PART II

Moral Directives: Principles, Habits, and Judgments

The Fundamental Role of Duty in Jacques Maritain's Moral Philosophy

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Jacques Maritain, notwithstanding the immense contribution he has made to Catholic philosophical thought in general, has not made a major contribution to the specific field of moral philosophy.[1] He has not added any discoveries or original insights to the extant corpus of moral thought. Nonetheless, he has made an important contribution in the order of clarification by shedding light on a number of fundamental moral notions that modern philosophy frequently misrepresents, and the modern world commonly misunderstands. Among these notions is that of duty, which is especially misrepresented and misunderstood in the contemporary climate.

Clarification in the area of moral philosophy is of particular importance because our age, as many of its prominent critics have pointed out, has little comprehension of what morality is, even in its most general features, nor a grasp of more specific and problematic notions such as duty.[2] The modern world has fallen prey to a tendency toward moral and intellectual fragmentation, something Maritain refers to as "a sad

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[1]Charles A. Fecher, *The Philosophy of Jacques Maritain* (Westminster, Maryland: Newman Press, 1953), p. 186.

[2]Alasdair MacIntyre, for example, states that "we have—very largely, if not entirely—lost our comprehension, both theoretical and practical, of morality." See *After Virtue* (Notre Dame, Indiana: University of Notre Dame Press, 1981), p. 2.

law of human nature."[3] It has taken its Judeo-Christian patrimony and reduced it to an assortment of unrelatable elements. As Maritain himself has explained, "you need only lessen and corrupt Christianity to hurl into the world half-truths and maddened virtues . . . which once kissed but will now forever hate each other."[4] Thus, the modern world views rights apart from duties, ethics as divorced from objective value, freedom uprooted from reason, reason in opposition to faith, and faith as incompatible with science. In this way, as Maritain continues, "the modern world abounds in debased analogies of Catholic mysticism and shreds of laicized Christianity."[5]

Our treatment of Maritain's contribution clarifying the notion of duty will be developed in three parts, in accordance with three distinct sources in Maritain's writings. The first source is a general one, reflecting material derived from several of his works, while the next two are restricted to his only two specifically moral works. In several of his books, Maritain repeatedly opposes two modern and erroneous positions concerning duty: first, that it is not nearly as important as rights; secondly, that it is an obstacle to liberty. The second source is based on a collection of lecture notes which he prepared for a graduate seminar at Princeton University, now published in English under the title, *An Introduction to the Basic Problems of Moral Philosophy*.[6] Although he regarded this work as merely a "fragment" of a more fully developed, systematic examination of the fundamental problems of moral philosophy, which he intended to but did not produce, it does contain a great deal of important material on the notion of duty. The final source is Maritain's longest work on morality, *Moral Philosophy: An Historical and Critical Survey of the Great Systems*.[7] While Maritain does not provide a specific treatment of duty in this work, he does provide invaluable insights on the subject, particularly in his criticisms of the concepts of duty developed by Immanuel Kant, Auguste Comte, and Henri Bergson. Maritain wants to preserve for duty three essential factors that these three philosophers fail to

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[3]Jacques Maritain, *Man and the State* (Chicago: University of Chicago Press, 1966), p. 94.

[4]Jacques Maritain, *Three Reformers: Luther, Descartes, Rousseau* (New York: Thomas Crowell, 1970), p. 143.

[5]*Ibid.*

[6]*Neuf leçons sur les notions premières de la philosophie morale* (Paris: Téqui, 1950).

[7]French language edition, Paris: Librarie Gallimard, 1960.

incorporate: *objective moral value*, *the subjectivity of the person*, and *freedom of the will*.

Two Modern and Erroneous Positions Concerning Duty

The first position concerns the widely held contention that duty is not nearly as important as rights. For Maritain the most dangerous implication of modern philosophies concerning human rights is their tendency to emphasize the rights of people in the absence of any proper concern for their concomitant duties or obligations.[8] In ancient and medieval times, more attention was paid to duties and obligations than to rights. The eighteenth-century, however, due to progress in moral and social experience, brought into full light the importance of human rights. But the achievement on the level of rights was paid for by a loss of the importance of duty. Epochs are invariably one-sided; philosophy strives for a more integrated and balanced view of things. A more authentic and comprehensive view, needless to say, would set rights and duties in their proper relationship with each other.

Because both rights and duties are based on the natural law, they are derived from a common source. Here, "the notion of right and the notion of moral obligation are correlative."[9] If one is morally bound to the things that are necessary to fulfill his destiny, he has the right to fulfill that destiny. As Maritain states, "natural law deals with the rights and duties which are connected in a necessary manner with the first principle: 'Do good and avoid evil'."[10] Just as one person has a right not to be a victim of evil, so, too, another has the duty not to be its perpetrator. Moreover, the right to be treated in accord with one's dignity as a person implies the corresponding duty to treat people in the same way. Concerning the question of how one comes to know what the natural law duties are, Maritain advises that the answer lie in a knowledge by connaturality or inclination which everyone possesses,

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[8]Jacques Maritain, *The Rights of Man and Natural Law*, trans. Doris Anson (New York: Charles Scribner's Sons, 1947), pp. 65–66.

[9]Jacques Maritain, *Man and the State* (Chicago: University of Chicago Press, 1966) p. 94. See also John Dunaway, *Jacques Maritain* (Boston, Massachusetts: Twayne, 1978), p. 81 and Jacques Maritain, *The Rights of Man and Natural Law* (New York: Charles Scribner's Sons, 1947), pp. 80–81.

[10]Jacques Maritain, *Man and the State* (Chicago: University of Chicago Press, 1966), pp. 97–98.

even if it is not cultivated in everyone. Through such knowledge, one becomes better attuned to who he is in his nature and what proper actions and ends he should pursue. In Maritain's words, one "consults and listens to the inner melody that the vibrating strings of abiding tendencies make present in the subject."[11]

The second position concerns the commonly held belief that duty is an obstacle to liberty. Those who regard duty as an obstacle (if not an enemy) to liberty—Rousseau, Nietzsche, and Sartre, in particular—conceive freedom as an absolute, independent of any limitation and all objective measure. Such a conception, lacking as it does any foundation in being, represents for Maritain a form of metaphysical nihilism. When Rousseau states that man is subject to no other law than that of his own will and freedom, and that he must "obey only himself," he is actually disavowing the world of nature, with its laws and regulations which provide the very basis for his freedom. Rousseau is trying to fulfill himself upon the refusal to be himself in any real and substantial way.[12] He plants himself in an existential vacuum which prevents him from drawing even the first breath of freedom. Freedom, in the deepest moral meaning of the term, is not absolution from all restrictions, but the opportunity to be who one is, that is to say, to make choices that are consonant with the nature and inclinations of one's being.

Sartre holds that, since existence precedes essence, there can be no model or basis for any duty to conform to any particular form or nature. Existence functions independently of essence. Thus, authentic existence demands total freedom or emancipation from any essence. Essences by their nature constrict freedom. Maritain argues that Sartre's existentialism is apocryphal, for without essence, which is what existence posits, there can be no existence. Essence and existence are correlative and inseparable; by abolishing essence, one abolishes existence at the same stroke.[13] Existence without essence is "unthinkable," since in the absence of essence, there is nothing for existence

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[11]*Ibid.*, p. 92.

[12]Jacques Maritain, *Man and the State* (Chicago: University of Chicago Press, 1966), p. 67; Jacques Maritain, *Three Reformers: Luther, Descartes, Rousseau* (New York: Thomas Crowell, 1970), p. 129; Jacques Maritain, *Scholasticism and Politics*, translation ed. by Mortimer J. Adler (Garden City, New York: Doubleday, 1960), p. 95. See also Joseph Pappin III, "Maritain's Ethics for an Age in Crisis," in *Understanding Maritain: Philosopher and Friend*, ed. Deal W. Hudson and Matthew J. Mancini (Macon, Georgia: Mercer University Press, 1987), p. 306.

[13]Jacques Maritain, *Existence and the Existent*, trans. Lewis G. Galantiere and Gerald B. Phelan (Garden City, New York: Doubleday, 1957), p. 3.

to actuate.[14] Sartre's position does not secure freedom but removes its basis and therefore its possibility.

Similarly, Nietzsche maintains that a man can have no obligation to truth because, in fact, such truth would hold him in bondage and smother his freedom. Maritain regards such a position, which represents the absolute isolation of the self from the world of intelligibility as not only unthinkable, but as a disposition that would inevitably lead to insanity.[15] For Maritain the ground for establishing the existence of duty is the fact that the formal constitutive element of human morality is not liberty, but reason. And it is in the relationship between reason and the good that we find the basis for duty, a duty that is fully compatible with liberty. Liberty itself cannot be the basis of liberty. Without reason and all the counsels it provides, liberty is singularly fragile. Knowledge, advice, and the like are not incompatible with freedom; in fact, they support it and supply the context in which it can operate. The only way to preserve liberty is to ground it in reason, for as Aquinas stated, "the whole root of liberty is established in reason."[16] When reason is suppressed, liberty is suppressed along with it. Liberty without a rational ground that would give it meaning "is nothing but that amorphous impulse surging out of the night which is but a false image of liberty."[17]

Other modern philosophers, Soren Kierkegaard and Karol Wojtyla in particular, clearly understand how freedom becomes impotent in the absence of reason. In *Works of Love* Kierkegaard discusses the unbreakable relationship that exists between freedom and reason (or law as an expression of reason), and how this relationship provides the basis for duty:

> By coming into existence, by becoming a self, he [man] becomes free, but in the next moment he is dependent on this self. Duty, however, makes

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[14]*Ibid.*, p. 15. See also Jacques Maritain, *A Preface to Metaphysics* (New York: New American Library, 1962), p. 27: "Therefore Cajetan can say in a phrase full of meaning for the metaphysician that it is not contradictory to say *existentia non existit*, existence does not exist. For the term *existentia*, the concept and the term existence designates existence itself from the standpoint of essence, inasmuch as it is an intelligible concretion, a focus of intelligible determination, *existentia ut significata*, as apprehended by a concept."

[15]Jacques Maritain, *An Introduction to Philosophy*, trans. E. I. Watkin (London: Sheed and Ward, 1937), p. 180.

[16]Aquinas, *De Veritate*, 24, 2: *Totius libertatis radix est in ratione constituta.*

[17]Jacques Maritain, *Existence and the Existent* trans. Lewis G. Galantiere and Gerald B. Phelan (Garden City, New York: Doubleday, 1957), p. 69.

> a man dependent and, at the same moment eternally independent. "Only law can give freedom." Alas, we often think that freedom exists and that it is law which binds freedom. Yet it is the opposite: without law freedom does not exist at all, and it is law which gives freedom.[18]

In another modern work about love, *Love and Responsibility*, Karol Wojtyla reaffirms the indispensable relationship between freedom and norms (i.e., objective norms which the mind can grasp) in the establishment of duty. He writes that

> freedom of the will is possible only if it rests on truth in cognition. This is where the concept of duty comes in. For it is a man's duty to choose the true good. It is, indeed, duty that most fully displays the freedom of the human will. The will "ought" to follow the true good, but this "ought to" implies that it "may" equally well not do so. Situationism and existentialism, which reject duty allegedly in the name of freedom, thereby deny themselves any real understanding of free will, or at any rate of that which most fully reveals it. For the freedom of the human will is most fully displayed in morality through duty. But duty always grows out of the contact of the will with some norm.[19]

These statements of Kierkegaard and Wojtyla are fully in accord with Maritain's view of duty. Rousseau, Sartre, and Nietzsche all fail to grasp how reason, because it is the formal constitutive element of morality, links the moral subject to a world of values which not only gives meaning and direction to liberty, but provides the very condition which makes liberty possible. Moreover, the proper exercise of informed liberty is the very essence of duty.

An Introduction to the Basic Problems of Moral Philosophy

Maritain's only systematic treatment of duty appears in the work, *An Introduction to the Basic Problems of Moral Philosophy*. The first point he makes concerning *duty* or *moral obligation* (he uses the terms interchangeably) is that it depends immediately on value.[20] By

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[18]Sören Kierkegaard, *Works of Love*, trans. Howard and Edna Hong (New York: Harper and Row, 1962), p. 53.

[19]Karol Wojtyla, *Love and Responsibility*, trans. H. T. Willetts (New York: Farrar, Straus, Giroux, 1981), pp. 119–120.

[20]Jacques Maritain, *An Introduction to the Basic Problems of Moral Philosophy*, trans. Cornelia N. Borgerhoff (Albany, New York: Magi Books, 1990), p. 92.

"value" Maritain refers to moral good in the perspective of formal causality, that is, the good as signifying the intrinsically good quality of a human act. Aquinas refers to this good (as did the ancients) as the *bonum honestum*, the honorable good, or value, or the good in and for itself.[21] One has an obligation with regard to this good because of the *value* it possesses. The first duty is to choose God because He represents infinite value. Every duty depends on the value of the act that is performed: if it is morally good, then it must be done; or if it is morally evil, it must not be done. Duty, therefore, is based on value, by virtue of the first practical principle: *the good is to be done and evil is to be avoided.*[22]

A person has a duty to respect the life of his neighbor not because it is a means for attaining his ultimate end, but because it is of itself a morally good act that responds to a value. One does not exercise an honorably good act (*bonum honestum*) as a means of attaining one's ultimate end. This would disregard the value inherent in such good acts. Rather, one attains one's end because he has responded to his duties in performing honorably good acts. Ordination to one's final end does not establish obligation; it presupposes it.[23]

Value, as it is described here, is not related to taboos, external social constraints, or the psychological transference of fears, but to the natural law. Maritain cites the example of Sophocles's heroine, Antigone, who, by insisting that her brother be buried, is unswervingly faithful to the unwritten natural law. Antigone is prepared to obey her obligation even at the price of her own life. Her obligation seems to be independent of any concern for happiness. As Maritain states, moral obligation "imposes itself on our consciousness without the slightest consideration either for life or for happiness, simply by the compelling force of what is seen as beautiful and good (thus to be done) or as evil (thus not to be done)."[24]

Nonetheless, value alone does not suffice as the motive of moral action. There must be a bond or level of identification between the moral act and the moral subject. The value of the act provides the *formal* cause for which it is chosen. There still remains, however,

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[21]*Ibid.*, p. 20.
[22]*Ibid.*, pp. 92–93.
[23]*Ibid.*, p. 94.
[24]*Ibid.*, p. 103.

the *final* cause that explains how the act can be exercised and passed into existence. The order of *specification*, then, is distinguishable from the order of *exercise*. In the case of Antigone, her fraternal piety appears to her not only as better in itself (the *formal* cause), but also as better for herself (the *final* cause). She acts as she does, in part, because she must protect something precious in herself. Moreover, the correlation between the formal aspect of a good with the good for the individual person, that is, the act as specified with the act as exercised, implies a broader correlation between the person's total good and the absolute Good which is God.

Concerning the correspondence between duties and rights in different moral agents, Maritain contends that there can be duties for which there are not corresponding rights. He offers the example of our relationship with animals. We truly have duties *to* them even though, because animals are not moral agents or persons, they can possess no corresponding rights. One has a duty to feed a particular dog, for example, without that animal being the possessor of any corresponding rights.

In addition to such kinds of duty, which are based on what Maritain calls "respect for life," are the "duties of charity."[25] These latter duties are indeed duties and are not superogatory, even though they presuppose no corresponding rights in the individual for whose benefit they are exercised. A disabled person does not have a right to some particular thing I may give him. But I have a duty in charity to him based on the law of superabundance, which is at the heart of being. The exercise of such duties manifests a certain generosity that goes beyond justice. This generosity springs from the "deepest requirements of being, those through which beings resemble God."[26] Duties that correspond to a right are centered in the other. "Duties of charity," on the other hand, are centered beyond or above the other, in the very center of being.

Duty, therefore, has a certain primacy over rights inasmuch as it is directed toward *the good* (or to avoid *evil*). Primarily, a person is obliged to do *the good* and to avoid *evil*. It is only secondarily that duty corresponds to a possessor of rights. In the final analysis, duty

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[25]*Ibid.*, pp. 168–169.
[26]*Ibid.*, p. 170.

to the good culminates in an obligation to the Subsisting Good, who is God.

Finally, moral obligation implies a *free* act that excludes any coercion, external or internal. The binding force of obligation comes from reason. Here, Maritain quotes Cajetan, who states that "The binding power of moral obligation comes from right reason alone as the constraining power."[27] The only pressure brought to bear on the will is intellectual. Yet this intellectual pressure in no way violates the freedom of the will, because the faculty of desire is naturally ordinated to the good which right reason is able to identify and clarify. Moral obligation appears as a constraint to people only when they are rebellious to reason. It loses that aspect of constraint, according to Maritain, to the extent that we are transformed by love and are willing to do the good which reason illuminates, of our own accord.[28]

Moral Philosophy: An Historical and Critical Survey of the Great Systems

Maritain's systematic treatment of duty, though incomplete, does provide a good working basis from which he is able to criticize the views on moral obligation propounded by a variety of modern thinkers. In his critical survey of moral systems, Maritain directs his energies to three modern views of duty in particular. In assessing these views—represented by Kant, Comte, and Bergson—Maritain is able to clarify further the shape and substance of his own position on the subject.

The essential weakness in the concept of duty according to Immanuel Kant is the elimination of value. In the speculative order, Kant establishes knowledge not on being but on the knowing subject and its *a priori* forms. In the practical order, he establishes the whole moral life not on the good (the *bonum honestum*) but on the pure form of duty. Maritain's fundamental criticism of Kant's philosophy, then, is that inasmuch as it is a form of "acosmic idealism," it withdraws from the real world of being and takes refuge in the ideal world of pure

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[27]*Ibid.*, p. 182, from Cajetan's *De obligatione et observatione praeceptorum*, p. 2: *Vis obligativa in debito morali ex sola ratione ut a coactiva cirtute proficiscitur.*

[28]*Ibid.*, p. 180.

thought.[29] His particular criticism of Kant's ethics is that it is severed from the world of objects and hence from a world of real value.

Given this separation from a world of objective good, Kant can state that "A person is subject to no other laws than those which he (either alone or jointly with others) gives to himself."[30] In other words, as Jean-Jacques Rousseau had declared, man must "obey only himself" because every measure or regulation originating from the world of nature would destroy his autonomy as well as his dignity.

Maritain states emphatically that obeying a law established by another (particularly the natural law established by God) does not violate autonomy and dignity, because the law we are speaking of is the law of our own nature and created for our own good. Therefore, when one understands through reason that the law he obeys is just and good, it is his own reason that he is obeying. For Maritain "[t]he only authentic autonomy for the human being is to fulfill the law—the law of another—which he has made his own through reason and love."[31]

For Kant one's duty is to obey the categorical imperative, which, detached from objective value, is justified on the purely formal plane of universalizability and freedom from inherent contradiction. The Kantian "you ought," according to Maritain, is like an eruption from the heaven of Pure Reason, imposing itself on the empirical world. It has no content. It is the manifestation of Pure Reason's rule over us "without the least reference to intrinsic goodness, to the *good as value*."[32]

Just as Kant rejected the "thing-in-itself" from the world of knowledge, he rejects the "good-in-itself" from the sphere of ethics. In the same way that knowledge is subsumed under *a priori* forms, value is subsumed under a rational maxim that is legitimized because it can be universalized without contradiction. Duty, then, is not a response to a value that is extramental and identifiable with one's own good. Rather, it is an acquiescence to a purely formal law which is imposed by the categorical imperative under the authority of a Pure Practical Reason. Maritain concludes that "in this ethics the specification of moral acts

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[29]Jacques Maritain, *Moral Philosophy: An Historical and Critical Survey of the Great Systems* (New York: Charles Scribner's Sons, 1964), p. 97.

[30]Quoted in Jacques Maritain, *Man and the State* (Chicago: University of Chicago Press, 1966), pp. 83–84 from Immanuel Kant, *Introduction to the Metaphysics of Morals*, IV, 24.

[31]Jacques Maritain, *Moral Philosophy : An Historical and Critical Survey of the Great Systems* (New York: Charles Scribner's Sons, 1964), p. 105.

[32]*Ibid.*, p. 107.

is freed from any consideration of the good, of the goodness-in-itself of the object (that is to say, of its conformity with reason in virtue of the nature of things); and this is logical enough, since things in themselves cannot be reached in Kant's system."[33]

The major problem in the notion of duty for Auguste Comte is the extinction of personality. The positivism of Comte is a direct reaction to the formalism of Kant. He believed fiercely that Christianity was too much caught up in abstractions and too little concerned about the good of others, or, in Comte's language, "positivist altruism." He accused Christianity of being essentially anti-social for several reasons: a) because seeking personal salvation exemplifies pure egoism; b) because loving others for the love of God excludes "human sympathy"; and c) because Christianity's emphasis on "purely interior observations" profoundly isolates the individual person from Humanity.[34] For Comte the man who believes that he is in touch with Absolute Being can only be a ferment of social disintegration. To live for others, then, becomes each individual's paramount and enduring duty.[35] Humanity, conceived sociologically as a collective whole, is the true human *reality, whereas the individual is an abstraction because he* exists, lives, and had value and dignity only as a part of this whole.[36]

The obligation of everyone toward Humanity, the "new Supreme Being," as Maritain states, is the only relation of justice which finds a place in Comte's thought.[37] At the same time, any inclination to personal good—that is to say, to the good of the self—is held to be essentially egoistic and nonintegratable with the pure, disinterested love of others. Love for others is presumed to be a total repudiation of every kind of love for oneself.

Maritain rejects such a pure form of disinterested love as metaphysically impossible. Since, as he maintains, "the one whom I love is another myself, my natural love for myself is the matrix in which

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[33]*Ibid.*, p. 116.

[34]*Catchisme positiviste* (Paris: 10 Monsieur-le-Prince St., 1890), pp. 277–278. See also Henri de Lubac, S. J., *The Drama of Atheist Humanism*, trans. Edith Riley (New York: The World Publishing Co., 1966), p. 106.

[35]*Ibid.*, pp. 166–167.

[36]Jacques Maritain *Moral Philosophy: An Historical and Critical Survey of the Great Systems* (New York: Charles Scribner's Sons, 1964), p. 330.

[37]*Ibid.*, p. 331.

a new love, utterly different, takes form, loving another not for my sake, but for his sake."[38] Natural love for oneself, therefore, serves as an ontological support for love of others.

Comte, in advocating a love superior to Christian charity, conceives a love that excludes the lover's own being and his proper perfection. The tender adoration of the Great Being—Society—leaves no room for the good of the individual's own personality. One is truly a man, according to Comte, if, when he is confronted with the needs of society, every claim of his individual personality fades away.

The fundamental problem with Comte's positivist altruism in Maritain's view is that, properly speaking, there simply are no others.[39] If there is no good present in the subjectivities of individual persons, there is nothing for them to give to others, no basis for any love or sympathy, and no ground even for any positive identification with others. With the extinguishing of personality, what remains is a false and abortive love, merely a feeling, a form of sentimental hedonism. The "I-Thou" relationships of Christianity give way to "I-It" relationships in the illusory perspective of Comte, cut off from the ontological density that characterizes the absolute of personal subjectivity.[40]

For Maritain knowledge of self becomes ontological when it gains an intuition of the basic generosity of existence that is inscribed in one's being. Subjectivity superexists through knowledge and love, existing because of its inner law of generosity, simultaneously for self and others: "self-mastery for the purpose of self-giving."[41]

But for Comte there is not only no knowledge of self but no self in any substantive sense that could be subject for self-knowledge. In stating that Positivism never admits anything but duties, of all to all—that "Each has duties, and towards all; but no one has a right properly speaking,"—Comte is effectively destroying any basis for individual personality.[42] Because Comte, true to his Positivism, could not ascribe any intangible dignity to the person, he could not grant him

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[38]*Ibid.*, p. 335.

[39]*Ibid.*, p. 336.

[40]*Ibid.*, p. 337.

[41]Jacques Maritain, *Existence and the Existent*, trans. Lewis G. Galantiere and Gerald B. Phelan (Garden City, New York: Doubleday, 1957), p. 89.

[42]*Catchisme positiviste*, pp. 298–300.

any rights. "Our young disciples," Comte writes, "will be accustomed, from childhood, to look on the triumph of sociability over personality as the grand object of man."[43]

By emphasizing duties to the exclusion of rights and even to the exclusion of personality, Comte made morality submit completely to the world, to "*nothing but the earth*," as Maritain remarks.[44] In so doing he failed to see that man has a moral duty to transcend the order of the world in keeping with his duty to be himself. A society of self-less automatons, whatever one may call it, is not a human society.

The central error in Henri Bergson's understanding of duty is the submersion of freedom. In Bergson's *Two Sources of Morality and Religion*, he speaks of moral obligation in the "closed society" as "a force of unvarying direction, which is to the soul what force of gravity is to the body." This force "ensures the cohesion of the group by bending all individual wills to the same end. Man was made for such a society, Bergson goes on to say, "as the ant was made for the antheap."[45]

Maritain does not recognize this as moral obligation at all, but rather as a purely factual force of the same order as cosmic and organic energies.[46] Moral obligation binds a person's conscience to do good and avoid evil even though all of society brings pressure to bear on him in the opposite direction.

In Bergson's treatment of the "open society," he speaks of obligation as the force of an "aspiration" or an impetus which bears a resemblance more or less to instinct.[47] Here obligation is not so much "attenuated compulsion" as it is "irresistible attraction."[48] Therefore,

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[43]*Ibid.*, p. 263.

[44]Jacques Maritain, *Moral Philosophy: An Historical and Critical Survey of the Great Systems* (New York: Charles Scribner's Sons, 1964), p. 347.

[45]Henri Bergson, *The Two Sources of Morality and Religion*, trans. R. Audra et al. (Garden City, New York: Doubleday, 1954), p. 166. See also the University of Notre Dame Press reprint, 1986.

[46]Jacques Maritain, *Moral Philosophy: An Historical and Critical Survey of the Great Systems* (New York: Charles Scribner's Sons, 1964), p. 429. See also Jacques Maritain, *Ransoming the Time*, trans. H. L. Binsse (New York: Charles Scribner's Sons, 1946), p. 92.

[47]Henri Bergson, *The Two Sources of Morality and Religion*, (Garden City, New York: Doubleday, 1954), p. 55.

[48]*Ibid.*, p. 96.

his obligation to aspiration in the open society is fundamentally as coercive as is his notion of obligation in the closed society. Although obligation associated with aspiration originates from a higher source, interior to the soul, it, like the obligation of the closed society, remains essentially incompatible with freedom in the truest sense of the term.

Authentic obligation, as Maritain explains, is a paradox because it binds free will, and yet allows it to retain all its spontaneity. The binding force of obligation has nothing to do with anything physical; nor can it be identified with pressure or aspiration, the constraints of society, or the attraction of love. The force of obligation is purely intellectual. It relates not to efficient or final causality but to formal causality alone. Obligation is freely accepted by the will whose natural ordination is to the good as formally recognized. Obligation does not impose itself on the will as an efficient cause, since such force would be contrary to the free nature of the will as a power that is not determined to choose this or that particular good.

The free will, according to Maritain, is so constituted that it is natural for it to be formed by the light of the intellect. At the same time it is necessary that the will be directed to that which is morally good. The will is obliged by virtue of what the intellect sees as good. Thus, it is possible to speak of moral obligation as a constraint naturally undergone, one that does not impede the will from remaining master of its action or from operating in accord with its nature. Obligation has nothing to do with coercion but is merely a vision made known by the intellect of what is good or bad, which permits the will to operate freely and in full accord with its nature.[49]

Bergson, as far as Maritain is concerned, attaches too much coercive weight to his notion of obligation. He does this with respect to both his open and closed societies. As a result, he submerges freedom and replaces authentic obligation with various forms of compulsion.

Conclusion

Maritain's evaluations of duty according to Kant, Comte, and Bergson reveal three essential ingredients of duty that these modern philosophers lose sight of, namely: *value*, *personality*, and *freedom*.

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[49]Jacques Maritain, *Moral Philosophy* (New York: Charles Scribner's Sons, 1964), p. 434.

Maritain's view of duty is an intricate and carefully reasoned integration of these three factors. A positive side-effect of his critique is the further clarification of an earlier position stated in his more systematic work, *Introduction to the Basic Problems of Moral Philosophy*. In other words, Maritain shows how duty can be brought into better balance with rights and how it is not in any way an obstacle to freedom.

Maritain argues that duty is more comprehensive than rights, touches the heart of one's moral being, and represents a generosity of existence that is not found in rights.[50] He also argues, however, that the notion of rights is more profound than that of duty because God has a sovereign right over His creatures, and yet has no moral obligation towards them (although He owes it to Himself to give them what is required by their nature).[51] We may resolve this paradox by understanding that from the viewpoint of man, duties are more profound than rights because duties more faithfully characterize the human being as the initiator of moral action. On the other hand, and indeed from God's standpoint, rights are more profound because they more accurately characterize God as exercising his Divine prerogative as Creator. God has His rights, and man, his duties. The correspondence between Divine right and human duty captures the essential drama of the creation of man and his return to God.

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[50]Jacques Maritain, *An Introduction to the Basic Problems of Moral Philosophy* (Albany, New York: Magi Books, 1990), p. 170.

[51]Jacques Maritain, *The Rights of Man and Natural Law* (New York: Charles Scribner's Sons, 1947), p. 65.