

Maritain, Augustine and Liberalism on “Judge not!”

James G. Hanink

“[P]hilosophers are naturally intolerant, and genuine tolerance among them means a great victory of virtue over nature...”¹

—Jacques Maritain, “Truth and Human Fellowship”

Puzzles

To be liberal, we are told, is to be open-minded. It is to be inclusive. In particular, it is to eschew judging one’s fellows. Such tolerance ranks in the first tier of liberal virtues. And why should it be otherwise? After all, “Judge not!” (Mt 7:1) is a scriptural command, and one which liberals are fond of citing—if only to confound the friends of (non-liberal) dogma.

Yet herein lies a puzzle. Jacques Maritain, peasant of the Garrone, and long before him St. Augustine, Bishop of Hippo, did indeed judge their fellow citizens. They did so with full knowledge of the biblical injunction “Judge not!” True, both Maritain and Augustine confessed to being sinners; yet neither included offenses against liberal tolerance among their sins. But why not? Might not their omissions point to a laxity of conscience?

Before we address this question, let’s turn to another, and more discriminating, ideal. Christians, we are told, should embrace sinners and yet

Christopher Kaczor and Carroll Kearley read an earlier version of this essay. The former, more than once, helped me to clarify my discussion. The latter encouraged me to pursue it.

1. Jacques Maritain, “Truth and Human Fellowship,” *On the Use of Philosophy* (Princeton: Princeton University Press, 1961), p. 31.

hate their sins. Since the Christian knows himself to be a liar if he claims to be without sin, he (pardonably) hopes that others will respond in kind. Such charity ranks in the first tier of Christian virtues. How could it be otherwise? Scripture has it that Jesus loved us while we were yet sinners (Rom 5:8). It is a text that Christians are fond of citing—if only to confound merely liberal optimists *and* merely conservative pessimists.²

Herein lies a second puzzle. It is in acting that we write the story of our lives; the diurnal drama of good and evil is the forge of character.³ But this interplay of act and agent should give us pause. If in acting evilly I become evil, why should you hate my acts and yet love *me*? Or if in acting evilly you become evil, why should I hate your acts and yet love *you*? If we are to judge at all, ought not our judgments be coherent? Why on earth, or elsewhere, should we judge acts but not the agents shaped by these same acts? After all, we become who we are by acting as we do. Consider, for example, a topical case. Imagine that one is a critic of secular liberalism and has set out to unravel the covering of tolerance that is among its chief virtues. In this enterprise is there not also a duty to indict those who clothe themselves in such *ersatz* finery?

Solutions

Puzzles call for solutions, and the pair of puzzles before us is no exception. We can express the first puzzle as follows: how is it that both Jacques Maritain and St. Augustine can honor Scripture's injunction "Judge not!" and yet fail to confess their offenses against the liberal's trademark tolerance? To be sure, this question points to a prior question. Did both Maritain and Augustine offend against liberal tolerance?

The answer, in a word, is yes. Here we might note, if not detail, Augustine's support for coercive strictures against the Donatists.⁴ He also affirmed the

2. The prophet, moreover, confounds tyrants of every stripe. The Liturgy for the Nativity of John the Baptist cites *Isaiah* 49: 2: "He made my mouth like a sharp sword."

3. The stories of our lives, in turn, are the wellsprings of literature, and great literature reflects the drama between good and evil, as Allen Tate taught us. In *Exiles and Fugitives: The Letters of Jacques and Raissa Maritain, Allen Tate, and Caroline Gordon*, edited by John M. Dunaway (Baton Rouge and London: Louisiana State University Press, 1992), Tate refers to his *Essays of Four Decades* for indices of Maritain's influence.

4. See Peter Brown, *Augustine of Hippo* (Berkeley: University of California Press, 1967), especially chap. 21, pp. 233-43. For a recent account of Augustine's calibrated response to the Donatists, see John von Heyking's *Augustine and Politics as Longing in the World* (Columbia and London: University of Missouri Press, 2001). In chap. 7, "The Coercion of Heretics," pp. 222-57, von Heyking explains Augustine's restrictions on capital punishment.

grim necessity for judgment. Though even a just judge could mistakenly find an innocent man guilty, Augustine says that judges, in light of the wretchedness of man's estate, must exercise the duty of their office.⁵

We might note, too, though not detail, Maritain's dissent from Hans Kelsen's judicial rating of Pontius Pilate. For Kelsen, a legal positivist, Pilate is not only a just judge but also a *tolerant* one. How so? Because Pilate finds himself unable to discern the truth, he wisely appeals to the test of democracy.⁶ Let the many decide! But to fault Kelsen's majoritarian sensibility, as Maritain does, offends against liberal virtue. Indeed, so maximal a tolerance as Hans Kelsen's counsels that even a judge forego judgement when radical pluralism is at issue ... and it finds nothing wretched in doing so. Better the rule of the majority, it warns, than the absolutism of a pretender to the crown of truth.⁷

With their offenses against tolerance on record, how might Augustine and Maritain justify themselves? Both find clear warrant for their judgments in a basic moral realism that teaches, minimally, that despite the wounds of original sin, and the resultant "twistiness of the human mind,"⁸ we know the reality of our sin. But repentance is impossible unless we acknowledge what it is that we repent, and forgiveness requires that we identify what is to be forgiven. Thus any advance in charity, and even any order in civil life, *requires* that we judge both others and ourselves.⁹ Here conscience comes into play, that conscience which is the last, best exercise of practical judgment. Not surprisingly, St. Thomas Aquinas finds that fraternal correction is a work of charity.¹⁰

5. Augustine, *The City of God*, ed. David Knowles (Baltimore, Maryland: Penguin Books, 1972), XIX, chap. 7, p. 860. Jean Bethke Elshtain calls our attention to this passage in her *Augustine and the Limits of Politics* (Notre Dame, Indiana: University of Notre Dame Press, 1995), p. 95.

6. See Maritain, "Truth and Human Fellowship," p. 21, for a sketch of Kelsen's stance.

7. But we must be fair. Helen Silving, whom Maritain cites on this matter, notes that Kelsen ignored his "epistemological relativism" in drafting the Austrian Constitution (after World War I) and produced a document that recognized civil liberties. See Helen Silving, "The Conflict of Liberty and Equality," *Iowa Law Review* 35, no. 3 (Spring 1950), pp. 357-92. At the same time, we should recognize the continuing allure of majoritarianism. Robert George has recently highlighted Justice Antonin Scalia's remarkable comment that "You protect minorities only because the majority determines that there are certain minority positions that deserve protection." See George's *The Clash of Orthodoxies: Law, Religion, and Morality in Crisis* (Wilmington, Delaware: ISI Books, 2001), p. 130.

8. The phrase, I recall, is Elizabeth Anscombe's.

9. To be sure, such judgment is consistent with a *measured* tolerance both of agents and their acts. In fact, a measured tolerance, as distinct from the tolerance of skepticism or indifference, presupposes a judgment of the malice in agents and the consequences of their acts—or else there is nothing to tolerate. Christopher Kaczor alerted me to this presupposition.

10. Thomas Aquinas, *Summa Theologica*, II-II, Q. 33, Art. 1.

But when in charity we correct one another, we are to judge what we *do*. God will judge who we *are*. Thus Augustine distinguishes the “duty” to denounce what is vicious from the folly of judging “the secrets of the heart.”¹¹ Maritain, for his part, observes that we might fairly judge actions, character, temperament, and something of another’s interior disposition. We dare not, however, judge “the innermost heart” of another.¹² In contrasting, then, the “judge not” of liberal tolerance and true fraternal correction, we can exculpate both Augustine and Maritain. Have they judged others? Do they teach that we are to judge one another? Yes—and yes, again. But we are to judge human acts, not human hearts. In their making and honoring this distinction, we can resolve any puzzlement we might have about how they can both obey the biblical injunction “Judge not!” and yet publicly judge, albeit in the liberal’s sense, their fellow citizens.

But this resolution of our first puzzle seems to accentuate the force of our second puzzle. Consider, once more, Augustine’s language. When he speaks of “secrets of the heart,” he in effect distinguishes between what one does and who one is—on the inside.¹³ Yet how tenable is this distinction between one’s acts and the agent one inwardly becomes in acting? Augustine in part supports it on the basis that we cannot always read another’s intention. Yet sometimes, as he notes, we *can* read another’s intention, and he offers the case of blasphemy as an example.¹⁴

And consider, once again, Maritain’s language. He, too, speaks of “the innermost heart.” In doing so, he also distinguishes between what one does and who one is. The worry, once more, is that this is a distinction without a difference. Just who is one apart from one’s actions, character, and temperament? Who is the self that remains apart from such qualities? What is left of *moral* significance?

I have argued, just now, that a basic moral realism grounds the judgment of fraternal correction. Such judgment, however, looks to the sin; God alone judges the sinner. So be it. But our earlier question returns, with its more pressing puzzle. If in acting one constructs the person one is, why

11. Augustine, *Commentary on the Lord’s Sermon on the Mount with Seventeen Related Sermons*, trans. Denis J. Kavanagh, O.S.A. (New York: Fathers of the Church, Inc., 1951), p. 170.

12. Maritain, “Truth and Human Fellowship,” pp. 35-6.

13. In this vein the *Catechism of the Catholic Church* speaks of the heart, in its biblical meaning, as “our hidden center, beyond the grasp of our reason and of others; only the Spirit of God can fathom the human heart and know it fully” (2563).

14. Augustine, *Commentary on the Lord’s Sermon on the Mount*, p. 169.

should we judge actions but never their agents?¹⁵ The answer to this second puzzle, I submit, lies in the personalism that both Augustine and Maritain exemplify. Broadly speaking, to be a personalist is to see the person as both the central reality of existence and the source of moral agency. As such, a personalist realism is the natural habitat of the moral realism critical to resolving the first of our puzzles. For only if the person is an irreducible reality, an agent able to freely choose either good or evil, does it make sense to speak of sin and being held responsible for one's sin.

With regard to the puzzle at hand, the personalist would argue that it is the sinner *as person*, as subject of inwardness, whom we cannot, and so dare not, judge. Augustine tells us as much in a striking, if indirect, way. "[W]hat [moral] harm," he asks, "did the injustice of the persecutors do to the martyrs? Nevertheless, it did great harm to the persecutors themselves."¹⁶ Appearances, of course, would seem to tell a very different story; the persecutor lives and often seems to flourish.¹⁷ The martyr, in whom (as in Jesus) there is no comeliness, dies and is seen no more. Surely this is so, insofar as we are able to see. But in truth the *person* of the persecutor is now in moral peril, though we cannot judge its resolution. The martyr, however, is in Abraham's bosom, and this we know not by our judgment but because of God's promise.

A close look at Maritain's account of the person ("Truth and Human Fellowship") as it bears on the grievous error of judging the person as such focuses on two particularly critical texts.

The first text comes in the course of a reference to natural mysticism. Such a mysticism, says Maritain, has for its object "that invaluable reality which is the Self, in its pure act of existing, immediately attained through the void created by intellectual concentration."¹⁸ Note what this statement seems to suggest. It is only in mystical insight that one becomes present, as it were, to the core of one's own self. But such an insight as this can scarcely be produced at will to serve as the ground of self-judgment, much

15. With regard to the dynamic of self-construction, see my "Karol Wojtyla: Personalism, intransitivity, and character," *Communio* 23 (Summer, 1996), pp. 244-51.

16. Augustine, *Commentary on the Lord's Sermon on the Mount*, p. 172. Here Augustine echoes the Socratic Maxim that it is better to suffer evil than to do evil. For a discussion of this principle, see John Finnis, *Fundamentals of Ethics* (Washington: Georgetown University Press, 1983), pp. 112-16.

17. For a variant, so do "the sots and thralls of lust" in Hopkins's "*Justus quidem tu es, Domine*" in *Gerard Manley Hopkins*, ed. Catherine Phillips (Oxford: Oxford University Press, 1986), p. 183.

18. Maritain, "Truth and Human Fellowship," p. 43.

less—by way of a fanciful extrapolation from one's own case—the judgment of others.

The second text comes within a reference to the order of the heart and to love as the source of dialogue. "Love," observes Maritain, "does not go out to essences nor to qualities nor to ideas, but to persons," and in true friendship "it is the mystery of persons and of the divine presence within them which is ... in play."¹⁹ We find this same insistence on the person as the object of love, and more fully stated, in his *The Person and the Common Good*.

Love is not concerned with qualities. They are not the object of our love. We love the deepest most substantial and hidden, the most *existing* reality of the beloved being. This is a metaphysical center deeper than all the qualities and essences which we can find and enumerate in the beloved.²⁰

Thus it is love, and not the judgment of qualities, that becomes our avenue to the person. But only the lover rightly grasps the beloved's reciprocation of love. It follows that since sin is, at root, a turning away from God's love, only God can judge the sinner's failure to love. We, for our part, cannot judge the person at the very axis of his or her existence, that is, as a lover and a beloved of the Trinity of Love.

That in acting we become who we are is a truth we can hardly dismiss. But our deepest acts of self-constitution are those free acts of love, prompted by God's love, which open us to God's own life. These actions so decisively transcend the empirical that neither they, nor the self whom they help to constitute, can be the objects of exhaustive human judgment. Nor in reaching this conclusion are we left with an empty self, a self that is artificially detached from its identity and moral significance.

In discussing the often-neglected J. M. E. McTaggart, Peter Geach indirectly confirms the integrity of the selfhood of the lover and the beloved. Thus he affirms the thesis that (agapic) "[l]ove is for a person, not in respect of this or that characteristic, but just as this person."²¹ This love is particular, not generic. It chiefly consists, he says, in "a desire for the life of the beloved and for union with the beloved."²² Such love must be particular rather than generic, because, for every lover and every beloved, it is

19. *Ibid.*, p. 35.

20. Jacques Maritain, *The Person and the Common Good*, trans. John J. FitzGerald (Notre Dame, Indiana: University of Notre Dame Press, 1966), p. 39.

21. Peter Geach, "Truth, Love, and Immortality," in *Truth and Hope* (Notre Dame, Indiana: University of Notre Dame Press, 2001), p. 12.

22. Geach, *Truth and Hope*, p. 12.

each act of love, and every distinct capacity for love, in contradistinction to any other quality or capacity, that ultimately individuates and morally distinguishes the lover and the beloved.

What, then, is the solution to the second of our puzzles? Why on earth, one might again ask, should we judge acts but not their agents? In summary, the answer is this: the person alone is love's true object; and the person is constituted by acts of love and by a capacity for love. Especially insofar as these acts are ordered to God, they uniquely transcend the empirical. Nonetheless, it is only in the relation of love that we could adequately judge a person. Thus God alone can rightly judge, since only God knows how, at the core of our inwardness, we reciprocate His love. Yet it is no abstract person that God judges but rather the heart of the person in his or her self-elected beauty or blight. If *we*, for our part, cannot judge persons as God does, neither can we love them as God does. Yet we love persons best in their metaphysical incommunicability rather than through the limited expressions of their empirical qualities.

Objections and Replies

Obviously my exegesis of "Judge not!," and the pair of puzzles to which it gives rise, faces objections. Here consideration of a single objection to each solution must suffice.

Augustine and Maritain find warrant for their judgments, and their offenses against a liberal tolerance, in a sturdy moral realism. Yet, as Jacques Maritain knew, many will dispute such realism squarely on moral grounds. The moral realist, so reads the liberal complaint, is congenitally arrogant. But this same complaint registers a moral judgment. Indeed, it suggests the same moral realism that it superficially impugns. ("So be it," says the misological post-modern. "Self-refutation is the hobgoblin of small minds!") In any case, as the liberal complaint further charges, congenital arrogance is an insurmountable objection to moral realism as a foundation for authentic morality.

Bluster as he might, the liberal critic cannot escape self-contradiction. Nonetheless, such blustering can be rhetorically effective. But whether or not the crowd applauds, the critic does us a service if we take this occasion to reflect on the role of humility. Both Augustine and Maritain are at the ready here. For Augustine, humility is the cornerstone of virtue. Thus he asks, "Are you thinking of raising the great fabric of spirituality? Attend first of all to the foundation of humility."²³ Maritain, in agreement, finds that

23. *Serm.* LXIX, I. PL 38, 441.

humility is the servant of truth. And would some forego truth out of a fear of arrogance? It is humility, he says, that tempers the quest for truth, and it is "truth, not ignorance, which makes us humble."²⁴

Still, some will insist that an appeal to moral realism pays too steep a price. Moral realism, they note, underscores the distinction between the sinner and his sin. Yet that distinction is suspect if through our acts, whether vicious or virtuous, we forge our character. In reply, we can ourselves reaffirm and underscore the personalist view of the sinner as one whose defining core transcends, in love, the quotidian qualities which alone fall within the range of human judgment. But even so, as the debate advances, many will deny that there is such an "inner person." Perhaps even the majority within the academy will profess that, at least since Hume, any substantial self has become of largely historical interest.

Consider, for example, the quintessentially American and decently liberal William James. Looking inward, he finds that "*the 'Self of selves,' when carefully examined, is found to consist mainly of the collection of ... peculiar motions in the head or between the head and throat*" (emphasis in the original).²⁵ If this be candor, one might prefer dissimulation. Yet despite his own finding, he notes that stubborn "common-sense" remains sure that however variable one's stream of consciousness "it involves a real belonging to a real Owner, to a pure spiritual entity of some kind."²⁶ Undaunted, James presents himself as the tutor of mere commonsense.

But there is a revealing tension within William James's own thought that he does not seem fully to appreciate. On the one hand, he gives wholehearted assent to freedom of the will. Yet his (here) insouciantly materialist approach to the self at best ignores the existence of free will. But what is habitually ignored is in due time often denied. Ruefully, James comments that "most actual psychologists have no hesitation in denying that free will exists."²⁷ There is, in this tension, a lesson for us. If we deny the irreducibility of the person, we in practice deny free choice. But if we deny free

24. Maritain, "Truth and Human Fellowship," p. 24.

25. William James, *Principles of Psychology* (Cambridge, Massachusetts: Harvard University Press, 1981) vol. 1, chap. 10, p. 288.

26. *Ibid.*, p. 320.

27. William James, *Psychology: Briefer Course* (Cambridge, Massachusetts: Harvard University Press, 1984), chap. 26, p. 392. Nor, it seems, do contemporary social scientists think differently. John Finnis finds that "almost all who write or teach political or social theory are ... refusing or failing to acknowledge the reality of free choice, and treating their subject-matter as if it were a natural substance or else a technique or product of technique." See his *Aquinas: Moral, Political, and Legal Theory* (Oxford: Oxford University Press, 1998), p. 22.

choice, we deny moral responsibility. If we deny moral responsibility, we move beyond moral good and evil. And in moving beyond good and evil, the liberal polity itself—which privileges liberal virtues—self-destructs as a moral desideratum.²⁸ Liberalism and materialism, once aligned, undermine both personhood and the quest for community. Whether, then, it is Hume or James (or some other thinker) who denies the self, to do so in the end compromises the intelligibility of human activity, including the doubtful forays of dismal reductionists.

Envoi

Let me close now with a postscript on the spirit of judgment. Well over a century ago, John Henry Newman opined that “It would be a gain to the country were it more superstitious, more bigoted, more gloomy, more fierce in its religion than it at present shows itself to be.”²⁹ Bracing words, these, in the midst of our own culture wars. And frightening words, these, in the light of the defining events of 11 September 2001. Could such a judgment as Newman’s, in any case, possibly be true?

Let us distinguish to discern. Superstition is always an evil, though perhaps sometimes a lesser evil than skepticism. Bigotry is always evil, though perhaps sometimes less so than indifference. A merely conservative gloominess is always mistaken, as is a merely liberal optimism; neither comports with reality.

But what about fierceness? *It* need not be mistaken at all. True, Dionysius teaches that while fierceness is natural in a dog, it ill befits a man. But to this St. Thomas replies, in *De Malo*, that we must distinguish between anger that prevails over reason and anger that serves reason.³⁰ Against the Stoics, he notes that the first is antecedent, while the second is consequent, to rational judgment. The first is a familiar enemy of reason; the second is a too little acknowledged friend. Consequent anger reflects the engagement of the rational will; it heightens the force of one’s resolve. Insofar as the will is directed to the good of the person, this

28. John Rawls notes that although “political liberalism seeks common ground and is neutral in aim ... it may still affirm the superiority of certain forms of moral character and encourage certain moral virtues.” See his *Political Liberalism* (New York: Columbia University Press, 1996), p. 194.

29. A. J. Conyers cites this recommendation at the outset of his *The Long Truce: How Tolerant Made the World Safe for Power and Profit* (Dallas, Texas: Spence, 2001), p. vii.

30. Thomas Aquinas, *On Evil*, trans. Jean T. Oesterle (Notre Dame, Indiana: University of Notre Dame Press, 1995), Question XII, Article 1.

consequent anger can express love.³¹

Not only do we need more fierceness, of the right sort, in religion; we need it in philosophy and in public life as well. Without it we will be sorely tempted to tolerate the intolerable. There is a saying, often on the mark, that "As California goes, so goes the nation." In my own Los Angeles (or, as some have it, "Lost Angels"), our many and secular liberals hold court daily in the Public Square. Once assembled, they issue proclamations. One such document, issued by the City of Los Angeles Task Force on Family Diversity, is titled *Strengthening Families: a Model for Community Action*. Therein we find the following instructive passage.

Recognizing human diversity is very different from making judgments about it. The Task Force did not engage in the endless academic debate over the relative merits of different lifestyles, personalities, relationships, or types of family structures. Instead, the Task Force focused on the importance of learning to live together and work together constructively to solve problems. In a world that mass communications and close urban living have made so small, alienating judgments do not better the quality of life for anyone.³²

Such language is coded. An interpretation?

For a start, "[m]aking judgments," a defining mark of human intelligence, becomes suspect. Why? Because to do so leads to "endless academic debate." But if such debate is interminable, it is because it has become an index of emotivism.³³ Feeling has supplanted reason. And, insinuates the document, why bother to debate? After all, "lifestyles" and "relationships" are as idiosyncratic as "personalities!" Judgments about what a family actually *is* can only be "alienating." Conventional counsel is more comforting: let's go along to get along.

But this will never do. For such a counsel is a summons to chaos. In this case, it abandons the family, the singular school of love that an authentic state is to serve.³⁴ In every case, it sacrifices courage on the altar of comfort. Such folly, as Jacques Maritain taught us, is a defining mark of

31. For a helpful discussion of righteous anger, see Judith Barad's "Aquinas and the Role of Anger in Social Reform," *Logos: A Journal of Catholic Thought and Culture* 3: I (2000), pp. 124-44.

32. Cited by Jay Kohorn, "Insecurities are behind debate on homosexuality," *Daily Breeze* B4, 5 March 2001.

33. For a telling discussion of this link, see Alasdair MacIntyre, *After Virtue*, 2nd ed. (Notre Dame, Indiana: University of Notre Dame, 1984), p. 12.

34. As for the kind of primacy that the family retains over the state, we might recall Aquinas's point that "Human beings are by nature more conjugal than political" (*Ethics* VIII.12 n.19).

bourgeois liberalism.³⁵ Let us, then, carry on Maritain's struggle against this species of liberalism. Let us do so in a way that honors the humanity of the liberal but confronts the established, and liberal, disorder.

35. For an analysis of this malignity, see Maritain, *The Person and the Common Good*, pp. 91-103.