

# MORAL ABSOLUTES, MORAL RELATIVISM, AND POLITICAL REPRESENTATION

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## 1. Moral relativism

In recent years, every election cycle presents Christian voters with the unfortunate dilemma of voting on candidates who claim to believe strongly in the Christian moral worldview, but who nevertheless feel constrained not to support legislation to further that moral position. These candidates evidently believe that in order to protect the separation of Church and State they must maintain a strict separation of purely personal morality from public policy.

It is an obvious fact, however, that, for public policy to further the common good, policy-makers must take a stand on certain moral issues related to the welfare of individuals and groups. For example, public policy has come to hold as uncontroversial social goods such moral views as that: slavery is bad, fair wages are good, and children require special protections. If a candidate insists upon completely isolating policy from morality, he would not be able to fulfill the duties of his office, which include guiding the nation to some concrete realization of the common good.

Since it is impossible for office-holders not to legislate *some* vision of the common good, legislative choices not based on a coherent moral vision of the common good would be merely arbitrary preferences for the claims of one group over another. This paper contends that the operative principle behind an absolute refusal to legislate on the basis of one's moral vision is ultimately a type of moral relativism. That is, while the candidate personally acknowledges an act to be evil, the candidate also insists that act cannot be prohibited lest the prohibition infringe upon the right of each person to decide moral values for himself. My purpose is to show that a complete exclusion of morality from public policy decisions is indicative of moral relativism and, further, that moral relativism prevents a politician from fulfilling the duty to enact with integrity policies for the sake of the common good. As a means of exploring this topic, the paper will employ as its primary

example the case of a candidate for political office who personally believes abortion is wrong, but who nonetheless refuses to oppose legalized abortion as a matter of public policy. Thus, the Christian candidate who supports abortion rights will be argued to be unfit for office.<sup>1</sup>

## 2. The moral relativist as a representative

The question of whether a moral relativist can hold office may seem to be an unrealistic concern in that it is unlikely moral relativism has ever prevented anyone from holding office. But it ought to be of concern, since the practice of moral relativism would necessarily shape one's approach to public policy. The fundamental problem is that a consistent moral relativist, who should be unwilling to impose his personal beliefs on others, would be unable to support a government's purpose of directing a nation to the common good. The argument for this contention is very brief. The remainder of this paper will aim to clarify and defend the problematic premises in the argument. The argument runs as follows:

1. Definition of a moral relativist: A moral relativist is one who holds that every person competently defines the good for himself.
2. The duty of the government: The primary duty of the government is to legislate for the sake of the common good of a country.
3. A moral relativist cannot direct the country to a common good: Since the moral relativist necessarily remains agnostic about the objective nature of any perceived good, he cannot legislate any one vision of the good on behalf of the citizens. At best, he could encourage every person to pursue his own individual idea of the good, but this amounts to anarchy.
4. Thus, a moral relativist cannot properly fulfill the function of president or legislator. It follows, also, that no citizen who embraces

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<sup>1</sup> The author acknowledges that there are Christian denominations that do not take a consistently pro-life stand. However, he writes specifically from the Roman Catholic perspective, where the role of the Magisterium makes the issue much less ambiguous for Catholic voters.

the moral objectivity inherent in a substantive notion of the common good should ever vote for a moral relativist.

While I think this argument is cogent, it is also true that the premises are far from uncontroversial. In particular, objections might arise against the assertion that the government's duty is to guide the nation to a common good, and also against the presumption that the common good must be something other than the sum of individual goods. Both of these points can be defended by showing that they are interdependent and that, consequently, the attainment of the common good is inconsistent with moral relativism in a national leader.

### 3. Government and the common good

First, it must be argued that that the common good cannot be simply the sum of individual goods, but is an end over and above the individual good. Then, because the common good is not simply the sum of individual goods, we can argue that the executive branch must legislate the substantive moral standards necessitated by that vision of the common good. The interdependence of these points is important; for, if the common good were the sum of individual goods, then an executive could be a relativist, for his duty would be to maximize individual goods as defined by each person, no matter how incommensurate those goods might be among themselves. However, if there is a specifiable common good which takes precedence over any individual good, the government would have to recognize this common good as the objective end of its activity. But if there is a specifiable common good over and above the sum of individual goods, then a moral relativist would clearly have to be excluded from office.

This line of argument explains why the paper uses abortion as a primary example of the conflict between religious belief and public policy legislation. Abortion is an issue that sheds valuable light on the two main points above. To make this example probative, we need also to show that the candidate who asserts that abortion is merely a matter of individual conscience is a moral relativist.

Obviously, persons have many beliefs that simply reflect individual taste, and all would agree that these personal preferences ought not to be legislated as constituents of the common good. For example, there are vegetarians who oppose meat eating, but few would expect them to

order all the steakhouses closed. Similarly, there are people who oppose the consumption of alcohol, but there would be credible objections against the reintroduction of Prohibition. Likewise, many people find smoking tobacco to be repulsive and unhealthy. Nevertheless, despite the increasing marginalization of smokers, few would endorse an absolute ban on smoking. In all of these instances, we would expect the candidate to say, "I personally do not smoke (or drink or eat meat), but I believe people have the right to decide for themselves whether they will do so." Is there any reason why abortion should not also be considered a matter of purely personal belief?

Despite the aforementioned examples, it is nevertheless the case that some behaviors ought not to be evaluated with similar agnosticism. For example, to say that one personally is opposed to rape, but that there ought not to be a public prohibition, since it is up to the individual, strikes one as evidently wrong. It is also implausible to claim personally to abhor racism, but to allow people to practice it according to their own doctrines. Similarly, to oppose torture or terrorism, but complacently to accept its occurrence as merely an expression of individual conscience is to manifest a moral obtuseness so evident as to make that person unfit for office.

Clearly, then, there are issues that are crucial to the common good that must not be relegated by official agnosticism to the realm of subjective opinion. For a government to refuse to take a stand on these issues is to admit implicitly to an unacceptable dichotomy between personal morality and the public good, and so to sanction a radical form of relativism.

Abortion provides a compelling illustration of this situation precisely because pro-life advocates see it as being like the second set of issues in that it is objectively wrong, and so worthy of universal prohibition, while abortion supporters see it as a matter of personal conscience, and so exempt from government interference in the exercise of personal freedom.

We must, therefore, analyze this issue to demonstrate why it is a fundamental matter for the common good, thereby making the candidate in question a moral relativist in refusing to legislate against it. In order to do this, though, we must first return to the notion of the common good, for this will give us a criterion by which to evaluate

specific acts in relation to public policy. Thus, it is in light of the government's duty to pursue the common good that we can evaluate the so-called right to choose. In short, if abortion can be shown to be directly contrary to the human good, it is objectively wrong and so must be prohibited. To believe then that it is contrary to the common good and yet not prohibit it, to leave it as a matter of conscience and personal freedom, is a clear indication of moral relativism, since the candidate is then condoning behavior he admits to be contrary to the common good.

We therefore must first establish what is required for the common good. In the process, we shall also defend our two original points: that the common good is not simply the sum of individual goods and that the government must take determinate positions on moral issues.

Before entering that debate, however, let us first acknowledge that the primary role of the government is concretely to advance the common good. While most philosophers from Plato to Rawls would agree that governments are instituted for the sake of coordinating efforts of the populace so as to best realize what is good for the country as a whole (leaving open for now what that good is), Thrasymachus or Machiavelli, or their modern day counterparts, would not accept this premise. The basic question here is the nature of justice: is justice an objective moral order, or is it merely a conventional standard subject to change and distortion?

While this problem is beyond the scope of this paper, my argument rests on the natural law tradition in which there is an objective order of justice.<sup>2</sup> To reject this principle would be to doom the nation to a voluntaristic positivism in which rights are merely arbitrarily asserted and denied.<sup>3</sup> Presupposing the objective moral order of justice,

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<sup>2</sup> See Thomas Aquinas, *ST II-II 57.1*. All references to the *Summa Theologiae* are to the translation by the Fathers of the English Dominican Province in 5 vols. (New York: Benzinger, 1948; reprint, Allen, TX: Christian Classics, 1981).

<sup>3</sup> For some extended arguments along these lines, see Heinrich Rommen, *The Natural Law: A Study in Legal and Social History and Philosophy*, translated by Thomas R. Hanley, O.S.B. (Indianapolis: Liberty Fund, 1998); John Finnis, *Natural Law and Natural Right* (Oxford: Clarendon Press, 1980); and John Rist

government legislation must be judged according to the standard of that objective order. Consequently, the role of the government is to legislate so as to encourage justice as a civic virtue<sup>4</sup> and the concomitant friendship which, by forming a natural community, furthers the common good that is the standard for public laws.<sup>5</sup> In order to do this, the legislative and executive branches of government must determine prudentially the social order so as to guarantee the common good of its citizens.<sup>6</sup> In turn, citizens are bound in allegiance to the government that justly serves their needs.<sup>7</sup> If a law fails to protect the common good, it is not just, and so it is not a true law.<sup>8</sup> But any government that refuses to protect the common good is a tyrannical government not worthy of obedience.<sup>9</sup> Thus, the common good, which is the very *raison d'être* for a government's action,<sup>10</sup> is at the very heart of the notion of justice, and ought to be the standard by

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*Real Ethics: Rethinking the Foundations of Morality* (Cambridge: Cambridge University Press, 2002).

<sup>4</sup> ST I-II 92.1.c.: "Consequently it is evident that the proper effect of law is to lead its subjects to their proper virtue: and since virtue is 'that which makes its subject good,' it follows that the proper effect of law is to make those to whom it is given, good, either simply or in some particular respect. For if the intention of the lawgiver is fixed on true good, which is the common good regulated according to Divine justice, it follows that the effect of the law is to make men good simply."

<sup>5</sup> See ST I-II 96.1, 2, and 3.

<sup>6</sup> ST II-II 50.1.

<sup>7</sup> ST II-II 26.2: "Each kind of friendship regards chiefly the subject in which we chiefly find the good on the fellowship of which that friendship is based: thus civil friendship regards chiefly the ruler of the state, on whom the entire common good of the state depends; hence to him before all, the citizens owe fidelity and obedience."

<sup>8</sup> ST I-II 95.2.

<sup>9</sup> ST II-II 42.2 ad 3: "A tyrannical government is not just, because it is directed, not to the common good, but to the private good of the ruler.... Consequently there is no sedition in disturbing a government of this kind."

<sup>10</sup> As Aquinas says, the common good is the final cause or end of all law: ST I-II 90.2; thus, human laws are passed for the sake of the community, the common good of the people: ST I-II 96.1.

which governments are evaluated by their citizens and by history. Those who hold government office, then, are required to act for the common good.

#### 4. The common good

While this argument supports the notion that the government is meant to act for the common good, we have not yet explored what that common good is. The works of Yves Simon and Jacques Maritain articulate a notion of the common good that points us toward a solution to the problem of moral relativism and the limits of legislation.<sup>11</sup> Crucial to their idea of the common good is a hylomorphic anthropology that distinguishes human individuality, which is grounded in our material constitution, from human personality, which is based upon our spiritual nature (or form) and which defines our essence.

In considering man as a composite of individuating matter and defining form, we must recognize that, following the general metaphysical principle that the lower exists for the higher and the less perfect for the more perfect, the body exists for the sake of the soul and its operations; the soul does not exist for the sake of the body.<sup>12</sup> It follows, then, that the end of human existence lies in those operations of the soul which we all have in common due to our formal nature; it is not in our individual material existence. In other words, our individuality is for the sake of our personality, and we act as individuals

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<sup>11</sup> My argument follows those presented in Yves R. Simon, *A General Theory of Authority*, introduction by Vukan Kuic (Notre Dame, Indiana: University of Notre Dame Press, 1962) and Jacques Maritain, *The Person and the Common Good*, translated by John J. Fitzgerald (Notre Dame, Indiana: University of Notre Dame Press, 1966). My argument draws from both these works without attempting to be either a comprehensive summary of their positions, or a comparative analysis of their unique insights.

<sup>12</sup> See *ST I* 105.5.c.: "For the less perfect is always for the sake of the more perfect: and consequently as the matter is for the sake of the form, so the form which is the first act, is for the sake of its operation, which is the second act; and thus operation is the end of the creature." See also *SCG III* 20.5, in which Aquinas argues that matter exists and is good only in relation to its reception of form.

for the perfection of ourselves (and others) as persons, an end that is common to all persons. More specifically, the common good must be understood primarily in terms of the pursuit and communication of virtue and truth, those activities by which persons perfect their rational nature.

It is at this point that we immediately recognize the necessity of social order for the achievement of this end, since the development of virtue and knowledge is naturally contingent upon well-ordered social interaction. Thus, the common good is attained by ordering society to enable the perfection of the spiritual nature we all share as unique persons. This perfection is realized in acts of knowing and loving, both of which imply cooperative social relations. It follows that the common good cannot be achieved merely by supplying for the material deficiencies of atomistic individuals. Indeed, these materialistic needs, being rooted in the principle by which we are distinguished from others, are necessarily self-interested. On the contrary, the point of common action is for the sake of the communication of common principles which perfect each person subsisting in relation to society by making knowledge and virtue possible.<sup>13</sup>

Given that common action is not done to meet material needs but to enable the perfection of the higher principle, we are faced with a new issue. The rationality we aim to perfect also underlies human freedom.<sup>14</sup> Because freedom is concomitant with rationality, there are many possible ways to perfect our personal, or spiritual, nature. From this fact we draw two significant conclusions. First, since people are free, there must be some authoritative direction of the individuals so that they might act with common purpose, for this unity is necessary for the development of knowledge and virtue. Second, since the purpose of that common action is the perfection of our spiritual nature, the authority who directs the community must take substantive

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<sup>13</sup> This is clearly elucidated in Russell Hittinger's comment: "The word *communicatio* simply means making something common, one rational agent participating in the life of another. Society, for Thomas, is not a thing, but an activity." Russell Hittinger, *The First Grace: Rediscovering the Natural Law in the Post-Christian World* (Wilmington: ISI Books, 2003), p. 271.

<sup>14</sup> ST I.83.1.



positions on moral issues as worthy of pursuit or as contradictory to that end. A society directed to the common good will benefit the persons whose communion constitutes the perfection of man in his spiritual nature. Since humans cannot enjoy perfection without a society well-directed to the common good, any authority within society has both a right and a duty to command or prohibit specific behaviors in light of the common good of personal relations.

It is clear now that the government must take substantive moral positions; as a result, we can understand better why the common good is not simply about the aggregate welfare of individuals, but about a community of persons whose perfection depends on relations and common ends. This obviously refutes the popular utilitarian notion that the common good is simply the sum of individual goods.

Common to both the utilitarian principle and contemporary bourgeois liberalism is the belief that the common good is merely the aggregate of pleasures experienced. The duty of society to the common good, therefore, would be to make available the consumption of pleasure, primarily in terms of material "creature comforts" as ends in themselves and not merely as necessary preconditions for spiritual development. As Mary Ann Glendon has argued, this pursuit of materialistic ends has been absolutized by taking on the language of rights: "[T]he new rhetoric of rights is less about human dignity and freedom than about insistent, unending desires."<sup>15</sup> This misleading idea of the common good has utterly destructive consequences, for, according to it, authority can only act to satisfy the material desires of individuals; authority loses all power to shape society to meet our true spiritual ends. As a result, the state must become agnostic with respect to those spiritual ends it is in reality meant to inculcate.<sup>16</sup>

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<sup>15</sup> Mary Ann Glendon, *Rights Talk: The Impoverishment of Political Discourse* (New York: The Free Press, 1991), p. 171.

<sup>16</sup> Russell Hittinger again diagnoses this defect: "The postmodern state... is far less sure of its powers. It claims to be axiologically blind and deferent to individual conceptions of the good" (*First Grace*, p. 137). Appropriate here also is Jacques Maritain's remark that "The mistake of bourgeois liberalism has been to conceive democratic society to be a kind of list or arena in which all the conceptions of the bases of common life, even those most destructive

Let us clarify this point succinctly: as material individuals, we pursue ends that are strictly our own; as spiritual persons, on the other hand, we pursue ends that are necessarily communal—knowledge and virtue. While the common good does consider the material individual as a part of the community and so insures that basic material needs are met, those material needs are never in themselves the end of government action; rather, those public acts are for the sake of persons, the inter-relational, spiritual wholes which merit consideration over the disintegrative self-interest of the material individual. The government's pursuit of the common good, then, can never give preference to our individual material needs, for then it would contradict the very point of common action. In Maritain's words, to make the mistake of assuming that the common good is the sum of individual goods "would dissolve society as such to the advantage of the parts, and would amount to either a frankly anarchistic conception, or the old disguised anarchistic conception of individualistic materialism in which the whole function of the city is to safeguard the liberty of each."<sup>17</sup>

This assumption of moral authority by the executive branch in no way denies the value of democracy, since democracy, as a method of encouraging individuals to work together toward a common end, is an invaluable tool to guarantee the adequacy of the chosen end. However, it is important to remember that democracy, as a method, is merely a

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to freedom and law, meet with no more than the pure and simple indifference of the body politic, while they compete before public opinion in a kind of free market of the mother-ideas, healthy or poisoned, of political life.... Just as it had no real *common good*, it had no real *common thought*." Jacques Maritain, *Man and the State* (Washington, D. C.: Catholic University of America Press, 1998; licensed by University of Chicago Press, 1951), pp. 109-10.

<sup>17</sup> Maritain, *Person and the Common Good*, p. 50. In a more prophetic voice, Maritain makes the argument this way: "By being concerned for truth, and by grasping it, the spirit transcends time. To make the things of the spirit pass under the law of the ephemeral—which is the law of matter and the purely biological—to act as if the spirit were subject to the lord of the flies, is the first sign, the first symptom of the sickness denounced by St. Paul." Jacques Maritain, *The Peasant of the Garonne*, translated by Michael Cuddihy and Elizabeth Hughes (New York: Holt, Rinehart, and Winston, 1968), p. 14.

means and not the end itself.<sup>18</sup> If democracy were an end, the result would be a relativization of values to cater to base desires; this would destroy all hope of achieving the end for which democracy was instituted, the moral perfection of persons engaged in communal activity.<sup>19</sup> The democratic/utilitarian accumulation of individual goods would perpetually leave the higher urges of humanity unfulfilled, since its basis in self-centered material desires would militate against the sacrifice necessary for common action. In other words, the destiny of the human race is not each individual for himself, but a moral and relational community, since persons are necessarily relational moral beings who transcend the self-interested acquisitiveness of individuality.<sup>20</sup> But this transcendent end can only be realized by ordering sacrifices and duties within society, thereby implicitly demanding the acceptance of the dictates of authority which subordinate individual desires to the common good. As Simon concludes, "Thus we are led to understand that the principal act of social life is immanent in the souls of men. It is a communion in some belief, love, or aversion."<sup>21</sup> This is illustrative of the fact that, as the ancients recognized, politics and ethics are continuous, and that virtue

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<sup>18</sup> The consequences of this point are brought out by Robert P. Kraynak, *Christian Faith and Modern Democracy: God and Politics in the Fallen World* (Notre Dame, Indiana: University of Notre Dame Press, 2001).

<sup>19</sup> This point is made in different ways by Maritain, *Man and the State*, p. 61; and by Rist, *Real Ethics*, pp. 111-12 and 248.

<sup>20</sup> For an insightful discussion about the nature of the human as relational, see W. Norris Clarke, S.J., *Person and Being* (Milwaukee: Marquette University Press, 1993); see also Rist's analysis of the Platonic and Aristotelian principle that the *polis* is an essential component of the good life, in *Real Ethics*, pp. 205-22.

<sup>21</sup> Simon, *A General Theory of Authority*, p. 125. Thus Maritain's definition of the common good: The common good "is the maximum possible development, here and now, of the persons making up the united multitude to the end of forming a people, organized not by force alone, but by justice" (*The Person and the Common Good*, pp. 53-54).

is only accomplished in the context of a society dedicated to the common good of men as persons pursuing truth and goodness.<sup>22</sup>

## 5. Conclusion

We conclude, then, that the aim of common action is not the satisfaction of individual desires, not the mere establishment of an aggregation of atomistic consumers; rather, it is the founding of a just community capable of informing people of the common good. This explains why the government must take substantive positions on moral issues. Political authority in this community has the duty to institute practical laws so as to guarantee the continued moral flourishing of this community. Because the common good is not simply the sum of individual goods; and because it can only be achieved by the moral leadership of a government directing common action, it follows that a moral relativist would be unable to fulfill the duties of leadership.

These conclusions might seem to be at odds with the great Liberal tradition, which holds that governments must prescind from moral or metaphysical opinions so as to guarantee absolute freedom of individual conscience.<sup>23</sup> We may respond to this concern first by noting that both Simon and Maritain make devastating critiques of this particular notion of Liberalism.<sup>24</sup>

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<sup>22</sup> John Rist well describes the turn away from this notion of the good life to our modern predicament: "With such ideas [emphasizing individualism] important steps have been taken towards the thesis that the principal function of the state is to protect its members against one another (and presumably also against itself) rather than enable them together to work for a richer whole for all of its members than anything they could achieve individually" (*Real Ethics*, p. 208).

<sup>23</sup> A good illustration of this ideology is found in the Supreme Court's decision in *Planned Parenthood of Southeastern Pennsylvania v. Casey, Governor of Pennsylvania, et al.*, June 29, 1992, which, as Robert Bork recently commented, makes each person his own sovereign nation.

<sup>24</sup> See in particular, Simon, *A General Theory of Authority*, pp. 104-31; and Maritain, *The Person and the Common Good*, pp. 90-105.

In addition, we may recall Chesterton's criticism in *Heretics*.<sup>25</sup> Chesterton points out the widespread modern phenomenon of insisting that, while details can be matters of discussion, larger metaphysical or moral principles should simply be ignored as utterly subjective. As he puts it: "Everything matters—except everything." But, as he goes on to argue, this attitude is antithetical to man's rational spirit for, in our search for truth, it is precisely the larger matters that matter most because they give context to and make sense of all the details. This is pertinent here: government, in order to secure the common good, must take a stand on metaphysical and moral matters, for without them we cannot realize our vocation as rational persons. Lacking that larger metaphysical and moral framework, any particular freedom is without context and loses its sense of ultimate purpose, since there is no cohesive common goal uniting society.<sup>26</sup>

Furthermore, the piecemeal approach to behavior inculcates a preference for individual goods over the rational and communal common goods of persons. Therefore, since the nature of the common good demands an authoritative direction to substantive moral goals that necessarily override freedom of individual conscience (at least with respect to issues essential for the common good), it is once again clear that a moral relativist cannot exercise the duties associated with government office, even under the aegis of the great liberal tradition.

It might be objected at this point that just because someone maintains that certain evil acts ought not to be legally prohibited does not make that person to be a moral relativist. Indeed, even Aquinas recognizes that the law is meant neither to repress all vices,<sup>27</sup> nor to

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<sup>25</sup> Gilbert K. Chesterton, *Heretics* (New York: John Lane, 1909), in the "Introductory Remarks," especially pp. 12-15.

<sup>26</sup> This has been recognized as the great crisis of contemporary democracy: if there is no moral standard, there is no way to discriminate legitimate claims from illegitimate ones, so the government has no real reason to support some and not others. Rocco Buttiglione discusses this with respect to the social thought of Karol Wojtyła in *Karol Wojtyła: The Thought of the Man Who Became Pope John Paul II*, translated by Paolo Guietti and Francesca Murphy (Grand Rapids: Eerdmans, 1997), pp. 377-78.

<sup>27</sup> ST I-II 96.2.

inculcate all virtues.<sup>28</sup> This would seem to open the door for politicians to hold moral principles privately and yet not to legislate those moral principles as public policy. In these same statements, however, Aquinas does specify that the law must forbid the more grievous vices that make social harmony impossible, and it must encourage those virtues necessary for the common good. As a result, we need to delineate the minimum of virtue which is necessary for a society to function. Once we understand that minimum of virtue, we can distinguish the true moral relativist from those who exercise the correct prudential decision to not use laws to enforce morality.

If a politician were to see that an act is utterly contrary to the common good and not legislate against it for fear of infringing upon freedom of choice, he is abandoning the very idea of the common good as the end of government in favor of disintegrative individualism. He consequently would be a moral relativist, for he would act as if moral values could not be publicly endorsed even for the common good. By insisting that private choice supersedes the common good, the politician is abandoning the very idea of a common good as necessary for personal perfection. In fact, because this personal perfection is the end of all private choice, the citizens rely on the politician to guide our choices toward the common good.

Having established the criterion the common good sets out as a means to evaluate legislative positions, we can now consider whether a prohibition of abortion is an essential component of the common good. If it is essential to the common good, then a candidate who leaves it to personal choice must be a moral relativist. If, on the other hand, it is not essential, it is best left as a matter of individual preference because the common good insists on the legitimate exercise of personal freedom as necessary for the perfection of the rational being. From what has been argued above, this matter can be settled by the articulation of the following general legislative principles.

With respect to goods related to our material individuality, since these are merely means to the common good and are not essential to the common good in themselves, the government has a right and duty to control them (by taxation, restrictions on use, or intervening for

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<sup>28</sup> ST I-II 96.3.

fairer distribution of wealth and property) for the sake of empowering each person's attainment of the common good.<sup>29</sup> But, since these goods are not essential to the common good, there can be neither an absolute right nor an absolute prohibition concerning them. Consequently, material individuals freely decide the use of these goods. It follows, then, that a politician is neither required to, nor able to, implement his own conscientious opinion as public policy in this area. This explains how abortion differs from smoking, drinking, or vegetarianism. These behaviors, as acts associated with our material individuality, do not directly concern the person as the spiritual, relational end of society. Rather, as material indulgences, they represent one's individuality: as such, while the government has a right to regulate these activities, it cannot issue an absolute prohibition or compulsion since they are not essential to the common good. Thus, in these areas, protection of the freedom for personal choice and conscience ought to be the ultimate aim of government legislation.<sup>30</sup> However, as merely material ends, the

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<sup>29</sup> For example, while the government must insure that its citizens have a proper amount of food for personal development, it also has the right to limit its food distributions to nutritious foods, as the current WIC program attempts to do.

<sup>30</sup> This is not to say that there is no moral quality to these acts whatsoever; indeed, few acts are so unambiguous. Rather, it is only to say that the moral issue is not essential to the common good. As non-essential, it is within our rights as rational persons to exercise freedom of choice with respect to these activities. Two comments follow from this: First, there are indeed "true believers" in the vegetarian and anti-smoking camps who believe that prohibiting such things is essential to the common good. However, it can be doubted whether they can justify this belief, and certainly not on the basis articulated in this paper, since bodily health must be put in the larger context of spiritual perfection, which requires free choice about material means. Second, as non-essential, the government can restrict and coerce behavior within society for the sake of the common good of persons; hence, there can rightly be limitations or taxes imposed upon these behaviors, even while leaving them as objects of free choice. Even here, though, these acts are normally ordered to the common good in terms of health costs—that is, in terms of our material individuality, and not in terms of spiritual personality. That is why they can be so ordered.

government can levy taxes or implement other regulations so as lead the material individual toward his proper fulfillment as a person.<sup>31</sup>

Those goods that are related to the spiritual ends of persons, on the other hand, are essential to the common good. Therefore, the government must protect or prohibit them absolutely, since the common good is impossible without that protection or prohibition. Moreover, a government must not control these activities by taxation or regulation, since that in itself would be an impediment to personal perfection. As a result, no politician can vary from his personal conscience in these areas, since the very purpose of government is to further the common good in its essential ends (and not just by material means). Thus, education, inquiry,<sup>32</sup> and especially life must be protected. Of these, life itself is the foundation for all personal goods, and so it deserves priority in the protection of absolute rights.

Given this distinction, any believer who insists on legislating absolute rights about merely material ends would be transgressing the correct limits to legislation and so would be imprudent. On the other hand, the believer who legislates to protect the spiritual and personal nature of the citizens would in fact be protecting the common good. Failing to legislate in order to protect the common good would demonstrate negligence of duty in his role as a government official. It is important to note here that this is based upon a philosophical consideration of the person and so it is not an imposition of religious doctrine.

Part of our contemporary problem with respect to legislating for the common good is the unwieldy use of the notion of "religion" as a topic to be excluded from public debate. Many problems can be clarified if we

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<sup>31</sup> This would indicate why condom distribution in high schools is essentially unjust. It encourages behavior that satisfies human material individuality with absolutely no context about the meaning of that act for the human person. Again, we see that it is the lack of a moral context that vitiates what would otherwise be a resolvable problem.

<sup>32</sup> Inquiry is important since, according to this thesis, freedom of inquiry is essential to personal development and so merits protection; freedom of speech, on the other hand, is a material *means* to inquiry and, as such, can be controlled to the extent that it violates the spirit of the common good.



consider religion as only those beliefs grounded in revelation, as opposed to those of natural theology or natural law. Thus, all those metaphysical ideas that Aquinas refers to as “preambles” of the faith—such as the existence of God, His unicity, etc., as well as metaphysical notions of the soul and ethical doctrines of natural law—cannot be excluded from public debate, since they are legitimate objects of rational inquiry apart from revelation. Indeed, it is precisely these metaphysical notions which are universally necessary for the establishment of the common good and the growth of knowledge and virtue in society.

We can now turn this argument to the issue of abortion. The main criterion for legislation with respect to the common good, as we have seen, is that it must further our interests as persons, that is, as rational beings capable of transcendent spiritual communion in terms of knowledge and virtue. Any activity that negates this is contrary to the common good, and so can be prohibited; any that is essential to it must be protected. From this perspective, we can now detect the problem with the right to abortion: it reduces personality to individuality.<sup>33</sup> It is helpful at this point to return to the metaphysical basis of this argument: that the lesser is always for the sake of the greater. As Aquinas points out, not only is matter for the sake of form, but the substance exists for the sake of its operations.<sup>34</sup>

A human person’s form, then, is for the sake of all its operations, and first among these is life. In other words, life is the essential basis of all the higher operations of personal perfection. Life is, therefore, an end in itself for the person; it cannot be seen simply as a means to an end. Here is where the anti-life politician errs: he seems to conceive of life as a material good, and so a means to some further end; as a mere means, he believes it is an object of free choice. But life, the *sine qua non* of all goods and the necessary foundation of the common good, is the primary (the first, though not the final) end in itself. It thus cannot be an object of personal choice. Indeed, without protecting life as the very basis of personhood and the foundation of the common good, there

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<sup>33</sup> To confuse these, as Maritain points out, leads to the slavery of the person to the mere individual; see *The Person and the Common Good*, p. 77.

<sup>34</sup> See footnote #2, *supra*.

would be no protection for those very acts of freedom by which the person is brought to perfection. In the end, we must recognize that there can be no legally protected choice that ever runs contrary to the personal nature of the common good. Clearly, then, there must be an absolute legal protection of life as an end in itself.<sup>35</sup>

This would render the candidate who is personally opposed to abortion but publicly "pro-choice" a moral relativist. In being opposed to abortion personally, he recognizes it as inimical to the common good; however, in not legislating in accord with his conscience, he implicitly acts so as to cast his notion of the common good into doubt. An important result of this analysis is that the relativist who opposes abortion personally, but allows it as a public policy, is actually in a more untenable position than the candidate who is frankly pro-abortion. This is because the former falls into an inconsistency with respect to his notion of the common good and the protection of persons; the latter is at least consistent if he denies the personhood of the unborn child.

This, of course, does not mean the latter candidate is preferable. It is simply a fact that the argument against him would entail a metaphysical discussion of personhood. Insofar as the notion of "person" is the critical defining point for the common good, this is an important, albeit neglected, discussion in its own right, a neglect that is related to our society's enforced silence on metaphysics in general.<sup>36</sup>

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<sup>35</sup> See Maritain, *Man and the State*, pp. 167-68. I believe that this same reasoning can be applied with respect to sexual morality: the only form of sexual expression that is necessary for the common good is that within the context of a monogamous heterosexual marriage, for only in that is true unitive friendship and procreative fruitfulness possible. To allow all other expressions of sexuality, including contraception, fornication, homosexuality, etc., is degrading personality to mere individual pursuit of physical pleasure and so misconstrues the true gift of human sexuality.

<sup>36</sup> For those who think the definition of a person is a purely religious issue (which is certainly not the case, unless one reduces metaphysics to religion), we should note that, on the basis of my argument, society cannot eliminate religious perspectives from consideration, for this would deny the person's transcendent good and reduce man to a mere individual and so beg the question of personality to begin with.

The evidence is clear that societies with inadequate understandings of personhood—as exemplified by slavery, genocide, labor camps, etc.—have virtually defined the morally evil society.

Thus, we may conclude that, because of the nature of the common good, it is necessary that governments address the goods of humans as persons, and not merely as material individuals. This focus on persons necessitates absolute prohibitions or freedoms. The moral relativist, in accepting moral absolutes concerning personhood for himself, but allowing others to form variant opinions, is unable to defend coherently the objective good of the person or the common good of a society. He therefore is also unable to legislate coherently so as to direct a nation to its proper end. Thus, the Christian who refuses to prohibit abortion because he believes it to be merely a private opinion becomes a moral relativist. As a consequence, he cannot rightfully represent the common good of the people and should not hold public office.<sup>37</sup>

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<sup>37</sup> Maritain points out this deep inconsistency between Christian faith and relativism: “It is impossible for a Christian to be a relativist. Those who make the attempt have no chance of succeeding” (*The Peasant of the Garonne*, p. 89).