

Introduction

Maritain and the Reassessment of the Liberal State

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The book we commemorate and critically engage in these essays, Jacques Maritain's *Man and the State*, is one volume in the remarkable series of lectures sponsored by the Charles Walgreen Foundation at The University of Chicago in the mid twentieth century. The Walgreen Lectures prompted a set of books that set the agenda for political philosophy for fifty years, having guided now three generations of students of political philosophy. *Man and the State* finds its place alongside Leo Strauss's *Natural Right and History*, Eric Voegelin's *New Science of Politics*, and Yves R. Simon's *Philosophy of Democratic Government*, among others.¹ Ex-patriots from war torn-Europe, these seminal thinkers combined European scholarship with deep admiration for the American constitution, aiming to show, through the recovery of classical and medieval thought, the true foundation of modern liberal democracy.² In order to do this, they had to outline a classically grounded political science adequate to understand the prospects and perils of the modern achievement of liberal democracy in a century that had crushed the easier optimism of the enlightenment tradition. Especially they sought to refute the prevalent modes of political science, especially those fostered by positivism and Marxism. What seems more obvious to us today about the shortcomings of such reductionist modes of thought is so because of what these thinkers accomplished fifty years ago when it was by no means obvious.

Nevertheless, all were influenced by, and took seriously, contemporary philosophy (for Maritain it was Bergson) and sought to make the case for the ancient wisdom in the deepest issues of philosophy and politics in awareness of what had been said against the ancient wisdom. They had to make sense of the incessant experience of war, the onset of the Cold War, and to chart a future for

¹ Eric Voegelin, *The New Science of Politics* (Chicago: The University of Chicago Press, 1952), Leo Strauss, *Natural Right and History* (Chicago: The University of Chicago Press, 1953), Yves R. Simon, *Philosophy of Democratic Government* (Chicago: The University of Chicago Press, 1951).

² Timothy Fuller, "Reflections on Leo Strauss and American Education," in *Hannah Arendt and Leo Strauss: German Emigres and American Political Thought after World War II*, eds. Peter Graf Kielmansegg, Horst Mewes and Elisabeth Glaser-Schmidt (New York: Cambridge University Press, 1995), pp. 61-80.

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the defenders of liberty against the totalitarianisms of left and right. Neither the positivism nor the historicism of the day could provide the tools for the job. These thinkers, in attempting to recover the ancient wisdom, did not necessarily agree with each other at the level of speculation. But they came to a profound convergence on what ought to be opposed in thought and action.

For Maritain, the principal inspiration was Thomas Aquinas.³ Thus Maritain's work bears a double mission of enlightening American citizens as to a deeper, sounder philosophy of government, but also of representing modern liberal democracy to the Church, whose conflicts with, and suspicions of the modern liberal, democratic state (the suspicions were, of course, reciprocal) date back centuries at least to the English and French revolutions as well as to numerous other skirmishes in both political and philosophic matters.⁴

Man and the State is a double achievement, for both the city of man and the city of God, for both its political philosophy and its theology. Sadly this double achievement has waned in its proper recognition. His achievement does not set the debate in the sphere of political thinking, in part, because the exponents of natural law philosophy, with claims about a stable nature and natural ends, continue to focus on the reductionism of social science and the deconstruction of post-modern philosophy. Maritain has, of course, in other works, launched a defense of natural foundations and an elaborate critique of the positivist mentality and the shortcomings of existentialist and historicist approaches. These achievements may wax again since they are, in principle, compatible with the revival of interest in natural law.

What may be surprising is the neglect with which Maritain is treated in his own historic tradition. Applauded before Vatican II as a source of renewal, yet disdained by some as too liberal, Maritain saw his reputation and influence slip after the Council, even though he was chosen by Paul VI to receive the Conciliar "Message to Men of Thought and Science."⁵ A post-conciliar work entitled *The Peasant of the Garonne*, subtitled, "an old layman questions himself about the present time," was received with much disappointment and rejection.⁶ The great enthusiasm and readiness for experimentation was not yet ready for the words of caution and criticism. Many seemed to embrace change for the sake of change. But perhaps a passage from Burke's *Reflections* would help to indicate Maritain's attitude about the "revolution" – the experience of change and liberation is likened to a "wild gas" and Burke cautions that we "suspend our judgment until the first

³ See Jacques Maritain, "The Apostle of Modern Times," in *St. Thomas Aquinas*, trans. Peter O'Reilly (New York: Meridian Books, 1958), pp. 88-118

⁴ See John P. Hittinger, "Jacques Maritain and Yves R. Simon's Use of Thomas Aquinas in Their Defense of Liberal Democracy," in *Thomas Aquinas and His Legacy*, ed. David M. Gallagher (Washington, D.C.: The Catholic University of America Press, 1994), pp. 149-72. On Maritain's critique of the origins of modernity see his *Three Reformers: Luther, Descartes, Rousseau* (New York: Charles Scribner's Sons, 1929) and *Antimoderne* (Paris: Editions de la Revue des Jeunes, 1922).

⁵ See new translation in the Appendix, "To Seekers of Truth: Message to Men of Thought and Science," p. 245.

⁶ Jacques Maritain, *The Peasant of the Garonne: An Old Layman Questions Himself About the Present Time*, trans. Michael Cuddihy and Elizabeth Hughes (New York: Holt, Rinehart and Winston, 1968).

effervescence is a little subsided, and until we see something deeper than the agitation of a troubled and frothy surface.”⁷ But Maritain’s caution was not heeded. Many reviewers focused on the tone, which they found bitter, or on its occasional *ad hominem* arguments.⁸ Some declared that he had lost his wit as an old man who fearfully returned to a conservative position. Few seemed to appreciate the significance of the work as a completion of a lifetime project of engaging modernity as a 20th century disciple of Thomas Aquinas.

Maritain’s project attempted to unite Thomistic and Aristotelian traditions with the human rights thrust of modern political philosophy. Maritain wished to reassess the liberal state in light of ancient and medieval political traditions, seeking to find what is true, enduring, and practical in the modern liberal state, while criticizing its excesses and reconceptualizing its philosophical foundations. This great project, whose trajectory begins with the criticism of the French right wing, runs through *Integral Humanism* and *Man and the State*. *The Peasant of the Garonne* displays the spiritual and intellectual center of Maritain’s work and reveals many of the ideas that shaped Vatican II. There is a great myth concerning the intellectual life of the Church prior to Vatican II—specifically that it was impoverished by a lack of imagination, narrowly focused on scholastic hair-splitting, rigidly enclosed by dogma and irrelevant to the contemporary world. Many clerics and religious, educated by scholastic text books, were very susceptible to this view, and they found it liberating to read more progressive writers such as Karl Rahner, Teilhard de Chardin and Hans Kung. And while Rahner and Chardin may have kept faith, many of their enthusiasts followed the new methods and sources into dissent and often out of the Church and beyond Christianity itself. The attempt to reconcile the Tradition with the intellectual trends of the day is risky business. More often than not, the new element (be it Heidegger, Wittgenstein, or now Kolhberg and Derrida) comes to predominate and the Tradition is transformed beyond recognition or rejected outright. This is not always the case. John Paul II is a case in point; thoroughly steeped in phenomenology, John Paul is faithful and has successfully combined the old and the new. He was deeply influenced by prior generations of faithful scholars such as Garrigou-Lagrange and Jacques Maritain. Thus, while it is the case that textbook Thomism often ruled the day with a formulaic approach to the big questions, the deep intellectual germination of Leo XIII’s encyclical *Aeterni Patris* (1890) came to bear extraordinary fruit during the 1930s and 1940s in the works of a number of French Thomists, including Father Garrigou LaGrange, Jacques Maritain, and Yves R. Simon.⁹ The fruits of their scholarship, along with

⁷ Edmund Burke, *Reflections on the Revolution in France*, ed. Conor Cruise O’Brien (New York: Penguin, 1969), p. 90.

⁸ See Brooke W. Smith, *Maritain: Antimodern or Ultramodern?* (New York: Elsevier Scientific Publishing, 1976) and Bernard Doering, *Jacques Maritain and the French Catholic Intellectuals* (Notre Dame, Indiana: University of Notre Dame Press, 1983).

⁹ See Leo XIII, “On Christian Philosophy,” in *The Church Speaks to the Modern World: The Social Teachings of Leo XIII*, ed. Étienne Gilson (Garden City, New York: Image, 1954), pp. 29-54, and Victor B. Brezick, ed. *One Hundred Years of Thomism: Aeterni Patris and Afterwards - a Symposium* (Houston, Texas: Center for Thomistic Studies, 1981).

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many other initiatives in liturgy, education, and politics gave rise to the great renewal of Vatican Council II. Maritain's books remain to give a sound interpretation in a time of a wildly swinging pendulum from one extreme to another, from an outright rejection of Vatican II by the traditionalists to the strained interpretation of the progressive wings of liberation theology and biblical deconstruction. In *The Peasant of the Garonne* Maritain humorously refers to these extremes as "the ruminators of the holy alliance" and the "sheep of the panurge."¹⁰ But this is yet the "frothy surface" after a great council.

Maritain refers to the need for "a great and patient work of revitalizing in the order of intelligence and the order of spirituality."¹¹ Such a revitalization or renewal has tremendous political significance. It may be perhaps claiming too much to be reminded of Augustine's reference to his own work, *The City of God*, as a "great and arduous task."¹² But Maritain's scope and ambition, his inspiration and method, are no less. In *the Peasant of the Garonne* Maritain describes the post-Vatican II political and theological scene as follows: "In truth, every vestige of the Holy Empire is today liquidated; we have definitely emerged from the sacral age and the baroque age. After sixteen centuries which it would be shameful to slander or repudiate, but which have completed their death agony and whose grave defects were incontestable, a new age begins."¹³ The collapse of the Roman empire and the emergence of the post-Constantinian era are of decisive historical weight. Perhaps the mid-twentieth century, after a second world war, a surprising ecumenical council, and the collapse of the Marxist empire prove the need of a new Augustinian effort. Maritain certainly thought so, as does John Paul II. We should not allow the contemporary lull and drift of world events at the beginning of a new century, or the sordidness of recent American public life, to discourage us from seeing the new possibilities for thought and action on behalf of liberty and human fulfillment and the new risks and challenges that loom on the horizon.

It is at just such a time that Maritain's freshness and purity of vision provides such charm and attraction. In the Preface to the new edition of *Man and the State*,¹⁴ Ralph McInerny challenges us to ask why we have lost the optimism of Maritain. It strikes us, upon re-reading *Man and the State*, how much the climate has changed in this country since these lectures were initially given. Then there was a bold openness about the theological questions. In the 1940s and 1950s, it was part of common public philosophy to acknowledge the importance of religion for the democratic polity. All the Walgreen Lecturers were fully conversant with the Theological/Political question as it had emerged over the centuries of modern

¹⁰ *Peasant*, p. 25.

¹¹ *Ibid.*, p. 53.

¹² "Magnum opus et arduum, sed Deus adiutur noster est." Augustine, *The City of God against the Pagans*, trans. George E. McCracken, 7 vols. (Cambridge: Harvard University Press, 1957), vol. 1, p. 10. See Peter Brown, *Augustine of Hippo* (Berkeley: University of California Press, 1969), pp. 299-312.

¹³ *Peasant*, p. 4.

¹⁴ Jacques Maritain, *Man and the State* (Washington, D.C.: The Catholic University of America Press, 1998)

European history. It is a historic fact that religion has played no less a role than science or modern philosophy in the conception and founding of liberal democracy. The Theological/Political question is part of a broader, fuller political analysis, as Tocqueville, with characteristic perception, noted long ago. We should find it is an ever-present predicament, under the rubric of separation of church and state, that must realistically be resolved in a pluralistic society. It is a complex issue requiring legal and constitutional, as well as sociological, philosophical and theological approaches for a comprehensive solution. It is unremarkable, then, that Maritain chose as a central theme of *Man and the State* the importance of the religious and the theological to the health and vitality of liberal democracy.

But no longer is the Theological/Political question even seriously considered. Religion and irreligion have been reduced to the narrow confines of partisanship. Mainstream accounts of public philosophy now seek to exclude religion from the public square, formulating criteria by which religion can have no place in public reason. Our jurisprudence looks with suspicion upon religious expression, often declaring it hostile to the rights of citizens. Our education seeks to neutralize religious expression or even attacks it as politically incorrect. The very situation against which Maritain warned us fifty years ago has come to pass: the isolating antagonism of church and state. But his is a voice which should continue to be heard; he demonstrates the possibility of a public philosophy that is religious in its deepest inspiration and yet rational in its presentation, maintaining the possibility of dialogue in truly pluralistic conditions. He is an example of a noble and magnanimous soul who loves what is best in liberal democracy and who provides for its defense in speech and deed. He provides a historical and metaphysical perspective on the nature and prospects for liberal democracy, and at the same time points the way to a higher source of heroism and good citizenship so necessary for the vitality of liberal democracy. And this all centers on a constructive engagement between church and state, liberal democracy and the kingdom of God.

Reading *Man and the State*

There are many paths into Maritain's account of, and defense of, liberal democracy, many of which are traversed by the authors of the papers in this collection. But let us consider the structure of *Man and the State*. Chapter One reflects on the notion of the people and the body politic. The very notion of the common good, Aristotelian in form, evidences the source of politics in the experience of polity. So, too, the notion of a pluralist conception of society with various forms of community, pre-political as well as intermediate groupings, grounds the limit on state power in a naturally multifaceted human situation and allows us to see afresh alternatives to monistic accounts of the state and its power. Maritain sharply distinguishes the "state" as the "topmost" administrative function from the "body politic" which is steeped in heritage and characterized by "structural pluralism." Maritain achieves in this chapter a fresh application of Aristotle's account of the political regime to the complexities of modern political life.

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In Chapter Two, Maritain criticizes the notion of sovereignty insofar as it excludes accountability to the people, and reminds us of the limits to power exercised under God. In Chapter Three, Maritain offers a profound critique of Machiavelli as the ingenious advocate of technical artistry, to which he counters with a notion of the moral rationality of politics, by which he means that a regime must draw upon the vital energies and generosity of its citizens. Freedom and conscience will prove to be more politically enduring than the Machiavellian mode of manipulation and hypocrisy. Writing in 1950 Maritain serenely anticipates the demise of such “gigantic Machiavellian robots” as the Soviet Union, which must become “more perfect and ruthless in techniques of oppression, universal mutual spying, forced labor, mass deportation and mass destruction.”¹⁵ He says that “they do not possess lasting inner force; their huge machinery of violence is a token of their inner human weakness.” He asks “how long can the power of the 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?” He confidently concludes, circa 1950, “I doubt that it can take root in the historic duration of nations.” By way of contrast, Maritain proposes the “moral rationalization” of political life — a recognition of the human ends of political life and at the same time the use of human means — the use of “human energies as energies of free men.” Maritain cites his mentor, Henri Bergson, who suggested that the gospel is the deepest root for democratic feeling and philosophy. “Democracy can only live on Gospel inspiration.”¹⁶ Without that inspiration, we would deprive democracy of its lifeblood, of faith in supra-material, supra-mathematical, and supra-sensory realities.

In the central and key chapter, Chapter Four, we encounter the orienting idea in Maritain’s account of liberal democracy: the natural law foundation for human rights. It is well known that Maritain helped to draft the United Nations Charter on Human Rights. He explores this theme in various works.¹⁷ Here we find a listing of basic rights and an explanation of human rights in light of natural law. He explains how human rights presuppose some notion of a stable human nature and an order of human goods. Again he proposes the thesis that the gospel leads to the greatest clarity concerning natural law, human rights and the dignity of the person.¹⁸

Now Maritain does not claim that this account is the only account; indeed he says that a secularist or a rationalist may give another account. But this leads to the next

¹⁵ Ibid., p. 58. For recent comments on Maritain’s refutation of Machiavelli, see James V. Schall, *Jacques Maritain: The Philosopher in Society* (Lanham, Maryland: Rowman & Littlefield, 1998) and his article “Was Maritain a Crypto-Machiavellian?” in *The Failure of Modernism: The Cartesian Legacy and Contemporary Pluralism*, ed. Brendan Sweetman (Washington, D.C.: American Maritain Association/The Catholic University of America Press, 1999), pp. 87-100; also see Markus Fischer, *Well-Ordered License: On the Unity of Machiavelli’s Thought* (Lanham, Maryland: Lexington Books, 2000), pp. 199-205.

¹⁶ Ibid., p. 61. For an elaboration see Jacques Maritain, *Christianity and Democracy*, trans. Doris C. Anson (New York: Charles Scribner’s Sons, 1950) and *On the Use of Philosophy* (Princeton: Princeton University Press, 1961), chapter three.

¹⁷ See in particular, *The Rights of Man and Natural Law*, trans. Doris C. Anson (New York: Charles Scribner’s Sons, 1943).

¹⁸ *Man and the State*, p. 90. See John P. Hittinger, “Three Philosophies of Human Rights,” in *In Search of a National Moralitv*, ed. William Bentley Ball (Grand Rapids: Michigan: Baker Book House, 1992), pp. 246-58.

chapter on the democratic charter, expounding a key element of Maritain's philosophy of the pluralist state. No longer will there be a religious belief that gives unity to the political society. In fact, the society will be pluralist and have many diverse spiritual families, institutions and bodies. But they must share a common "secular faith" concerning the essentials of liberal democracy. Basic tenets at the core of our life together include the dignity of the human person, involving the enjoyment of basic rights but also the acceptance of civic responsibility individually, in the family and in our voluntary associations. We must adhere to the rule of law, to human equality, ideals of justice and fraternity, religious freedom and mutual tolerance.

These are practical tenets, points of practical convergence. In our common subscription to these we will, nevertheless, both have and confront varying theoretical justifications, given the diverse groups that must appear in political society. We can agree on the temporal or secular order of things to a substantial degree, and yet be divided on the theological issues or philosophic justifications for them. By the same token, Maritain doubts that a purely rational or scientific creed will be able to justify the practical convergence sufficiently. He urges that "religion and metaphysics are an essential part of human culture, primary and indispensable incentives in the very life of society;" the individualist and neutral approach to rights he thinks (incorrectly) is a thing of the past, although he correctly notes the weakness of such an approach. The polity can defend itself and its creed through democratic means — censorship, he says, is the worst way to seek unity. Inner energies, reason and conscience, are best. Education is key because it is the primary means to foster a "common secular faith." But the State's competency is severely limited. The "creed" must be "intrinsically established in truth."¹⁹ Hence the State cannot help but resort to "philosophical and religious traditions and schools of thought that are spontaneously at work in the consciousness of the nation." It is an illusion to think our convictions can be taught effectively if abstracted from their metaphysical root. Do we not wish to allow for full understanding and personal inspiration in teaching? Jacques Maritain is perhaps the finest example of such a teacher: a defender of democracy using the full range of philosophical and theological arguments, a dialectical partner whose aim is not victory but discovery of the common truths of our lives together.

In the chapter on the Church and State Maritain outlines the significance of the "post Constantinian" approach that came to characterize official Church teaching at Vatican II. Maritain explains the enduring principles of the roles of Church and state and yet provides a very effective argument concerning the different historical context in which they are to be applied. No longer is religion the basis for civil unity. But religion has a tremendous role to play in the field of education, morality and culture. One must read this chapter and then look at Paul VI's "Message to Guardians of Temporal Power,"²⁰ to fully appreciate the influence of Maritain.

¹⁹ See Ralph McInerney, *Art and Prudence: Studies in the Thought of Jacques Maritain* (Notre Dame, Indiana: University of Notre Dame Press, 1988), chapter nine.

²⁰ For the content of the message see Appendix, p. 246.

The closing chapter is perhaps the most controversial. As we noted above, Maritain was instrumental in drafting the United Nations Declaration on Human Rights. In Chapter Seven Maritain makes a case for world government. As an associate of the Adler and Hutchins group, Maritain was deeply attracted to the idea of world government. I believe the reader will find a careful analysis of the problems and promises; he does not expect an overnight solution. He rejects a "super state" notion and he would undoubtedly deplore the centralized bureaucratic approach to world problems which has emerged of late from the United Nations. But he meditates deeply upon the problem of war and the exaggerated claims for state sovereignty. He argues for a "political" approach to world unity. Such an approach will undoubtedly take much time and generations of effort. But Maritain referred to himself as "a kind of spring finder pressing his ear to the ground in order to hear the sound of hidden springs, and of invisible germinations."²¹ *Man and the State*, for all of its flaws and shortcomings, has indeed discovered some hidden springs for democratic politics and contains yet more invisible germinations for the city of God and the city of man.

The Present Collection of Essays

These essays were inspired by the 1998 conference of the American Maritain Association whose theme was *Man and the State*. We have arranged the essays into four areas. The first group concerns politics and community in the modern world. Maritain's retrieval of Aquinas is articulated and applied to contemporary issues and compared with other thinkers such as Michael Oakeshott, Heinrich Rommen and Étienne Gilson. In Part II, entitled "Liberalism Reconsidered," Maritain's approach to liberalism is further applied and compared to problems concerning the meaning of democracy today. Part III takes up the theme of a natural law foundation for liberalism. The essays range from a critique of Maritain's use of Aquinas and a defense of a natural law approach to politics to specific applications of the natural law approach to contemporary issues in politics. Part IV ends with a consideration of Maritain and the Church in the Modern World. The essays explore Maritain's influence on Catholic social doctrine and some new paths in Christian approaches to the political regime. In the appendix we provide some new translations of remarks by Paul VI on the religious and political significance of Vatican II and the new approach to the city of man heralded by Vatican II. One of the statements, the "Message to Seekers of Truth," was received by Jacques Maritain from the hand of Paul VI.

It is our hope that this collection of essays, commemorating Maritain's *Man and the State*, will lead the reader to turn to Maritain's book and to join the project of intellectual and spiritual renewal which he helped to germinate. This will lead to a constructive reassessment of the liberal state.

²¹ Jacques Maritain, *Notebooks*, trans. Joseph W. Evans (Albany, New York: Magi Books, 1984), p. 3.