

Jacques Maritain and Michael Oakeshott on the Modern State

Timothy Fuller

For present purposes I shall stipulate that the object of investigation of classical political philosophy is the ancient city and that the object of investigation of modern political philosophy is the modern European state. Jacques Maritain in *Man and the State* investigates the character of the modern state but also proposes a third possible object of investigation, the world political society.¹ Michael Oakeshott, on the other hand, explores, especially in *On Human Conduct*, the character of the modern European state as it has come to be, without speculating on what it may become in the future.² Maritain is proposing something that might be called post-modern, in a peculiar sense of the term, though he expresses this in terms of a philosophy of history that has ancient roots and an evolutionary character. Michael Oakeshott is a modern in seeking to understand the premises upon which the modern state has been conceived and modern politics have operated, and in distinguishing those premises from ancient alternatives. Both Maritain and Oakeshott recognize the emergence of the individual as a defining feature of the modern situation, although Oakeshott does not make the idea of natural rights central to this and Maritain does.

To speak somewhat loosely, one might say that Maritain engages in philosophizing that is idealistic in suggesting to us what we ought to be doing and what we ought to be aspiring to based on his analysis of what he finds to be the providential lessons of history, while Oakeshott philosophizes in the indicative mood: he seeks to explain what we have been doing and what we understand ourselves to be about, refusing to prescribe, because he does not think that one can, as a philosopher, prescribe a direction to take.

Maritain, although speaking within the Catholic tradition, is in many respects rooted in a nineteenth-century liberal progressivism reminiscent at times of both Immanuel Kant and John Stuart Mill, leavened by a Wilsonian internationalism

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

² Michael Oakeshott, *On Human Conduct* (Oxford: Clarendon Press, 1975).

preoccupied with the advent of the cold war and the bipolarity of the nuclear age; Oakeshott is conservative and a political realist, less willing to take his philosophical understanding of politics from the events that were immediately contemporary to both Maritain and himself. He did not, for example, think that the atomic bomb was a revelatory experience. I am not seeking to make a judgment of better or worse at this point, but rather to highlight what seems to me to be obvious differences in their understanding of the philosophical task and its relation to contemporary events, and to set them in dialectical relation. Maritain is a neo-Thomist progressive while Oakeshott is an Augustinian skeptic. What I propose to do is to set out the thesis of each on the modern state to see what we may learn from the comparison.

I

From the outset in *Man and the State*, Maritain wishes to characterize the idea of the modern state correctly, thereby establishing the scope, and thus the limits, of the modern state. He does this by putting the state in a grand historical context that is for him nothing less than the materialization of the Gospel in world history, with the emergence of natural rights in modern times as the articulation of what was implicit in the medieval natural law tradition, indeed in the very being of humanity. In this way, modernity at its best would be the implementation of the Christian recognition of the dignity of all persons.

For Maritain, the modern state is the topmost element of the body politic.³ It represents the whole but, as an instrument in service to the whole and as a symbol of unity in the complex arrangements over which it presides, cannot be a substitute for or superior to the whole. The state is not the whole, but a representation of the whole.⁴ At the same time, the state is to enact defense against foreign threats and is to be the means by which social justice is to be achieved, yet without being paternalistic. The state's activity is to be limited with respect to business, arts, culture, science and philosophy, but it is to be a welfare state. The aim of the body politic is "to better the conditions of life itself ..." to seek a proper, civilized life for every member through the establishment of civilization and culture and the cultivation of faith, righteousness, wisdom and beauty."⁵ The state must serve this aim in giving formal articulation to the body politic.

To make this clear, Maritain sets out to criticize and reject the concept of sovereignty, because sovereignty involves attributing to the state the character of a separate and transcendent whole which it cannot have. Only God is sovereign. No earthly power can claim the divine attribute. The state, he says, has supreme independence and power only with regard to the other parts of the body politic, subject to its laws and administration. To understand the modern state, then, requires one not only to identify its character but also to define the scope of its

³ *Man and the State*, pp. 13, 15-19.

⁴ *Ibid.*, pp. 12-13.

power. It is the organizer of the constituent elements of the body politic, but it cannot supersede them or substitute for them. The state is not absolute—no political institution can be absolute—but is comprehensive procedurally, supreme within its scope, but having no natural right or transcendent power, and it is always accountable to the people since its legitimacy depends on their acknowledgment of its authority.

For Maritain, the closest approximation to the right understanding of the state appears in the western democracies where there is participation in governance of both rulers and ruled, and where in principle there is possible a collaborative relationship between liberal democracy and Christianity, the former being the practical matrix within which the aspirations of the latter are to be realized, to the degree possible, on earth. For Maritain there is an evolution in thought and aspiration to be traced from Aristotle through Aquinas to liberal democracy. As he says, “democracy is the only way of bringing about a *moral rationalization* of politics ... democracy is a rational organization of freedoms founded upon law.”⁶ This is an unmistakable reference to the Kantian aspiration to replace political morality with moralized politics, or to solve once and for all the Machiavellian problem.

Moreover, the road to moral rationalization is “the highest terrestrial achievement of which the rational animal is capable here below ... the only way through which the progressive energies in human history do pass.”⁷ For Maritain, democracy is the use of means worthy of the end sought, in which rulers and ruled participate jointly in self-governance. The evolution is towards practical truths coming to universal recognition in acknowledging the “rights possessed by man in his personal and social existence.”⁸

Yet, at the same time, the process of materializing the Gospel message is ambiguous because modernity is not simply Christian; is indeed in many respects anti-Christian and secularizing. At best, then, we enjoy an emergent agreement on some practical truths in the midst of powerful metaphysical and theological oppositions.⁹ There is, Maritain says, “notable progress in the process of world unification” at the level of practical formulations, but no theoretical position can “claim to establish in actual fact universal ascendancy over men’s minds.”¹⁰ The most important “factor in the moral progress of humanity is the experiential development of awareness which takes place outside of systems ...”¹¹

Yet, there are problems. The increasing recognition of natural rights, which is a necessary feature in Maritain’s scheme, has been deformed by the failure to remember that natural law is the foundation of the rights of man. By losing that insight we moved towards abstract ideas of autonomy and then to disillusion over the conflicting abstract claims. We must, Maritain says, will to act in conformity

⁶ Ibid., p. 59.

⁷ Ibid., pp. 59-60.

⁸ Ibid., p. 76.

⁹ Ibid., p. 76.

¹⁰ Ibid., p. 79.

¹¹ Ibid., p. 80.

with what is appropriate for our fulfillment. Moral law involves recognizing what is best for us as what is established independently by nature. This means that visions of an “ideal order” are generated out of our responses to the natural human character under varying historical conditions. To articulate an ideal order is to respond to the disposition in all human beings to live as they should. If this is universal, one might still expect that it would yield considerable, if not infinite, variety of response. But according to Maritain, “there is, by the very virtue of human nature, an order or a disposition which human reason can discover and according to which the human will must act in order to attune itself to the essential and necessary ends of the human being. The unwritten law, or natural law, is nothing more than that.”¹²

There is a developing, not a finished, moral conscience because knowledge of the law is imperfect, and that development is necessarily towards “essential and necessary ends.”¹³ Natural law has to acquire the force of law, inclination has to be clarified and made specific. This has been happening through time and thus explains why there is both commonality and variability in the moral understanding. Maritain asserts that the “progress of moral conscience is indeed the most unquestionable instance of progress in humanity.”¹⁴ Unfortunately, however, rights now overshadow obligations in the common understanding. Thus the moral progress is vitiated by the way in which it has been understood and pursued in practice. The rights of human beings emerged by inclination, but the discussion and specification have been defective. Despite this, Maritain insists “there is a dynamism which impels the unwritten law to flower forth in human law, and to render the latter ever more perfect and just in the very field of its contingent determinations.”¹⁵

It is difficult to know how to respond to Maritain’s tension-ridden argument. It is by no means self-evident, even if we accept the idea that there is an evolving materialization of the Gospel message, that the materialization or practical realization of that message can or will have a necessary and unambiguous temporal outcome that approaches the ever more perfect and just. Dialectically speaking, Maritain seems to share with Hegel – I do not mean of course that Maritain is an Hegelian – a particular sort of incarnational theology in which the Idea, as Hegel would say, is not so impotent as to remain only an Idea, but he does not accept that what actually happens in the process is all that can happen, that it is open-ended and contingent, and that we may either fail to realize our aspirations or realize them in ways that are not at all what we expected or had hoped for, that, so to speak, our successes may turn into our failures. To posit “essential and necessary ends” is to say that there is an ideal or correct unfolding of moral conscience through time that is not alterable by its actualization in time. This evolution is thus a revealing of what is not subject to time and is supra historical. History is supposed to confirm the faith expressed.

¹² *Ibid.*, p. 86.

¹³ *Ibid.*, p. 91.

¹⁴ *Ibid.*, p. 94.

¹⁵ *Ibid.*, p. 100.

On a different Christian outlook from Maritain's, the historically experienced combination of success and failure, of gain and loss, might be exactly what we should expect because it is what it means to be temporal beings. This does not mean that there are no better and worse results, better and worse regimes; but it may well mean that judgment in these matters will always be arguable and argument interminable; stipulating what is progressive is by no means self-evident.

Earlier, I mentioned the link of Maritain's outlook to the liberal tradition of Kant, Mill and Woodrow Wilson. We must return to this in light of the fact that Maritain criticizes the liberal tradition in this context. He laments that faith no longer unites us, and that we now see that reason alone cannot successfully replace faith. Religion, to be sure, has not disappeared, but it has become plural, and there is no religious expression which can claim successfully to be authoritative for us all. As we have been moving from a "sacral" age to a "secular" age the integrating force of Christianity has been constrained or excluded even while its residual, leavening effects remain. We are in a post-Constantinian age.¹⁶ It is obvious why Maritain would not accept this outcome as a realization in practice of the Gospel message, unlike some Protestant theorists or those theorists of secularization who believe that secular democracy is, in fact, a realization of the truth contained in the Christian tradition. But here again Maritain is unclear about whether, or in what sense, there can be in practice any such thing as the ideal order on earth. Of course, he accepts that the heavenly kingdom is not of this world, but does he fully explore the implications of this for earthly political life?

Maritain does recognize this insofar as he speaks of the need for Christian fortitude in a democratic society, and insofar as he commits himself to what he calls long-term success, rejecting what he calls the Machiavellian "illusion of immediate success."¹⁷ What he is proposing is to be taken as an ideal of permanent, inspirational value. We might choose to acknowledge this without expecting ever to enjoy anything but an ambiguous and arguable practical result. But the question remains as to how much this view is contingent upon our response to the actual historical conditions we experience. The ideal may be maintained apart from our view of our rising and falling fortunes in history, but the very assessment itself will be subject inevitably to endless debate and argument. Given the joint participation in governance of rulers and ruled, the limitations on any claims to political authority and the plural character of religious expression, it is hard to see how practical consensus on defining the true fulfillment of our destiny, so far as it is earthly, is to be achieved. One may admire the nobility of Maritain's aspiration but wonder whether he has fully absorbed, or was willing to admit, the true implications of the emergence of individuality in the realm which Hegel described as that in which all are free. The realm of universal freedom invests human beings with the responsibility to determine for themselves what is essential and necessary to them.

¹⁶ *Ibid.*, p. 162.

¹⁷ *Ibid.*, p. 71.

Social structures, Maritain says, must constantly be altered to allow the full emergence of the articulation and exercise of rights that are always present awaiting a forum for realization. The end is predetermined, and it is only our awakening to that end and full understanding of it that is still to be achieved. Yet there are also constraints on how this may happen – recognizing the need to use means worthy of the end sought – in preserving the rights of property, of education, constitutional dispersion of power to prevent claims of sovereignty, and so on. The manner in which we conduct our affairs is crucial. That has to be part of the end, constraining any determination of what the end is for us, since it has to be for us. But it would seem that the end has to be grasped as we can grasp it, that we must participate in defining the end in order to guide our action. Under these circumstances, Maritain might be seen as a sober progressive, like John Stuart Mill, continually seeking to reconcile order with innovation, and, as also with Mill, believing that ultimately there would be a convergence on truth.

The largest political innovation would be the establishment of Maritain's world political society under the moral leadership of a supreme advisory council to "organize international opinion," to articulate a common good that will supersede the common good of each body politic, and to subordinate the state as the principal unit of politics and world history.¹⁸ This would presumably constitute a concrete manifestation of the growing moral unity of mankind. One might describe this as the restatement of the Kantian ideal of the cosmopolitan point of view and perpetual peace as the solution to the Hobbesian problem, namely, how to gain a covenant without the sword. Yet it remains unclear, as in previous explorations of this ideal, how to achieve the covenant without the sword by means of agents of world history which inevitably employ the sword. At this point, one might think of the Augustinian critique of efforts at to transform politics by means of politics within world history. And here I shall turn to Michael Oakeshott.

II

Oakeshott famously has said that "in political activity, then, men sail a boundless and bottomless sea; there is neither harbour for shelter nor floor for anchorage, neither starting-place nor appointed destination. The enterprise is to keep afloat on an even keel; the sea is both friend and enemy; and the seamanship consists in using the resources of a traditional manner of behaviour in order to make a friend of every hostile occasion."¹⁹ Oakeshott described himself as a skeptic who would do better if only he knew how. Politics, an object of lifelong philosophic investigation for him, especially aroused his skepticism. In this he followed that strain of the Augustinian tradition which sees politics as a necessary evil for fallen humanity, something we cannot do without but also something not to be overrated, and

¹⁸ Ibid., p. 215.

¹⁹ Michael Oakeshott, "Political Education" in *Rationalism in Politics*, new and expanded edition (Indianapolis, Indiana: Liberty Fund Press, 1991), p. 60.

certainly not a source of salvation. He was skeptical of all ideologies, including schemes for world government or perpetual peace; more generally, he criticized the modern rationalism we associate with the legacy of Francis Bacon and René Descartes, first because he thought it promoted, especially in those less adept than Bacon and Descartes themselves, a philosophically mistaken understanding of human reason and how it works, and derivatively because he thought it magnified the dangers of political misjudgment in assuming that we can know where we are going and how to get there, what he called the pursuit of perfection as the crow flies. The political manifestation of this rationalism is to be found in the progressive and utopian tendencies of modern thought, not only in the extreme case of totalitarian regimes, but also the less obvious perfectionist idealism within the liberal tradition itself. Oakeshott's use of the term "rationalism" corresponds to Eric Voegelin's use of the term "gnosticism" in describing a misplaced claim of the autonomy of human reason, when armed with "appropriate methods," to remake the world according to our independently premeditated goals.

This rationalism and utopianism Oakeshott called the "politics of faith."²⁰ His point was that a *politics* of faith is contrary to faith as Christianity understands faith because it is faith in the things of this world. Oakeshott thought that what he called the "politics of skepticism," which tends towards minimalism in government because it thinks the primary issue is to constrain the use of governmental power rather than to expand it, is more appropriate to the human condition. At the same time, he thought that modern politics was a polarized field of tension between the "politics of faith" and the "politics of skepticism," that these dispositions emerged at the same time at the start of the modern period, roughly four hundred to five hundred years ago, and that they counterbalance each other, although the politics of faith has dominated in our era. It is this continuing polarity that constitutes the field of modern political life. Arguments over the scope of the state's activity, what it should or should not try to do, are shaped by this underlying field of tension within which we operate.

For Oakeshott, philosophy is the effort to understand in other terms what we already understand, to explain not to prescribe, to discern and describe the premises that clarify why we think and act as we do. Philosophical examination of politics led Oakeshott to formulate the explanation of modern politics as the tension between the politics of faith and the politics of skepticism. Yet this philosophical explication of modern politics cannot prescribe an ideal or generate a plan for improving the world. Oakeshott did not think that exploring politics philosophically could produce a simple, unified doctrine. He did not think we have access to a plan or a vision for reconciling the tension between the politics of faith and the politics of skepticism. His analysis seeks to clarify the way we live, but it leaves that

²⁰ Michael Oakeshott, *The Politics of Faith and the Politics of Skepticism*, ed. Timothy Fuller (New Haven: Yale University Press, 1996).

as it is. The philosophical study of politics, as he saw it, is not a higher, more abstract way to advocate policies. In wanting to understand politics philosophically Oakeshott sought to examine politics in detachment from the specific issues which, at any given moment, dramatize or reveal the character of political activity. To understand politics in this way is to adopt a stance that is difficult, perhaps impossible, for political actors to take up so long as they remain political actors.

Equally, the philosophic inquirer, if drawn to one side or another in political debate, can only present that inclination by disclosing the reasons he finds persuasive, exposing his position to further philosophic investigation. In this, Oakeshott was unquestionably influenced by Socratic dialectic and accepted the limitations that dialectical inquiry imposes on equipping oneself for political action. To seek more is to abandon philosophic reflection, favoring persuasion and action over prolonged, unfinished conversation. One cannot simply unify philosophic understanding with practical action. The attempt to do so will necessarily sacrifice the philosophic endeavor, and corrupt political action insofar as it takes on a misplaced sense of certainty that it can leap over the contingency and uncertainty inherent to political action. On these grounds, an Oakeshottian would be bound to say that Maritain has mixed politics and philosophy, and has justified the mixture by stipulating a shape and direction of world history through a particular reading of the implications of Christianity.

What Maritain asserts, therefore, would become for Oakeshott an invitation to a conversation of questioning. Among the questions that might arise from an Oakeshottian standpoint are these: Is it definitive for Christianity that there be an evolving materialization of the Gospel message in world history? Is it not likely that to think in such terms is to engage in stipulating the revelatory significance of one's own historical era, even to claiming to have an authoritative insight into what is relevant and irrelevant to the advance of world history?

At the same time, there is no doubt that Oakeshott and Maritain would agree on the validity of the western polities. But Oakeshott would put less emphasis on the democratic element, and, rather than exalting rights, he would find the greater achievement in the rule of law and the constitutional limits on power that derive from a deep rooted skepticism about politics that is itself prompted by Augustinian Christianity. He would see an error in thinking that one could advocate rights and also control the evolving understanding of what they mean to those who exercise them. For Oakeshott, the defect in the realization of rights, lamented by Maritain, is inherent to the idea of rights when rights are abstractly rather than locally and customarily understood. Maritain then could not assert that there is a "correct" realization of rights available to us. In this sense, Oakeshott acknowledges more fully the open-endedness of existence in world history, and did argue that Christian faith is not tied to the episodic character of historical existence. Like Maritain, Oakeshott would say that the state is not an independent entity but rides atop a complex whole that could never be comprehended in formal expression alone. Let us say that in practice they could be in friendly tension.

Maritain recognizes something that we surely cannot ignore: the universalism of thought that dominates our time. One may wonder whether Oakeshott adequately absorbed this phenomenon for he surely did not speculate on what could or might supersede the modern state. To understand philosophy as Oakeshott did, precludes speculation of this sort because it falls into the realm of the "ought to be" rather than the "is." Speculation on the future is an inevitable part of political activity, and there it makes a difference whether such speculation is sober and cautious or expansive and utopian, whether it is confident or alarmist, and so on. Thus to introduce such speculation into philosophical analysis is to confuse what, for Oakeshott, are two categorically different activities, amounting to carrying on politics by other means. Politics can overtake philosophy, but philosophy cannot overtake politics.

How then did Oakeshott characterize the modern state? In simplest terms, he articulated an ideal type of the modern state that he thought to be implicit in the actual practices of modern European states. It is a procedural state, largely intent on the tasks of minimal legislation and adjudication of disputes. In principle, it has at its disposal very little to redistribute. It is not the representative of a world historical purpose, or, perhaps, of any purpose but civil peace. Modern bodies politic, to use Maritain's term, are brought together by chance or choice, and are basically coercive associations bringing together people who need not and often do not agree on what their lives are for, but for whom exit is seldom a likely alternative. They are not voluntary associations which may be animated by a common purpose or a specified goal, and which one may enter and also exit. The civil condition is one in which many are bound together without agreement on common purposes or specified goals.

Moderns understand themselves as individuals entitled to recognition from each other, who are "in themselves what they are for themselves." The last thing people with such self-understanding want is to have a common purpose, justified as essential and necessary, imposed upon them. Nor is it likely that an agreement on the essential and necessary would arise spontaneously from the endless exchanges among them. Nor is there an agreement on anyone's claim to the authority to articulate such an agreement on behalf of the participants in the body politic. In short, the modern state in this view does not, and could not have, a telos. The modern state is organized precisely for people who do not think they can have such a thing. From the Oakeshottian perspective, one would ask Maritain if he is not confusing Christianity with an historicized neo-Aristotelianism.

In a way, the difference between Maritain and Oakeshott, to a degree, illustrates the distinction between the politics of faith and the politics of skepticism, as Oakeshott developed that distinction. It is clear that Maritain is not simply an exponent of what Oakeshott would call the politics of faith since that would mean the collapsing of the sacred into the secular. This clearly is not the case with Maritain as an orthodox Christian. Maritain appears in some measure to be drawn to the

politics of faith. On the other side, insofar as Oakeshott would be in practice an exponent of the politics of skepticism, even though philosophically speaking he cannot advocate either position, he could be questioned as to whether he has grasped sufficiently the need to respond to what are thought to be the unprecedented conditions of the twentieth century.

The point is, however, that here we enter into political discourse within the range of what has characterized our politics for several centuries. Philosophical reflection on these matters has both clarified some features of the situation and also led us into the uncertainty that philosophy imposes upon us when we seek its aid in deciding what we mean to ourselves.