MARITAIN, CONNATURALITY, AND THE AMERICAN FAMILY*

James G. Hanink

I Introduction

In Reflections on America, writing about marriage on "the American scene," Jacques Maritain laments "I am afraid a whole book would be necessary to attempt a satisfactory study of it."\(^1\) Indeed, he continues, "the problem of the relations between the sexes seems to me to be still more important...in this country than that of the relations between management and labor, and even that of the relations between races."\(^2\) Four decades later and just as provocatively, Robert George calls attention to our tendency to treat children as property. In The Clash of Orthodoxies, he links this abuse to a "fast eroding" understanding of sex and marriage.\(^3\) Ironically, the traditional understanding is "under severe assault from people who have no conscious desire to reduce children to the status of mere means."\(^4\)

For his part, however, George gives us a deliberately robust definition of marriage. It is "a two-in-one-flesh communion of persons that is consummated and actualized by acts that are reproductive in

*Anne Barbeau Gardiner helped me achieve much of the still insufficient unity of these reflections.


2 Ibid., pp. 82-83.


4 Ibid., p. 80. If this is true, we need to renew the ancient prayer, "Forgive us our sins, both deliberate and indeliberate." It occurs in the Liturgy of St. John Chrysostom at the communion of the celebrants.
Conjugal love needn't be motivated by a desire to reproduce, but an openness to life is critical. Children are gifts that supervene intercourse and fulfill the community that it actualizes. They are, he continues, "properly understood and treated—even in their conception—not as means to their parents' ends, but as ends-in-themselves."6

To be sure, its cultured despisers dismiss this understanding of sex and marriage as a relic of oppression. In doing so, they often rehearse for us how much in American life has changed of late, including the very texture of national debate. Manifestly, the Princeton of Jacques Maritain, Robert George—and Peter Singer—reflects such change.

Yet there are questions to raise about these, or any, changes. What is it that changes? And is the change for good or for ill? In any case, however changing the context, we remain the agents of our sexuality and the architects of family life. We can live in marriage wisely, or not. We can nurture our children wisely, or not. To do so would be impossible had we neither nature nor intelligible potentiality. Because we have both, there is a natural law that illuminates conjugal love and the nurturing of a family.7

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5 Ibid., p. 77. Elizabeth Anscombe, in a like vein, writes that the "good and the point of a sexual act is marriage," and that intercourse is to be a "reproductive type of act," adding "(I don't mean of course that every act is reproductive any more than every acorn leads to an oak-tree)"; see her Contraception and Chastity (London: Catholic Truth Society, 1977), p. 21 and p. 5. Dorothy Day offers a still deeper dimension: "Our beds may be altars at which we kneel to pray, and on which we receive the sacrament of matrimony, giving and receiving in a communion which is a foretaste of the beatific vision." See her On Pilgrimage, Foreword by Michael O. Garvey, Introduction by Mark and Louise Zwick (Grand Rapids, Michigan: Eerdmans, 1999), p. 132.


7 Perhaps here one needn't support this claim. Consider Maritain's precedent: "Since I have not time here to discuss nonsense (we can always find very intelligent philosophers, not to quote Mr. Bertrand Russell, to defend it most
Still, we often come to know this law with difficulty. To help explain this embarrassment, Maritain distinguishes between the ontological and the gnoseological natural law. Ontological natural law is within us; it shares our essential reality. Gnoseological natural law is that law insofar as we know and articulate it. Doing so, for Maritain, depends on connaturality, that is, a settled inclination to pursue the true or the good that prompts one to judge or act in particular cases. Thus, Catherine Green characterizes connaturality in terms of an agent's having "formed himself in relation to the good." Connaturality eludes the algorithmic and yet remains a sine qua non for human reasoning. Through connaturality our natural inclinations attune, as it were, our intellects to the dynamism of the human subject.

Herein, though, the Christian thinker meets a pluriform dilemma. Our inclinations and intellects suffer from the wounds of original sin. Moreover, our inclinations are partly shaped by unjust social institutions. Dare we still hope that such discordant inclinations will attune our intellects? Can we articulate the role of natural law in marriage and family if our inclinations in their regard are dissonant? And how are we to frame a Christian understanding of marriage when, as Elizabeth Anscombe put it, society "has wrecked or deformed this human thing?"

brilliantly), I am taking it for granted that we admit that there is a human nature" Man and the State (Washington, D.C.: The Catholic University of America Press, 1998), p. 85.


10 Jacques Maritain, Man and the State, pp. 89-92.

11 Elizabeth Anscombe, Contraception and Chastity, p. 21.
II The American Family: a Dilemma in Focus

In flagging the special dignity of children, Robert George sharpens the focus on the dilemma before us. "It goes without saying," he is nonetheless quick to say, "that not all cultures have fully grasped these truths about the moral status of children." With equal paradox, it goes without saying, not all cultures fully grasp the truth that marriage is a two-in-one-flesh union of persons. Among these cultures is our own. It is this culture, and its America, which the Christian must confront.

But wait, says Dame Philosophy. A stern mistress she! How is a natural law thinker, if a Christian, in any position to confront an invasively secular culture? Well aware of the dilemma which George helps us specify, she is keen to pay it her regards. How better to do so than by restating its three vexing problems? First, as noted, there is the legacy of original sin. How can wounded inclinations harmonize damaged intellects? Second, our social institutions disorder our inclinations. How can they, sustaining this fresh damage, attune our intellects? And, lastly, how can one confront the culture in the language of natural law if one stutters in its articulation?

Yet even with her hard questions, our mistress serves us well. If she cannot now answer the questions she highlights, perhaps her challenge will help us do so. Let's address each in turn.

III Elements of a Resolution

Consider, first, the wounds of original sin. They have taken from us the original justice of our first parents. We retain, however, the core principles of our nature. Yet even these are intact only at their roots. Maritain comments: "What is... weakened by the first sin in the human nature transmitted to all men is... the natural ordering toward virtue, not so much as regards its root in the essence of the soul, but rather as


Maritain regards the state of its development. This weakening of natural inclination affects our pursuit of both the good and of the true, and painfully so in our marriages and families.

What, then, are we to make of this disordering? Rejoice that the roots of our nature are intact and recognize that only grace can bring us to flourish. Maritain writes: "If here and there, in what he does, a man arrives at the peak of his natural possibilities, it is because grace which raises him to the supernatural has also 'cured' him in the order of his nature." Is not the theologian to pursue his vocation on his knees? Maritain asks philosophers to do the same. Much more might be said on this score, but at another time.

Here we do better to turn to Dame Philosophy's second question. Our social institutions further disorder our inclinations. How, then, can these same inclinations attune our intellects?

Because this question is so pressing, we must first clarify what these inclinations are. Neither concepts nor judgments, they are rather the vital elements of connatural knowledge. Maritain sees them as a matrix of "congeniality." He writes that "the intellect, in order to bear judgment, consults and listens to the inner melody that the vibrating strings of abiding tendencies make present in the subject." With St. Thomas, he teaches that those things to which we have a natural

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15 Ibid., p. 207.

16 On this point, see Ralph McInerny's *Art and Prudence*, pp. 184-85.


18 Ibid., p. 92.
have built these cages. Still, we cannot dismantle them without political struggle.\textsuperscript{28}

With clarification and comparisons in hand, let's return to the question at issue. How can our socially disordered inclinations attune our intellects? The Christian natural law thinker must surely engage the political dimension. But equally critical, and logically prior, is the dimension of epistemic insight. Here we might well turn to two great friends of Christian philosophy.

John Henry Newman famously contrasts the fickleness of notional assent with the force of real assent. In doing so, he highlights our capacity to challenge "received opinion." We can, if we choose, accept it; we can, alternatively, treat it as an hypothesis; or we can flatly reject it. Newman's examples of notional assent, it happens, begin with political institutions and their partisans. ("Such are the assents," he tells us, "made upon habit and without reflection; as when a man calls himself a Tory or a Liberal, as having been brought up as such.\textsuperscript{29}") And while we can make little headway without our familiar notions, we are often enough "ashamed" when we come into contact with "real facts" that supplant them. That this experience is so familiar shows, if nothing else, that we can overturn the prejudices of our social and political ambience.

A second friend of Christian philosophy, Dietrich von Hildebrand, offers another affirmation of our capacity for critical insight. In the Prolegomena of his \textit{Christian Ethics}, he makes an initial request. We are "to follow [his] analysis of the data step by step and to suspend all explanations which have been offered in former theories, reductions, or interpretations, many of which...leave no room at all for the data in question.\textsuperscript{30}" In urging this turn to the given, von Hildebrand is not advocating a superficial descriptive psychology. Nor does he confuse

\textsuperscript{28} Ibid., esp. pp. 103-08.


the given with a concatenation of sense data. The given, rather, is an intelligible object which "imposes itself on our intellect" and which we can engage with "intellectual intuition." Our theories and reductions and interpretations, we know, often have a flawed social and political genesis. The phenomenological realist asks that we ourselves judge their adequacy. Our capacity to do so shows that we can, at least in part, free our inclinations from damaging distortions.

Von Hildebrand's first example of the given is the grandeur shining through the martyrdom of St. Stephen (Acts 7.55-60). For Christians, it is a telling choice. Here, though, I offer a second example of a striking "datum" of experience. It might lead believer and non-believer alike to dispute the distortions of socially controlled inclinations. A recent General Electric commercial extolling the technology of 4D ultrasound shows, with vivid clarity, the face of an unborn child. In the background, we hear the familiar melody of the sixties' song "The First Time Ever I Saw Your Face." No matter, now, the authority of the secular establishments. It is enough to see the living reality of the human face. Emmanuel Levinas offers us a philosopher's corroboration. But the truth is ready at hand for those who can see.

Our capacity for epistemic insight, to which Newman and von Hildebrand attest, helps us overcome the cultural distortion of our inclinations. And, to be sure, only insofar as these inclinations are well

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31 Ibid., p. 10.
32 On the internet, see www.gemedicalsystems.com/rad/us/4d/commercial .html. I thank Fr. Frank Pavone, of Priests for Life, for calling attention to this line of reflection.
ordered can they attune the intellect in its articulation of natural law. It is, furthermore, just such insight and inclinations that at key moments help us identify and sustain human rights. These same human rights, in turn, challenge our disordered social institutions. They serve, as well, to animate the struggle for the institutions of a civilization of love. Noting this interplay of the epistemic and the political is critical.

We must, of course, be sober in our appeal to rights. Yet our insistence should be unwavering. Students of Maritain think at once of the United Nations and The Universal Declaration of Human Rights.\(^{34}\) Article 3 states that "Everyone has the right to life, liberty and security of person." More particularly, the United Nations' Declaration on the Rights of the Child, in its Preamble, recognizes that "[T]he child by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth." Article 6 of this Declaration insists that "[E]very child has the inherent right to life."\(^{35}\) Are we sober in our appeal to these rights? Is our insistence unwavering? If so, then no government can tolerate, much less promote, abortion and infanticide without hypocrisy. Authentic rights, publicly affirmed, become levers by which we can displace the established disorder.

There is a special promise in the vocation of the family to serve as the pivotal institution of social healing. Consider, again, the language of The Universal Declaration of Human Rights: "The family is the natural and fundamental unit of society and is entitled to protection by society and the State" (Article 6). So it is that John Paul II in Familiaris Consortio \#44 calls for a "family politics." Such a politics offers its own perspectives on hospitality and heritage, education and justice, and health and education. Such a politics, if it keeps its integrity, honors its unique genesis in conjugal love.

Thus, the poet-activist Wendell Berry, reflecting on his diurnal round, writes:

\(^{34}\) Maritain explains his approach to this Declaration in Man and the State, pp. 76-80.

But on the days when I am lucky 
or blessed, I am silent. 
I go into the one body 
that two make in making marriage 
that for all our trying, all 
our deaf-and-dumb of speech, 
has no tongue.

Marriage, for Berry as for the Catholic tradition, is a two-in-one-flesh communion. And Berry, with a spare eloquence, guides us from speech, in its many accents, to the communion of marriage. Doing so, he leads us to the deep and healing inclinations that it embodies. His meditation ends with these lines:

The way of love leads all ways 
to life beyond words, silent 
and secret. To serve that triumph 
I have done all the rest.36

Maritain perhaps says as much. In foretelling "a new age... called upon to recognize and define the rights of the human being," he specifies that no question is more urgent than "the rights of that primordial society which is family society, and which is prior to the political state..."37 Though a friend of poets and of silence, Jacques Maritain had a philosopher's calling to articulate the paths and power of love in the natural order.

So, too, does the Christian natural law thinker. We must, then, return to Dame Philosophy's third question. How can one confront one's culture in the language of natural law if one stutters badly in its articulation?

There are, I think, two promising lines to follow in answering her question. The first is that we look to the primacy of the person. This

37 Jacques Maritain, Man and the State, p. 104.
"personalism" serves us at more than a one level. Thus, Maritain advocates a "personalist" society. Karol Wojtyla recommends a Thomistic personalism. W. Norris Clarke teaches us to do metaphysics on the basis of our experience as persons.

A good novelist often evinces a personalist sensibility. In *Keep the Aspidistra Flying*, George Orwell gives us the ambiguous fictional character Gordon Comstock. No moral paragon, Comstock nonetheless sometimes stumbles onto the truth. When Rosemary, his only-too-recent girl friend, becomes pregnant, they consider abortion. Orwell describes his character's surprising insight:

For the first time he grasped, with the only kind of knowledge that matters, what they were really talking about. The words 'a baby' took on a new significance. They did not mean... a mere abstract disaster, they meant a bud of flesh, a bit of himself, down there in her belly, alive and growing. His eyes met hers... For a moment he did feel that in some mysterious way they were one flesh. Though they were feet apart he felt as though they were joined together—as though some invisible living cord stretched from her entrails to his.

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38 Ibid., p. 106.
40 See W. Norris Clarke, *The One and the Many: A Contemporary Metaphysics* (Notre Dame, Indiana: University of Notre Dame Press, 2001), pp. 36 and 37. This is a theme to which he repeatedly returns.
41 George Orwell, *Keep the Aspidistra Flying* (London: Secker & Warburg, 1959), p. 277. David P. Mills called my attention to this passage in Christopher Hitchen's *Why Orwell Matters* (New York: Basic Books, 2002), pp. 151-52. Hitchens, no apologist for Christianity, comments: "One could hardly wish, in a few sentences, for a clearer proof of the way in which Orwell relied upon the instinctual. The impalpable umbilicus unites the couple as well as the mother and child; to sever it prematurely, for any selfish motive, is to commit an un-nameable but none the less intelligible offence against
Such a passage helps illustrate both Newman's real assent and von Hildebrand's intuition of the given. Still more poignantly, the passage shows how the personal encounter of the other can give a new voice to what is already obscurely present.

A second point to explore, in discerning how we are to articulate the natural law, is axiological. Articulating natural law demands clarity about the good. We must continually distinguish between the instrumental good and what is good in and of itself. Maritain, with scientism in mind, writes that for "a philosophy which recognizes Fact alone, the notion of Value—I mean Value objectively true in itself—is not conceivable." Just such thinking remains dominant, and natural law thinkers sharply dispute it.

To be sure, such a value distinction needs concrete illustration. Happily, it is ready to hand in Robert George's analysis of marriage, to which we can now return. The core of George's argument is as follows:

(P1) Conjugal love, if reproductive in type, actualizes marriage.
(P2) Marriage is a basic and intrinsic good.
(P3) Actualizing a basic and intrinsic good is itself such a good.
(C1) Such conjugal love is a basic and intrinsic good.
(P4) Children supervene on, and are a fruit of, conjugal love.
(C2) Thus, children fulfill the union which conjugal love actualizes.
(P5) Instrumentalizing a basic and intrinsic good wrongly devalues it.

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humanity." Orwell's Comstock has no access to ultrasound. But even a series of textbook pictures have their impact. "His baby had seemed real to him from the moment when Rosemary spoke of abortion; but it had been a reality without a visual shape—something that happened in the dark and was only important after it had happened. But here was the actual process taking place": *Keep the Aspidistra Flying*, p. 286.


(P6) Non-marital sex acts are instrumentalizing, e.g., are carried out for mutual pleasure or some private good.

(C3) Thus, these instrumentalizing acts are morally disordered.

(C4) So marriage alone fully actualizes persons in their sexual agency.

Professor George, one supposes, sees the basic goods to which his argument refers as relational. Here, it is worth noting that John Crosby, following Dietrich von Hildebrand, encourages us to reflect more deeply on value as distinct from either instrumental or relational good.44

While his suggestion is helpful, a question arises. Might we not see a basic good as both relational and of value in itself? Marriage, to be sure, is a relational good. But might it not also be of immense value simply for what it is? Children, after all, are good in relation to conjugal union; they are also of priceless worth in themselves. Would not an understanding of some basic goods (versus merely instrumental goods) as both relational and of value in themselves enrich our axiology? (Note: an intrinsic relational good like friendship can also be an instrumental good as in, for example, "My friend got me the job.") This broader understanding, I think, clarifies the argument before us; it also increases its epistemic accessibility, since the good as "value in itself" seems especially self-revealing in von Hildebrand's intuition of the given.

Nor need there be any incompatibility between knowledge by inclination and knowledge by rational intuition. Each can enhance the other, and it seems that the former often sets the stage for the latter. The chief caveat is that Maritain's emphasis on inclination and von Hildebrand's call for a grasping of the given are to be seen as in harmony with reason rather than in opposition to it. Here, I think, Michael Harrington, then of the New York Catholic Worker, went wrong when he claimed to find in Maritain the thesis that natural law "is an inclination toward good, and a progressive understanding of the

terms of that inclination, primarily through intuition, not through reason.\textsuperscript{45}

\section*{IV A Skeptical Challenge}

But now it is time for Dame Philosophy to renew her inquiry. Happily, space allows her but a single fresh objection. It is an objection to Maritain and to any one who shares his optimism. For Maritain is optimistic about the development of conscience, or the knowledge of natural law, by means of our knowledge through inclinations. In \textit{Man and the State} he writes, "That progress of moral conscience is indeed the most unquestionable instance of progress in humanity."\textsuperscript{46} A skeptic would dismiss his claim as bravado. Even Maritain, in the same text, refers to the "ever widening crises in the modern world."\textsuperscript{47} Thus Dame Philosophy asks, by way of her closing objection, whether it would not be far better, and saner, to acknowledge that the signs of the times are disconcertingly mixed.

Yet here the Christian thinker can still stand with Maritain. There need be no conflict between the progress of conscience and the widening of crisis. If our crises widen, conscience can range more widely and more deeply. Evil, in the end, is emptiness. But the good we do endures. Distinguishing between the transitive and the intransitive dimensions of human action, Karol Wojtyla notes that the "transitive in our culturally creative activity [is] a result of the particular intensity of that which is intransitive and remains within our disinterested communion with truth, goodness, and beauty."\textsuperscript{48} Here he anticipates Vatican Council II's teaching that Christ "hands over to the Father" the

\begin{itemize}
\item \textsuperscript{45} See Maurice Isserman, \textit{The Other American: The Life of Michael Harrington} (New York: Public Affairs, 2000), p. 76; emphasis added. For Harrington's review, see "Man and the State," \textit{Catholic Worker} 17 (May 1951): 4.
\item \textsuperscript{46} Jacques Maritain, \textit{Man and the State}, p. 94.
\item \textsuperscript{47} Ibid., p. 76. His later work, \textit{Peasant of the Garonne} (1966), and his earlier work, \textit{The Twilight of Civilization} (1943) are decidedly somber.
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fruits of our struggle and that even now "the Kingdom is already present..." (Gaudium et Spes #39).

Envoi

In the Christian struggle, Jacques Maritain's voice retains its force, and surely not the least so in America. His praise of this country was at times extravagant. Yet he was always aware of how high the human stakes were in the American experiment. Etienne Gilson recorded the élan with which Maritain met the challenge. "America offered Jacques Maritain a... difficult game to play. He hadn't sought it, but he accepted it, because I have always seen him accept a game provided it was difficult," and "this time again—and I am a witness—[Maritain] won."49

Today, the stakes are higher still. Nowhere is this clearer than in our own crisis of marriage and the family after thirty six years of a State-sanctioned silent holocaust.50 To the extent that we are complicit in it, our inclinations are disordered. To this extent, our ability to love and to nurture is compromised. We are fortunate, then, that Maritain's engagement with the questions of truth and beauty and goodness offers so many lessons. Yet there is one imperative lesson about how we might advance Maritain's legacy. It is that we press on.


50 Sister Nirmala, M.C., Mother Teresa's successor, underscored one of the ways this crisis weakens the Church. Asked why, in the West, there are so few vocations, she replied: "In some of those countries there are few births; the family is no longer able to transmit certain values. Vocations begin at home, but too many families in the West are destroyed" (Calcutta, India, April 21, 2002 [ZENIT.org-Avvenire]).