

## *Jacques Maritain, Thomism and the Liberal-Communitarian Debate*

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In *What's the Matter with Liberalism?*, political theorist Ronald Beiner acutely observes, "It is surprising that commentators on the liberal-communitarian debate have not drawn attention to its religious dimension. It is hard to appreciate the full contours of the debate without being aware of the degree to which it involves a Jewish-Catholic challenge to the 'Protestantism' of contemporary Kantianism."<sup>1</sup> Beiner's point is partly biographical: three of the leading figures allied with communitarianism, Alasdair MacIntyre, Charles Taylor, and Michael Walzer, strongly identify themselves as either Catholic (MacIntyre and Taylor) or Jewish (Walzer).<sup>2</sup> Beiner's observation can also be extended, in my opinion, as a contention that the terms of the liberal-communitarian debate are altered by considering concepts of the good and of community that inhere in religious traditions. This essay will concentrate on a Catholic contribution to the debate by examining the Thomism of a (if not *the*) distinguished Thomist of the twentieth century, Jacques Maritain.<sup>3</sup> I hope to show that the categories of Maritain's political and social philosophy can illuminate the contemporary debate, for Maritain both anticipates many of the controversial issues and offers a vision that is neither completely liberal nor completely communitarian.<sup>4</sup> The

<sup>1</sup> Ronald Beiner, *What's the Matter with Liberalism?* (Berkeley, California: University of California Press, 1992), p. 16.

<sup>2</sup> I use the term "communitarian" loosely here, for there is almost as much diversity within communitarianism as within political philosophy generally. For instance, whereas Sandel and Walzer have welcomed the communitarian label, MacIntyre has criticized communitarians for being too sanguine about transforming the social life of modern nation-states. See MacIntyre's "I'm not a Communitarian, but . . .," *The Responsive Community* 1 (1991), pp. 91-92.

<sup>3</sup> Despite the apparent conflation of these three terms throughout the essay (Catholic, Thomism, Maritain), I am well aware that not every Catholic contribution must be Thomistic or every Thomistic contribution derived from Maritain.

first section of the essay will seek to explain the basic contours of Maritain's social thought. Focusing in particular on ideas developed by Maritain in the early and middle parts of this century, his thought will be anachronistically engaged with the late-twentieth century debate in Anglo-American political philosophy between liberals and communitarians.<sup>5</sup> In particular, Maritain's affirmation of human rights will be examined.

### I. MARITAIN'S SOCIAL PHILOSOPHY

Two central notions govern Maritain's social philosophy: the human person and the common good. Maritain claimed to derive his understanding of both from Thomas Aquinas, though the derivability of his arguments from Aquinas became the subject of an intense debate, a debate that will be examined when we turn to the main concept that was the subject of debate, the common good. Ultimately, Maritain rested his political conclusions upon the foundation of Thomistic metaphysics. The contemporary mind is "hardly accustomed," Maritain writes, to understand the distinction between individuality and personality that will provide the basis for much of his thought. It would be a mistake, however, to think this distinction is an opposition between two different concepts of the self. Rather, Maritain identifies the individual with the material conception of the human subject and the person with the spiritual dimension. In true Thomistic fashion, human beings are not seen as mere matter or as abstract souls but as embodied souls: "Soul and matter are the two substantial co-principles of the same being, of one and the same reality, called man."<sup>6</sup>

<sup>4</sup> The contours of the liberal-communitarian debate are assumed here and will not be rehearsed. The debate largely grows out of questions arising from John Rawls's *A Theory of Justice* (Cambridge, Massachusetts: Harvard University Press, 1971). For helpful summaries (from, respectively, a liberal and a communitarian perspective), see Amy Gutmann, "Communitarian Critics of Liberalism," *Philosophy and Public Affairs* 14 (1985), pp. 308-322; and Michael Walzer, "The Communitarian critique of Liberalism," *Political Theory* 18 (1990), pp. 6-23. A collection of important authors are anthologized in Michael Sandel, *Liberalism and its Critics* (New York: New York University Press, 1984). Finally, Stephen Mulhall and Adam Swift summarize the arguments of various liberals and communitarians in *Liberals and Communitarians* (Oxford, England: Blackwell, 1992).

<sup>5</sup> My attempt in this essay has obvious affinities with the project of Michelle Watkins and Ralph McInerney in "Jacques Maritain and the Rapprochement of Liberalism," *Catholicism, Liberalism, and Communitarianism*, eds. Kenneth Grasso, Gerard Bradley, and Robert Hunt (Lanham, Maryland: Rowman and Littlefield 1995). However, I hope to show why I disagree with their effort to map the contemporary categories of "liberal" and "communitarian" onto Maritain, and with their conclusion that Maritain is ultimately a communitarian *ideally* but a liberal *practically*.

<sup>6</sup> Jacques Maritain, *The Person and the Common Good*, trans. John J. Fitzgerald (London: Geoffrey Bles, 1948), p. 26.

Individuality is that which sets a particular human apart from other things in the world. As every reader of Aristotle's *Metaphysics* knows, material things are individuated by their distinctive matter, whether one speaks of rocks, plants, or humans. Though it would not be accurate to identify Maritain's "individual" with "individualism," Maritain's description of this aspect of the self contains strong elements of egoism and atomism: "In each of us, individuality, being that which excludes from oneself all that other men are, could be described as the narrowness of ego, forever threatened and forever eager to grasp for itself."<sup>7</sup> The human self, *qua* individual, is, for Maritain, a merely material being, subject to nature, and utterly dependent. If one accepted only this aspect of the human, one would end up, philosophically, as a physical determinist. Fortunately, Maritain identified a second pole in the self that kept him from the conclusion that we are "controlled by the stars."<sup>8</sup>

Maritain's conception of personality is more difficult to grasp than his straightforward metaphysical assertion of individuality. The person denotes that aspect of the self that is spiritual and oriented toward God; personality is closely linked with the soul. "In the flesh and bones of man there lives a soul which is a spirit and which has a greater value than the whole physical universe," Maritain writes, "however dependent it may be on the slightest accidents of matter, the human person exists by virtue of the existence of its soul, which dominates time and death. It is the spirit which is the root of personality."<sup>9</sup> Furthermore, whereas the individual corresponds to a part (in relation to a whole), the person is a whole unto itself. Maritain's *Summary* of the concept in *The Rights of Man and Natural Law* is worth quoting at length, if only for its prosaic beauty:

The notion of personality thus involves that of totality and independence; no matter how poor and crushed a person may be, as such he is a whole, and as a person, subsists in an independent manner. To say that a man is a person is to say that in the depth of his being he is more a whole than a part and more independent than servile. It is to this mystery of our nature that religious thought points when it says that the human person is the image of God; the worth of the person, his liberty, his rights arise from the order of naturally sacred things which bear upon them the imprint of the Father of Being and which have in him the goal of their movement.

<sup>7</sup> *Ibid.*, p. 27.

<sup>8</sup> *Ibid.*

<sup>9</sup> Jacques Maritain, *The Rights of Man and Natural Law*, trans. Doris Anson (San Francisco: Ignatius Press, [1943] 1986), p. 89.

A person possesses absolute dignity because he is in direct relationship with the Absolute, in which alone he can find his complete fulfillment.<sup>10</sup>

The question of part/whole relations and the individual/person distinction provides the cornerstone for Maritain's consideration of the common good. Humans are social animals, according to Maritain (who follows Aquinas and Aristotle in this claim). Social life is requisite not only for the fulfillment of material needs (the end of individual existence) but also for growth and formation in the life of virtue. The common good is defined by Maritain as, "The good *human* life of the multitude, of a multitude of persons; it is their communion in good living."<sup>11</sup> Individuals are subject to the common good, for it is only by and through the common good that humans *qua* individuals can flourish. Individuals are parts of the whole that is society. "The good of the community (the authentic and true common good)," writes Maritain, "is superior to the good of the individual person *in the order of terrestrial values* according to which the person is a part of community."<sup>12</sup> Recall that Maritain insisted that persons, however, are wholes unto themselves. This conception of the person in society leads to Maritain's personalist vision of human dignity over and above the common good of society. By virtue of the person's orientation to God (a "separated common good"<sup>13</sup>), he or she possesses an inviolable dignity and "requires to be treated as a whole in society."<sup>14</sup> "To say, then, that society is a whole composed of persons," according to Maritain "is to say that society is a whole composed of wholes."<sup>15</sup> Thus, individuals exist for the sake of the common good, but the common good exists for the sake of persons. However, persons and the common good are not in conflict; the relationship is one "of reciprocal subordination and mutual implication."<sup>16</sup>

This personalist vision of the person, society, and the common good became a major point of contention among several leading Thomists of Maritain's time. While the debate was occasionally nasty and became metaphysically abstract, the questions around which the debate was conducted are of great political

<sup>10</sup> *Ibid.*, pp. 89-90.

<sup>11</sup> Jacques Maritain, *The Person and the Common Good*, p. 36.

<sup>12</sup> *Ibid.*, p. 57.

<sup>13</sup> *Ibid.*, p. 13.

<sup>14</sup> *Ibid.*, p. 41.

<sup>15</sup> *Ibid.*, p. 40. Maritain continues this argument in a consideration of the Trinity as a "society of Divine Persons." Society, then, becomes for Maritain an analogical idea corresponding to the community of the Godhead.

<sup>16</sup> *Ibid.*, p. 46.

importance.<sup>17</sup> For if the teaching of the theologian contended by Pope Leo XIII to be the paradigmatic thinker of the Christian tradition is incommensurable with modern notions of rights and liberties, then Catholicism would likely forever be a religion under siege.<sup>18</sup> The central question taken up by all sides in the debate was whether the human person superseded the common good. Maritain affirmed this in his doctrine of personalism, but other Thomists (most notably Charles De Koninck) held that Aquinas maintained the priority of the common good. After Maritain began publishing his reflections on the human person, De Koninck and those who perceived Maritain to be sliding into individualism responded.<sup>19</sup>

Maritain bases his argument upon Aquinas' claim in the *Commentary on the Sentences*, "The concept of part is opposed to that of person."<sup>20</sup> Of course, this line, taken out of the larger context of a very early work of Aquinas' does not by itself establish that Thomism and personalism are one and the same. Similarly, De Koninck's reliance on Aquinas' texts on the common good in the *Summa* are open to various interpretations and do not necessarily lead to his conclusion that "We are, primarily and principally, parts."<sup>21</sup> However, several texts support De Koninck. Four texts are usually adduced to illustrate Aquinas' primacy of the common good: "Each individual person is related to the entire community as the part to the whole"<sup>22</sup>; "For, since one man is a part of the community, each man, in all that he is and has, belongs to the community; just as a part, in all that it is, belongs to the whole"<sup>23</sup>; "The person is compared to the community as a part to the whole"<sup>24</sup>; and, "The whole of man is directed as to his end to the whole of the community of which he is a part."<sup>25</sup> Other texts in the *Summa*

<sup>17</sup> Michael Novak's remark, "The fine points of this debate among Thomists need not detain us; much of it was ontological, even theological, in substance, rather than political or institutional," is puzzling. The quote is from *Free Persons and the Common Good* (Lanham, Maryland: Madison Books, 1989), p. 4.

<sup>18</sup> I deliberately use the word "incommensurable" here. This is not, of course, to deny that there are tensions between Catholicism and modernity.

<sup>19</sup> *The Person and the Common Good* (1947) was a late contribution to the debate. Most of De Koninck's attacks are directed at earlier books such as *Integral Humanism* (1936) and *Scholasticism and Politics* (1939). De Koninck's view is presented in *De la primauté du bien commun, contre les personnalistes [On the Primacy of the Common Good, Against the Personalists]* (Quebec: Editions de L'Université Laval, 1943).

<sup>20</sup> St. Thomas Aquinas, III *Sent.* d. 5, 3, 2. The text is cited in *The Person and the Common Good*, p. 40.

<sup>21</sup> See De Koninck, *De la primauté*, pp. 57-58.

<sup>22</sup> II-II, 64, 2.

<sup>23</sup> I-II, 96, 4.

<sup>24</sup> II-II, 61, 1.

<sup>25</sup> II-II, 65, 1.

appear to support Maritain's position: "Man is not ordained to the body politic according to all that he is and has . . . But all that man is, and can, and has, must be referred to God."<sup>26</sup>

The best interpreter of Aquinas on this matter, and thus the most helpful critic in the Maritain-De Koninck debate, in my opinion, is I. Th. Eschmann. Though Eschmann came down on Maritain's side of the debate, he offers several clarifications and distinctions that Maritain fails to elucidate in his own argument; the strongest possible argument on Maritain's behalf is made not by Maritain but by Eschmann. Eschmann insists that De Koninck has collapsed the distinction among the various meanings of the common good in Aquinas. As a result, he holds to the superiority of "the" common good, despite the fact that Aquinas has no theory of "the" common good. "He [De Koninck] rashly assumed an absolute identification between God and 'the' common good," Eschmann writes.<sup>27</sup> The common good of the human order is relatively primary, but not absolutely primary. Only God, a common good (analogically) and separated from the human order, is absolutely primary. The human person's orientation to God as the final end supersedes all terrestrial goods.

Eschmann goes to great lengths to distance his interpretation of Aquinas from individualism.<sup>28</sup> More than Maritain, Eschmann emphasizes the unity of the individual good and the common good, a point that will be taken up later. Eschmann is also more willing than Maritain to point out the opposition between Thomistic social thought and modern political philosophy. As he puts it, "It is worth noting that the *whole* modern social philosophy takes its very starting point from the opposition [between individual and common good] . . . It is therefore of paramount importance to say and to repeat and to emphasize that 'per se loquendo' [speaking in itself] there is no such opposition."<sup>29</sup> Regarding the classic question of whether Aquinas, by departing from Aristotle's notion of the *polis* as the only social life in which the human good is attainable, became an individualist, Eschmann defends Aquinas' answer and demonstrates that it does not fall prey to individualism: "St. Thomas has transposed Aristotelian

<sup>26</sup> I-II, 21, 4, ad. 3.

<sup>27</sup> "In Defense of Jacques Maritain," *The Modern Schoolman* 22 (1945), pp. 183-208.

<sup>28</sup> This argument is found primarily in "Stoic and Christian Sources of Mediaeval Social Doctrine," a set of unpublished lectures given by Eschmann in 1943. I am grateful to Michael Buckley, S.J., for bringing my attention to these lectures and for making Eschmann's notes available to me.

<sup>29</sup> "Stoic and Christian Sources..." Lecture III. Eschmann's lectures are filled with telling insights on this and many other points. For instance, he ascribes this tendency of modern thought partially to the fact that, "We have too much *Roman Law*, and especially too much of the *Roman conception of private property* in our very skin." He substantiates this claim with an explication of Stoic and Roman political thought in subsequent lectures.

social or political philosophy to the universal community of all human beings under God.”<sup>30</sup>

In bringing this discussion of Maritain’s social and political philosophy to a conclusion, it remains to be said that Maritain’s careful and nuanced discussion of individuals, persons, and the common good provides him with a way to argue against certain conceptions of society. According to Maritain, the mistake common to all deficient forms of social philosophy is a disregard for the person and consideration of only the individual. The first to fall prey to Maritain’s analysis is excessive liberal individualism. By trying to build political society on the foundation of absolute individual liberty and social contracts, “bourgeois liberalism . . . inevitably ends in statism.”<sup>31</sup> Instead of a genuine conception of the common good, a liberal individualist society allows for the pursuit of individual goods tempered only by the surrender of certain liberties in a social contract.<sup>32</sup> At the other extreme from liberal individualism, Maritain also attacks various forms of totalitarianism (Communism or fascism). If bourgeois liberalism’s mistake is placing the individual over the common good (losing the notion of the common good in the process), this mistake of totalitarianism is to incorporate humanity into a social whole without regard for the person. The two aberrant forms of social philosophy are two sides of the same coin, for their mistakes are misunderstandings of the human as both part and whole in relation to society:

We note, in all three cases, a conflict between the whole and the part: at one time social life is destroyed by the individual whose selfishness looks to the state machinery for everything; now it swallows up the individual’s hopes; now it annihilates his liberty and dignity by crushing him. Thus in different ways, all that is proper to the human person as person and to society as the city of persons is eliminated.<sup>33</sup>

## II. MARITAIN AND THE LIBERAL-COMMUNITARIAN DEBATE

Two central affirmations of Maritain’s social thought are relevant to the contemporary debate: the common good and human rights. First, Maritain’s

<sup>30</sup> *Ibid.*, Lecture XXI.

<sup>31</sup> *Ibid.*, p. 64.

<sup>32</sup> Thinly veiled behind Maritain’s characterization of bourgeois liberalism is an attack on Rousseau’s doctrines of the social contract and the General Will. Maritain’s argument may be taken largely as an effort to demonstrate that Rousseau’s General Will is not an analog for a true conception of the common good.

<sup>33</sup> *The Person and the Common Good*, p. 66.

conception of the common good is truly *common*. It exists over and above a collection or sum of individual goods. "Let us not say that the aim of society is the individual good or the mere aggregate of the individual good of each of the persons who constitute it," Maritain contends.<sup>34</sup> Liberals may not deny outright notions of the common good, but most contemporary forms of liberalism are at great pains to defend themselves against Michael Sandel's charge that the unencumbered self of liberalism cannot be held to any communal understanding of the good. As Sandel writes in the last sentence of *Liberalism and the Limits of Justice*, "When politics goes well, we can know a good in common that we cannot know alone."<sup>35</sup> Maritain anticipates Sandel by almost a half century in affirming a common good that is a true good alongside individual goods.

Maritain's notion of goods is in stark contrast to that of John Rawls's (which I take to be the foremost contemporary liberal theory of goods). For Maritain in particular and Thomism in general, goods are ends pursued in accord with virtue and right reason. The final good of human life is God, and all created goods are subordinated to this final good. "Subordinated" does not mean here that created goods are negated or de-valued by an acknowledgment that humans are oriented toward the final good of God. To grasp this point is to see the difference between a "dominant end" and "inclusive end" theory of goods. Toward the end of *A Theory of Justice*, Rawls cites Aquinas and Ignatius Loyola as examples of religious thinkers who held dominant end theories: "Although to subordinate all our aims to one end does not strictly speaking violate the principles of rational choice . . . it still strikes us as irrational, or more likely as mad."<sup>36</sup> It is precisely the dismissal of religious or "thick" conceptions of goods that leads Rawls to "thin out" his theory of goods. The primary referent for Rawls's notion of goods is the primary goods, "things which it is supposed a rational man wants whatever else he wants."<sup>37</sup> The common good is understood as "certain general conditions that are in an appropriate sense equally to everyone's advantage."<sup>38</sup> The details of these definitions and their origin within Rawls's theory cannot be explored here, though Rawls demonstrates more subtlety of thought here than is usually supposed by anti-liberals. Nevertheless, juxtaposed with Maritain's metaphysically-based and "thick" conception of the common good, Rawls's view can only be seen as impoverished.

<sup>34</sup> *Ibid.*, p. 93.

<sup>35</sup> Michael Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982), p. 183.

<sup>36</sup> *A Theory of Justice*, p. 554. This quote is probably over-used by opponents of Rawls (especially among the religiously-inclined), though its rhetorical import is unmistakable.

<sup>37</sup> *Ibid.*, p. 92.

<sup>38</sup> *Ibid.*, p. 246.

As mentioned above, Maritain also insists (aided by Eschmann), that no true dichotomy exists between the good for any one individual and the common good. For Thomism, the egoism/altruism tension in the human agent is always a failure of perception and intellectual virtue. My good is only intelligible in the light afforded by the common good, and the common good never stands oppressively over my good. The relationship is one of mutuality and reciprocity, not antagonism and duality.

Of course, the most promising point of contact between Maritain and contemporary liberalism is his affirmation of human rights. Philosophically, Maritain wrote and spoke throughout the 1940s and 1950s on behalf of human rights. Personally, he was centrally involved in the drafting of the United Nations Declaration on Human Rights of 1948. In an essay that seeks to explain his defense of rights, Maritain is unapologetic about the metaphysical and natural law-based character of his argument:

To my mind, any attempt at rational justification of the idea of human rights, as of the idea of right in general, requires that we rediscover in its true metaphysical connotations, in its realistic dynamism and in its humble dependence on nature and experience, that concept of the natural law which was defaced by the rationalism of the eighteenth century. We then understand how an ideal order, with its roots in the nature of man and of human society, can impose moral requirements universally valid in the world of experience, of history and of facts, and can lay down, alike for the conscience and for the written law, the permanent principle and the primal and universal norms of right and duty.<sup>39</sup>

Interestingly, Maritain does not claim that his Thomistic account of human rights is the *only* way to arrive at the conclusion that humans are endowed with rights. One runs the risk of imposing an “arbitrary Dogmatism if one seeks for a common method of rationally justifying rights.”<sup>40</sup> In order to arrive at a consensus in support of the U.N. Declaration, Maritain writes that, “*Practical* agreement is possible, but *theoretical* agreement impossible, between mind and mind.”<sup>41</sup>

Maritain’s support for human rights, normally understood as a liberal concept, is a departure by Maritain from much contemporary communitarianism. In the strongest possible terms, Alasdair MacIntyre rejects the language of human rights: “There are no such rights, and belief in them is one with belief in witches

<sup>39</sup> *Human Rights: Comments and Interpretations*, ed. UNESCO (New York: Columbia University Press, 1949), p. 73.

<sup>40</sup> *Ibid.*, p. 72.

<sup>41</sup> *Ibid.*

and unicorns.”<sup>42</sup> MacIntyre points to the absence of any linguistic equivalent to modern “rights” in pre-modern cultures, though his primary argument is more philosophical than linguistic. Morality is, according to MacIntyre, essentially the expression of cultural practices and virtues. Any effort to derive a universal system of morality for all people in all cultures throughout history (dubbed “the Enlightenment project” by MacIntyre) is doomed to failure on account of its failure to grasp the nature of morality. In a more moderate voice, figures such as Mary Ann Glendon have pointed to the individualistic character of rights language, an individualism that leads to the fragmentation and impoverishment of public discourse.<sup>43</sup> In light of this criticism, what are we to make of Maritain’s endorsement of human rights? Does it constitute a brilliant extension of the Thomistic tradition or is it a corruption? Did Maritain fall into, in MacIntyre’s words, an “uncharacteristic lapse?”<sup>44</sup> (In a similar vein, Watkins and McInerney suggest that Maritain’s invocation of rights language was a practical accommodation to liberalism that places Maritain in “serious tension, if not inconsistency” with his larger framework.)<sup>45</sup>

A defender of Maritain (and, by extension any non-liberal advocate of human rights) has two avenues open before him or her. First, one could argue that a deep and abiding respect for the dignity of persons exists within the Christian tradition itself, apart from any Lockean or Kantian account of human rights. The Christian emphasis on the common good does not vitiate this dignity but fulfills it. Thus, from these “Christian communitarian” premises, one can argue to substantially the same conclusions as liberal human rights theorists, albeit with very different implications for the invocation of human rights. Instead of serving as, in Ronald Dworkin’s phrase, “trump cards,” rights become the basis for communal involvement. Unless rights are affirmed, communal life, in which the good life for humans is pursued, cannot be sustained. In an essay that attempts to give such a communitarian argument for human rights and to offer this argument as an alternative to liberal rights theories, David Hollenbach writes, “Understood in this way, rights language does not presuppose an individualistic view of the person. It is a language that expresses the demands of the common good when these demands are being ignored or spurned.”<sup>46</sup>

<sup>42</sup> *After Virtue* (Notre Dame, Indiana: University of Notre Dame Press, 1984, second ed.), p. 69.

<sup>43</sup> See Mary Ann Glendon, *Rights Talk* (New York: Free Press, 1991).

<sup>44</sup> *Three Rival Versions of Moral Inquiry* (Notre Dame, Indiana: University of Notre Dame Press, 1990), p. 76.

<sup>45</sup> “Jacques Maritain and the Rapprochement of Liberalism,” p. 170.

<sup>46</sup> David Hollenbach, “A Communitarian Reconstruction of Human Rights,” in *Catholicism and Liberalism*, eds. R. Bruce Douglass and David Hollenbach (Cambridge: Cambridge University Press, 1994), p. 140.

This communitarian/Christian/Thomistic approach to human rights is a *substantive* proposal for political discourse. The second option available to the defender of Maritain is to make a *procedural* proposal. Hollenbach nods in this direction with his claim that the communitarian understanding of human rights, “to have plausibility in a pluralistic culture . . . must be provided with secular warrants, not simply biblical or theological ones.”<sup>47</sup> The general direction of this position leads to something akin to John Rawls’s “overlapping consensus.”<sup>48</sup> According to Rawls, the basic principles of political justice can be affirmed on the basis of any one of a number of comprehensive notions of the good. Rawls would have no difficulty with a communitarian conception of human rights, for presumably any such theory would claim many of the same protections and privileges as a liberal theory. The concept of human rights would be affirmed equally by the liberal and the Christian, though for very different reasons. Regarding Maritain, is it possible to deny his “thick” Thomistic metaphysics, but to affirm his language of human rights from the standpoint of allegiance to an “overlapping consensus?” Maritain himself seems to endorse something similar to this when he speaks of people agreeing upon conclusions even if their practical reasoning to those conclusions differs. Is this, then, where the resolution of Maritain and contemporary liberalism is to be found, in an “overlapping consensus” of doctrines?

Two observations are in order. First, it does seem plausible to deny that any and every appeal to human rights must be liberal. Certainly, there is a venerable liberal tradition that defends the concept, from John Locke and Immanuel Kant to Ronald Dworkin and Jeremy Waldron. Watkins and McNerny make the mistake of assuming that simple use of the term constitutes liberal sympathy. Maritain, however, does not do himself any favors by his assertion in “The Philosophy of Human Rights” that theoretical disagreement may not preclude practical agreement. Similarly, any attempt to fit Maritain’s Thomistic defense of human rights into an “overlapping consensus” argument fails to recognize that Maritain’s Thomistic reasoning supporting human rights may differ sharply from liberalism.

Second, Rawls’s “overlapping consensus” doctrine, as applied to Maritain’s notion of rights, is subject to three objections. First, it presumes that the conclusions of an argument are easily detached from the reasoning of an argument without affecting the conclusions in any marked way. However, this is precisely the communitarian critique of liberalism. Communitarians, or at least those

<sup>47</sup> *Ibid.*, p. 141.

<sup>48</sup> Rawls’s most elaborate defense of this idea is in *Political Liberalism* (New York: Columbia University Press, 1993), chapter 4.

readily identified as such, do not reject the deliverances of human rights language. Of MacIntyre, Sandel, Taylor, and Walzer, none affirm the permissibility of acts that fall under the description "human rights violations." In fact, all four happen to be politically progressive social democrats to some extent. It is liberal *reasoning* about human rights, not the notion itself, that gives communitarians such pause. Furthermore, the liberal understanding of practical rationality and the self fails to account for the pedagogical and developmental effect of arguments upon people. The process of coming to acknowledge the respect due all persons presumes, on some accounts, a community in which one is formed to respect persons. By contrast, the liberal account largely asserts that it is through detached rational argument that one is led to the conclusion that persons are worthy of respect.

The second objection is epistemological (or "socially epistemological"). Why should Maritain or anyone else assume that a set of secular reasons for a given concept (such as human rights) will be more accessible than religious reasons? There may be grounds for affirming this claim, but none are offered by Maritain or others who might seek a rapprochement between certain Christian claims and liberal claims. Why does the notion that religious reasons are divisive but secular or liberal reasons commonly accessible go unexamined? Enough criticism has been leveled at the pretense of liberalism to neutrality to render this question vital. Certainly, the religious wars of the seventeenth century demonstrated the potentially divisive and violent character of religious involvement in politics, but there is much reason to think that the impoverished quality of contemporary political discourse is the result of the exclusion of religious language from the public square.<sup>49</sup> The very survival of certain liberal notions (rights, liberties, etc.) may depend upon the willingness of liberals to forego an insistence upon the epistemological despair of neutrality.

Finally, the third objection to the conflation of Maritain's view of rights and liberal rights is the claim that there is a greater difference between the two than is often supposed. Watkins and McNerny, for instance, assume that Maritain's rights are basically the same as liberal rights. However, Maritain's understanding of rights may lead him to affirm some rights that liberals fail to acknowledge. By affirming rights on the basis of both human dignity *and* communion with others, certain communal rights and duties may be entailed by Maritain's view that would be excluded from an account of rights that was based solely on individual dignity.

<sup>49</sup> The most popular expression of this view is Stephen Carter's *The Culture of Disbelief* (New York: Basic Books, 1993).

## III. CONCLUSION

The safe conclusion at the end of this tour through Maritain's thought and its relation to contemporary liberalism and communitarianism is that Maritain is mostly a communitarian. Even in that aspect of his thought that would appear most amenable to liberalism, human rights, he either produces profoundly communitarian reasoning or tries to offer something akin to an "overlapping consensus" justification, which, in my opinion, is bound to be philosophically unsatisfying. One need not, however, accept the view of those who ascribe intellectual confusion to Maritain. An adherence to Thomism, on the one hand, and an affirmation of human rights, on the other, need not land one in a "conceptual muddle."<sup>50</sup> Nor is this to deny that Maritain provides a cogent and compelling defense of human dignity and an understanding of the common good that is admirable for its nuance. Simply put, his affirmation of human dignity is not liberal, just as his conception of the common good is not totalitarian.

It is to this danger of totalitarianism that we can perhaps look for the clearest explanation of Maritain's social thought. In the wake of the atrocities of World War II, there existed a need to affirm human dignity and propose cross-cultural moral norms. The intellectual world needed the claims on behalf of human persons, the common good, natural law, and a host of other concepts that Maritain was prepared to make. Furthermore, after the war Maritain took up a teaching post at Princeton. His famous lectures on *Man and the State* were given at the University of Chicago. Thus, Maritain's secular audience for most of the postwar period was not receptive to many aspects of his Thomism (though the University of Chicago was undergoing something of a Thomist revival during Maritain's visit). Frederick Crosson may be quite right in supposing that Maritain's secular audience responded to his invocation of popular liberal notions, even though these notions were supported by religious reasons. How else to explain the absence of any reference to rights in Maritain's writings throughout the 1920's and 30's? In short, what was most feared during the time when Maritain's works appeared on the common good and human dignity was totalitarianism. To combat that threat, Maritain resorted to using liberal terms that were in tension with (though not completely contradictory to) his larger political philosophy.

The social context of political philosophy today is markedly different from that of Maritain's time. Tyranny of another sort may have replaced the terror of totalitarian government. Rather than systematic genocide, religious wars, or

<sup>50</sup> That Maritain ultimately landed himself in a "conceptual muddle" is the conclusion of Frederick J. Crosson, "Maritain on Natural Rights," *The Review of Metaphysics* (1983), pp. 895-912.

Communitistic dictatorship, we have to fear the encroachment of the market into spheres it does not belong and an ascendant individualism that has impoverished public conversation and left us without (or with a very meager) public philosophy. Catholic philosophers and theologians who appropriate Maritain need not despair, however. They need only emphasize those aspects of Maritain's thought that speak powerfully of the human person and the common good. Perhaps then there will be a distinctive Catholic contribution to the liberal-communitarian debate that will be worthy of Beiner's observation.<sup>51</sup>

<sup>51</sup> I am indebted to David Hollenbach, S.J., and J. Bryan Hehir for comments on an earlier version of this essay.