II

Liberalism Reconsidered

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Constitutional Democracy in Search of Justification

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Jacques Maritain writes in favour of democracy because the word stands for a political ideal. He argues that a pluralist democracy needs more than a set of formal or practical rules and procedures. First, a pluralist democracy needs a common thought and a public morality. Second, citizens should justify the formal rules from different philosophical or religious comprehensive outlooks that give them more consistency and vigour. The central questions of this article read as follows: What does Maritain understand by comprehensive ideas of democracy and how could they strengthen the practical democratic rules? What relevance does his theory of democracy have for the contemporary democracy debate being held by Jean-Marie Guéhenno, Claude Lefort, John Rawls and Philip Selznick? After answering the first question I shall discuss the relationship between the formal and substantial conception of democracy. Finally, I shall illustrate this relationship by an analysis of democratic defects of the European Union.

Maritain on Democracy

Maritain argues that the word "democracy" has a wider meaning than that implied or stated in many political-scientific treatises of government. It refers first and foremost to a general philosophy of human and political life and state of mind. Like Abraham Lincoln, Maritain summarizes democracy as a "government of the people, by the people, for the people."[1] However, he knows from history that many theories of democracy that employ this device contain at the same time contrary consequences.

Maritain rejects Rousseau's idea of sovereignty of the people. Like Rousseau, he resists despotism and he defends the rights and liberties of the people, but he rejects Rousseau's theory because it leans toward the totalitarian state. Rousseau refuses to recognize a deeper ground of political life than what is found in the

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[1] Jacques Maritain, *Man and the State* (Chicago: The University of Chicago Press, 1951), p. 24.

people as an aggregate of individual human beings.[2] Maritain rejects the idea of sovereignty of the state as well. This idea means that everything must bow before the will and the aim of the almighty state. There is no other right but the immanent right that is written down in law. The law is right not because its content is in harmony with principles of right but because it is law. According to Maritain, the sovereignty of the state implies the danger of centralization of power of the government at the cost of the rights and liberties of citizens. In this case the government becomes a totalitarian one that takes over many responsibilities of citizens and undermines the vitality of society.[3]

In his own philosophy of democracy Maritain discusses a pluralist type of democracy. Citizens who belong to a variety of autonomous social groups and associations participate in this type of democracy. However, it does not admit that the state is a superpower to incorporate all authority and to impose its authority from above upon human life. It tends to sustain the idea of civil society that requires that autonomous groups, in possession of authority commensurate with their function, have their proper rights and responsibilities. Moreover, in a pluralist democratic state citizens participate who belong to very different philosophical and religious creeds, and who should cooperate for the common welfare.[4] He argues that a genuine democracy implies a fundamental agreement between minds and wills on the basis of life in common. Democracy needs such a common thought; "[I]t must bear within itself a common human creed, the creed of freedom."[5] This faith is not a religious faith but a *secular* or *civic* one. He criticizes libertarian theories which conceive democratic society as an arena in which all private conceptions of communal life are met without a common thought of society.[6]

This secular faith deals with practical tenets or a *practical charter* that contains a legal structure, articles, formal rules and procedures that together converge citizens toward the political organization of a democratic state. Next, citizens can try to justify this *practical charter* from very different philosophical or religious outlooks. Moreover, Maritain argues that notwithstanding the diversity of worldviews the democratic sense should be kept alive by the adherence of minds, however diverse, to a *moral charter*. This *moral charter* or the code of social and political morality deals for instance with the following items: social and political rights and liberties of human persons and corresponding responsibilities; rights and liberties of persons who are members of a family and associations and the liberties and obligations of the latter to the body politic; government of the people, by the people and for the

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[2] *Man and the State*, pp. 45-49.

[3] Jacques Maritain, *Christianity and Democracy* (San Francisco: Ignatius Press, 1986), p. 61.

[4] *Man and the State*, p. 11-12. *Christianity and Democracy*, pp. 58-59.

[5] *Man and the State*, p. 109. See Jacques Maritain, *The Range of Reason* (New York: Charles Scribner's Sons, 1952), pp. 165-71.

[6] See also the articles of Mortimer J. Adler and George Anastaplo in Michael D. Torre, ed., *Freedom in the Modern World: Jacques Maritain, Yves R. Simon, Mortimer J. Adler* (Notre Dame, Indiana: University of Notre Dame Press/ American Maritain Association, 1989).

people; human equality, fraternity, mutual tolerance and respect, obligations of each person and the state towards the common good.[7] Moreover, Maritain also discusses a *common ethos*: the inner energy of both the secular democratic faith and the socio-political morality to revitalize the practical charter.[8]

In short, Maritain distinguishes between the secular faith of a common democratic thought, a moral charter, a common ethos, a practical charter and theoretical justifications of the latter. Moreover, when Maritain is discussing only a "democratic charter" in general, these subjects are included.

When discussing theoretical justifications of the practical charter Maritain acknowledges that people hold very different fundamental theoretical conceptions of democracy. He also acknowledges that neither the state nor any party may impose a philosophical or religious creed. Therefore, he argues that these justifications "must cling only to the common practical recognition of the merely practical tenets upon which the people have agreed to live together, despite the diversity or the opposition between their spiritual traditions and schools of thought."[9]

These practical tenets of agreement (the practical charter) are reduced to a mere series of abstract or formal formulas, if they are not beared and sustained by citizens from their philosophical or religious worldviews and moral motives. Therefore, Maritain argues that democracy needs education: citizens should learn to justify theoretically those practical tenets from their philosophical or religious convictions. By this justification citizens contribute to the enforcement of the moral charter at the same time.[10] This enforcement of the practical and the moral charter will promote social and moral cohesion in a pluralist democracy. Otherwise a pluralist democracy runs the risk of disintegration. The state should encourage citizens to develop their own diverse justifications of the practical charter in order to strengthen this charter, and to revitalize both the secular faith and the moral charter of democracy.

Maritain's Comprehensive Conception of Democracy

Maritain argues that a constitutional democracy advances thanks to the vitalization of moral energy springing from the spirit of human dignity, liberty and brotherly love. This means that progress of a constitutional democracy will take place by the ascent of moral consciousness that is linked to a superior level of organization: the quality of the practical charter. Thus, the quality of this charter cannot be achieved by coercion but only by the progress of moral consciousness and by development of social relationships which are characterized by human dignity, liberty and brotherly love. This consciousness is "the soul of democracy."[11]

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[7] *Man and the State*, pp. 111-13.
[8] Ibid., p. 145.
[9] Ibid., pp. 120-21.
[10] Ibid., pp. 121-22.
[11] *Christianity and Democracy*, p. 27. See Jacques Maritain, *The Rights of Man and Natural Law* (San Francisco: Ignatius Press, 1986), pp. 114-15.

An important reason for the failure of the modern democracies to realize democracy is "the fact that this realization inevitably demanded accomplishment in the social as well as in the political order, and that this demand was not complied with."[12] This means, according to Maritain, that modern democracies have failed to achieve both a constitutional democracy and a democracy of social organizations. However, the reason for the failure of this nexus of political and social democracy is that in modern society common life is disintegrated by economic selfishness.[13]

Moreover, social and political democracy are not only methods of organizing society but they designate first and foremost a general philosophy of human and political life and a state of mind, in which human dignity, inalienable human rights, justice, equality and brotherhood are essential. According to Maritain, the principal reason for the failure of modern democracies is a spiritual one, and he continues: "This form and this ideal of common life, which we call democracy, springs in its essentials from the inspiration of the Gospel and cannot subsist without it."[14]

Maritains's own comprehensive ideas of democracy consist of his understanding of the meaning of the Gospel for democracy and its revitalization: the unity of the human race, the natural equality of all men, the inalienable dignity of human beings, of labor, and of the poor, compassion with the weak and the suffering, the inviolability of conscience, and viewing every human being as our neighbor. These characteristics are the basis of his ideal of "personalist democracy": the conception of democracy that is concentrated upon the dignity of human beings. Moreover, from his religious and comprehensive worldview Maritain gives a theoretical justification of the practical charter to strengthen it and the common ethos as well.[15]

Maritain argues that by virtue of the "hidden work" of the evangelical inspiration secular political philosophical theories contain the following widespread ideas of inalienable rights of the person; equality; the government as representative of the multitude; political rights of the people whose consent is implied by any political regime; relations of justice and the legal order at the base of society; the ideal of fraternity, and promotion of the "common good" of the multitude.[16] By virtue of his theoretical justification Maritain wishes to strengthen these ideas. He acknowledges that the democratic state of mind stems not solely from the inspiration of the Gospel, but he holds that it cannot exist without this inspiration.[17]

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[12] *Christianity and Democracy*, p. 19.

[13] See Yves R. Simon, *Philosophy of Democratic Government* (Notre Dame, Indiana: University of Notre Dame Press, 1993), p. 88.

[14] *Christianity and Democracy*, pp. 19-20.

[15] Jacques Maritain, *Integral Humanism: Temporal and Spiritual Problems of a New Christendom* (Notre Dame, Indiana: University of Notre Dame Press, 1973), pp. 201-202.

[16] *Christianity and Democracy*, pp. 34-41, 57-59.

[17] *Christianity and Democracy*, p. 49. See John DiJoseph, *Jacques Maritain and the Moral Foundation of Democracy* (Lanham, Maryland: Rowman and Littlefield, 1996), pp. 1-3, 80-93, 96-98. Also Gerald A. McCool, "Maritain's Defense of Democracy," *Thought* 54, 213 (June 1979), pp. 132-42.

Next, I shall discuss the contemporary debate on the formal conception of democracy (the practical charter) and its justification from various worldviews including comprehensive conceptions of democracy.

Formal Conceptions of Democracy

The French political philosopher Claude Lefort argues that in a democracy the legitimacy of power is based on the people. However, the image of sovereignty of the people is linked to the image of an empty place, impossible to occupy. Those who exercise public authority can never claim to appropriate it. Democracy is sustained by two contradictory principles: on the one hand, political power emanates from the people; on the other, it is the power of nobody. This paradox of democracy came to the fore when universal suffrage was introduced: at the moment that sovereignty of the people would manifest itself by suffrage, solidarity faded away. Sovereignty of the people was reduced to a sum of mathematical units; "the idea of number as such is opposed to the idea of the substance of society. Number breaks down unity, destroys identity."[18]

The principle that power belongs to nobody is reflected in the institutionalized competition between political parties. However, this paradox of democracy cannot be conquered by any institutional arrangement. Lefort argues that if the place of power appears genuinely empty, then those who exercise power are perceived as mere ordinary individuals, as forming a faction at the service of group interests.[19] How can abuse of political power be avoided?

When answering this question many citizens propose formal-legal democratic rules and procedures as the solution. They acknowledge that in Western societies concepts of democracy are closely connected with plurality of worldviews and comprehensive political outlooks. This plurality does not mean that various worldviews only accomplish or partially overlap each other, although this may be the case in some respects, but in the public debate representatives of different worldviews demonstrate that they hold opposite opinions and different social and political ideals. In the liberal political tradition democracy is a form of government that is neutral to the worldviews citizens hold.

Francis Fukuyama, for example, defends such a "strictly formal definition of democracy" that is worldview neutral. This means that citizens and the government should follow correctly certain rules without questioning moral values that could underlie democracy. He admits that democratic procedures can be manipulated by elites but he fears a much greater danger in abolishing the formal concept of democracy. Refering to Lenin, who held comprehensive ideas of democracy, Fukuyama fears oppression and misuse of power in the name of "democracy."[20]

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[18] See Claude Lefort, *The Political Forms of Modern Society: Bureaucracy, Democracy, Totalitarianism* (Cambridge: Polity Press, 1986), p. 303.

[19] *The Political Forms*, p. 279.

[20] Francis Fukuyama, *The End of History and the Last Man* (New York: The Free Press/Macmillan, 1992), p. 43.

However, formal-legal democratic rules appear not to be only formal. There are many moral values which underlie this formal conception of democracy: for instance, freedom of speech, press and association, equality of human beings for the law, the right of all citizens to vote and to participate in politics, tolerance, mutual respect, cooperation, respect for privacy, social peace, and individual tastes, talents, interests and life plans.[21] I call these politico-moral values minimal values: they are based upon fundamental human rights and/or interests of individual citizens, they underlie a constitutional democracy, and make it possible. This implies that a purely formal conception of democracy does not exist. Sure, there are formal democratic rules and procedures but they presuppose minimal substantial moral values. In Maritain's phrase, a practical charter presupposes a moral charter.

John Rawls argues, and rightly so, that constitutional democracy does not consist of only formal legal rules. He holds that the political conception of justice is a *moral* conception that ought to underlie the basic structure of a constitutional democracy. By this basic structure he means a society's main political, social and economic institutions, and how they fit together into one unified system of social cooperation. Accepting the political conception of justice does not presuppose accepting any particular comprehensive religious, philosophical or moral doctrine. According to him, citizens do not accept the political conception of justice on any religious or moral authority. They accept the political conception of justice because it can serve as "the focus of an overlapping consensus" of a variety of comprehensive views citizens hold.[22]

Rawls' political conception of justice may be called a minimal moral value. I do not employ this characteristic "minimal" in a disparaging way. His concept of justice has a "higher" theoretical status than the minimal politico-moral values mentioned before. This means that his conception of justice is built upon these minimal politic-moral values. However, although Rawls presents a substantial conception of justice, ultimately, it is no more than a result of an overlapping consensus. From comprehensive worldviews there is more to say about justice but this "more" is excluded by Rawls from this consensus. Yet, this "more" does interest me in relationship to the central questions of this article.

Formal, Minimal and Comprehensive Conceptions of Democracy

For the sake of clarity I want to distinguish between formal, minimal and comprehensive conceptions of democracy. The formal conception contains legal articles, rules and procedures or what Maritain calls the practical charter. The minimal conception of democracy contains politico-moral values as a result of a tacit overlapping consensus that underlies these rules and procedures or in Maritain's phrase: the moral charter underlies the practical charter. These moral values are

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[21] See William A. Galston, *Liberal Purposes. Goods, Virtues, and Diversity in the Liberal State* (Cambridge: Cambridge University Press, 1991), pp. 301-04.

[22] John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), pp. 11-12, 97, 175.

called minimal because they are generally accepted (despite private worldviews citizens have). Moreover, citizens may interpret and elaborate these minimal moral values (by virtue of their private and comprehensive worldviews) into comprehensive conceptions of democracy to strengthen the formal conception or what Maritain calls theoretical justification.

Citizens may hold comprehensive conceptions of democracy because they are concerned about whether or not minimal politico-moral values are an adequate basis of a constitutional democracy to solve certain social and political problems. They may wonder whether, for instance, by defending the legal rights of speech, press, etc., a minimal conception of democracy has adequate legal instruments to resist racist or other discriminatory groups that strive for their ideas in accordance with formal democratic rules to change ultimately these rules. Or they may wonder whether it has adequate instruments to control the role of money in politics.

Lefort argues that substantial moral values, for instance human rights, are "generative principles" of a democratic society. He acknowledges that human rights are not fixed in democratic societies once and for all. Their content changes with time, new rights emerge and give rise to political debate. However, there is an awareness of human rights that underlies this debate and that leads to legal formulations of certain human rights. This debate is fragmented: it emerges from different worldviews, places and groups within society (labour unions, political parties, and other organizations).[23] Lefort defends the value of this debate as an expression of initiatives taken by groups seeking greater participation in various fields of society. He argues that a constitutional democracy can be revitalized only by a vital civil society: "[T]he establishment of a power of limited right, of such a kind that outside the political sphere ..., economic, legal, cultural, scientific and aesthetic spheres are circumscribed, each of which obeys its own norms."[24]

Rawls also acknowledges the existence of those substantial moral values of comprehensive worldviews but he fears their mutual competition at the same time. He wants to minimize their influence in public life to safeguard the "underlying basis of consensus": a rational consensus as a result of rational compromises that may be valued as correct.

I admit that Rawls' search for this consensus as a minimal basis of a constitutional democracy is a real challenge. However, these minimal politico-moral values are not the result of a consensus only, but they are also the conditions that enable citizens to elaborate them by virtue of their comprehensive worldviews. There is another challenge as well that Maritain discusses: How can the minimal conception of democracy be strengthened by comprehensive ideas? To clarify Maritain's significance for the contemporary democracy debate, I shall discuss the essentials of the theory of the American political philosopher Philip Selznick who discusses this question without lapsing in to moralism or utopism.

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[23] *The Political Forms*, pp. 259-72.
[24] Ibid., pp. 279-81.

Comprehensive Conceptions of Democracy

Selznick holds that the abstract idea of "consent of the governed" does not require democracy. There may be consent to a monarchy or a tyranny (for instance, Nazism). To avoid the danger of a tyrant, the *Declaration of Independence* of the United States couples "consent of the governed" with an affirmation of "inalienable rights." Moreover, the founders of the United States also coupled *consent* of the governed with *rule* by the people. Selznick holds that democracy is the self-preserving consent of the governed that maintains the liberties and institutions of a free people. At a minimum this concept of democracy requires freedom of speech and association, legitimate opposition, and legitimate elections. This means that consent must be revocable. Only then does consent of the people become sovereignty of the people.

Moreover, regarding these ingredients of democracy as a self-preserving consent of the governed, Selznick holds that the people cannot be considered as an aggregate of individuals but as a functioning community: "*The sovereignty of the people is established, confirmed, and exercised in and through community.* People act democratically not as isolated or self-sufficient units, but as bearers of a common culture, including a political structure of society."[25] This is consistent with Maritain's thesis that democracy should not be primarily understood as a form of government based upon political rights of individuals but as a form of community in which citizens employ their rights to serve their common political destination. Like Maritain, Selznick admits that democracy also nurtures and sustains diversity and individuality. Next, Selznick considers four principles of communal democracy.

The first principle is *the protection and integration of minorities*. Selznick argues that democracy cannot be equated with the formal or mathematical rule "the majority rules" because the sovereignty of the people is not the same as the sovereignty of the majority. The power of the majority can never be absolute because the rights of minorities to freedom of speech, association and opposition must be maintained.[26]

The second principle is *the moral primacy of the commonwealth over the state*. A government may be considered to be the agent of a preexisting community, not of hitherto dissociated individuals. This community is composed of many complex groups and relationships—economic, familial, religious, political—whose stability and vitality depend on the protection of fundamental rights. These rights are not only individual-centered but also group-centered. The idea of civil society answers this view of a socially differentiated society. Those social groups do not exist by the grace of the state nor are they organized by principles of the market. They employ their rights and liberties according to their own nature. Group-centered rights are vital ingredients of a communal democracy. Selznick holds: "They create an infrastructure for democracy."[27]

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[25] Philip Selznick, *The Moral Commonwealth. Social Theory and the Promise of Community* (Berkeley: University of California Press, 1992), p. 502.

[26] Ibid., pp. 503-04.

[27] Ibid., p. 509.

The third one is *the responsibility of the government for communal well-being.* We have seen that the legal power of the government ought to be limited by the proper rights and liberties of civic associations. This does imply a limited government, not a minimal government, because the government has to promote justice. Even the strongest advocates of minimal government have recognized a role for the government in providing for public goods such as defence, public safety, education and sanitation. The modern state has to take responsibility for old age pensions, medical care, expanded education, housing, child care, employment policy, and the mitigation of poverty. This welfare policy is needed to help human beings fulfill their responsibilities, not to supplant them. While civic associations have an enduring worth, from the standpoint of the communities as well as individuals, the experience of oppression within these associations is often played down or overlooked. In fact many associations are undemocratic. According to Selznick, principles of communal democracy should be applied to civic associations as well as the state.[28]

The fourth and final principle is *the social basis of political participation.* Selznick argues that democracy is communication, and communication is education. The consent of the governed is creative, critical, and participatory. They combine participation in private associations with civic participation that they bind to public ends. Selznick argues that the political process should be open to direct participation by individuals. Moreover, every form of direct participation must be mediated by an infrastructure of association, interdependence, communication and moral education. Democracy cannot flourish if this infrastructure of civil society, i.e., the main sources of personal responsibility, are attenuated or lost.[29]

Although Selznick's argument is more sophisticated than Maritain's, like Maritain, he is arguing that a constitutional democracy should be considered as an integrated part of communal life.

Civil Society as Infrastructure of Democracy

Like Maritain, Selznick argues that citizens may hold very different comprehensive conceptions of democracy. These conceptions are expressions of various worldviews and groups in civil society. This religious and socially differentiated society is called the infrastructure of a constitutional democracy. This means that formal and minimal conceptions of democracy (that may presuppose an aggregate of selfish human beings with their individual rights and interests) should be strengthened by legally indicated rights and liberties of citizens and their private associations that underlie the idea of communal life.

As I already discussed, all formal and minimal conceptions of democracy contain substantial ideas, but these conceptions are related to rights and interests of individuals and groups. They are not related explicitly to communal life. However,

[28] Ibid., pp. 510-21.
[29] Ibid., pp. 522-24.

citizens who are aware of being a part of a constitutional democracy as a community should not only pursue their own interests but also bear responsibility for the whole.

However, there are also many connections between the state and civil society. There is even a process of transformation of a relatively passive, apolitical civil society into a politically active one, which promotes not only private rights and interests of different groups but also different and competing conceptions of the common good.

Within contemporary Western societies social groups, political, social and economic elites struggle for control over the formation of the cultural, economic and political centres of society. This continuous struggle for control between state, the market and civil society may develop in two opposite directions. The first direction is the continuous expansion of civil society along with the expansion of democracy. This involves a greater participation of sectors of society in politics and economy. The second direction is either the victory of the state over society and economy in totalitarian countries or the victory of the market over politics and society.

In constitutional democracies the first direction is dominant. For this reason Lefort argues, like Selznick, that civil society is the infrastructure of a democratic state: political power in democracy should represent and make visible the social organization of civil society. However, there is always the power of the state to control society, like there is the power of the market to master society. Politics always tends to weaken existing semi-monopolistic social and economic centres of power. It may increase political and administrative power of the state over civil society in the name of public order, safety and justice.[30] An important challenge for constitutional democracies is: to create a common framework in which various comprehensive views of democracy and the common good can compete and give adequate support to a democratic government without undermining the very possibility of the system working.[31]

Comprehensive Conceptions of Democracy for Justice

Answering this question Selznick combines, unlike Rawls, a procedural conception of justice with a substantial or "robust conception of justice". Like Michael Walzer[32], Selznick argues that justice is a principle that underlies communities and that should be worked out within communities to improve the quality of life: a just distribution of social goods should occur through and within differentiated communities. He does not agree with authors who interpret this principle as a minimal conception of justice: to mitigate oppression and to avoid destructive conflicts. On the contrary, Selznick argues: "The process of doing justice

[30] See S. N. Eisenstadt, "The Cultural Programme of Modernity and Democracy," in *Culture, Modernity and Revolution: Essays in Honour of Zygmunt Bauman* (New York: Routledge, 1996), pp. 35-36.
[31] Ibid., pp. 37-39.

stimulates moral and legal development. ... Justice affirms the moral worth of individuals; sustains autonomy and self-respect; domesticates authority; and establishes a framework for moral discourse on public matters."[33]

Selznick demonstrates that justice is a comprehensive concept. Its meaning cannot be captured by a single element, such as impartiality of procedural fairness, or by an abstract formula such as giving to each his due. If we minimize justice, we lose a great deal of its resonance and promise.

Selznick refers to Aristotle who argues that the purpose of every human being and community should strive for the desirable good life or what Selznick characterizes as moral well-being. He is aware of the fact that many contemporary philosophers have resisted this idea, mainly because it is incompatible with the doctrine that moral value is a reflex of will and an arbitrary choice. Moreover, there is concern that the notion of the good life commits us to specific conclusions as to what ends are worth having. However, like Alasdair MacIntyre, Selznick argues that the purpose of the good life does not necessarily specify means, ends or outcomes.[34] Citizens who hold various comprehensive conceptions of democracy can strive for this purpose by discussion and through conflict. In this way they give support to the quality of a democratic government.

Selznick does not present a blueprint of a just society or good life but he maintains that justice gives direction to human striving for individual and social well-being. This well-being is often called the common good. However, Selznick does neither interpret common good as the sum of individual goods, like libertarians often do, nor as the goods of the community as a whole, like socialists defended in former days. He argues that the common good is a normative idea that directs the process of a just distribution and redistribution of material and immaterial goods among individuals and groups participating in society.[35]

In the democratic debate on justice Maritain's own comprehensive ideas on democracy may be relevant, just like his theory of the common good. Like Selznick, Maritain argues that the purpose of a democratic state ought to be the common good of the entire nation, in which everyone has the economic right to labour and property, possesses civic and political rights, and cultural participatory rights.[36] As such the common good is the general goal or a normative characteristic of the political society: "[T]his 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*." So, the common good refers to what is "*common to the whole and the parts*."[37]

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[32] See Michael Walzer, *Spheres of Justice:. A Defense of Pluralism and Equality* (Oxford: Basil Blackwell, 1983).

[33] *The Moral Commonwealth*, pp. 430-431.

[34] Ibid., pp. 148-151. See Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (London: Duckworth, 1981), p. 164.

[35] *The Moral Commonwealth*, pp. 535-37.

[36] *Man and the State*, pp. 10, 20, 54.

[37] *Rights of Man*, pp. 94-96. See Maritain, *The Person and the Common Good* (Notre Dame, Indiana: University of Notre Dame Press, 1985), pp. 29-30, 47-89. See also Diana Caplin, "The Good Citizen and the Demands of Democracy: An Application of the Political Philosophy of Yves R. Simon," in *Freedom, Virtue, and the Common*

Like many authors, Maritain and Selznick are discussing democracy within the bounds of the nation state. How far is this national limitation still relevant in a world that is characterized by processes of internationalization and globalization? Finally, I shall discuss this question in relationship to the European Union.

Globalization and Democracy

The French political philosopher Jean-Marie Guéhenno argues that the political significance of national states will fade away.[38] Solidarity within the bounds of territories will be replaced by global technological networks. Financial markets, economic developments, military operations and national authorities are already organized within supranational institutions. As a consequence the state will disappear, and the parliamentary democracy as well. For centuries the idea of democracy was connected with the idea of freedom: the right of a people to determine its own future, and the right of protection of everyone against abuse of power of the government or other institutions. This freedom is fading away. Moreover, we need to accept the end of the era of institutional power. Rather, institutional power has become much more widespread and complicated. Nowadays democratic freedom tends to maintain the rules or procedures for the functioning of a society that has no goal anymore.

However, in the last chapter of his book Guéhenno argues that we have to fight a "spiritual revolution": we have to redefine the relationships to our life world; we need moral debates on our relationship to the public square. In these debates people should be in search of new forms of solidarity based upon feelings of responsibility for their life world. These debates need to start from the grass roots or bottom up: by local democracies and self-defining communities. Through these debates politics may perhaps return.

Guéhenno is rethinking the process of democracy. His idea of democracy is not primarily formal but he starts with debates on comprehensive ideas of human responsibility and forms of solidarity. In that respect he is discussing humanitarian activities for the people in our neighbourhood and those in Third World countries who are suffering under poverty, economic arrears and violations of elementary human rights. He holds that many citizens try to find solutions for those problems through non-governmental organizations, rather than through politics.

Without disparaging the merits of non-governmental organizations I think we have to acknowledge that for the long term suffering people cannot be helped only by activities of humanity or charity. They need laws of justice, in particular legal instruments, for their protection. We need a new international legal and economic order to achieve this protection. However, we cannot achieve this new international order without the existing states. These states can be really democratic

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Good, eds. Curtis L. Hancock and Anthony O. Simon (Notre Dame, Indiana: University of Notre Dame Press/ American Maritain Association, 1995), pp. 293-306.

[38] Jean-Marie Guéhenno, *The End of the Nation State* (Minneapolis: University of Minnesota Press, 1995).

only if they also represent the needs of suffering people, and if they strive for their civic and economic rights and liberties, both nationally and internationally. Therefore, I hold that the state is neither irrelevant nor an absolute entity in the discussion on democracy, as I shall illustrate with the example of European Union.

Democracy in the European Union

In many respects the European Union is a democratic miracle because it is based upon contracts of fifteen nation states under supervision of their national parliaments. The Union maintains certain political, civic and economic human rights, a European Court, and elections for the European parliament. On the other hand, the Union is characterized by democratic defects. The European policy is made by the European Commission, meetings of members of the national governments, committees of diplomats and other officials in bureaucratic networks. There is no European Constitution, no Constitutional Assembly and the European Parliament has limited competencies. It can neither control European commissioners nor ministers of national governments. However, the European politics of authority is limiting the competences of national governments and parliaments more and more. Although political borderlines between the member states have been relativized, feelings of cultural and national identity block the growth of a real constitutional democracy of the Union.

Regarding a minimal conception of democracy, a democratic European Union should meet at least three conditions. First, the Union should maintain a minimum level of civilization: the member states should pursue the maintenance of human rights and solve their conflicts without war. Second, the Union should promote political participation of citizens in democratic procedures and establish democratic institutions for an effective control of the policy of European commissioners in order to enforce social justice in a well-ordered European society and the good life of its citizens. Third, the Union should maintain a pluralist society: the ethnic, historic, lingual and worldview diversity of its citizens, and the rights and liberties of their private associations. For the sake of the central question of this article, I summarize these conditions into the following question: How do we strengthen the practical and moral charter of the European Union that is characterized by cultural and political diversity and that intends to promote a European *community*?

Discussing the European Union as a community we need to have an idea of communal life without nostalgic nationalist sentiments, moralistic arguments or utopian ideas. However, the idea of a community is not a given or a starting point, it is only an achievement—an achievement that John Dewey claims can be realized in and through democratic communal life only. Many European citizens and politicians have an instrumental conception of community: they regard a community as a set of social arrangements as a necessary burden and cooperate only for the sake of pursuing their private and national ends. We need, however, a constitutive conception of community: European citizens should conceive their

identity as defined to some extent by the European community of which they are a part.[39]

From this constitutive conception of community Dewey holds: "The clear consciousness of a communal life, ... constitutes the idea of democracy."[40] Dewey argues "that democracy is not an alternative to other principles of associated life. It is the idea of community life itself."[41] For the European Union I claim the negative formulation of Dewey's thesis: Without the clear consciousness of a communal life the idea of an effective democracy cannot be constituted and practised.

In this connection the relevance of Maritain's theory is evident as far as he is discussing the *common ethos* of democracy. The clear consciousness of a communal life that constitutes the idea of democracy (Dewey) may be understood as the inner energy of both the secular faith and the socio-political morality to revitalize the practical charter. Moreover, citizens can try to strengthen this practical charter from their comprehensive ideas of a communal European life.

In short, a constitutional European democracy can only be revitalized by a vital European civil society as its infrastructure: national member states and socially and religiously differentiated societies. On the one hand, this infrastructure channels citizens' comprehensive social and political ideas. On the other hand, these ideas may converge by pursuing justice as a normative idea that transcends national borderlines.

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[39] See Richard J. Bernstein, *Philosophical Profiles: Essays in a Pragmatic Mode* (Philadelphia: University of Pennsylvania Press, 1986), pp. 268-69.

[40] John Dewey, *The Public and Its Problems* (Denver, Colorado: Alan Swallow, 1957), p. 149.

[41] Ibid., p. 148.