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Liberalism and Legitimacy: An Indictment*

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Nations, Scripture says, are “as rust on scales.” (Isaiah 40: 15) Should we say the same of states? In particular what of our own liberal state? We must look to our scales. How are we to weigh such a state?

In *Man and the State*, Jacques Maritain proposes a personalist criterion: “the State is for man.”¹ This is the personalist test of a critical democrat. Neither the state nor the body politic, he insists, is absolutely sovereign. Both must honor natural law and the common good. Thus, he says, “[a]n unjust law, even if it expresses the will of the people, is not law.”² So not every state, nor every regime, has a *right* to be obeyed. Maritain himself was a witness to state lawlessness. Indeed, his sometime colleague Emmanuel Mounier spoke of an established *disorder*.

But again what of our liberal state?

Has it brought an end to ideology? If not, is it still the best we can hope for? Or is it yet another established disorder?

If we follow Maritain we will reach our verdict by raising, and answering, a pair of his diagnostic questions.³ First, what are the values of our liberal state? Second, how does this state act?

In putting the state on trial, philosophers have often dallied with utopianism. On occasion they have run to embrace it. But Maritain is a realist. At the same time, his is a Christian realism, so disputed questions become “complicated” by Christian simplicity. In any case I will urge, as a peasant of the megalopolis, a strategic debunking of our liberal order.

*David Arias and Carroll Kearley graciously commented on an earlier version of this essay.

¹ Jacques Maritain, *Man and the State* (Washington, D.C.: The Catholic University of America Press, 1998), p. 13.

² *Ibid.*, p. 48.

³ Jacques Maritain, *The Person and the Common Good* (Notre Dame, Indiana: University of Notre Dame Press, 1966), p. 90.

Liberalism: An Established Disorder

To begin, we need to characterize “liberalism.” In view of its semantic shifts—nay, shiftiness!—I will not attempt a final definition.⁴

The liberalism at issue is a political order that gives priority to liberty, that is, “negative freedom,” in a procedural—and sometimes minimal—state. Such an order assumes an ethical pluralism and an atomistic understanding of human nature. Together these assumptions involve a “public philosophy” which Michael Sandel ably describes. We live, he notes, by:

...a certain version of liberal political theory. Its central idea is that government should be neutral toward the moral and religious views its citizens espouse. Since people disagree about the best way to live, government should not affirm in law any particular vision of the good life. Instead, it should provide a framework of rights that respects persons as free and independent selves, capable of choosing their own values and ends.⁵

Such liberalism is not without merit. It does profess to take rights seriously. Nor does it set out to play the tyrant. Yet virtue grows suspect. We see, for example, liberalism’s boast and folly in the language of the 1992 *Planned Parenthood v. Casey* decision: “[A]t the heart of liberty is the right to define one’s own concept of existence, of meaning, of the universe, and of the mystery of human life.” (*Casey*, 505 U.S. at 851) Whether one’s concept captures *what is*, however, has far more to do with one’s true freedom. The Court’s solipsism is a prison of the spirit.

Liberal Values

It is easy enough, so characterizing liberalism, to identify its chief value: individual autonomy. But we need to look more closely at the liberal individual. In practice, this individual is a consumer. The range of his or her consumption is impressive. It includes the ordinary consumer products: cars, condominiums, and casino chips. But it also includes extraordinary “consumerized” products, the booty of the new commodificationism: health care, education, and political voice—for starters.

Indeed, there is more. Human life itself is increasingly seen in terms of an investment. What is a human being worth? Why, it is worth what citizen-consumers have invested.

Consider, for example, Ronald Dworkin’s maneuver in his book *Life’s Dominion*.⁶ Do we want a middle ground on life issues? Focus, he urges, on the inviolability of each human being. But there is a *caveat*. Inviolability is not so inviolable as we might think. Why not? Because its measure is a function of prior investment.

⁴Loren E. Lomasky traces the shifts in his “Classical Liberalism and Civil Society,” prepared for the Ethikon Institute’s *Alternative Conceptions of Civil Society Project* (in press). eds. Will Kymlicka and Simone Chambers (Princeton: Princeton University Press).

⁵Michael Sandel, *Democracy’s Discontent: America in Search of a Public Philosophy* (Cambridge: Harvard University Press, 1996), p. 4.

⁶Ronald Dworkin, *Life’s Dominion: An Argument about Abortion, Euthanasia, and Individual Freedom* (New York: Knopf, 1993).

In his fine analysis of *Life's Dominion*, Richard Stith identifies its calculative core.⁷ What makes one killing worse than another? Dworkin answers that:

[H]ow bad this is...depends on the stage of life in which it occurs, because the frustration is greater if it takes place after rather than before the person has made a significant personal investment in his own life, and less if it occurs after any investment has been substantially fulfilled, or as substantially fulfilled as is anyway likely.⁸

He proceeds apace to apply his principle.

If abortion makes us “uncomfortable,” it is because ordinarily there has been some investment in this human being and there could be much more. If euthanasia troubles us, it is because ordinarily there has been a great investment in a human being, though there is little “return” that we can now expect. But if a healthy young person dies, Dworkin points out, our grief is palpable. We have made a huge investment and cannot realize our return.

Nor is there any gap between the liberalism of *Casey v. Planned Parenthood* and Dworkin's commodification of life. As Stith notes, Dworkin cites with approval the Court's declaration on liberty and private definition—whether of self, meaning, or the universe.⁹

To be sure, Ronald Dworkin is (only) a liberal theorist, not the liberal state. Yet his client is in the dock: the liberal order. By no means reluctantly, he helps us understand the liberal individual who dwells therein.

Liberal Practice

But now it is time to pursue our inquiry. Given its values and anthropology, how does the liberal state act? I want to address three arenas: its promoting of secularism, its fostering of self-deception, and its agnosticism about the goods of the person.

Let us begin with secularism. We are familiar, of course, with the argument that only the liberal state safeguards religious liberty and that restive believers are blinkered if they think otherwise.

This argument fails, and for two reasons.

First, *any* state that recognizes the dignity of conscience not only can but must respect religious liberty.

Second, there is evidence that it is not so much a regard for conscience as it is religious indifference, and even hostility, that motivates current liberalism. Recently, for example, liberal statisticians have lamented the Wisconsin Supreme Court's decision to uphold the use of public funds for parochial school tuition. In this vein, *The New York Times* editorializes that “[m]any church schools have religious indoctrination as a core purpose” and that vouchers “attack” institutions “essential ... for a democratic

⁷ Richard Stith, “On Death and Dworkin: A Critique of His Theory of Inviolability,” *Maryland Law Review* 56, no. 2 (1997).

⁸ Dworkin, *Life's Dominion*, p. 88.

⁹ *Ibid.*, p. 175.

society.”¹⁰ Left unsaid is that such institutions, by their imposed silence, teach a secularism that threatens to undermine religious liberty. The power to tax easily becomes the power to destroy.

Such a secularism also denies anything like a Thomist understanding of the natural law. For if the natural law is a participation in the eternal law of God, as Maritain believed, the liberal curriculum already excludes it. The neglect might pretend to be benign. Its effects nonetheless are malignant, so much so that liberalism cannot but encourage self-deception.

How does it do so? Consider the reign of autonomy. Why maximize autonomy (of a sort), unless each person has an equal claim to be autonomous? But why suppose this equal claim unless each person is of equal worth? Yet liberalism cannot ground the equal worth of its citizens. To do so requires making the substantive case for human dignity that liberalism eschews. At most liberalism can resort to pragmatic artifice. Paying lip service to equal worth becomes a privileged rhetoric. As Walker Percy observes, we cannot both be “organisms” in the environment and enjoy an “intrinsic dignity” such that “the highest value to which a democratic society can be committed is the respect of the sacredness and worth of the individual.”¹¹ That the liberal citizen believes, and is encouraged to believe, otherwise does not cure the contradiction.

There is however a logical consonance in liberalism’s secularity and its self-deception. Both follow from the liberal’s professed agnosticism about the goods of the human person. If we cannot, as a polity, have good reason to believe that harmony with God is a good, our political voice must be secular. If we cannot, as a polity, have reason to believe that human life is an intrinsic good, we cannot effectively challenge its commodification. If we cannot, as a polity, reasonably affirm that truth is a good essential to human flourishing, we cannot overcome self-deception. Note: such agnosticism introduces a morally vicious circle. If liberalism is agnostic about the goods of the person, then it cannot teach them to its citizens. Its only doctrine is a formal proceduralism. But the consequence of this silence is (at best) that its citizens drift into agnosticism—which in turn credentials the agnosticism of the liberal state. Yet even a bare procedural fairness calls for virtues which the state can only haltingly advance.

Perhaps the first casualty of this agnosticism is the intelligibility of choice. Emmanuel Mounier goes to the heart of the problem:

[A] sort of philosophic myopia tends to see the center and pivot of freedom in the act of choice, whereas it lies in progressive liberation to choose the good ... [a]nd if men today are becoming indifferent to freedom, may it not be that they no longer know what to do with freedom?¹²

¹⁰ “Breaching the Church-State Wall,” *The New York Times*, June 12, 1998, A22.

¹¹ Walker Percy, “The Delta Factor,” in *The Message in the Bottle* (New York: Farrar, Straus and Giroux, 1954), p. 20.

¹² Emmanuel Mounier, *Personalism* (Notre Dame, Indiana: University of Notre Dame Press), 1952, p. 63.

To illustrate his verdict, American style, we need look no further than the classic Lincoln v. Douglas debates. Their shadow, as much as their light, still lies over the land.

Indeed, Stephen Douglas's appeal to choice—in defense of slavery—has become increasingly seductive. Consider a single example of his language:

I am now speaking of rights under the Constitution. I am not speaking of the moral and religious right. I don't discuss the morals of the people of Missouri, but let them settle that for themselves...Let each State mind its own business, and let its neighbors alone—then Mr. Lincoln will find that this Republic can exist forever divided into free and slave States...¹³

Besides, Douglas hastens to add, such a stance gives business a boost and expedites foreign policy.

Stand by that great principle, and then we can go on as we have done, increasing in wealth and in population, in power and all the elements of greatness until we shall be the admiration and the terror of the world.¹⁴

How that “great principle” bears on moral authority is an altogether different matter.

Some Implications

Even an initial characterizing of liberalism has introduced some of its implications. Highlighting its values and sketching its practice has identified others. But now there are further and critical implications to examine.

Liberalism undermines trust. Why trust a liberal state? Hindered by its own restrictions, it is doubtful whether its agents can muster the moral *gravitas* for ethical analysis. Why trust an order under whose tutelage self-interest trumps truth? In assessing Maritain's analysis of Machiavelli, James Schall makes a related observation. Deceit does not just corrupt the regime it informs; it numbs the conscience of citizens and produces a “lack of hope” in ethics.¹⁵

The family in contrast is a natural matrix of trust. Here we do well to note another liberal tendency: to slight the role of the family, not only in respect to trust but also as a social reality more basic than State. The state is for the family. While the state has its own good, it is instrumental to family life. John Finnis makes the point well:

[T]he common good specific to the *civitas* as such—the public good—is not basic but, rather, instrumental to securing human goods which are basic (including other forms of community or association, especially domestic and religious associations) and none of which is in itself political.¹⁶

¹³ *The Lincoln-Douglas Debates*, ed. Harold Holzer (New York: Harper Collins, 1993), pp. 310-11.

¹⁴ *Ibid.*, p. 311.

¹⁵ James V. Schall, *Jacques Maritain: The Philosopher in Society* (Lanham, Maryland: Rowman & Littlefield, 1998), p. 5.

¹⁶ John Finnis, “The Specifically Political Common Good in Aquinas,” in *Natural Law & Moral Inquiry: Ethics, Metaphysics, and Politics in the Work of Germain Grisez*, ed. Robert P. George (Washington, D.C.: Georgetown University Press, 1998), p. 192.

Here Finnis follows St. Thomas's judgment that "Human beings are by nature more conjugal than political."¹⁷

Yet our liberal order feels increasingly free to itself define the family in a (supposedly) morally neutral fashion. The family however is neither morally neutral nor dependent on definitions which pretend to be so. The liberal state, though, does not limit itself to breaking its right relation to the family.

The liberal state also violates solidarity; it does so across a whole range of life issues. Here I take solidarity to affirm that the first measure of justice in a society is how it treats the most vulnerable. And the source of such a principle? We must look to the harms we suffer and to their healing if we are to keep our lives. But with solidarity "I" becomes "we." The harms that others suffer are my harms; others, in turn, bind up my wounds as their own.¹⁸

Suppose we apply such a standard to our own liberal order. More pointedly, we might focus on three issues widely debated under the rubric of a consistent ethics of life.

With respect to abortion, the Supreme Court in effect refuses to protect pre-born human beings. It also affirms the legislation of particular states that requires citizens to publicly fund abortion. This contempt for solidarity with the "least little ones" recalls Chesterton's indictment of Carthage. "[T]he worshippers of Moloch," he notes, "were members of a mature and polished civilization ..."¹⁹ Yet they chose "to invoke the blessings of heaven ... by throwing hundreds of their infants into a large furnace."²⁰ Across the centuries we might ask "only hundreds?"

With respect to euthanasia the Supreme Court finds that "the asserted 'right' to assistance in committing suicide is not a fundamental liberty interest protected by the due process clause." (*Washington v. Glucksberg*, No. 96-110) Yet the Court compliments the several states for their "serious, thoughtful examinations of physician-assisted suicide" and allows euthanasia when a particular state sanctions it. The Attorney General declines to block such a practice by using the Controlled Substances Act. Once more, the liberal disorder affirms due process but is unable, or unwilling, to affirm the good of life—even when it admits that suicide is "a serious public health problem, especially among persons in otherwise vulnerable groups." (*Washington v. Glucksberg*)

Consider, too, capital punishment. Procedural safeguards abound. In practice, they slow the pace of executions for capital crimes. But the liberal order cannot say that human life, as such, is a profound good. Substantive policy becomes a matter for legislative decision. But here popular resolution is especially dangerous. Part of what makes a murderer so vulnerable is the overwhelming outrage of the citizenry.

¹⁷ *In Ethics* VIII.12 n.19 (1720).

¹⁸ Christians speak of suffering with Christ. But how? St. Matthew's image of the Last Judgment answers this question with the test of solidarity (Matthew 25: 31-46). In a different key, John Paul II teaches that "the more that individuals are defenseless within a given society, the more they require the care and concern of others, and in particular the intervention of governmental authority" (*Centesimus Annus*, #10).

¹⁹ Gilbert Keith Chesterton, *The Everlasting Man* (New York: Dodd, Mead & Co., 1926), p. 169.

²⁰ *Ibid.*

In our outrage we easily ignore or deny the ontological dignity of the person. Why did Mother Teresa plead for the lives of murderers? It was because she saw them as among “the poorest of the poor.”

Might we now, reversing the usual scheme, turn to a contrast—and then a comparison? The death penalty, as Dr. Johnson put it, “concentrates” the mind.²¹ It can also fix the wandering mind of the public. There is a particular felon, a scheduled hour, a designated place. A sentence moves toward fulfillment. For all of us there is time to reflect.

Contrast all this with the policy of nuclear deterrence in our liberal order. Weapons of mass destruction threaten whole cities and regions. Yet no particular criminal is targeted. Neither does a particular time nor place fix the wandering mind. Rather there is a pledge of destruction. In the ebb and flow of events, the deterrence policy induces periods of moral reflection; the nuclear displays of Pakistan and India do this much. But for the most part conscience becomes numbed. Doubtful excuses are accepted, and we domesticate our dissimulation.²²

To be sure, liberalism has no special responsibility for nuclear deterrence. But ordinary responsibility is onerous enough. Our liberal order claims a sovereignty that trumps even the lives of the innocent. Our liberalism is incapable of affirming the principle that it is always wrong intentionally to kill the innocent.²³ How then can it recognize that it is always wrong to *threaten* to kill the innocent?

Having contrasted capital punishment and deterrence, we might compare deterrence and abortion, and chiefly on this note: we regret both but forego neither. Both are entrenched and supported by professional elites. Both win the consent of institutions and academic approbation. Indeed, the last implication of liberalism to identify is the net of complicity with which it entangles its citizens. Often the complicity is economic and obvious: public funds support abortion and deterrence—and the technical training that makes them possible. Sometimes the complicity is structural. Insofar as a military or political policy implicitly depends on nuclear deterrence that policy is itself compromised.²⁴ When professional standing depends on meeting the requirements of professional associations which legitimate attacks on human life, the professions themselves are compromised.

And what are we to say when the political order, whether state or party, disallows the effective participation of those who recognize substantive moral goods? Is our participation in that order compromised? Does our state, itself in disorder, often forfeit its right to obedience?

²¹ See James Boswell, *Life of Johnson* (London: Oxford University Press, 1970), p. 849.

²² Recall the letter of the Catholic Bishops of the United States *The Challenge of Peace: God's Promise and Our Response* (1983). We read therein that “it is not morally acceptable to intend to kill the innocent as part of a strategy of deterring nuclear war.” (#178) Does our policy harbor such an intent? In a footnote, the then national security advisor William Clark, in a “helpful” letter, tells us it does not. *Nemo iudex in causa sui*.

²³ Pope John Paul II, *The Gospel of Life* (New York: Random House, 1995), #57, pp. 100-3.

²⁴ We find a cogent argument for this thesis in John Finnis, Joseph M. Boyle, Jr., Germain Grisez, *Nuclear Deterrence, Morality and Realism* (New York: Oxford University Press, 1987), pp. 343-44.

Realism v. Utopianism

Yes, I want to say, participating in the liberal disorder readily becomes morally compromising. Yes, our state together with the regime, often forfeits the right to obedience. But there is more. Unless we publicly contest state and regime, we jeopardize our democratic citizenship.

St. Thomas, after all, recognizes the possibility of forfeit and compromise—and in doing so follows St. Augustine. In his account of human law, Thomas notes that “the law can be rightly changed on account of the changed condition of man, to whom different things are expedient according to the difference of his condition,” and appeals to Augustine’s verdict:

If the people have a sense of moderation and responsibility, and are most careful guardians of the commonweal, it is right to enact a law allowing such a people to choose their own magistrates ... But if, as time goes on, the same people become so corrupt as to sell their votes, and entrust the government to scoundrels and criminals; then the right of appointing their public officials is rightly forfeit to such a people, and the choice devolves to a few good men.²⁵

There are, as we know, many ways of selling one’s vote.

But we also know, perhaps better than Thomas, how hard it is to identify “a few good men” (or women) to whom the responsibility for the commonweal might safely devolve. Past searches have been troubled by a surfeit of self-ordained candidates. Worse still, candidates have seized power with the dismal result of a greater disorder than that which incited them. So even friends of my critique of liberalism might now ask that I cease and desist. Will not such a critique encourage a utopianism more dangerous than any liberal compromise? What distinguishes its conclusion from the manifestos of grim secular revolutionaries? And are not they the very ones who have often swept away the liberal order with rivers of blood, the blood of the innocent?

Such questions are sobering. They have great force in the United States, a government founded on an experiment in freedom. With an eye to this legacy, Roger Kimball—singling out the brothers Berrigan—asserts that “in a democracy illegality is not a justifiable brand of political opposition ...”²⁶ “[O]ne’s country,” he adds, “continues to exercise a legitimate claim on one’s allegiance ... that cannot be disposed of in a fit of self-righteous bravado.”²⁷

James Schall, in exploring Maritain’s analysis of Machiavelli, reminds us of a further point against a utopian posture. A healthy realism, he says, recognizes that in evil times it is “less and less clear what is and what is not an unjust action.”²⁸ Why? One reason is that, in Maritain’s words, “the application of moral rules immutable in

²⁵ *Summa Theological*, I-II, p. 97. a.1. Trans. the Fathers of the English Dominican Province. David Arias drew my attention to this passage.

²⁶ Roger Kimball, “The Politics of Delegation,” in *The New Criterion* (March, 1998), p. 10.

²⁷ *Ibid.*

²⁸ Schall, *Jacques Maritain*, p. 16.

themselves takes lower and lower forms as the social environment declines.”²⁹ Does not this suggest, then, that the liberal order might be (nearly) the best we can hope for?

Liberalism’s corruption of its citizenry is to be feared. But in light of our failed search for leaders to replace it, our duty to democracy, and the limits of even immutable principles, we ought to err on the side of caution. Or so argues the anti-utopian. And does not St. Thomas himself agree? In *De Regno* he cites with favor the woman who prays that today’s tyrant *not* die. After all, her prayers that earlier tyrants perish led only to their being replaced by still worse tyrants and finally to the very one for whom she now prays.³⁰ The principle is clear. Unmasking the regime might be wrong because what follows might be worse.

Maritain himself is well aware of this principle in his discussion of world government, the preface to which is his rejection of the bogus sovereignty of national states. In *Man and the State* he warns that a world government might show equal hubris and echo “the old utopia of universal Empire.”³¹ In our era, he thinks, “[t]he pursuit of an absolute World Superstate would be the pursuit of a democratic multinational Empire ... no better than the others.”³²

The foes of utopia, to be sure, have their own differences. But they share an historical sobriety. Roger Kimball looks back to the halcyon days of the New Left. James Schall sees the peril of political pietism. St. Thomas knows Roman history. Maritain lived through much of the bloodiest of centuries. We dare not ignore this collective warning. But what is it, chiefly, that we are to learn? The lesson, I think, is not that anti-utopianism exhausts political realism. Nor is the lesson of history that we must so fear the future as to anoint the present. It teaches, rather, that we must be wise as serpents if we would be guileless as doves. (Matthew 10: 16)

Conclusion

But serpentine ways do not encoil contradictions. St. Thomas does not both support and oppose holding the state accountable, even to the point of revolution. Maritain does not both support and oppose unjust laws. It is the case, however, that right reason in acting issues in action. Gandhian “direct action” can be prudential. A slow process of legislative reform, despite judicial sabotage, can be prudential.³³ Yet neither is an adequate response to the liberal disorder. Even together they are not enough, though both belong to what Mounier called the dialectic of “integral action.”³⁴

There is, however, a third element—my listing is hardly exhaustive—of integral action which here I want to underscore. It expresses the chief guide to action that my analysis of the liberal disorder suggests. We ought to *speak openly and often* about the

²⁹ Ibid.

³⁰ Ptolemy of Lucca with portions attributed to Thomas Aquinas, *On the Government of Rulers: De Regimine Principum* trans. James M. Blythe (Philadelphia: University of Pennsylvania Press, 1997).

³¹ Maritain, *Man and the State*, p. 204.

³² Ibid.

³³ For a cogent discussion of judicial usurpation of politics, see Russell Hittinger’s “A Crisis of Legitimacy,” *First Things*, November 1996, pp. 25-29.

striated yet structural illegitimacy of the liberal disorder and, most immediately, its current managers.

A campaign of “unmasking” should first call attention to particular measures of the state that constitute unjust laws, even if they express the will of the citizenry. No measure which establishes or upholds abortion, infanticide, or euthanasia can promote the common good. Neither can any tax to fund such a measure. A policy that sanctions the killing of the innocent should be named for what it is: murder. More broadly still, Pope John XXIII held “if any government does not acknowledge the rights of man or violates them, it not only fails in its duty, but its orders completely lack juridical force.”³⁵

John Paul II’s *Evangelium Vitae* advances its own “integral action” by identifying the effect of such “decrees” on democracies which maintain them:

If, as a result of a tragic obscuring of the collective conscience, an attitude of skepticism were to succeed in bringing into question even the fundamental principles of the moral law, the democratic system itself would be shaken in its foundations, and would be reduced to a mere mechanism for regulating direct and opposing interests on a purely empirical basis.³⁶

A “tragic obscuring,” yes, and a tragic loss to democracy. But life is full of tragedy, is it not? Can a realist hope for anything better?

On John Paul’s view, we must hope for more. He continues:

Some might think that even this function, in the absence of anything better, should be valued for the sake of peace in society. While one acknowledges some element of truth in this ... without an objective moral grounding not even democracy is capable of ensuring a stable peace, especially since peace ... not built on the values of the dignity of every individual and of solidarity between all people frequently proves to be illusory.³⁷

Here he realizes the precarity of civil order. He equally recognizes how a merely procedural democracy establishes disorder. In doing so he indicts a hollow democracy and exposes the last refuge of *Realpolitik*.

But what has happened to our friend, Jacques Maritain? What place does he have in a campaign to unmask the liberal disorder? Maritain would be the first to say that he thought and wrote within a tradition. Insofar as he draws us into the tradition of Christian political realism, we have not parted company with him. Still a pair of his critical insights comes readily to mind. They bring my reflections to a close.

Maritain addresses, in a pointed way, the civic character of personal responsibility. Again in *Man and the State*, he explores the idea of an international advisory council. It might work as a kind of a remote preparation for a new world order. One specific way it might serve the person in the shadow of the state is striking. He writes:

³⁴ Mounier, *Personalism*, p. 94.

³⁵ John XXIII, *Peace on Earth (Pacem in Terris)* (Boston: Daughters of St. Paul, 1963), §61.

³⁶ *The Gospel of Life*, #70.

³⁷ *Ibid.*, #71.

People know that sharing in an unjust war is homicide. They are told, on the other hand, that things have become so obscure and entangled that they lack competence to bear judgment on each particular case: am I bound, then, to share in what is *perhaps* a crime, because my government is a better judge than I on the matter, even if I were a German at the time of a Hitlerian war?³⁸

Gordon Zahn's *In Solitary Witness* tells the story of Franz Jagerstatter, an Austrian peasant drafted into the army of the Reich. Jagerstatter's answer to Maritain's question was "no," and for this he was executed.³⁹ May peasants of the megalopolis, and their distinguished advisors, be as wise—cost what it may.

And Jacques Maritain's final insight? It insists, as does Jagerstatter's martyrdom, that we recognize the deepest truth of Christian realism. Like Jagerstatter the martyr, Maritain the philosopher would lead us to Mystery, the mystery of suffering. In *Man and the State* he reminds us that "[g]iven the human condition, the most significant synonym for *living together* is *suffering together*."⁴⁰ In the political realm the character of suffering becomes plain enough. "What sufferings indeed?" he asks, and immediately answers "[s]ufferings due to solidarity."⁴¹ Out of death, life.

³⁸ Jacques Maritain, *Man and the State*, p. 215.

³⁹ Gordon Zahn, *In Solitary Witness* (Springfield, Illinois: Templegate, 1986), especially pp. 160-79.

⁴⁰ Jacques Maritain, *Man and the State*, p. 207.

⁴¹ *Ibid.*