans particularly

are aware of the evils that attend the construction of barriers to some on the basis of their race, for example. Not only does such exclusion, when it is the result of legal demand, injure the common good, it makes the achievement of justice impossible.

These "benchmark" rights will be realized only in the process and struggle conducted by men in the pursuit of a civilized temporal order. The inner spiritual development of men makes this pursuit productive. Consequently, for Maritain, the pursuit of these rights and their embodiment in the fabric of a given social order constitutes a major task for all and particularly Christians - for whom the achievement of an improved temporal order is demanded by the canons of their faith *(S&P,* 17-19), Maritain states:

> The Christian, indeed, is *neverresigned.* His conception of the city holds in it of its very nature the wish to adjust the conditions of this vale of tears so as to procure a relative but very real earthly happiness for the assembled multitude; a polity in which all can find a good and decent living, a state of justice, of amity and prosperity making possible for each the fulfillment of his destiny. He claims that the terrestrial city should be so directed as effectively to recognize the right of each of its members to live, to work and to grow in their life as persons *(TH,* 131). '

The third category of rights to which Maritain makes reference are those he calls the rights of the working person *(C&D,* 169-186). The necessity of these rights, according to Maritain, is clearly reflected in the condition of industrialism. He notes, "In a word, the historic gain of which I speak is this recognition of the dignity of work and of the worker, of the dignity of the human person of the worker as such" *(TH, 228; M&TS,* 104-107).

Maritain's discussion of the rights of the working person must be viewed in the context of his critique of modern day culture and the philosophies and ideologies it has spawned that denigrate the dignity and the value of the individual in diverse ways. Maritain feels that "bourgeois liberalism," which has its roots in the philosophy of the reformation and the enlightenment, errs in its focus exclusively

on the material individual, and ignores the human person. "As one has often observed, bourgeois-liberalism, whose pretension. is to base everything on the individual considered as a little god, and on his caprice, on the absolute liberty of property, of commerce and of the pleasures of life-this liberalism inevitably ends *in etatisme,* the hypertrophy and absolute primacy of the State" *(S&P, 63, 74-78;TH,* 107-108; *C&D,* 60-61).

Maritain's objection to the contemporary industrial and bourgeois order is not fashioned as an attack on the "evils" of technological advance or material production. He observes, "It would be a grave error to repudiate the machine and technically developed industry, things which are good in themselves and which should, on the contrary, be used to produce an economy of abundance" *(TH,* 188).

Maritain believes that the problem with contemporary forms of capitalist industrialism is that "capitalism itself does not fully comprehend the spirit that informs it" *(TH,* 184). Maritain here refers to the elevation of technique, rationalism, and anthropocentric humanism over the necessary comprehension of personhood, the common good, and the role social systems or mechanisms have in serving the latter. The bourgeois order which is "uniquely or principally founded on the material association of perishable economic interests" cannot truly and properly serve the common good *(TH,* 190).

The weaknesses of bourgeois liberalism spawned reactions to its failure to address the problems of human life adequately. The weakness of what bourgeois liberals believe is that they recognize

> only that which belongs to the world of matter, blind to the realities of spirit they perceive in man only the shadow of real personality-the material individuality. And of man they can only tell us this much. Thus, what they do, the result to which in fact they lead, is to deteriorate to vilify and to enslave the person, either by dissolving it in anarchy, or, as inevitably happens under the natural necessities of political life, by submitting it entirely to the social body as Number, as Economic Community, or as State *(S&P, 62; TH, 70-73, 85-87).*

The reaction to the collapse of belief in community, the common good, and the denigration of the person that came in the wake of liberal bourgeois society, has led to four types of reactions.

The first of these is the inherent tendency for societies; built on liberal principles to move toward the elevation of the state to a position of omnipotence. For if man is considered and valued only in regard to his economic individuality then

> being only a part and not a whole, the individual will finally find himself entirely subjected to the social whole by the mechanical connections which insure his junction with it. No doubt, his freedom will remain full and complete, but in an illusory mode and in the world of dreams. Or else he will anarchically refuse the conditions of social life, and there will be the insurrection of the parts against the whole,...(S&P, *63,* 74-78; *C&D,* 124-125).

Second is the emergence of communism. Of this Maritain says:

> Its pretension is to aim at the absolute liberation of man, who will become the god of history. But, in reality, this liberation, supposing it were achieved, would be the liberation of the collective man, and not of the human person *(S&P, 63; TH,* 271-181; *C&D, 69-75,* 124-125).

Third is the advent of fascism. Of this reaction, Maritain says:

> [I]t denies that man comes from the hands. of God, and that he maintains within him, in spite of everything, the grandeur and dignity of such an origin. This pessimism,which invokes incontestable empirical truths, turns these truths into ontological lies, because it is indifferent to the fact that man comes from God: Then it despairs of man-I mean of the human person, the individual person-in favour of the State. Not God but the State will create man; the State by its constraints will oblige man to come forth from the nothingness of the anarchy of the passions, and lead an upright and even heroic life *(S&P,* 10; *TH,* 271-281; *C&D,* 124-125).

,Finally he addresses the reaction embodied in National Socialism, about which he writes:

> [I]t also 'makes a most fundamental' mistake concerning the nature of man, since in practice it basically refuses to see in man the creature and image of God, and its uses man as zoological material: man must serve the apotheosis of the telluric, primitive and divine (demonic) element which is developed in him and by him, that is to say, in his blood and by his predestined blood, in such, a way that aquite apparently combative optimism, which is trust in force, is added to a fundamentally pessimistic conception of human nature *(S&P,* 10).

Common to all of these schemes of contemporary totalitarian thinking is the denial of the personhood of man as well as a rejection of individuality: Man is viewed totally as a part and as a tool=a part of something greater and more important than himself for which any form of sacrifice can be demanded, and the individual is viewed as a tool or implement to be employed for purposes and objectives external to himself. All reject the beliefs that each man by virtue of his very nature, is individually destined for ends that are unique to him and thus totally reject his personhood.

Although not solely responsible for these responses to modernity, Maritain feels that the imperatives of capitalist industrial production are very much a part of it. For Maritain it is not the element of property and its ownership that is at fault. Indeed, for Maritain, property is the product of human labor which is one of the most elemental qualities of being human. Maritain observes:

> [I]n the matter of property, St. Thomas teaches, as we know, that, on one hand, primarily by reason of the needs of human personality considered as working in and elaborating matter in subjecting it to the forms of reason, the appropriation of such goods should be individual or private, since without it the working activity of the person would be hindered; but that, on the other hand, by the primal destination of material goods for the benefit of the human species, and the need which each of

> us has for such means in order to direct himself to his final end the use of the goods which are individually possessed should serve the common good of all *(TH,* 178).

For Maritain then, the problem does not lie in the possession of property, nor in man's labor to acquire it *(TH,* 177-181). Rather his condemnation is directed toward certain qualities of contemporary capitalist industrialism-the fecundity of money, the viewing of men and their labor as other forms of material necessary for production, the mismanagement of the fruits of production, and the materialistic basis that has come to dominate the thinking about society, man, and the object of human life-all of which he feels are to be deplored. As Maritain observes there is a need to transform the nature of temporal order. It goes without saying he rejects for obvious and humane reasons the alternatives provided by Statism, Fascism, National Socialism, and Marxism. In regard to the "bourgeois liberal order" he states:

> [I] will simply say that in my opinion it [Integral Humanism] should assume the task of radically transforming the temporal order, a task which would tend to substitute for bourgeois civilization, and for an economic system based on the fecundity of money, not a collectivistic economy, but a `personalistic' civilization and a "personalistic" economy, through which would stream a temporal refraction of the truths of the Gospel *(S&P, 17).*

It is in line with the suggested transformation that Maritain elaborates his belief in the rights of the working person. In order to understand properly Maritain's description of these rights one must examine what he excludes as well as what is included.

Maritain excludes the notion of all forms of state domination and direction of the economy. He states: "The idea of an economic state is a monstrosity" *(RM&NL,* 178). Consequently he rejects the ideas of corporatism-as these were proposed by Mussolini-and now widely adopted in Western industrial nations; he rejects the idea that the improvement of the worker should be consigned to the "pater-

nalistic" direction of the employers; he rejects "socialism" which he points out necessarily leads "in the direction of a totalitarianism with a technocratic base;" he rejects national planning at the hands of the state; and he rejects ideas of collectivization *(RM&NL,* 174). Each of these Maritain maintains, is based on the faulty premises of anthropocentric humanism that not only offers false promises, but also is confined to the purely material bases of human life.

What Maritain endorses is the growth of the vitality of integral humanism in all sectors of the working population, which would cause each to comprehend his dignity and value as a human person. Individuals who properly understand their condition as human persons *must* be protected in their right to associate-particularly for the working man-in unions for the advancement of their interests and *well* being. This "right" of workers is not to be employed as an instrument of the state nor is it to be subject *to* state regulation and direction: Rather it would be the acts of free men associating freely with their fellows to facilitate their ends and objects as they have defined them.

Further, Maritain urges that the relationship between the employer and the employee *not* be based *on* some simplistic formulaic notion of supply and demand of labor, but rather to recognize that the worker stands before his employer in a relationship of justice..." *(RM&NL,* 173). In turn this relationship compels the acceptance of *a* doctrine of just wage which Maritain identifies as enabling one to "afford a living for himself and his family..." *(RM&NL,* 172).

Maritain ;discusses what he calls the "worker's title" "which assures a man that his employment is rightly his, is juridically linked to the, person, and that his activity will be allowed to, help him progress in his `field" *(RM&NL,* 172; TH, 181-184). According to Maritain, this "worker's title", would most likely come from the growth *of* conditions that would foster and encourage worker ownership of the institutions for which they work. While Maritain does , not address it, these suggestions are not radical departures from current conditions that have an incipient presence in many modern economies. A "worker's title" is not antithetical to the notion

of contracted labor. Rather, all that is needed is some recasting or redefining of the content of the contract-its specified terms of employment, the length of, the period for which the contract is written and the stipulations contained therein related to the respective and reciprocal obligations and duties involved. Certainly Maritain provides an ample basis for the restructuring of such content through his "integral humanism." In regard to joint ownership, this is not antithetical to the underlying basis of stock option plans many companies make available to their employees. Again, Maritain's theory of integral humanism, merely amplifies such ideas, and provides a philosophic basis for their adoption. and extension.

In his discussion of these rights of the worker, Maritain carefully avoids the trap of assuming that the recognition of such rights is a political problem. In Maritain's theory all of these are potential realities that would flow from the pluralist, dimension of the society he proposes. In a politicized age it is refreshing to note that Maritain views the state's role as limited in regard to such matters. This particular view is clearly expressed in the following statement from Maritain:

> Lastly, the law which spurs human work to free itself from servitude is not the only one to be' considered. Emancipation of human life from physical suffering corresponds to other rights of the human person which the multiple forms of social service and old age security are destined to guarantee-and will doubtless guarantee better if 'these institutions are of a pluralist type (reducing though not excluding the role of the State) than if they are of a State-dominated type *(RM&NL,* 184).

In their totality these rights, to which all human persons are entitled, assure the possibility for man to live the type of life suited to being human. Maritain states: "If man is morally bound to the things which are necessary to the fulfillment of his destiny, obviously, then, he has the right to fulfill his destiny; and if he has the right to fulfill his destiny, he has the right to the things necessary for this purpose" *(RM&NL,* 145).

VIII

All humans, it seems, desire to live in "good" societies. Even followers of National Socialism, fascism, and communism share this desire. As Maritain has demonstrated so eloquently, however, such desires are themselves not sufficient. A desire based on a wrong moral value, and achieved by means which denigrate or ignore the value and dignity of each individual human being, cannot achieve good. They are misplaced in terms of intent, means, and objects. Wholesomeness and goodness can only come about when informed by correct values' and such correct values are found in the Gospel. Ideally, of course, all men would believe in such and ideal. In the present context and in the foreseeable future such an ideal seems most unlikely, if not impossible. Consequently we must be content with something less than the ideal, but should use that ideal to direct our 'current acts and choices. Maritain understands this better than most theorists.

What is possible, he demonstrates, is that the progress of man can occur if there is an acceptance of those Gospel values-recognition of the dignity and value of each human being, the value and necessity of protecting human rights, the use of governmental power in the service of the. common good, the guidance of natural law, and the viewing, of politics as an ethical enterprise-aids man in the search for not only a good society, but the use of society to aid and facilitate man in fulfilling his human destiny. His call for political ordering that protects and serves such values is neither fantasy nor false optimism. Rather it is a solidly argued prescription that responds both to man's needs and desires. Maritain succeeds in pointing the way to a good society; clearly enunciates why his prescription is not only good but realistic;'what values must inform such effort; and affirms the purpose and nature of a society's "common good. His are not unrealistic idealistic statements, but concrete prescriptions that we would do well to affirm and practice.

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NOTES

1. Maritain realizes that in times of peril or in the face of compelling exigency that threatens the very existence of the commu- nity, the State may ..., for example, enlist support in the conduct of a great war, but all such deviations are limited in focus, limited in time, and are not predicated on a perceived right of the state to refashion man to the State's limited purposes.