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The Person and Society

Rawls, Maritain, and the Concept of Personhood in Politics

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The Person and Society

Rawls, Maritain, and the Concept of Personhood in Politics

by

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For my parents, Patricia Bryan Stuart and Clyde Ethridge Stuart, Jr., who first
taught me the meaning and importance of truth and love.

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The University of Texas at Austin, 2015
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John Rawls, a titanic figure in political philosophy in the 20th century, thought he could make politics independent of metaphysics, that he could work up a neutral, coherent, and compelling account of justice free of controversial elements of a particular “worldview.” I am not the first critic to claim he failed—*Theory of Justice* is the book that launched a thousand dissertations. Unlike nearly all other critics, however, I will focus on the metaphysical account of personhood, and will offer a critique from a Thomistic standpoint. Personhood is the focus because it’s the most fundamental and important part of a political theory: politics is about people and mistakes about what a person is will have great consequences. Political philosophy is, in a manner of speaking, the second-person plural form of one’s view of personhood, an unfolding of an account of people living in groups with other people.

This dissertation shows that Rawls inevitably incorporates metaphysically laden claims in his argument. But more than a series of “gotchas” it also shows that the attempt to ignore metaphysics is a bad way of proceeding not just because it’s bound to fail, but also because it only succeeds in adopting a metaphysical view that is both confused and mistaken. This is where the Thomistic tradition, a rival of Rawls’s liberal tradition, can help. I bring to bear some of the resources from the rich tradition of Thomistic philosophy to highlight two essential features of personhood for political philosophy: the inclination of the intellect towards truth and the primordial importance of love for the will. The centrality of truth and love for the human person illuminate a richer and more adequate starting point for political philosophy.

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Preface

John Rawls, a titanic figure in political philosophy in the 20th century, thought he could make politics independent of metaphysics, that he could work up a neutral, coherent, and compelling account of justice free of controversial elements of a particular “worldview.” I am not the first critic to claim he failed—*Theory of Justice* is the book that launched a thousand dissertations. Unlike nearly all other critics, however, I will focus on the metaphysical account of personhood, and will offer a critique from a Thomistic standpoint. I chose personhood as the focus because I think it’s the most fundamental and important part of a political theory: politics is about people (not dogs or corn) and mistakes about what a person is will have great consequences. Political philosophy is, in a manner of speaking, the second-person plural form of one’s view of personhood, an unfolding of an account of people living in groups with other people.

I will show that Rawls inevitably incorporates metaphysically laden claims in his argument. But more than a series of “gotchas” I will also show that the attempt to ignore metaphysics is a bad way of proceeding not just because it’s bound to fail, but also because the attempt to ignore metaphysics only succeeds in adopting a metaphysical view that is both confused and mistaken. Unfortunately, that is exactly what happened to Rawls. To ignorantly make use of good

metaphysics would be one thing, but to incorporate a false account of the human person while denying any use of metaphysics at all is fatal to the theory.

I will explore why Rawls failed to avoid metaphysics in the first place and what the implications of that failure are for political philosophy. I want to be different from other critics of Rawls by not stopping at criticism; in a spirit of dialogue, I want to offer alternative views. To accomplish this task I do not need to invent an entirely new way of theorizing because there is a well developed alternative tradition of scholarship neglected in much of the scholarship on Rawls: Thomism. Recent Thomists, working across several disciplines, and sometimes even contemporaneous with Rawls, offer important contributions to a political-philosophical debate about fundamentals, and yet the two traditions, as though on parallel tracks, have had little contact. I will place the two in dialogue and use Thomistic conceptual resources to develop an account of personhood as it relates to politics; an account that does not suffer the same errors Rawls's does, but which can also respond to the problems he was trying to respond to.

The chief contributions of my work will be: first, to untangle the confusion in Rawls between the individuality and personality of human beings; second, to take more seriously than Thomists previously have certain Rawlsian problems such as dissensus; third, to use Thomistic conceptual resources to address dissensus; fourth, to contrast Rawl's approach with that of Jacques Maritain, one of the most prominent 20th century Thomists; fifth, to demonstrate the importance of the

pursuit of truth to the practice of politics, arguing (contra Rawls) that the right understanding of personhood features a strong place for the pursuit of truth, and that a politics that abandons truth is less stable over time; sixth, to show that, perhaps counterintuitively, Rawls takes insufficient cognizance of the importance of the will in politics, especially in the form of love. It is, in the end, only a proper inclination to the good of other people, which is to say love of neighbor, that can solve the problem of dissensus. Only the pursuit of truth in the spirit of love will produce a political order that is at once free and stable.

In his mature works, especially the article “Justice as Fairness: Political not Metaphysical”¹ and the book *Political Liberalism*, John Rawls raises an overarching question: “how is it possible for there to exist over time a just and stable society of free and equal citizens, who remain profoundly divided by reasonable religious, philosophical, and moral doctrines?”² In fact, the whole of *Political Liberalism* is a kind of extended answer to this question, and the answer is very different from the one he offered earlier in *A Theory of Justice*. Rawls had initially worked up *Theory of Justice* over the course of a couple of decades through articles and courses he taught at Harvard, and he continued to refine his thinking in response to criticism even after the book’s publication. Though he considers many other questions, this one may be the ur-question driving all his scholarship, the question that nags him

¹ Rawls, John “Justice as Fairness: Political not Metaphysical” *Philosophy and Public Affairs* 14:3, 223-251.

² Rawls, John *Political Liberalism*, New York: Columbia University Press 1993, 47. Hereafter PL.

to the point that he works through it time and again in articles, lectures, and books. The pursuit of an answer is one of the grand themes of Rawls's thought.

The basic question Rawls asks is more than a question of history. It's live in a philosophical sense and real in a political sense more now than it ever has been, at least in Europe and much of North America as they experience an increasing variety of ways of life and religious communities within their political boundaries. This problem of dissensus is also not strictly "inside baseball" for those who already agree with Rawls. Whether one is a Rawlsian liberal, a utilitarian, a Thomist, or a post-modernist, when thinking about contemporary politics, one always faces some version of the question how to govern so as to treat those who disagree profoundly in a way that is just and doesn't become oppressive or tyrannical. And yet, while not oppressing those who disagree on fundamentals, how can the same political system remain stable over time, generating a lasting peace and basic level of social cooperation when political fundamentals and constitutional basics are constantly in question?

The challenges Rawls faces, indeed all reflective people face, in addressing the problem dissensus, are difficult and complex. In his attempt at a solution, he is admirable in his range, his openness to a wide variety of philosophical resources for answering the question. He is also charitable in accepting criticism and often revising his theory accordingly. Whether his attempt is a success or failure, Rawls is to be respected for his scholarly mode. His work was influenced by thinkers

ranging from Aristotle³ to Kant⁴ to Oakeshott,⁵ to Habermas⁶ to Pareto⁷. His range and thoughtfulness make his work a natural and fruitful starting point for thinking through the problem of dissensus, even when (as I will do) one comes to disagree with Rawls.

Equally natural is to ask whether, if Rawls is so thorough and thoroughly virtuous in his pursuit of the enquiry, there is anything more to say. I think the answer is yes. Rawls has some estimable critics, both from within the liberal tradition and from outside it, and they offer devastating criticism. I will add to it, but I hope to do something more and different than merely put forward another round of criticism of Rawls. I will advance the discussion by bringing philosophical resources from another tradition to bear upon the enquiry, and thereby suggest a way forward for those, both liberal and otherwise, who feel the pinch of the question Rawls is addressing but are dissatisfied with his answers. The whole project is inspired by Alasdair MacIntyre's description of a confrontation between traditions in *Whose Justice, Which Rationality*, namely traditions attempting to demonstrate their rational superiority by confronting some disputed question, determining which of the two traditions more successfully offers resources to address problems, frustrations, and blind spots of its rivals.

³ Rawls, John *Theory of Justice* Cambridge, Mass: Belknap Press of Harvard University 1971, 424 ff. Hereafter TJ.

⁴ "Kantian Constructivism in Moral Theory" *Journal of Philosophy* 77:9, 515-572

⁵ PL, 42

⁶ Rawls, John, "Reply to Habermas" *Journal of Philosophy* 92:3, 132-180

⁷ TJ 66f and 119

Tackling the issue of Rawls's answer to the question "how is it possible for there to exist over time a just and stable society of free and equal citizens, who remain profoundly divided by reasonable religious, philosophical, and moral doctrines?" in an adequate way requires dividing it into constituent parts, and addressing them and the background claims they assume. I examine not only what Rawls says about "citizens" and the human person, but also what he implies and what must be the case for his theory to work.

The chapters proceed to make the case in the following way: Chapter One looks at Rawls's account of personhood in both its explicit claims and the implicit claims upon which he relies. This picture of personhood is the basis for his response to the problem of dissensus and the rest of his theory, for that matter. The solution he proposes is the overlapping consensus and Political Liberalism. Others have noted the apparent similarity between what Rawls's proposes in the overlapping consensus and what Maritain proposed some years earlier in *Man and the State*. Chapter Two re-examines Maritain's argument in *Man and the State*, looking at the similarities and dissimilarities to Rawls as well as Maritain's critics. Chapter Three goes deeper into the issue of personhood in Maritain's thought by working through the DeKoninck-Maritain Exchange. Two of the 20th century's most prominent Thomists engaged in a dispute on the nature of the human person and the political common good. The dispute is relevant not only for fixing Maritain's ideas, but provides insight into why Rawls's attempt fails. In

fact, as I will argue, some of the criticisms DeKoninck directs at Maritain would be better had they (anachronistically) been aimed at Rawls's work. Chapter Four works through a Thomistic account of personhood and its implications for politics, contrasting it with Rawls's along the way. Finally, Chapter Five extends Thomistic thought to include an essential element missing from Rawls's account and largely implicit in Maritain's: love. If the reader cringes at the thought of a political theorist waxing poetic on *amour*, I do, too. And yet, try as one might, and as Rawls did, to avoid the entanglement of love when theorizing about politics, it is finally unavoidable. Love is in the will—it is the primordial act of the will—and the deepest irony of the whole project is that Rawls, regarded as a voluntarist, insufficiently involves the will in his political theory. Thus, the two big themes of the dissertation, the two lessons learned through the inquiry, are the indispensability of the pursuit of truth in political life and the necessity of love for stability in a regime characterized by freedom.

Chapter One: Rawls, Dissensus, and Philosophical Anthropology

The Problem of Dissensus: a Problem of Philosophical Anthropology

“So the question the dominant tradition has tried to answer has no answer: no comprehensive doctrine is appropriate as a political conception for a constitutional regime.”⁸ That is how Rawls sums up the history of moral and political philosophy from Plato right through the middle of the 20th century. The logical question is what has rendered the wisdom of the ages “inappropriate” for contemporary political philosophy.

Rawls believes contemporary Western societies, those marked by democratic governments, have arrived at a unique moment in history where the question we are facing is not, “what is best?” but rather, “How is it possible for there to exist over a time a just and stable society of free and equal citizens, who remain profoundly divided by reasonable religious, philosophical, and moral doctrines?”⁹ This is the animating question of much of Rawls’s work through the decades, and remains the driving question of *Political Liberalism*. Reckoning with the consequences of division in society on comprehensive doctrines is, as it turns out, what forced Rawls to revise his acclaimed *Theory of Justice* to produce *Political Liberalism*. It is also what underlies many of his other philosophical claims

⁸ PL 135

⁹ PL 4

in *Political Liberalism*. Rawls comes to understand himself in *Theory of Justice* as having fallen victim to one of his own objections, namely proceeding from a controversial comprehensive doctrine, justice-as-fairness, as though it were uncontroversial and thus a suitable basis for governing society. Instead, recognizing the inherent contentiousness of all comprehensive doctrines, the attempt in *Political Liberalism* is to devise a political scheme acceptable across a number of reasonable comprehensive doctrines, to “apply the principle of toleration to philosophy itself.”¹⁰

As part of the introduction, Rawls takes the reader on a short trip through a long history, beginning with Homeric Greece. He singles out three developments that have made a deep impact on the moral and political landscape. They are: the Reformation, the rise of the modern state, and the advances of modern science.¹¹ The Reformation in particular had “enormous consequences” for the background political and moral culture of modern societies. Specifically, Rawls follows Hegel in thinking that the Reformation made religious liberty possible through public religious division and even war.¹² The end result was what he calls the Fact of Reasonable Pluralism.

¹⁰ “Justice as Fairness” Op. cit. 223

¹¹ PL xxiv-xxv

¹² PL xxvi

The Fact of Reasonable Pluralism is the claim that democratic political cultures today are marked by a particular sort of diversity of opinion.¹³ There have always been, Rawls says, unreasonable comprehensive doctrines competing with reasonable comprehensive doctrines for the allegiance of citizens.¹⁴ These were often marginal views with few adherents, irrational demands, and very little power in the face of the dominant view. For example, Catholic Christianity made Medieval Europe culturally monolithic.¹⁵ The challenge now, however, is three-fold. First, it's not clear that any single comprehensive doctrine has the kind of grip on the conceptual landscape that the gods of Homeric Greece or the Medieval Catholic Church did on their respective cultures. Second, there is tremendous diversity in democratic society of *reasonable* comprehensive doctrines: worldviews that cannot simply be dismissed out of hand as irrational. Third, even reasonable comprehensive doctrines are ultimately opposed, incompatible, and irreconcilable; they disagree intractably on matters fundamental not only to the moral life of a person but also the political life of society. These developments make contemporary political philosophy a new kind of challenge, Rawls thinks.

He does not think this development is an accident of history. Rather, it is, “the inevitable long-run result of the powers of human reason at work within the

¹³ PL 24n

¹⁴ PL 64

¹⁵ PL xxv

background of enduring free institutions.”¹⁶ In clarifying his position, Rawls restates the Fact of Reasonable Pluralism as a set of three general facts about pluralism and toleration:

- 1) Diversity of reasonable comprehensive doctrines is a permanent feature of democratic culture.¹⁷ The problem of dissensus is not a temporary obstacle, but a permanent feature of the moral and political landscape.
- 2) A continuing shared understanding of one comprehensive doctrine can be maintained only by oppressive use of state power.¹⁸ Dissensus is not a bug in the system to be worked out by better engineering; it is a feature of democratic life and, to whatever extent it can be overcome, can only be overcome by the use of undemocratic coercion.
- 3) An enduring and secure regime must be supported by at least a substantial majority of politically active citizens.¹⁹

I pause here for a moment to criticize Rawls’s rhetorical choice to label all of these (the three general facts and the Fact of Reasonable Pluralism) “facts.” He seems mostly to be using the word “fact” as a cudgel to beat down any serious question about what are plainly disputable claims. None is actually a fact, if by fact

¹⁶ PL 4

¹⁷ PL 36

¹⁸ PL 37

¹⁹ PL 38

we mean a claim about the world no reasonable person could dispute. They represent Rawls's considered views on the problem of dissensus, and they ought to be taken seriously, but not one of them is unquestionable and calling them facts seems to buy certainty on the cheap.

Returning to the particulars, the third fact brings the problem more into focus and shows how the Fact of Reasonable Pluralism became the wellspring of much of Rawls's political philosophy. How can any regime that partakes of a comprehensive doctrine endure in a political culture where there is no widespread agreement on comprehensive doctrines? Thus, Rawls goes in search of an overlapping consensus of principles of justice drawn from reasonable comprehensive doctrines to solve the problem.²⁰ The fact that they overlap all of the reasonable comprehensive doctrines relieves them of the burdens of being drawn from any one comprehensive doctrine. In this way also, the Fact of Reasonable Pluralism justifies the device of the veil of ignorance, behind which hypothetical representatives would arrive at the overlapping consensus, creating the basic structure with no knowledge of which comprehensive doctrine they give their allegiance to in real life.²¹

But, the above "facts" notwithstanding, what are the sources of disagreement—why can't people come to a consensus about political philosophical matters? Rawls's answers to this question are what he calls the Burdens of

²⁰ PL 141

²¹ PL 25n

Judgment. Accepting the consequences of these burdens, Rawls says, along with an emphasis on reciprocity, is what defines being reasonable.²² The Burdens of Judgment cover both theoretical and practical reason. There are six and I will summarize them briefly:

- 1) The available evidence is conflicting and complex.
- 2) People give different “weight” to factors, resulting in different conclusions in deliberation.
- 3) All concepts are vague and subject to hard cases.
- 4) The assessments people perform are influenced by the totality of their life experience, and experiences vary widely in modern society.
- 5) Often, there are different kinds of normative considerations on differing sides of an issue.
- 6) Any system of values is always going to be partial.²³

The Burdens of Judgment are absolutely central to political philosophy. They are the sources of the disagreements that result in the Fact of Reasonable Pluralism.²⁴ They are “of the first significance for a democratic idea of toleration.”²⁵

²² PL 54

²³ PL 56-57

²⁴ PL 55

²⁵ PL 58

They cannot be overcome without force and result in a radical indeterminacy of human reason.

Now, with respect to comprehensive doctrines Rawls concedes that, “we like to see reason as leading to the truth and to think of the truth as one.”²⁶ But the weight of the burdens is so great that the only reasonable response for a human person is to set aside the quest for truth, to set aside what our own deeply held commitments might say about what’s best for society, and to endorse, for the sake of stability, more limited principles that lead to an overlapping consensus.

But notice that what Rawls is arguing here goes to the heart of his understanding of the human person, of society, of the mind, and of fundamental human motivations in two ways. First, the whole constructivist process Rawls engages in—namely, modeling right thinking by situating an idealized person behind a veil of ignorance, stripped bare of particular human attachments and comprehensive views, and tasked from that vantage point with deriving and agreeing upon a basic structure of society, and then act in life according to the results of the model—cannot but be a product of a mind deeply influenced by Kant. Rawls’s genius is undeniably a Kantian sort of genius. What the problem of dissensus looks like to Rawls is heavily influenced by the way his mind has been shaped by his vantage point within a Kantian liberal comprehensive doctrine.

²⁶ PL 64

Second, the question with which Rawls begins *Political Liberalism*, the question of how to govern under conditions of dissensus, is intelligible to adherents of many comprehensive doctrines, followers of a number of philosophies. But any adequate answer to the question will require a fairly deep and accurate understanding of what sort of thing a person is such that it can be a citizen, such that it can hold a comprehensive doctrine, such that it can help secure a just society. A false understanding of what's possible would be unlikely to foster justice, and even if we got lucky and somehow wrung justice from a false theory, we shouldn't expect it to last very long—so we wouldn't get the stability Rawls so highly prizes. He wants to be more than just lucky. This is not meant to be a too-easy defeat of the idea of justice as political-not-metaphysical. It might be that Rawls can arrive at a conception of personhood which is itself devoid of metaphysical implications. That is the question of the second part of this chapter. The claim here is simply that addressing the problem of dissensus inevitably implicates deeper questions of personhood: how one might successfully deal with seemingly intractable disagreements among persons depends, in part, on what sort of thing a person is: what forms it, what motivates it, what fulfills it, what resources it possesses.

Before proceeding with that next task, however, I want to bring to light an example of how features of Rawls's view of personhood function as axioms and assumptions throughout *Political Liberalism*, and thus indicate how the problem of

dissensus (and what to do about it) understood as a problem of philosophical anthropology (i.e. related to the philosophy of personhood) opens up a whole new line of questions about his theory.

The value of stability to Rawls can hardly be overstated. Ed Wingenbach argues, in fact, that in *Political Liberalism*, Rawls gives priority to stability over all values, even justice. Stability is the real goal and the ultimate criterion.²⁷ Michael Pakaluk agrees, focusing on the role in Rawls's scholarship of "walking away" from active participation in and endorsement of the political regime.²⁸ Rawls says, "If a conception fails to be stable, it is futile to try to realize it."²⁹ Political Liberalism prioritizes stability because Rawls's theory of the person has a strong preference for stability and risk aversion. Why not, for example, think people would opt to take the risk they might be wrong and, despite the burdens of judgment, act upon what they believe is true? On Rawls's way of thinking, people are more fundamentally motivated by a desire for stability than a desire for a social instantiation of the truth as they understand it. While he doesn't deny the possibility of truth, he does not think truth or the desire for truth are or can be significant features of political life if stability is to be achieved. That is, he brushes

²⁷ Wingenbach, Ed, "Unjust Context: the Priority of Stability in Rawls's Contextualized Theory of Justice" *American Journal of Political Science*, 43:1 (1999), 220

²⁸ Pakaluk, Michael, "The Dignity of the Human Person in the Philosophy of John Rawls" paper for "The Philosophical Foundations of Human Dignity" conference, available at <https://michaelpakaluk.files.wordpress.com/2012/02/the-dignity-of-the-human-person-in-the-philosophy-of-john-rawls.pdf>

²⁹ PL 142

off with little worry and only a throwaway line what may, on an alternative conception of the person, turn out to be a massive problem—according to Political Liberalism, the pursuit of truth, moral or theoretical, as well as the pursuit of goodness at the social level, must both be set aside for the sake of stability. Rawls does not think through the possible moral-psychological implications of endorsing a radical and permanent indeterminacy at the social level. He does not ask how easy or difficult it is for people to bracket the truth, even though the ease or difficulty matters tremendously for the theory. If the person is constituted to prefer stability fundamentally, then it would be easier to prioritize stability over the pursuit of truth. On the other hand, if truth is a stronger motivation than stability, it's hard to see how Political Liberalism would be at all attractive.

To assess whether and to what extent Rawls has correctly surmised the human condition here and now in light of our history and whether he successfully tackles the problem of dissensus, requires a fuller exploration of his conception of the human person. If his philosophical anthropology is correct, then perhaps his solution to the problem of dissensus—setting aside truth for “the reasonable” in order to gain stability—is correct. On the other hand, if Rawls is wrong about what a human person is, how the mind works and what our motivations are, then Political Liberalism is stillborn.

Rawls and Personhood: a Thomistic Appreciation & Critique

Rawls revised the philosophical content of *Theory of Justice* primarily because he thought it failed its own demand for neutrality by connecting justice too tightly with a “comprehensive doctrine”—in this case, comprehensive liberalism. *Political liberalism* was to rescue Rawls from this problem by making political philosophy into a “detachable” justification for practical arrangements, a “module” that would fit any reasonable comprehensive doctrine.

But Rawls’s new ship hardly gets out of the dry dock before running aground, like its predecessor, on metaphysical shoals. The first lecture in *Political Liberalism* describes the fundamental ideas of the revised theory. Among those is the human person qua politics—Rawls is not concerned with the human person per se, but with human persons qua citizens. We recall that his driving question is, “how is it possible for there to exist over time a just and stable society of free and equal citizens, who remain profoundly divided by reasonable religious, philosophical, and moral doctrines?”³⁰ The citizen, then, is the subject of political philosophy as Rawls conceives it, the main noun at the root of the main question of Rawls’s project.

What’s a citizen? Rawls’s answer is that democratic citizens “are viewed as free and equal persons.”³¹ A citizen, then, is a type of person. What’s a person? Rawls offers a concise formulation and then a list of three features of personhood.

³⁰ PL 4

³¹ PL 5

The concise formulation is, “someone who can be a citizen, that is, a normal and fully cooperating member of society over a complete life.”³² The definition is supposed to be liberal, which analysis will show it is, but it’s also supposed to be “political, not metaphysical” and thus freestanding. A closer look at each of the features in Rawls’s account of personhood, making explicit what they imply, will show that it is deeply metaphysical and highly controversial—precisely what Rawls hoped to avoid.

(1) The First of the Two Moral Powers: a capacity for a sense of justice

A capacity for a sense of justice is itself a combined power, making use of speculative acts of understanding, acts of practical reason, and an orientation of the will. The power includes understanding, acting based upon, and willing a publicly recognized definition of duties owed to others and rights owed to oneself—in short, what Rawls’s calls, “the terms of social cooperation.”³³

On closer study, the First Moral Power is not free of metaphysics at all—it’s not even metaphysically minimalistic. Claiming for political persons (even barebones, merely ‘political’ persons, not yet fully articulated) a power of the sort Rawls describes requires substantial metaphysical concepts and distinctions, especially fundamentals of epistemology, which go unacknowledged in Rawls’s account. Now, in ordinary political discourse it’s entirely understandable that basic

³² PL 18

³³ PL 19

metaphysical features of the human person would be taken for granted. But here, Rawls can't take them for granted precisely because he's claiming there is no metaphysical background in the theory at all and that such a background isn't necessary for his political philosophy to be coherent and compelling.

A great deal is entailed by, or necessary to ground, this claim for a moral power, especially in light of its particular features. Exercising the capacity for a sense of justice first requires a person have the capacity to understand, which itself entails that a person is the kind of being capable of possessing a power to understand conceptual claims and arguments, one with a rational mind suited for speculative (or theoretical) reason. Second, Rawls specifies that understanding isn't enough for the first moral power—the person must also be capable of deliberating about action and acting based on the understanding Rawls has proposed. These powers of practical understanding and action require a being capable of acting on what it believes, a moral being able to determine its own action through practical reason. So far, Rawls's person must have a mind capable of theoretical and practical reason, but that is not yet enough.

Third, exercising the first moral power in the way Rawls describes—taking cues from the broader political culture, responding to the views and values of others—requires not only theoretical and practical reason in a general way, not merely a formal potential in the person to understand and to act, but a particular determination to act with regard to others even when there might be some

advantage to be had by not doing so. That is to say, in a situation where a person could secure advantages by taking them from another, he has to put aside what is to his rational advantage (or, more accurately, animal advantage) to prefer what is fair. Such a person needs a feature within him (call it a habit or virtue) that has fairness to others as its object—a virtue of justice. Without such a virtue, a person might still understand the concepts at issue, but would not understand them as matters of justice, as related to each other, applicable to one's own action, and compelling.

There is still more to Rawls's first power. In addition to the equipment necessary in the person for understanding and acting upon justice, there must be an inclination to do so: in order for a person to be motivated to act upon what it understands as the requirements of justice, it must have the motivation to do so, an inclination or desire. That inclination might be described as a desire for sociality, friendship, or even love. Neither a power for theoretical understanding nor a power for practical understanding fully determines action for such a goal; thus Rawls needs another capacity in the human person, one traditionally called the will.

Someone might object that I'm trying to force Rawls into a more complex claim than he's making—trying to force him to adopt more metaphysical concepts, premises, and arguments than is necessary for his theory. But the real problem, as this section makes clear, is closer to the opposite—it's not someone imputing to

Rawls concepts he doesn't need, but Rawls helping himself to deeply metaphysical positions about the composition and motivation of the human person without making arguments for them only then to deny that his theory has any metaphysical content at all. To the extent Rawls's philosophy doesn't appear to have metaphysical content, it is an inadequacy of argument, not a minimalistic accomplishment. One might then ask how deep the error goes, how many metaphysical concepts Rawls helps himself to. The answer to that question continues to take shape as each feature of Rawls's "person" in *Political Liberalism* is explored.

(2) The Second of the Two Moral Powers: a conception of the good

Persons have a capacity for forming a conception of the good and, at any given time, in fact have a more-or-less full conception of the good. There is a tension in Rawls's attempts at defining and specifying this second moral power.

On the one hand, in some places the conception of the good includes not only means-ends rational calculations of benefits, as a utilitarian might argue, but, to his lasting credit, Rawls also pushes beyond utilitarianism. His fundamental idea of a person's good entails many more dimensions and includes a full scheme of "final ends": attachments, loyalties, associations, and the broad array of social roles he fulfills. The doctrines are stable over time, but not permanent—people can and do change them, often slowly but sometimes abruptly. Rawls's example of an abrupt

change is when Saul of Tarsus becomes Paul the Apostle.³⁴ The example is helpful not only for understanding an abrupt change, but seeing the idea of a conception of the good in practice. What changed for Saul/Paul was nothing less than his understanding of the whole universe and his place in it. For most people, Rawls says, their conception of ‘the good’ will participate in a tradition of enquiry embodied in a comprehensive doctrine. In Saul’s case, as is obvious, the doctrine was Judaism in the Roman Diaspora; for Paul, it was Christianity.

And yet, Rawls seems to lose his own plot, for at multiple points he defines the good for a person as “rational advantage.” He used that definition in “Justice as Fairness: Political not Metaphysical”³⁵ and he uses the identical formulation in *Political Liberalism*.³⁶ This definition is stunted and, whenever it seems to be foremost, blinds Rawls to reality in multiple ways.

For example, in this formulation of the good of the human person, Rawls has made people much more competitive than they often are. Most of life is teamwork, cooperation on group projects (even when the group is in competition), whether as part of a family, in a work environment, as an apprentice to a master, on a sports team, as a member of a church congregation, etc. In defining reason for his idealized person in such a hyper-competitive way, concerned exclusively with rational advantage, Rawls has set up a binary of rational nature as cutthroat

³⁴ PL 32n

³⁵ Op.Cit. 232

³⁶ PL 19

competition and government structures as the forces charged with domesticating that drive. But this is more like a dystopian novel than a theory of human beings as we encounter them.

Rawls's one-dimensional conception of the good as rational advantage further causes him to fail to take account of goods that concern more than one's rational advantage. The examples that spring most readily to mind are children and family. One would have to concoct a contorted and frankly unbelievable argument to think of children as good in the sense of "for the rational advantage of the parents." They just aren't; the goods of child rearing and family life are more closely related to self-giving and more adequately explained by a view of the good capable of extending beyond the boundaries of one person's rational advantage. In a way, Rawls has here become what he hates—a utilitarian—at least in philosophical anthropology. His view of the good as rational advantage is closer to utilitarianism than perhaps any other school of thought. Though not his final word about the good of the human person, it is nevertheless the predominant strain in his thought and may explain why the other features of the human good get short shrift in *Political Liberalism*.

The second moral power, however finally conceived, must be grounded, like the first (and perhaps even more so), in a profound, comprehensive, and entirely unacknowledged metaphysical view. Metaphysical commitments entailed by or implied in this view include:

- a) the human person pursues some ends for their own sake;
- b) the goods that make up the 'final ends' of the person are individualistic, not distinctive or common (individualism);
- c) the goods that make up the 'final ends' of the person are chosen rather than external (voluntarism).

Rawls says not all pursuits of persons are means to some further end, but some activities and goals are ends in themselves and therefore goods in themselves. I agree and applaud him for asserting it, but it's not less (for being right) a view about the truth of the human good as such. In advancing this view, he is bringing into Political Liberalism a metaphysical claim. That claim is multi-part and includes that the good is not one thing, but a more-or-less ordered collection of activities related only in that they were chosen by a person as his ends. Rawls continues to reject the view he rejected forcefully in *Theory of Justice*, where he called it mad: namely, that there is some one highest good for man in life. That view is bound to be controversial for many Christians, Muslims, and even some rationalists.

Could Rawls defend himself here by responding that the view of the good as a collection of goods is not exclusive of a "one highest good" view, but rather includes it among the possibilities, that if there were one overriding good it would

serve the same function as the set of multiple goods? I do not think that option is available to him practically without vitiating the autonomy of politics. Rawls is seeking to set up political liberalism as a part of any reasonable comprehensive view, where politics consists of parallel independent processes, independent reasoning, and even an independent rhetoric (public reason). It's not clear that in any practical sense if one has a comprehensive doctrine with a single highest good that one would find public reason and Political Liberalism, by definition devoid of any reference to a highest good, in any way persuasive.

The account of the role of 'the good' in life also speaks exclusively of the good of individual persons. There is no account of a distinctive common good of the community (whether political, familial, or social), and that absence betrays the presence of a theory in which there is only the individual good to be accounted for in politics.³⁷

That is, to the extent that Rawls addresses the good of associations, their good is reducible to the goods of their participating members. That is not an uncontroversial view. In fact, far from a freestanding, widespread, settled view of the political culture, that view is practically unique to liberalism. As we will see in Chapter Three, there is a vigorous debate among many people in liberal societies about a distinctive common good which is both part of the person's common good

³⁷ cf. Taylor, Charles "Cross Purposes: the liberal-communitarian debate" in N.L. Rosenblum, (ed), *Liberalism and the Moral Life* Cambridge, Mass., Harvard University Press, 166

and distinct from it. While individuals may not be all there are in Rawls's view, for he does affirm the existence of attachments, relationships, etc., these goods have no independent standing or existence, no claim they can make for their own sake against individuals in politics, and thus no representation in the idealized process Rawls sets up for establishing principles of justice.

A contrary view might hold that were Rawls's view not comprehensively liberal, he might allow theoretical representation for families or trade unions, for example, behind the veil of ignorance. To do so would, however, also implicate Rawls in metaphysical questions because he would thereby be asserting that something other than individuals has the social and political standing to be worthy of consideration in the idealized state from which the basic structure is derived. There is no neutral position devoid of metaphysical implications available on this point, and thus it's no great surprise that Rawls fails to be metaphysically neutral. It's also thus not a mark against him that he takes sides; what is a mark against him is that he advances a view based on a comprehensive doctrine while claiming to be avoiding just that.

Finally, Rawls's view of the good continues to be voluntarist in important respects. Rawls says people "form" a conception of the good. He does not say they their conception is formed by reality or that they fit their own conception to the world. Rather, he implies they are free to shape a conception of the good in any way they choose, and that the value or political standing of such a view comes

from its being chosen by the person, the “self-authenticating source of valid claims,” and not from its truth or from its conformity with reality. As Michael Leahy puts it, “The good, in other words, is assumed to be something of which individuals form their own conceptions, not something to which they must conform their own conceptions.”³⁸

There are two metaphysical propositions bound up in Leahy’s criticism. Rawls’s view is that the good is constructed by the person rather than discovered, formed rather than recognized, that (in something of an existentialist reversal of teleology) the person is somehow prior to its ends. Thus the good is determined not by the mind through practical reason’s apprehending moral good from facts about the world and the human’s place in it, but from the will determining what the good is for each individual person based on desire or, for that matter, who knows what. Michael Sandel is strongly critical of this move for reducing personhood to “a kind of abstract consciousness (consciousness of what)?”³⁹ By way of contrast, Sandel contends, “The relevant agency here was not voluntarist but cognitive; the self came by its ends not by choice but by reflection, as knowing (or inquiring) subject to object of (self-) understanding.”⁴⁰

³⁸ Leahy, Michael *Is Social Justice Possible: Hayek, Rawls, MacIntyre, Taylor Critically Examined* dissertation submitted to Deakin University 2004, 108. On April 12, 2015, available at: <http://www.worldcat.org/wcpa/ow/224180174>

³⁹ Sandel, Michael *Liberalism and the Limits of Justice* Cambridge University Press 1982, 21

⁴⁰ *Ibid.* 152

I add to the criticism of Rawls's voluntarism here that it is arbitrary. Rawls takes it that the person is prior to its ends, but he also takes it that "certain rights, liberties, opportunities,"⁴¹ and material means ought to be guaranteed to each citizen as the all-purpose means needed in order to make fruitful use of their freedom to choose their ends. But why would any means be fixable if ends are not? That is, if it's not a choice on the part of the person whether he needs nutritious food, why think the status changes just because it's labeled an end rather than a means? Suppose I could defend 'consuming nutritious food' as an end rather than a means by saying that surely as physical beings an end of human life is enjoying good health. Nutrition is a necessary part of good health, and therefore consumption of nutritious food is one of the "ends" for which a human person daily acts. Now, why attribute to friendship any less necessity or any different status with respect to the good life for a human being? Both nutritious food and friendship are partially constitutive of a good life. Thus, Rawls helps himself to some ends which he arbitrarily labels "all-purpose means" thereby relieving himself, he believes, of the need to account for why these ends are exempt from the Fact of Reasonable Pluralism and the existential priority of the self.

An additional, implicit, criticism from Leahy is that for Rawls, even if there were some things that were really good, objectively good, they would not be capable of binding all people such that any conception which failed to include

⁴¹ PL 6

them was defective. As long as conceptions of the good are consistent with the reciprocity required by political liberalism, then there is nothing more than can be said from the point of view of politics about the content of any individual person's conception of the good. But this very claim, to be clear, is a metaphysical claim, as Leahy points out.

(3) Persons have powers of reason

In something of a throwaway line, as part of asserting the two moral powers, Rawls adds that persons have, “the powers of reason (of judgment, thought, and inference connected with these powers)...”⁴² This is no minor feature of the theory. It is critical to the construction of political principles that representative agents have the powers of reason necessary to construct political principles that will be suitable when they are not behind the veil of ignorance. And yet, even this seemingly basic claim for rationality cannot fail to be thoroughly metaphysical in origin and justification. Rawls has implied that part of what it means to be a human person, part of the definition of human person, is to possess the powers of theoretical rationality. My criticism here is related to something I said about the first moral power, namely that Rawls helps himself to a highly articulated view of epistemology, of a mind with theoretical and practical reason where theoretical reason has further acts and capacities proper to its functioning

⁴² PL 19

such as understanding, inference, and other formal procedures—none of which is a metaphysically inert claim.

Rawls's Excessive Rationalism

I have already identified two dimensions of criticism of Rawls's account of the human person, individualism and voluntarism, and here I add a third: excessive rationalism. Dan Hicks⁴³ makes a powerful case that Rawls's attachment to Kantian rationalism blinds him to other politically relevant aspects of personhood, which leads to a defective and inadequate account of personhood for representation in the Original Position. Alasdair MacIntyre on this point says, "I take it not only that a rational agent in *some such* situation as that of the veil of ignorance would indeed choose *some such* principles of justice as Rawls claims, but also it is *only* a rational agent in such a situation who would choose such principles."⁴⁴

Hicks begins with the concession that not all capabilities of persons are relevant to politics, and thus it would be unfair simply to list all the aspects of personhood Rawls fails to address. What would be fair criticism, however, is to

⁴³ Hicks, Dan "Rawls's Rationalist Conception of Personhood" unpublished paper and winner, William James Prize 2011 for the best paper in American philosophy by a young philosopher. Available at: http://www.academia.edu/657311/Rawls_rationalist_conception_of_personhood (on April 12, 2015).

⁴⁴ MacIntyre, Alasdair *After Virtue* 1981 University of Notre Dame Press, 247 (emphasis in the original)

enumerate politically essential aspects of personhood neglected by Rawls. Hicks argues that:

If capability C is “essential” for the activities of persons within institution(s) I of the basic structure of a well-ordered liberal democratic society then C should be included in the political conception of personhood...If the antecedent of this principle holds for a given C and I, then I will say that C is connected to I.⁴⁵

Hicks argues for two sets of non-rational capabilities that meet the criteria for inclusion in the definition of political personhood: affective capabilities and pragmatic capabilities. Affective capabilities include those that “form and maintain families and networks of friends” and help people “to engage in various kinds of care work.”⁴⁶ Hicks argues that the family is an institution of the basic structure. I agree, and will extend the analysis in Chapter Five to include love as a C in any I.

Rawls could reject that assertion, but Hicks might reply that Rawls is caught in the horns of a dilemma between excessive individualism and excessive rationalism. If the family is not included in the basic structure of society, then the construction of the basic structure and the conception of the person are defective for being excessively individualistic; if the family is included in the basic structure, then the conception of personhood is defective for lacking the capabilities conducive to those essential and foundational relationships and social structures.

⁴⁵ Hicks, op cit. 5

⁴⁶ Ibid. 6

I want to make a distinction, partially in defense of Rawls and partially in criticism. On my reading of *Political Liberalism*, Rawls means the Basic Structure not to refer to the fundamental building blocks of society, the most foundational relationships and social practices, but as a particular term of art to refer to formal constitutional structures and institutions. In most modern nation-states, the fundamental features of the highest level of government (e.g. the constitution) are too abstract to be directly concerned with the family and thus I think Hicks is wrong to fault Rawls for neglecting the family in his Basic Structure. What Hicks is right about, however, is a more general criticism that in neglecting the family as a basic structure of society, treating only the individual and the highest level of government, Rawls has flattened society and government.

Pragmatic capabilities are those needed, “to manipulate and create material objects in purposive ways.”⁴⁷ Rawls dwelt at greater length on economic matters in *Theory of Justice*, and here in *Political Liberalism* seems simply to assume a more-or-less regulated market economy of late modernity. But Hicks’s point isn’t about economic policy or the absence thereof in *Political Liberalism*. It is, rather, that Rawls has neglected a mode of human action essential to the maintenance of society. In addition to matters of theoretical and practical reason, humans learn how to do things such as knead dough or fix machines, and the kind of knowledge

⁴⁷ Ibid.

employed doesn't readily reduce to a combination of theoretical and practical reason.

Here, Rawls might come to his own defense once more and concede that there are additional capacities and modes of knowledge that he did not account for in the Basic Structure or the Original Position, but that those additional capabilities do not affect the outcome of the proceedings behind the veil of ignorance and thus don't make a real difference. Hicks has a ready response. He argues that three sets of institutions—democratic governance structures, the family, and the economy—are tightly interconnected such that to ignore the latter two is to jeopardize the former. He says, “If the economy is in shambles or children are not receiving the kinds of care they need to grow into thoughtful citizens, public deliberation will falter as well. This interdependence suggests that, until we have good arguments otherwise, we should presume that these three institutions, and the capabilities connected to them, are to be given roughly equal standing in the design of the original position.”⁴⁸

The Absence of a Desire for Truth

Hicks noted two important absences in Rawls's conception of the human person. I want to add one more: the absence of a desire for truth. As developed more fully in Chapter Three, human life is marked importantly by a quest to

⁴⁸ Ibid. 8

discover the truth and live accordingly. Philosophers from ancient Greece up to the present day have observed this distinctive feature of the human person. The desire for truth is fundamental.

Now, Rawls need not be denying that truth is important; what he is, at a minimum, denying is that the desire for truth has any place in politics or any pull on the political person. He is both staking a metaphysical position (contrary to his stated aim) and has chosen one that is mistaken. In trying to avoid metaphysics, Rawls has blinded himself to some of the most fundamental aspects of human life: the affective and pragmatic capabilities Hicks noted as well as the desire for truth. As Maritain remarked in *Scholasticism and Politics*, humans are such that they cannot, will not, ultimately be satisfied with anything less than life in the light of the fullness of truth, whatever that is and whatever it costs—absolute joy.⁴⁹ The desire for truth drives scientific discovery and advance, risky experiments, intellectual leaps, exploration in deep water and deep space. Attempting to privatize that desire is a mistake for two reasons. First, it simply fails to understand how fundamental the desire for truth is and that it will not be confined to the private sphere. In the U.S., for example, the country’s founders wanted a government founded on self-evident truths. Second, even were confinement possible, it would be “inappropriate” (to borrow Rawls’s word). There is a social component to the search for truth, and a truth component to the arrangement of

⁴⁹ Maritain, Jacques *Scholasticism and Politics* trans. Mortimer J. Adler New York: The Macmillan Company 1940, 56

social institutions. Socrates mingled among Athenian aristocrats, contemporary scientists work in lab teams, and burgeoning shelves in libraries around the world testify to the social and communal aspect of scholarship in general. Even when truth is discovered in solitude, there seems to be a profound need to share it. The social component of the desire for, and pursuit of, truth is not accidental, but part of what makes human beings social creatures in the first place. Truth is the aim of many of the activities that lead to a human's distinctive flourishing (the flourishing of the kind of creature with the capacities for reason and understanding Rawls concedes we have). Because the basic structure addresses how a society of human persons are to pursue flourishing together, as a joint project, the pursuit of truth and the instantiation of conclusions reached along the way, fully acknowledging many will need to be later discarded as mistaken, will necessarily be part of the political and social order. The profound desire for truth, a key insight of the metaphysics of the human person, is an enormous lacuna in Rawls's work. The desire for truth must be a part of an adequate description of the human person with respect to politics and will be part of any successful attempt to address the problem of dissensus.

Earlier, Leahy reminded us why the least taint of metaphysical dependence is so devastating for Rawls. The promise of Political Liberalism as a grounding for the structure of society is that it requires no more from adherents of any reasonable comprehensive doctrine than that they concede the Fact of Reasonable

Pluralism. But if Political Liberalism turns out to be metaphysically encumbered, then Rawls cannot make good on his promise, and Political Liberalism is reduced from a neutral overlapping consensus to one more comprehensive doctrine in the fray.⁵⁰ Worse, once reduced to just another comprehensive doctrine, Political Liberalism suffers for its inattention to fundamental dimensions of human flourishing and essential parts of the human person. Fortunately, Rawls is hardly the only contemporary scholar to wrestle with the problem of dissensus, and alternatives to his deeply flawed conception of human personhood, his philosophical anthropology, and the resulting political theory are readily available. In the rival tradition of Thomism, we will focus on the alternative account of dissensus in the work of Jacques Maritain, followed by the exchange between Jacques Maritain and Charles DeKoninck about the person and common good, a debate directly relevant to both the problem of dissensus and Rawls's errors regarding personhood.

⁵⁰ Leahy op cit. 107

Chapter Two: Jacques Maritain and Thaddeus Kozinski— Thomists Wrestle with Pluralism

Maritain's Alternative to Rawls's Overlapping Consensus

Rawls was not the only philosopher to take up the problems of governing under conditions of pluralism, nor was the liberal tradition of philosophy the only tradition from which such thinkers came. Maritain wrote extensively on political philosophy and democracy and specifically on governing when people disagree fundamentally.

Maritain's thought on the problem of pluralism reaches maturity in *Man and the State*. There are four things about which it is important to be clear in understanding what Maritain has offered in *Man and the State*. First, truth matters and cannot be dispensed with as some voluntarist accounts (including Rawls's) seek to do. Second, consent, or the reasonable possibility of consent, matters because of the importance of freedom to the human person. Third, these two things are in tension if and when a group of people cannot reach a consensus on a single claim about the truth which will ground the political order they are supposed to be able to assent to and abide by; this is the problem of pluralism. Fourth, the problem of pluralism is a problem of philosophical anthropology.

This chapter will address each of these contentions as they arise in Jacques Maritain's works, particularly his political works *True Humanism* and his mature

thoughts on the matter in *Man and the State*. Further, this chapter will consider criticism of Maritain's position on the problem of pluralism.

Briefly, Maritain understands the problem of pluralism in the following way. A political regime is either arbitrary or justified, and arbitrariness is a species of injustice. It is also either free or coercive, where freedom entails being able to assent to the regime and coercive indicates a regime where reason is overrun by force. Regimes need a rational justification because law entails the use of force on human beings – for Maritain, force without justification violates the dignity of the human person. A complication thus arises: in a political community where there isn't unanimity of worldview, determining a rational justification for the political order, even when people agree on what they should do, may be in tension with freedom and human dignity because not everyone will subscribe to the worldview that grounds the rational justification of the political regime. The tension, more precisely, is this for Maritain: there must be a rational justification for the regime in order for it to avoid injustice, but under contemporary conditions, when people have very different worldviews, the act of determining the rational justification itself threatens injustice by coercion.

Requiring a unanimously shared theoretical basis for the political regime would “run the risk of imposing arbitrary dogmatism or of being stopped short by

irreconcilable differences.”⁵¹ Why? Reasoning about politics is not like geometry, which begins with axioms disconnected (for the most part) from other subject matters. Politics is not freestanding. One’s starting points for political thought are tightly connected to thoughts about how to live right (morality) and how the world really is (metaphysics). These fundamentals run to heart of one’s understanding of self and reality. Hence the dilemma: at present, with so much disagreement on fundamentals, trying to force a unanimity on the deeper questions will either be stymied by deep-seated disagreement or it will require profound coercion.

By the time he wrote the words quoted above from *Man and the State*, Maritain had been thinking about this problem for the better part of two decades at least, first taking up the question in print in *True Humanism*. There, perhaps demonstrating the previous point about the connection of politics to more fundamental matters, Maritain confronts what he calls “The Question of Man.” He breaks the question into three parts: 1) What is the practical and concrete position of the human creature before God? What is his destiny? 2) What is Man? 3) What are relations like between Man and God? Much of *True Humanism* is taken up with answering those questions, delving into metaphysics, political philosophy, and theology along the way. Two key points, one similarity with Rawls and one difference, emerge in Maritain’s confrontation with The Problem of Man.

⁵¹ Maritain, Jacques *Man and the State* Catholic University of America Press 1951, 76. Hereafter, M&S.

Maritain's is (in part) a historical inquiry – he is not asking only about human beings as such, but is also keenly interested in the human situation as it stands historically. If that sounds familiar, it is strikingly similar to one of the starting points for Rawls's project. Neither philosopher considers only abstractions or universals, what applies at all times to all human beings, but each will account for historical facts and developments as shaping what's philosophically reasonable and possible *hinc et nunc*.

Maritain's project is, however, in contrast to Rawls's because Maritain's inquiry is less limited by historical considerations. That is, Maritain does not prescind from deeper claims about truth – metaphysics, human nature, and natural law – and suffers no embarrassment about God's place in his theory (He has one). For example, when Maritain answers the question "What is man?" he says, "Man is a person: a unity of a spiritual nature and endowed with freedom of choice and is thus an independent whole."⁵²

I want to take note of an important implication from the way Maritain has ordered his questions: the crucial place of philosophical anthropology in political philosophy is marked elegantly in the way Maritain takes "what is man?" to be linked to the question of what man's condition is here and now. The implication is that describing and evaluating "the conditions" of any thing (e.g. dog, car, flower)

⁵² Maritain, Jacques (Tr. Margot Robert Adamson) *True Humanism*, G. Bles 1946, 3

to a great depth requires one to know something about what the thing is; thus, asking what man's condition is requires Maritain to ask what man is.

Against the background of "What is Man?" Maritain offers his key claim on the problem of pluralism: "Owing to the historical development of mankind, to ever widening crises in the modern world, and to the advance, however precarious, of moral conscience and reflection, men have today become aware, more fully than before though still imperfectly, of a number of practical truths regarding their life in common upon which they can agree, but which are derived in the thought of each of them—depending upon their ideological allegiances, their philosophical and religious traditions, their cultural backgrounds and their historical experiences—from extremely different, or even basically opposed, theoretical conceptions."⁵³

This passage may strike many readers as essentially a pre-figuring of Rawls's idea of the overlapping consensus. However understandable, that would be a misreading—Maritain's 'practical convergence' is importantly different from Rawls's 'overlapping consensus'.

Rawls and Maritain disagree on the scope of agreement politics requires—Maritain thinks practical agreement is needed, where Rawls thinks theoretical agreement is also required. Rawls, despite claiming that political philosophy is a practical activity, is in search of *justification* for the political regime every

⁵³ M&S 76

reasonable person can assent to as a part of his or her own reasonable comprehensive doctrine—he calls it the overlapping consensus. What Rawls thinks politics requires is thus neither only a practical agreement nor a practical agreement resulting from a deep theoretical consensus, but rather something in between, something partially theoretical – theoretical insofar as its claims are not specific enough to rule out being part of any reasonable overall worldview. In this way, Rawls’s solution to the problem of pluralism is to require everyone to agree on a single theory, but not to let the theory be very deep.

Maritain’s solution is to narrow the scope: he asserts that it is possible to derive a common practical program of action people can freely commit to regardless of the various theoretical justifications or reasons they might offer for doing so (some of which may even be opposed). Maritain’s view is, essentially, that reasonable women and men can agree on *what* to do even if they disagree about *why* they should do it. That, for Maritain, is a tremendous achievement to be celebrated. For Rawls, however, practical agreement without the justification of an overlapping consensus is a mere *modus vivendi* – contingent, unstable, philosophically unacceptable. He says:

A typical use of the phrase ‘modus vivendi’ is to characterize a treaty between two states whose national aims and interests put them at odds. In negotiating a treaty each state would be wise and prudent to make sure that the agreement proposed represents an equilibrium point: that is, that the terms and conditions of the treaty are drawn up in such a way that it is

public knowledge that it is not advantageous for either state to violate it. The treaty will then be adhered to because doing so is regarded by each as in its national interest, including its interest in its reputation as a state that honors treaties. But in general both states are ready to pursue their goals at the expense of the other, and should conditions change they may do so. This background highlights the way in which such a treaty is a mere *modus vivendi*. A similar background is present when we think of social consensus founded on self- or group interests, or on the outcome of political bargaining: social unity is only apparent, as its stability is contingent on circumstances remaining such as not to upset the fortunate convergence of interests.⁵⁴

Rawls's project differs from Maritain's in that it requires a partial theoretical consensus rather than a purely practical one, but also because, unlike Maritain, any theoretical justification offered for the practical consensus must be free of metaphysics. By "metaphysics," Rawls roughly means fundamental claims about the way the world really is, truth with a capital t. In Maritain's solution to the problem of pluralism he does not require each person to agree on a generalized and uncontroversial philosophy; in fact, he is himself motivated by a metaphysical view about human nature, human freedom, and natural law, a view he's fully aware is controversial. Exemplifying the problem of pluralism writ small, why does Maritain rhetorically handicap the appeal of his political theory with controversial metaphysical claims? Why not go the way of Rawls and steer clear of metaphysical claims others will find repugnant? He answers that rational justifications for

⁵⁴ PL 147

practical political agreements are, “inseparable from the spiritual dynamism of a philosophical doctrine or religious faith.”⁵⁵

Repeatedly, Maritain and Rawls diverge in subtle but crucial ways, even when they seem to be making similar claims. An example of the pattern is their mutual rejection of theoretical convergence. Maritain thinks the kind of pervasive theoretical agreement that grounded Medieval Christendom is either impossible or undesirable in the present era because of long-standing and radical divergences in worldviews. Maritain’s claim appears similar to Rawls’s “fact of reasonable pluralism” but is really quite different. Maritain acknowledges a historical fact of divergence, but regards it as contingent, calling it “the *present* state of intellectual division among men”⁵⁶ and tragic, calling mere practical agreement “the last refuge of intellectual agreement.”⁵⁷ Rawls, on the other hand, thinks the problem of pluralism is to be regarded as permanent and the natural and proper outcome of the progress of reason.

Still another great difference exists: where Rawls regards voluntary agreement as the goal of practical political deliberation and political justification (politics *tout court*), Maritain aims for that and something more, namely truth. On just the same page where he extols the virtues of practical agreement, Maritain also says:

⁵⁵ M&S 78

⁵⁶ Ibid., emphasis mine

⁵⁷ Ibid.

I am fully convinced my way of justifying the belief in the rights of man, and the idea of freedom, equality, and fraternity is the only one which is solidly based on truth. That does not prevent me from agreeing on these practical tenets with those who are convinced that their way of justifying them, entirely different or even opposed to mine in its theoretical dynamism, is likewise the only one that is based on truth.⁵⁸

One must pay careful attention to Maritain here. It may appear that he is saying something like, “mere practical agreement is enough for me.” He is not. Rather, Maritain is saying agreement on an action is sufficient to undertake that action, and that while rational justifications are also necessary to actions, agreement on them is not. Unlike Rawls, Maritain thinks the question of what to do and the question of why—both of which are political—can be severed. Further, and still more contrary to Rawls, Maritain does not think it’s enough for a rational justification to be agreed upon; ultimately, the justification needs to be true in order to be fully justificatory. Just insofar as a justification fails to be true, it also fails to be fully a rational justification. Normatively, Maritain thinks one of the goals of politics and political philosophy is to ground political action in a true justification. Agreement on what to do is sufficient for action, but only truth is sufficient for rational justification.

But maybe, one might object, Maritain thinks action is so much more important than truth that the justification doesn’t really matter much. One need not search far for indications of his view about the status of truth. Concerning

⁵⁸ Ibid.

disagreements between rationalists and Christians—on the very same page where he notes that those of opposing views may agree on what to do—Maritain says, “And God keep me from saying it is not important to know which of the two is right! That is essentially important.” He continues, a couple of pages later, “Yet, from the point of view of intelligence, what is essential is to have a true justification of moral values and moral norms.”⁵⁹

Maritain argues that comprehensive doctrines are necessarily brought to bear at the level of rational justifications for actions, whether privately moral actions or political actions. This claim implies a fundamental objection to Rawls’s attempt to setup an intermediate metaphysics-free zone of political justification. Maritain says, “On the level of rational interpretations and justifications, on the speculative or theoretical level, the question of the rights of man brings into play the whole system of moral and metaphysical (or anti-metaphysical) certainties to which each individual subscribes.”⁶⁰ He could not, in a single sentence, be more opposed to the heart of Rawls’s project, which aims to deny metaphysics a place at the core of politics and political theory. In short, Maritain’s view is that it is necessary that each action have a fully metaphysical justification, but it is not necessary that each person have the same metaphysical justification for any given political action to be undertaken.

⁵⁹ M&S 80

⁶⁰ M&S 79

Maritain's view on the necessity of metaphysical doctrines for rational justification of practical agreements (and thus, as related to the problem of pluralism) comes from his views on philosophical anthropology. Following Aristotle (from the opening sentence of *Metaphysics*), Maritain takes it for granted that "all men desire to know." With respect to politics, Maritain says it this way: "[rational justifications] are indispensable, because each of us believes instinctively in truth and only wishes to give his consent to what he has recognized as true and rationally valid."⁶¹ He later amplifies this point in criticizing Enlightenment attempts to re-found politics on consent alone. "[Voluntarism] built no solid foundations for the rights of the human person, because nothing can be founded on illusion: it compromised and squandered these rights, because it led men to conceive them as rights in themselves divine, hence infinite..."⁶² This may be a fair criticism of earlier liberal thought, perhaps of Rousseau or Kant, but the criticism, at least the latter part, seems not to apply to Rawls, whose effort is more limited and whose sights are set a good deal lower. What might be said of Rawls, though, is that his thought is guilty of the former error of giving up truth in favor of assent for the sake of stability and, in so doing, jeopardizing not only truth, but also assent and stability.

As he so often does, Maritain leaves a lot of the details implicit or unspecified. One could easily misinterpret him and go too far in the direction of

⁶¹ M&S 77

⁶² M&S 84

totalitarianism about truth—calling up a haunting specter of the Inquisition. But that would be a misunderstanding of the truth of the situation here and now as well as a misunderstanding of Maritain’s claims. His argument is that consent/assent is not *enough*—not that consent isn’t part of a legitimate regime.

Philosophical Anthropology in *Man and the State*

We should return to Maritain’s initial definitional description of the human being: “a person: a unity of a spiritual nature and endowed with freedom of choice and is thus an independent whole.”⁶³ This is one of the essential places for philosophical anthropology in political theory in general and within Maritain’s political theory in particular. An informed understanding of what sort of thing a human is shapes both the interpretation of the philosophical landscape as it is now as well as the range of what is possible, reasonable, and good for the future.

He seeks a definition of humanity in contrast to conventional materialist, socialist, communist, Hegelian, and Rousseauian theories that see humans as mere parts in a hypostasized whole of “history” or “nature” and offers in its place a distinctly Christian, especially Medieval Christian, view of the human. In *True Humanism*, Maritain emphasizes the wholeness and individuality of man, but we should not understand that as his final word on what the human is, for he also clearly believes that while human persons are essentially wholes, they are also

⁶³ Maritain, *True Humanism*, op. cit., 3.

essentially social or relational. His statements in *Man and the State*, while not contradicting those in *True Humanism*, further elaborate the social nature of humanity. “Both community and society are ethico-social and truly human, not merely biological realities,” he says.⁶⁴ Maritain adds that political society is “required by nature and achieved by reason...tending toward the common good...implying a rational order,” for which justice is the “primary condition for existence” and friendship “its very life-giving form.”⁶⁵ “It tends towards a really human and freely achieved communion.”⁶⁶

Maritain expressly rejects a view of political society according to which it exists merely to augment atomistic individual pursuits of wholly intrinsic well being, a view frequently held by contemporary liberals including Rawls. “What is the final aim and most essential task of the body politic or political society? It is not to ensure the material convenience of scattered individuals, each absorbed in his own well being and in enriching himself... It is rather to better the conditions of human life itself, or to procure the common good of the multitude...”⁶⁷ Note how different this is from Rawls, who thinks the end of the body politic is merely a stable peace over time (where stability is achieved through a unity of rational justification for a liberal democratic order).

⁶⁴ M&S 2

⁶⁵ Ibid. 10

⁶⁶ Ibid.

⁶⁷ Ibid. 54

Maritain eventually refines his initial statement about man's personhood and individuality, giving substance to his claims by specifying some essential features of the human person. He understands himself as a Thomist and he follows the standard Thomistic view that things have natures composed of capacities (or powers) which one comes to know through their actions directed toward objects.⁶⁸ He states that he will take it for granted that human beings have a nature, and that all human beings share the same nature.⁶⁹ He also takes it for granted that human nature is made of ends towards which individual humans are inclined without being forced—they have free will for determining which means and to what extent each end is perfected.⁷⁰ Humans have intelligence, which allows them to act for an end with an understanding of what they are doing.⁷¹ More so than some of his critics (especially Catholic critics), Maritain thinks consent of the governed is a necessary feature of a just order—only some form of consent respects personhood and the absolute dignity of the human being. Truth and consent are thus connected: truth is necessary for full and free consent because, as we have already seen Maritain argue, people, on account of their nature which inclines them towards truth, won't for long freely assent or consent to anything but what they perceive to be the truth.

⁶⁸ vd. Aquinas's extended treatment in the *Summa Theologiae* at I.77

⁶⁹ M&S 85

⁷⁰ Ibid. 87

⁷¹ Ibid. 86

As is often the case with Maritain, there is less detail offered than one might desire, but each detail is important. In this case, I note that Maritain, at least implicitly, also senses the connection between pluralism and philosophical anthropology; given imperfect knowledge, pluralism is a result of the kind of thing human beings are and the particular powers they have, namely intelligence for determining their ends in a multifarious way rather than instinct driving them towards a univocal flourishing. That doesn't mean religious pluralism is good, as Rawls argues with regard to the Burdens of Judgment in *Political Liberalism*, for Maritain surely thinks it's tragic that anyone hasn't embraced the Gospel, but it does mean that it's not surprising and, under conditions of freedom (and original sin), may not be unusual.

The theoretical basis of rights and a just regime for Maritain is not mere assent, but assent towards the truth. He says, the unifying truth of society cannot be (just now) a single faith. So what then is the truth he claims regimes ought to be moving towards? The answer is a phrase he regards as infelicitous because so often misconstrued or misunderstood—natural law. By natural law, he does not mean a mere set of rules or a code of conduct simply read off from human nature (in the way he accuses some Enlightenment era thinkers of using the term), but rather a teleology of conditions, a flowering of functions, knowledge, and other features of humanity's essential nature. In short, natural law is the ideal of philosophical anthropology, "an order or a disposition which human reason can

discover and according to which the human will must act in order to attune itself to the essential and necessary ends of the human being.”⁷² As James Stoner notes, Rawls made a similar claim with his “Aristotelian Principle” in *Theory of Justice*, only to abandon it in *Political Liberalism*.⁷³

Epistemologically, Maritain thinks only the first principle of practical reason, that good is to be done and evil avoided, is known absolutely universally.⁷⁴ Thus, he is not arguing that every person does in fact know intuitively all that the natural law, the flourishing of their nature, demands. Instead, what Maritain is arguing is that there is an ontological standard with respect to ends available to human beings as rational agents – they can come to know what is good for them. Further, Maritain is not arguing for, in most cases, means “determined to one” as Thomists say, meaning that while the natural law specifies what it would mean for a human being to be flourishing, it rarely specifies how that flourishing is to be brought about. There is a wide ambit personally and politically for instantiating ends in culturally distinct ways. One historical path, one unfolding of understanding of the natural law through history, is articulated in the discourse of human rights. But Maritain is keen to emphasize that human rights aren’t mini-gods and they are neither the starting point in political philosophy nor the

⁷² Ibid. 86

⁷³ Stoner, James R., Jr. “Politics and Moral Culture: Aristotle, Rawls, and George” conference paper for “*Making Men Moral: The Public Square and the Role of Moral Judgment*” at Union University, 2009. Available at: <http://uiswcmsweb.prod.lsu.edu/hss/polisci/files/item67429.pdf>

⁷⁴ M&S 90

stopping point with rational justifications. Human rights properly understood have a tight connection to the natural law – to have the former without the latter is to have a severed arm. Further, the conclusions about basic human rights at which many, especially in the West, have arrived form a kind of Democratic Charter, an international statement of practical convergence as a result of the historical unfolding of human understanding of what is good for human beings with respect to social and political forms. Thus Maritain provides a real-world example of what he’s been describing and analyzing: a practical convergence despite theoretical differences. That, he thinks, ought to prove his point.

Thaddeus Kozinski’s Criticism of Maritain

In his book *The Political Problem of Religious Pluralism and Why Philosophers Can’t Solve It*, Thaddeus Kozinski considers both Rawls’s and Maritain’s attempts to solve the problem of pluralism. He is critical of both and concludes that neither ultimately succeeds. Kozinski praises Maritain for the following features of his political philosophy: 1) candor about theological justification, 2) including both political and metaphysical elements, and 3) pluralism based on confidence in the truth of the Catholic faith rather than the burdens of judgment.

On the other hand, he thinks Maritain’s project fails for the following reasons: 1) Maritain’s “democratic charter” is an unstable mixture of Thomism,

Catholicism, and Liberalism; 2) he failed to see that a political theory that is “thickly” Catholic cannot simultaneously be intelligible and persuasive to non-Catholics; and 3) he failed to understand that such a mismatch means his Thomistically justified theory couldn’t possibly generate practical unity in an era of deep theoretical division.⁷⁵

But First, the Praise...

Kozinski begins by contextualizing Maritain’s work as the product of a particular moment after World War II when some Thomists were optimistic that, in the wake of the failure of Nazism and Fascism, Christianity and particularly Christian philosophy might seize an opportunity to revitalize European and American politics.⁷⁶ Like Rawls, Maritain was deeply affected by World War II, and thought society was at a pivotal moment, weary of war but energized to do something to prevent future conflagrations. Maritain’s “Democratic Charter” based on a “practical consensus” under conditions of theoretical disagreement was his proposed solution to the problem of pluralism.

The first part of Kozinski’s assessment of Maritain’s project is strong praise: he says it’s markedly superior to Rawls’s attempt to solve the problem.⁷⁷ Maritain’s theory does not eschew “foundations” and is based on claims of the truth as to

⁷⁵ Kozinski, Thaddeus, *The Political Problem of Religious Pluralism and Why Philosophers Can’t Solve It* Lanham, MD, Lexington Books 2010, 81

⁷⁶ Ibid. 49

⁷⁷ Ibid. 58 ff

what is really good for human persons. Kozinski criticized Rawls for “dissembling,” pretending to eschew foundations while requiring a thoroughly foundationalist account of political liberalism. Maritain suffers no such flaws, as he openly embraces the need to make claims about the truth as such.

Rawls’s view (in *Political Liberalism*, a development from his earlier view in *A Theory of Justice*)⁷⁸ is that the good for human beings may, in fact, be determinate, but is entirely the province of comprehensive doctrines and not at all the purview of a political conception of justice. Maritain’s view, on the other hand, is that man has an ultimate final end, beatitude, and a number of temporal final ends knowable to reasonable people. Acknowledging that the ultimate final end (beatitude) cannot, because of the absence of religious unity, now serve as a basis of unity for a political society, Maritain relies instead of the temporal final end, the inviolability of the human person, as the anchoring truth of the body politic.

Further, Maritain is praised not only for taking full cognizance of natural and real human goods, but for being entirely faithful to his Christian position by recognizing openly the supernatural good toward which those natural goods point and work.⁷⁹ Maritain recognizes that on the traditional Christian account, the natural good for man is in the service of the supernatural good for man, the beatific vision of God. Kozinski praises Maritain for recognizing these natural and supernatural ends of man on the one hand and the failure of most citizens of

⁷⁸ cf. Stoner, op. cit.

⁷⁹ Kozinski, op.cit. 61

advanced democracies to accept these grounds for the political order. Kozinski thinks Maritain is praiseworthy precisely because he values a fully metaphysical view of the ends of human life. By contrast, Kozinski says Rawls doesn't do without an absolute standard, but smuggles in liberalism—specifically liberal political culture—and makes the state a *de facto* god.⁸⁰ The advantage Maritain gains, in Kozinski's estimation, is the recognition of the subordination of the political order to the supernatural order, and the political good to the supernatural good.

Further, Maritain's philosophy is both political *and* metaphysical. The balance he strikes is between "the primacy of the spiritual and the autonomy of the temporal."⁸¹ As Maritain himself puts it, he's not in search of a theoretical minimum (as perhaps Rawls may be) but a common practical task.⁸² Political justification is thoroughly metaphysical. According to Kozinski, because Maritain permits a metaphysical rational justification, he allows much more open and free-flowing public debate and discussion. In fact, for Maritain the best way to ensure the flourishing of the one true metaphysical doctrine, that of the Holy Catholic Church, is to allow as open and free a religious society as possible, so that the Gospel may be preached unhindered.⁸³ Indeed, as Maritain says, "If a new civilization is to be Christianly inspired... it will be because Christians have been able, as free men speaking to free men...to persuade the people, or the majority of

⁸⁰ Ibid. 62

⁸¹ Ibid. 68

⁸² Maritain, *True Humanism*, op. cit. 200

⁸³ Kozinski, op. cit. 72

the people, of the truth of the Christian faith, or at least the validity of Christian social and political philosophy.”⁸⁴

It may strike one as too abstract to speak of “the primacy of the spiritual and the autonomy of the temporal.” Maritain gives us a clue, however, as to how that works in practice. Referring to debates about a program of practical action, he says, “But [one] is not entitled to demand that others subscribe to his own justification of the practical principles on which all agree.” The political regime is a body politic united around a practical agenda of democracy and human rights they agree on (which brings about justice and peace) for widely varying reasons they argue about, working as a community through free discourse towards the goal of the whole truth about what is good for human beings.

And Now, the Criticism...

Kozinski’s praise for Maritain is focused on the theoretical fundamentals, and his criticism is largely of the way Maritain puts his theoretical commitments to more practical application with respect to 20th century pluralism and democracy. Specifically, Kozinski laments what he considers Maritain’s “Rawlsian Turn” from the idea of a new Christendom to a project of simultaneously refuting

⁸⁴ M&S 167

the philosophical basis of Western liberalism while justifying liberal political structures on alternative grounds.⁸⁵

According to Kozinski, Maritain's project at its heart is to depict a political model that is theoretically exclusive, fully justifiable by one particular comprehensive doctrine, but practically inclusive, the possible object of agreement among those from any number of rival comprehensive doctrines.⁸⁶

Kozinski sets up four criteria for determining the success or failure of Maritain's practical project (as exemplified in *Man and the State*): 1) Maritain's understanding of historical development such that religious pluralism is normative and politically irremediable. If Maritain is wrong about whether pluralism today is a "given" or good, then his project would be still born because not fundamentally in service of what he regards as the good and true. 2) Whether Maritain's separation of practical action and theoretical justification is tenable. 3) Whether participation in the Democratic Charter helps or hurts what Maritain himself regards as the superior institution and mission, that of the Catholic Church. 4) Whether Maritain's exertions in favor of contemporary democratic principles damage the coherence of his own thought.⁸⁷

With respect to the first criterion, Kozinski cites Catholic philosophers (e.g. Robert Kraynak and William Cavanaugh) who accept Maritain's theological

⁸⁵ Kozinsky, op. cit. 82

⁸⁶ Ibid. 84

⁸⁷ Ibid. 83

premises, but reach very different conclusions as to the history of liberal democracy, namely that it was not the product of the “leavening” power of the Gospel, but the result of rather more mundane factors such as the divine right of kings, the Enlightenment, Neo-Scholastic theories of popular sovereignty, etc.

This strikes me as a thin reed with which to whip Maritain. In fact it seems to commit a version of the genetic fallacy in arguing that Maritain’s political model can’t be good or true because the history Maritain presents is false. There’s no reason Maritain couldn’t defend himself by saying something like this: okay, sure, the historical account I presented of how we got here was glib and too clean, and maybe even mistaken—but none of that changes the facts that Catholicism is true and that the institutional products of liberal democracy are better than the arrangements they replaced and, in fact, the arrangements so far in human history that accord best with the dignity and nature of the human person. And nothing we would revise in the historical account would change the starting point for today, which is widespread theoretical disagreement. Kozinski’s criticism, even if true, doesn’t undermine Maritain’s point about the resulting state of affairs.

Confronting the second criterion for Maritain’s project, things get more interesting. William Cavanaugh asserts that the kind of separation of practice from underlying rational justification Maritain is attempting is impossible—that practices are inseparably linked to the ideologies that produce them. Worse, the result of detaching the state from any particular comprehensive doctrine or church

is not to free the people to pursue comprehensive truth and religious piety, but rather to empower the state to be the sole determining authority of what the right comprehensive doctrine is. Essentially Maritain has, in endorsing the secular state, accidentally neutered not only the Church, but the rest of the body politic, making every person and organization powerless against the claims of a state with vast powers.⁸⁸

Though none of them says it, what underlies the criticism of Kozinsky, Kraynak, and Cavanaugh is that Maritain has provided too little theoretical or practical check on the power of the state, and it will be impossible for such a powerful state to avoid the temptations of overstepping its proper bounds. This is a weakness that ought to be felt keenly across the spectrum, from liberal to conservative and from Christian to rationalist—the specter of an unbound state ought to be frightening to all. Perhaps more pointedly, Maritain and his critics haven't stated the proper bounds of the state in concrete terms. For example, Cavanaugh's proposed alternative looks to be nothing more than an atavistic desire for a politically stronger Catholic church. Additionally, even if it were granted, a stronger Catholic Church would itself run headlong into the Problem of Pluralism and Cavanaugh doesn't tell us how he would get around the fact that many of the people governed by the state wouldn't agree with the rival view of the Catholic Church—how under those conditions would the Catholic Church

⁸⁸ Ibid. 89

function as a check on the state? If the Catholic Church exercised not just authority, but political power, how would Cavanaugh avoid coercion? He doesn't say, and this seems a fundamental failure to take Maritain seriously and understand the problem fully.

Kozinski joins the criticism of the possibility of separating the theoretical justifications from the practical program by saying that the apparent convergence of a moral baseline in the immediate aftermath of World War II was ephemeral and always an illusion.⁸⁹ The reality is that there is no fundamental appreciation of human dignity on which to build, as evidenced by the rampant growth in the incidence of a variety of moral evils including abortion, euthanasia, consumerism, pornography, and so on. Two things are odd about Kozinski's criticism. First, he's just criticized Maritain for failing to provide rigorous empirical evidence in support of a historical claim, and then he commits the same mistake by simply asserting that the current period in history is vastly more depraved than one-half century ago. Second, even if he's right about that, the argument proves too little, for it might well be that the incidence of the whole range of evils listed is higher, but there nevertheless remains a fundamental appreciation of human dignity and the natural law. People may be confused or uneven in their moral lives; the prevalence of moral evils doesn't prove the absence of moral commitments to virtue.

⁸⁹ Ibid. 95

Next, Kozinski argues that Maritain's political model does, in fact, damage the Catholic Church by neutering it and making it subservient to the state. This is a grave charge because, on their own understanding, the Catholic Church is the repository of the Gospel and the one true theoretical justification for any political regime. To damage it and its mission would be to fail completely as a Christian political philosopher.

But I think the criticism is hasty and unwarranted. There have been, of course, instances where the state's growth in power has damaged the mission, particularly the public and political mission, of the Catholic Church, but on the whole I think the criticism is too hasty. It's at least as plausible that the state filled a gap created by an enervated church than that the state was the cause of the church's weakening position in recent centuries. As Stark and Iannaccone see it, the reason for a weakened the Church in the West, particularly in Europe, has not been animosity from the state or totalizing liberalism, but rather its opposite—there exists a strong correlation in countries between governments that underwrite churches, whether Catholic or Protestant, and weak religious observance. And a similarly strong correlation exists between governments that have stronger religious freedom protections and countries with thriving religious observance.⁹⁰

⁹⁰ Stark & Iannaccone, "Deregulating Religion: the Economics of Church and State" *Economic Inquiry* 35: issue 2, 350-364, 1997

The possibilities are not exclusive of one another, and it might well be that all of the phenomena were happening along a spectrum depending on the country and particular history. At any rate, my point here is to criticize Kozinski for unfairly dismissing Maritain's argument on the basis of a flimsy objection.

Kozinski breaks his final criticism down into two separate questions. Is a rights-based, religiously pluralistic, secular democratic political order the ideal? Is such an order compatible with a Thomistic account of an ideal political order? As to the first question, Kozinski demurs, saying he cannot answer it with only philosophical resources and that it would require a thoroughly theological response. As to the second, Kozinski says "no," indicating political peace is not possible without the majority of citizens being baptized Catholic Christians. He breaks the argument down into further questions.

Rights

Kozinski argues that Maritain's view of "rights" smacks of Kant more than Thomas Aquinas and is incompatible with a Thomistic understanding of politics.⁹¹ He accuses Maritain of holding an untenable view of rights—that they are extra-political because based on the natural law, which is prior to any particular government or political order. Kozinski doesn't dispute the extra-political origin and justification of rights, but argues nevertheless that any concrete exercise of

⁹¹ Kozinski, *op. cit.* 106-7

these rights must always be politically situated, and specifying highly abstract rights does and always will create a prismatic effect such that any particular “right” might look different in practice when comparing any two political societies.

Cast in this narrow way, the criticism is salient. Rights may originate and be justified by extra- or pre-political sources, but their actual instantiations will always be political, as part of this or that regime. Unfortunately, Kozinski concludes too much from this objection and dismisses the idea of human rights entirely. That’s hasty and a mistake. Maritain and Kozinski both seem to assume that the only kind of government there could be is characterized by the structures evident in the contemporary world: highly abstract governance in the forms of nation-states covering large territory and even more abstract treaty organizations and alliances. Kozinski is as guilty as Maritain, perhaps more so, because he writes almost exclusively in terms of action at the level of the large nation-state or even international institutions. This may be, more than anything else, what leads him to conclude that the problem of pluralism admits of no solution.

Kozinski’s criticism points to a potential problem with the nation-state, and if the nation-state is the sole locus of political organization, or the primary site of political organization, then there may, indeed, be an impasse. But many other arrangements are possible, and perhaps they are preferable. Though both Maritain and Kozinski are Catholic, it does not seem to occur to either that the Catholic social doctrine of subsidiarity might offer a way of solving the problem. In the

course of this dissertation, I will argue that the human person is fundamentally directed toward ends by love, and chief among those ends for the intellect is truth. The argument I lay down here may serve as a precursor and foundation for a further argument in favor of a more robust use of subsidiarity in politics. An alternative conception of politics where more abstract governance structures serve more concrete, lower-level, more local structures could decrease tensions and escape the contradictions experienced by Maritain, Kozinski, and Rawls. But first, the way must be cleared of the thicket of confusion about the nature of the human person with respect to politics.

Philosophical Anthropology

Kozinski further implies that Maritain has either adopted a philosophical view of humanity incompatible with a Thomistic view or has a view that is incoherent. He says not only are there no extra-political rights, but there are also no extra-political persons.⁹² If there are extra-political rights, Kozinski argues, it implies there must also be extra-political persons in whom those rights inhere—they cannot simply be floating out there, but must have subjects such that there exists the relationship implied by a “right.” At a minimum, it seems, human personhood must be for Maritain conceivable apart from political society, and that is an error. Classical Aristotelian philosophy, and Thomistic philosophy and

⁹² Ibid. 108

theology following it, argue that man is by nature political and not fully human outside political society. Kozinski quotes the famous Aristotelian line that such a creature would be a beast or a god.

This criticism strikes me as unfair to Maritain's ideas and based on a tendentious interpretation. A more careful interpretation would note that the distinctions Maritain relies upon are notional distinctions of priority, not real distinctions of being. That is to say, distinguishing what is owed to a human as such from what is owed to a human on account of the political regime does not require that any person actually exist apart from all political regimes. Maritain doesn't need to argue for *the being* of extra- or pre-political rights or persons in order to argue that a just political society, in order to be just, *must* instantiate *some* particular kinds of protections corresponding to capabilities and perfections within human beings. This is, in fact, exactly what Maritain argues in his treatment of natural law as an ideal or "normality of functioning" found within the human being itself.⁹³ Maritain's claim about human beings developing their capacities is that, unlike other animals, humans become aware of possibilities (for goods) within themselves and through the free exercise of will choose the means of bringing those possibilities about. Because true human development requires free choices, Maritain concludes that states have as a duty (among other duties) to

⁹³ M&S 86

protect the possibility of free choices that actualize a great variety of human capacities. Kozinski never offers an argument against this contention of Maritain's.

Confessional Regimes

Is Maritain's religiously pluralistic, non-confessional state compatible with the teachings of the Catholic Magisterium? Again here, Kozinski thinks not. Maritain says, "we must give up seeking in a common profession of faith the source and principle of unity in the social body."⁹⁴ Now, Kozinski hastens to add that Maritain explicitly and implicitly accepts traditional Catholic teaching regarding the "social reign of Christ the King" which seems, to him, to make a hash of Maritain's arguments. Here is how he summarizes the problem,

Maritain issues a clear clarion-call for Catholics to work for the social reign of Christ the king; however, he demands that these same Catholics uphold a religiously neutral, rights-based democratic charter as [the] only just and effective way to embody this reign. On the one hand Maritain declares the fact of religious division to be unfortunate, and the modern freedom that permits citizens to practice false religions in public an evil to be tolerated in order to avoid greater evils; on the other hand he declares the superiority of a new Christendom built precisely on this unregenerate religious pluralism.⁹⁵

Kozinski offers a helpful summary of a serious problem for Maritain and, indeed, any Catholic philosopher sympathetic to liberal political institutions. He

⁹⁴ Maritain, *True Humanism*, op. cit. 167-168

⁹⁵ Kozinski, op. cit. 113

has accurately captured a point of great tension in Maritain’s work—Maritain accepts what Rawls called “the fact of reasonable pluralism” and even calls it normative while trying to maintain Catholic tradition which, at a minimum, demands that Christians in political communities work towards a political embodiment of the truth of the Catholic Church. On the evidence of Maritain’s texts alone, one would have to agree with Kozinski that Maritain’s work is incoherent. But Kozinski is wrong about *why* Maritain fails. Kozinski argues that no reconciliation of the two positions, Catholic philosophy and liberal institutions, is possible and that suppression of false religions is, in principle, required of the state and a genuine political good from the Catholic perspective.⁹⁶ One cannot simultaneously hold that a religiously pluralistic state is normative while seeking the unity of the community around the ultimate final end (or supernatural final end) and the one true faith without violating the law of non-contradiction. This seems to me yet another hasty judgment from Kozinski. He fails to consider any possible arrangements of sub-state level social unity on religious questions—there is only man and the state. This is an odd error for Kozinski to make, given how prominent the treatment of this problem is in Maritain’s *Man and the State*. He devotes the early part of the book to criticizing the reduction of the body politic to the state, so that political philosophy is left with a false vision of only man and the state when reality is far richer than that.

⁹⁶ Ibid. 115

Furthermore, Kozinski fails to consider the importance of the distinction between the temporal final end and the ultimate final end (or natural and supernatural), and the relationship between them. The temporal final end of the human being is that flourishing which is marked by the natural law: the use of reason in the development of essential capacities. According to traditional Catholic theology, the temporal final end serves and is perfected by the ultimate final end—grace perfects nature, the teaching goes. But here are already resources to plot an escape between the horns of the dilemma. Political society can serve the ultimate final end by focusing on and serving the temporal final end, working in harmony (even if unacknowledged) with the Church which focuses on social and political life with respect to the ultimate final end. This is the implicit premise of Maritain's argument for the relative autonomy of the body politic. If developing according to right reason, the body politic will be serving, perhaps entirely unacknowledged, the Gospel. This would, I surmise, be Maritain's reply to Kozinski's analysis under criterion #3 above regarding whether Maritain's political philosophy is compatible with the teachings of the Catholic Church.

All of the critics of Maritain either miss entirely or substantially underappreciate a central element of his philosophy: the role of freedom in human life. Kozinski especially doesn't feel the pinch of pluralism because he undervalues freedom and consent as features of a just political order. The problem Maritain is wrestling with is how to have both Truth and Freedom without giving up either.

Kozinski makes things too easy, forcing a resolution by jettisoning freedom. I think we can do better. Indeed, we must do better, because of the central importance of freedom to the human person.

At the outset of this chapter, I listed four bedrock principles of Maritain's political philosophy, one of which is the importance of consent in political arrangements because of the importance of freedom to the human person. Later, against his critics, I clarified exactly why freedom is so important on Maritain's way of thinking: the human being by nature works out the actualization of his capacities through free choices. As Maritain tells it, if a new Christendom is to arise, it will be because Christians are free to live and preach the Gospel, to hash out these questions of greatest significance with their fellow citizens, many of whom disagree, in an atmosphere of freedom.

A further statement of Maritain's shows his understanding of the important place of freedom in the body politic. He says, "There are two opposite ways of understanding the rationalization of political life. The easiest one—it comes to a bad end—is the technical or 'artistic' one. The most exacting one – but a constructive and progressive one – is the *moral* one. *Technical rationalization*, through means external to man, versus *moral rationalization*, through means which are man himself, his freedom and virtue—such is the drama which human

history is facing.”⁹⁷ Here we see rich resources for criticizing Maritain from within his own thought. My contention is that Maritain’s work on its own fails to provide adequately for a state that can support the moral rationalization of politics while avoiding dehumanizing technical rationalization.

Perhaps it is a matter of Maritain’s being a little too optimistic. His view is that given the opportunity, the truth will out and the Gospel will be heard; people will of their own free will acknowledge the truth of the natural law and, with human rights protected, continue to follow the truth all the way to the altar. Kozinski et al. are more pessimistic, and think that error is appealing enough that it will lead many astray and to the extent they can be protected from the great harm that may befall them as a result, they should be so protected. Both sides have a reasonable point, to be sure, but what is in the end most compelling is Maritain’s emphasis on freedom—it seems implausible to imagine advanced democratic states (primarily in the West) instituting at the level of the nation-state laws against heresy, which is precisely what Kozinski et al. think authentic Catholic teaching requires.

Additional Criticism

In summary, there are flaws in Maritain’s thinking, some quite serious. Kozinski has laid out a portion of the problems, particularly a contradiction in

⁹⁷ M&S 56

endorsing a confessional state while also opposing it and incoherence in seeming to break with what traditional Catholic political philosophy has to say about a confessional state. But Kozinski does not comment on the most important flaw, namely that Maritain fundamentally accepts the very feature of contemporary liberal institutions which may be their undoing and which is the source of many of the tensions and contradictions towards which Kozinski points—the tendency in liberal political philosophy and in modern, technical bureaucratic states to concentrate power at the level of the nation-state. The mistake comes early in *Man and the State* where Maritain is describing the historical growth of the state. He says, “The growth of the state in modern centuries, as a rational or juridical machine and with regard to its inner constitutive system of law and power, its unity, its discipline; the growth of the State, in the present century, as a technical machine and with regard to its law-making, supervising, and organizing functions in social and economic life, are in themselves part of normal progress.”⁹⁸

Maritain is referring to conditions not in the early years before the advance of state-supported social welfare programs, but when nationalization of entire industries in Europe, even after World War II, was quite common. England was still on rations and the state represented huge portions of national GDPs (between 20% and 30% in the U.S., and well over 40% in the UK). Maritain doesn't even mention that there is no historical precedent for the rapidly increasing share of

⁹⁸ M&S 19-20

GDP consumed by the state, for the rapidly increasing ability of the state to reach down to touch the life of the individual person. Whether one supports those efforts (Catholic social teaching will at some times, and at others won't), the rapid expansion of state power in the 20th century wasn't "normal progress" by any sensible description.

Maritain's critics, all of them, fail to identify the rapid expansion of state power and the self-reinforcing tendency of the state to increase its power as the source of many difficulties and fail also to propose a fix or alternative. They are, instead, tempted to make things worse by using that awesome power to advance a confessional state. They also fall prey to an error Maritain points out, one I am keen to avoid: working with the individual person and the state as the *totality of entities* in theorizing about politics. Maritain is aware of the possibility when he says, "How to describe this process of perversion? It occurs—that is apparent from all our previous remarks—when the State mistakes itself for a whole, for the whole of the political society, and consequently takes upon itself the exercise of the functions and the performance of the tasks which normally pertain to the body politic and its various organs."⁹⁹

We can see this error at work in Kozinski, especially with his hasty conclusion that no reconciliation is possible between the freedom of religion and the pursuit of a socially embodied truth—he cannot seem to cognize anything

⁹⁹ Ibid. 21

other than the individual believer and one political level of organization, the nation state. So it looks like there are failures of philosophical imagination all around—even Maritain peremptorily declares that only democracy, by which he seems to mean the order marked by the liberal nation state and United Nations, suits the moral rationalization of human life.¹⁰⁰ There is no consideration of alternative political arrangements that at least diminish the excesses to which the modern state tends.

I aim to extend and apply Maritain’s thinking along with Catholic social teaching to offer the foundation for a new response to the difficulties posed by the problem of pluralism, one I hope is free (or at the very least freer) of the defects present in Rawls, Maritain, and their critics. Maritain’s work implicitly brought to the fore at least two features of philosophical anthropology that I think are absolutely critical to understanding what sort of political order best fits the sort of thing a human person is. Those features are the fundamental inclination of the human mind towards truth and the fundamental inclination of the human heart towards love. It is somewhat embarrassing in the dry air at the high altitudes of academic political philosophy to speak of “the heart” and “love” but finally I see no way around dealing with them if we are to have a philosophical anthropology that matches reality and a political philosophy suitable to the kind of creatures human beings are.

¹⁰⁰ Ibid. 59

Chapter Three: The ‘DeKoninck-Maritain Exchange’

One might reasonably ask, why turn to the Thomists for advice to help correct problems with Rawlsian liberal theory? Part of the answer, as seen in Chapter Two, is that Rawls and the Thomists (particularly Maritain) acknowledge similar challenges and address similar questions. They do so, however, using different conceptual resources, so that the two aren’t easily brought into conversation. The possible payoff of the effort, however, is more ample philosophical resources for addressing some of the most difficult and pressing problems of political philosophy for contemporary theorists and political practitioners. For these very reasons, within the last couple decades, scholars have begun returning to an exchange from the 1940s between Maritain and a Leval professor, Charles DeKoninck. The exchange was famous at the time, but soon forgotten. Among those paying attention to this exchange in recent years were Ralph McInerny who calls Maritain’s view “a puzzling position,”¹⁰¹ and Mary Keys.¹⁰²

¹⁰¹ McInerny, Ralph “The Degrees of Practical Knowledge and The Primacy of the Common Good” *Art and Prudence: Studies in the Thought of Jacques Maritain* 1988 South Bend, IN: University of Notre Dame Press, 5

¹⁰² Keys, Mary M. “Personal Dignity and the Common Good: a Twentieth Century Thomistic Dialogue” *Catholicism, Liberalism, and Communitarianism: The Catholic Intellectual Tradition and the Moral Foundations of Democracy* ed. Kenneth L. Grasso, Gerard V. Bradley, and Robert P. Hunt, 1995, Lanham, MD: Rowman & Littlefield

They both come down in favor of DeKoninck's view as the more philosophically consistent and faithful to the words of Aquinas, though Keys contends that DeKoninck and Maritain agree on nearly every substantial point and that Maritain felt the need because of historical circumstances, specifically the European tendency of totalitarian states to liquidate people en masse, to emphasize the importance of the human person over the common good. I take a different view of the debate. It's true that DeKoninck makes it hard to disagree with him. He is logical, organized, a lucid writer with a clear command of the relevant texts. Maritain, on the other hand, while a comprehensive scholar and engaging writer, often argues elliptically, forcing the reader to supply, upon reflection, premises missing from the text, and to make the logical connections himself. Nevertheless, I contend that while Keys is right to note the substantial overlap of Maritain's and DeKoninck's views, they do disagree on important questions and, when they do, Maritain gets the better of the debate. This chapter proceeds in two stages: first, I will consider DeKoninck's contribution to the debate and then Maritain's response.

In 1943, Professor Charles DeKoninck roiled the "personalist" portion of the Thomistic world when he published "On the Primacy of the Common Good: Against the Personalists." Though Jacques Maritain was nowhere named, the piece was understood to be a broadside attack against Maritain and other personalists, who were a major force at the time in Catholic philosophical-theological discourse.

The publication of DeKoninck's slim book provoked a response from a Maritain loyalist, Fr. I. Thomas Eschmann, a much longer reply to Eschmann from DeKoninck, and then finally a short book from Maritain himself to clarify his views.

Maritain was one of the world's most prominent Catholic philosophers. He helped popularize personalism and rehabilitated the word "humanism" among Christian philosophers. Humanism had, by then, a long history among Christians, especially Catholics. Renaissance popes such as Pius II had been called "humanist popes," but over time the word became entangled with Protestant, Enlightenment philosophy, and post-Enlightenment philosophy, which resulted in many works labeled "humanist" being added to the index. Personalism had a continental pedigree, too, and was being adopted by many modern and burgeoning post-modern theorists. The history and provenance of "personalism" and "humanism" underscore how bold Maritain was as a philosopher, embracing and attempting to reclaim humanism close on the heels of the 19th century Vatican criticisms of the modernism with which it had become so closely associated. It also partly explains, perhaps, DeKoninck's condescending tone.

Maritain was profoundly influenced by continental thinkers, particularly the works of Henri Bergson, but he himself had tremendous impact in the Anglo world, spending much of his career in Canada and the United States. Most notably, Maritain was instrumental in the post-World War II creation of the United

Nations and the UN Declaration of Human Rights. Most contemporary political theorists, like most philosophers, have taken little notice of Maritain's subtle and thorough debate with DeKoninck on the human person and politics, perhaps because (to an embarrassing degree) the debate was fought on intramural and at times aggressive terms. The debate consisted of four parts: Charles DeKoninck's "On the Common Good," Jacques Maritain's "The Person and the Common Good," and also Thomas Eschmann's "In Defense of Jacques Maritain," and DeKoninck's reply "In Defense of St. Thomas." The latter two parts, though interesting in their own right, do not illumine much on the question of personhood in political philosophy, but consist largely of disputes about how to understand certain passages from the work of Thomas Aquinas. The former two, however, offer the opportunity in a concise and perspicuous way to enter a tradition outside of liberalism that treats many of the same questions and problems, though relying on different conceptual understandings and resources. The two systems most often run on parallel tracks, crossing the same ground, but at different places and in different ways. Thus, the Thomistic tradition of which DeKoninck and Maritain represent two of the 20th century's most prominent thinkers, is well positioned to address some of liberalism's frustrations and dead ends, namely those discovered through careful consideration of Rawls's philosophy.

DeKoninck's *On The Primacy of the Common Good*: a case of Dr. DeKoninck and Mr. Charles.

Charles DeKoninck fired the first salvo in the debate in his book *On the Primacy of the Common Good*.¹⁰³ As we will see, DeKoninck begins the work on a note of conciliation and lays out preliminary formulations that sound as though there may be no disagreement at all, though his tone makes clear he perceives there is significant disagreement. As the book progresses and DeKoninck unfolds his argument, he often seems to double-back on his initial claim, either substantially revising it or contradicting it altogether.

The argument is about human dignity. The human person's special status, the essence of what makes it the most exalted creature in all creation, is its unique dignity. Aquinas wrote, "Person signifies what is most perfect in all nature—that is, a subsistent individual of a rational nature."¹⁰⁴ In what does the dignity of that individual consist such that is most perfect in all nature?

DeKoninck begins by asserting that the human person's dignity comes from a core duality: it is a free individual, an independent whole, and also a dependent part. He argues that though this seems to be a contradiction, it is not, and (a fortiori) that excluding either extreme would rob the person of its proper dignity.

¹⁰³ DeKoninck, Charles *On the Primacy of the Common Good: Against the Personalists* reprinted in *The Aquinas Review* IV, 1997, transl. Sean Collins, available at: http://ldataworks.com/aqr/V4_BC_text.html

¹⁰⁴ ST I.29.3

The radical independence and radical dependence of the human person is not a contradiction because humans are independent and dependent in different senses. They are independent in that they are material individuals, substantial wholes. Thus the human person is physically and mentally independent, capable of moving about and thinking on its own, from which it derives some dignity. But, “the dignity of the created person is not without ties, and the purpose of our liberty is not to overcome these ties, but to free us by strengthening them. These ties are the principal cause of our dignity.”¹⁰⁵ Human persons are thus also “parts” and derive dignity from the order in which they are participants. That is, human beings are parts of a rational order higher than their own good as material individuals. Through sharing in the divinely ordained common good of that order, a good they can only enjoy and participate in by subordinating themselves to it, human persons fulfill their natural and supernatural ends. The common good is not something entirely separate from the good of the singulars, as though the collective were itself some kind of singular, but rather as part of the good of the particulars.¹⁰⁶

Holding individuality and participation in proper tension seems a difficult task, and DeKoninck describes the errors at each end of the tension. Fascists, communists, and totalitarians of various other stripes emphasize the “partness” of human personhood too greatly, and neglect the individuality and wholeness of

¹⁰⁵ DeKoninck, *op. cit.* 6

¹⁰⁶ *Ibid.* 8

persons. In doing so, the person is inevitably sacrificed to an abstraction, whether the *volk*, the state, or the communist ideal—all artifacts of human creation. On DeKoninck's way of thinking, this is a mistake precisely because the political order is an accidental whole¹⁰⁷ and the human person a substantial whole. The distinction is owed to Thomistic metaphysics. Substantial wholes are prior in the order of being to accidental wholes because accidents attach to substances and because substances have a deeper, more profound unity to them than accidental wholes. To prioritize accidental wholes over human persons would be a mistake, inverting the order of dependence. So far, all of what DeKoninck has said is of accord with what Maritain would say. That apparent comity won't last.

Individualists, among whom DeKoninck seems to count the personalists, make a mistake opposite that of the totalitarians, viz. prioritizing the individual with its barebones material perfections to the higher perfections of the accidental wholes of the political order and the order of the universe. The result is radical individualism, in which people don't see themselves as fundamentally united with others for the sake of a shared end and, because of which, the political community cannot but be a tyranny (a heap of tyrants looking to put others in the service of their own benefit).¹⁰⁸

If that sounds too convoluted, DeKoninck makes everything clearer when he says that human dignity comes from being able because of rationality to choose

¹⁰⁷ Ibid. 14 and 23

¹⁰⁸ Ibid. 28

for the sake of the good (or end) to which we are ordered.¹⁰⁹ This is distinctive of humans because non-rational animals, plants, and other things are mere instruments of the orders in which they are parts.¹¹⁰ Humans are able to choose for the sake of their own good along two dimensions: the sensible and the intellectual.¹¹¹ The sensible dimension is associated with the private or individual good because goods that belong to one alone and cannot be shared (or common) are material, which is to say things of the senses. The rational dimension is associated with the abstract or common good, i.e. goods the enjoyment of which can be participated in with many others without diminishing the good. Under that description, it's easier to see why DeKoninck thinks those who prioritize the individuality of the person are focusing on the lower things.

He takes the point further still, citing Aquinas when he says desire follows knowledge. Humans must first know of something before they can desire it as such. Thus our love of the private or individual good follows from and depends upon knowledge of sensible things, and love of the common good follows from and depends upon knowledge of rational things. Suddenly it's quite clear why DeKoninck has such disdain for individualism—on his account, individualists are not only stunted, but individualism itself is a kind of self-stunting, an intentional focus on the lower things to the neglect of the higher things. The higher things not

¹⁰⁹ Ibid. 16

¹¹⁰ Ibid.

¹¹¹ Ibid. 10

only *can* be shared with and participated in by others, but they make those who share in them more complete and thus happier.

DeKoninck follows Aristotle¹¹² and Aquinas¹¹³ in arguing that all things desire the good.¹¹⁴ DeKoninck distinguishes the human good in four ways, in ascending order of priority:

- (1) the proper good of a particular considered as an individual, e.g. what is pursued when we seek nourishment and sleep.
- (2) the good of a particular on account of the species of which it is a member. Humans see this good in pursuing the nutrition, generation, and defense of other members of our species.
- (3) the good of a particular on account of the genus of which it is a more distant part. For humans, the genus is that of rationality.
- (4) the good of a particular on account of its analogical resemblance to the principle of its creation. For humans as for all things, God is the ultimate principle and thus the ultimate desire.¹¹⁵

In sum, DeKoninck's argument begins with a very traditional definition, so traditional it might seem trite, that a human person is essentially an individuated

¹¹² *Nicomachean Ethics*

¹¹³ ST I.6.1

¹¹⁴ DeKoninck, *op. cit.* 8

¹¹⁵ *Ibid.* 8-9

substance of a rational nature, but goes on to clarify that a rational nature is deserving of respect (possessed of dignity) because they can direct their own actions toward their own multifaceted good consciously and freely.

In light of the foregoing, it's not immediately clear that DeKoninck's treatment of human personhood is really "against the personalists," at least not all of them, as it is close in many important ways to Maritain's own treatment of the questions. The real issues between DeKoninck and Maritain include: (1) DeKoninck's understanding of social mereology, (2) the mode of the political regime's ordination to God, (3) the proper understanding of the resulting freedom, and (4) the source and nature of human dignity.

Social mereology

Recall the major problem here. What is the proper understanding of the person's relationship to society? Is the person absolutely prior to society? If so, then the individual good is also prior to the common good of the society, which is then only a heap of isolated individuals with no unifying principle or order. Or is the person radically deficient without society such that the person is a part and society the whole? As good Thomists, both DeKoninck and Maritain offer answers that are close and, in fact, appear to be identical in saying that a human person is neither a wholly independent individual nor a wholly dependent part of society. Rather, the human person is both an independent whole and a dependent part in

varying senses. But it's at that point, making the distinctions whereby both claims can be true without contradiction, that the difference between the two emerges. DeKoninck's position is both harshly critical of Maritain's and deeply flawed.

DeKoninck, in a surprising about-face from his opening, says that human beings are, "first of all and principally parts of the universe,"¹¹⁶ that the highest good for human beings belong to them not as wholes but as a parts of the created order¹¹⁷ and therefore the good of the person is subordinated to the common good of higher and more abstract communities, such as the political community, which are themselves subject to the common good and order of the universe. "Nature subordinates personality," he says.¹¹⁸ He takes this position to stand in stark contrast to the personalists. He's right about that, at least with respect to Maritain (see below in section II). DeKoninck justifies his position by arguing that the sensible part of our nature carries human thoughts towards private, animal goods and the rational nature has the universal for its object and thus carries man towards the common good. That looks like a typical Aristotelian or Thomistic distinction but is, on reflection, both too rigid and seriously mistaken.

The human being's rational nature isn't tacked on, as though whatever else a human being happens to be doing, he is also being rational. The powers of reason transform and elevate even basic activities into parts of a higher order,

¹¹⁶ Ibid. 23

¹¹⁷ Ibid. 13

¹¹⁸ Ibid. 18

conscious moral actions. For example, it's a commonplace in philosophical discussions of food that animals merely feed, but humans (and only humans) dine.¹⁹ Rationality not only opens up the possibility of new mental acts, but also suffuses all human actions (properly so-called), transforming them from mere acts of instinct into deliberate choices backed by reasons.

The transformation through reason entails that DeKoninck is wrong about the relationship of man's rational nature in two ways. First, the objects of rationality are not only abstract, but also concrete and practical. Practical reason seeks the good not as an abstract archetype to be known, not as the intelligible species of a form to be grasped by the intellect and contemplated, but *hinc et nunc* as something to be done. Second, even the "sensible" or animal part of human nature is to be transformed by rationality such that what might in other creatures be analogous (but merely animal) actions become social and rational actions for human beings. Eating, drinking, basics such as finding clothes and shelter, issues of sex and reproduction—all these "animal" functions are in humans proper objects of rationality. What is perhaps most puzzling is that DeKoninck's view fails to avoid the dangers he lays out at the beginning—he can't seem to guide the ship between the Scylla of individualism and the Charybdis of radical priority of the common good, drifting fatally close to the latter. If the human person is "principally" a part, then it's not clear why the political order should not treat

¹⁹ I first came across the statement when discussing animal ethics with Roger Scruton, but a Google search produces quite a number of sources.

people principally as parts and, if it should, how such an order would avoid the dangers of fascism and totalitarianism. Lest I be accused of objecting to DeKoninck's unfair treatment of his adversaries and then be guilty of the same thing, DeKoninck leaves no room for doubt when speaking of sacrificing oneself for the political community he says, "Because the human person is of another in his very being, he is radically dependent, radically a part *primo et per se*. And consequently, he is principally and to a greater degree inclined towards that in which he participates in his very being."¹²⁰ The only thing now unclear is how he could reconcile this view with his earlier concession that the human person is ontologically prior to the accidental whole of the political order. Furthermore, this claim seems to neglect the very distinction he earlier brought to the reader's attention, namely that between a thing's being and its goodness, as he here conflates the two. He criticizes totalitarians for reducing the human person to a single formality, citizen, but that same spirit seems to animate his thought here and elsewhere: in focusing so heavily on the dependence of human persons on orders beyond themselves for their goodness, DeKoninck has neglected the wholeness of human persons and its ontological priority.

¹²⁰ DeKoninck, op. cit. 24

Ordered to God

A second difference between DeKoninck and the personalists is the question of how the political common good is ordered to God. DeKoninck states, “The common good of political society must be expressly ordered to God, as much by the head citizen as by the citizen who is a part, each according to his proper manner. The common good itself requires this ordination.”¹²¹ The controversial word is “expressly.” There is no doubt on either side of the debate (since both sides are orthodox Thomistic Christian scholars) that the political common good must be ordered to God. God is the ultimate common good of the universe and all the creatures therein. All things, in as much as they are ordered to the good, are thereby ordered to God, at least implicitly.

The question is whether the political order must express that ordination in itself and then also at the levels of the ruler and the citizen. DeKoninck states that it must; otherwise, “society degenerates into a state which is frozen and closed in upon itself.”¹²² No further argument is provided to justify a rather strong claim. On the other hand, Maritain might reply that something a bit subtler will be sufficient to forestall the freeze. He might say, following his thoughts from *Man and the State*, that concern for the common good’s ordination to God, including the political common good, is the responsibility of the Church and the responsibility of each citizen and ruler under the formality of persons with a supernatural end

¹²¹ Ibid. 27

¹²² Ibid.

that is intellectual, but not under the formality of citizen or ruler, especially in a society divided by different faiths, because those formalities have practical ends. The provision of justice and peace through the natural law suffices to establish and guarantee the common good of the political order.

Of course, for both Maritain and DeKoninck, insofar as something is ordered to the natural law it is ordered to God. The question is whether the ultimate orientation needs to be explicit. It's exactly Maritain's point when he says requiring that sort of deep theoretical agreement in our deeply divided society, "runs the risk of imposing arbitrary dogmatism or of being stopped short by irreconcilable differences,"¹²³ that in attempting an express ordination to God, DeKoninck's demand may have the opposite effect he intends, as it may harm the Church and the spread of the Gospel to involve the state too greatly in seeking the final end. Second, the modern bureaucratic nation-state, when it does orient itself expressly to the final end, tends to be led astray easily: it is apt to confusion as political leaders confuse their expressly theologically oriented office with an ecclesiological office and take on duties reserved to the Church, usurping its authority. In Chapter Two, I defended Maritain's view against criticisms from Cavanaugh and Kozinski similar to DeKoninck's, and the answers are much the same here. The critical point is that the political order be oriented to the genuine

¹²³ M&S 76

political common good as expressed in the natural law, which is itself (whether expressed or not) oriented to the ultimate common good, God.

The Good of Freedom

What seems to have set Fr. Eschmann off criticizing DeKoninck is the vagueness with which the latter handles his adversaries, never naming, quoting, or even citing a personalist. All the while, it is presumed by Eschmann that DeKoninck's real target is Maritain. There are points in the argument where I think he's very likely right, but there are others where if Maritain really was the target of DeKoninck's criticism, then the criticism is entirely misdirected. Rather than try to settle the nettlesome question of DeKoninck's true intent, we might distinguish whether he intended to attack Maritain from whether his positions are, in fact, valid criticisms of Maritain. I'll concern myself with the latter issue. DeKoninck's treatment of freedom, for example, is his clearest attack on his adversaries and equally clearly cannot be said to be a valid attack on Maritain.

DeKoninck says:

In sum, according to those authors who put the common good of persons in second place, the more perfect angels would also be the more subject and the least free. By his attachment to the common good, the citizen would be in truth the slave, whereas this latter would be the one who was free. For the slave lived principally on the margin of society, and he was free from the order of society, as the stone in a heap is free from the order of a being...In Marxist personalism, which is accomplished in the last phase of communism, the citizen is nothing other than a slave to whom one gives,

while he remains in the condition of a slave, a title of apparent liberty by which even participation in true liberty is taken away.¹²⁴

This is perhaps the best example of DeKoninck's reducing his opponents' arguments to the absurd (or at least the socially unacceptable). He knows most of his interlocutors will not want to be associated, let alone equated, with Marxist communism and that Maritain's effort is in part to rescue humanism and personalism from Marxist communism. The question is whether the primacy of the person commits anyone to this sort of individualism. Again here, the answer is no. One possible response is that the person, as a substantial whole, is prior to the common good of the polis, but that the common good of the polis is an essential (and thus indispensable) part of the good of the person. Such a position relieves the worry that the common good might be "alienated"¹²⁵ (to use DeKoninck's word), the person reduced to a mere individual with no essential sociality or fundamental ties to others or the common good, and confirms that a person cannot be a mere part of the order of the larger order.

The crucial error DeKoninck seems to be making is concluding that unless the common good is radically prior to the person, then it will fail to be truly common because the person could assert his own radical independence, a *non serviam*. But on Maritainian grounds, we can show a third option. Maritain does not make this argument, but he could have. The political common good is neither

¹²⁴ DeKoninck, op. cit. 10-11

¹²⁵ Ibid. 7

an end radically prior to the person nor an instrumental means to good ends, but is instead partially constitutive of the good for a human person and thus prior in its order. As an Aristotelian and a Thomist, DeKoninck agrees that because of the nature of human persons, political sociality is a perfection. What he misses is that as such, the good of the political order (i.e. the political common good) partially constitutes (indispensably) the good for human persons. The political common good is truly common because it partially constitutes the good life for every person. This solution avoids the two extremes DeKoninck is rightly worried about at the beginning of his book: the human person on this understanding is neither a radically free individual (because the political common good is a genuine part of its good) nor is it a mere part of a prior and totalizing order (because the political common good is *only* a part of its good).

Likewise, freedom is not a final end on this view, not the result of exalting the individual above the common good as DeKoninck says of the personalists, but a necessary means to the person's genuine good, which includes the political common good.¹²⁶ Thus, freedom must be part of the political order, but is neither the end for the person nor the end of the order. Freedom is required for reasons DeKoninck has acknowledged, namely that man is distinguished from other animals by his rational nature, and what it means to have a rational nature is to be

¹²⁶ Maritain, Jacques *The Person and the Common Good*, trans. John J. Fitzgerald, New York: Charles Scribner's Sons, IV.5. Available at <http://www3.nd.edu/~maritain/jmc/etext/CG.HTM>

able to direct oneself toward one's ends, to be free to act for the sake of the good.¹²⁷

Thus, in a kind of inversion of DeKoninck's conclusion, freedom is part of the common good of the human species in #3 of the senses of "good" detailed above. Freedom is partially constitutive of the good of the species because human beings participate in the genus of rational creatures the distinctive feature of which is to direct themselves towards the good, including the common good. It is for the sake of the common good, which is for the sake of the human persons, that human beings must have liberty.

A note of caution: one might be tempted to conclude that Maritain, or an argument inspired by Maritain, favors something like a French *laicite* or a Rawlsian view of religious freedom, namely that in order for persons to have the religious freedom they need, there must be a high wall of separation between the public square and all theological matters. On this understanding, more than avoiding the coercive imposition of matters of faith the state must neither take a view on any matter which touches upon religion or can reasonably be described as religious nor should it make any preferences for religiosity over non-religiosity. This is not Maritain's view; in fact, he would reject it wholesale. It's important to note the difference between saying that in order to be just, a regime *need* not be expressly ordered to God and that, in order to be just, it *must* not be expressly ordered to God. Two responses are key here. First, both Maritain and DeKoninck agree that

¹²⁷ DeKoninck, op. cit. 17, 18

God's existence is amply testified to through reason and the natural law—God's existence is not a matter of faith. Second, that the state should have less to do with matters of faith in the present era is a matter of contingency for Maritain, not of principle. In a thoroughly Christian society, say Medieval France, with a robust church and a deep understanding of the intertwining of the common good, there's nothing amiss in having a thoroughly confessional state. But here and now, in a time and place of deep division, it is enough for the state to aim for justice and peace, knowing that justice and peace are themselves implicitly part of the common good and oriented to God.

The Source and Nature of Human Dignity

DeKoninck and Maritain also have a genuine disagreement about the source and nature of human dignity. DeKoninck objects to the centrality personalists give to the dignity of the person. This argument would be a genuine objection to Maritain's claims, as he begins with the ineradicable dignity of the human person. About such claims, DeKoninck says, "the rational creature draws its dignity from the fact that, by its proper operation, by its intelligence and against its love it can attain to the ultimate end of the universe."¹²⁸ He continues, "But the dignity with which the rational creature is invested on account of its end is so dependent upon this end that the creature can lose it as it can lose the

¹²⁸ Ibid. 17

attainment of its end.” Further, dignity is something to be “achieved,” and is not essential or inherent.¹²⁹ DeKoninck cites Aquinas to support his position, but Collins (the translator) both mistakenly colors the translation to favor DeKoninck’s argument and the passage itself is mis-cited. Here are both the passage from the *Summa* and Collins’s translation:

*homo peccando ab ordine rationis recedit; et ideo **decidit** a dignitate humana, prout scilicet homo est naturaliter liber, et propter seipsum existens, et incidit quodammodo in servitutem bestiarum... Pejor enim est malus homo quam bestia*

By sinning, man sets himself outside the order of reason, and consequently, he **loses** human dignity, as namely man is naturally free and existing for himself, and he places himself in some way in the servitude of animals.... For the bad man is worse than an animal.¹³⁰

The problem word (emphasis above is mine) is *decidit*, which is better translated “falling away” (from *decido*). It’s true that a falling a way is a loss of dignity, but it’s a loss of *some* dignity and not a total destruction of dignity. It’s crucially important for this argument that the word choice is *decidit* and not *perdo* which would be closer to DeKoninck’s inference of radical loss or destruction. The difference is important less for deciding who can rightfully claim the patrimony of Aquinas and more because what Aquinas implies here, if dignity can be diminished through sin but not destroyed, is closer to the opposite of DeKoninck’s conclusion. Aquinas

¹²⁹ Ibid. 20

¹³⁰ II-II.64.2 ad3

seems here to join “the personalists” (pardon the anachronism) in arguing that human beings accrue dignity from multiple sources and at least some dignity is so bedrock a part of their being that even sin cannot take it all away. This interpretation tracks closer with what Aquinas says elsewhere, viz. at I-II.85.2 where he expressly denies that sin, while diminishing man’s natural and rational inclination toward virtue, is capable of fully eradicating that inclination. Were it able to do so entirely, he says, the human being would no longer be either rational or capable of sin—its nature having been changed, humans would cease to be human. As Giles Emery reinforces, Aquinas places the dignity of the human person fundamentally within the human being, which is to say that dignity is fundamental to humanity and that at least some measure of dignity is ineradicable.¹³¹ The balance of both textual evidence and interpretive continuity favors the personalists view against DeKoninck on the nature and source of human dignity.

For the last two-thirds of the book, the tone of DeKoninck’s attack against the personalists seems especially strident compared to the rest of his work—he wrote with more charity towards Nietzsche. So much so that, carried away by his tone, he distorts his own view and theirs. The tone shift, the move from Dr. DeKoninck to Mr. Charles, tracks shifts in the argument which, as we have seen, sometimes result in direct contradiction of the more even-handed remarks at the outset. DeKoninck is in many places unfair in criticizing the personalists,

¹³¹ Emery, Giles O.P. “The Dignity of Being a Substance: Person, Subsistence, and Nature” *Nova et Vetera* 9:4 (2011): 991-1001

especially if those criticisms were meant for Maritain. Maritain felt himself enough of a target of the piece to respond to it, clarifying his own positions. Given some of the problems with DeKoninck's view of human personhood and its dignity, I now turn to Maritain's *The Person and the Common Good* for an alternative view.

Maritain's *The Person and the Common Good*

As already noted, between DeKoninck's *On the Primacy of the Common Good* and Maritain's *The Person and the Common Good* were a reply by I. Thomas Eschmann defending Maritain from DeKoninck's attacks and a response to Eschmann by DeKoninck. Maritain disavowed many of the views Eschmann attributed to him and finally stepped in to speak in his own voice, thus obviating for our purposes the rather tedious and tendentious exchange between Eschmann and DeKoninck.¹³² Maritain's reply is short, concise, and on many points persuasive. In part that is because there is considerably more agreement between Maritain and DeKoninck than DeKoninck was apparently aware of when he wrote *On the Primacy of the Common Good*. Indeed, I spent much of the last section sorting out the few points of actual disagreement.

Maritain, on the other hand, used the occasion of his entry into the dispute to redirect the discussion away from the intramural scuffle over who's more Thomistic to speak to a broader philosophical audience and reframe the debate.

¹³² See Maritain, *Person and the Common Good*, op. cit. I.4, n6

Specifically, Maritain's book sets out to accomplish several tasks: to say what a person is, as distinct from an individual; to offer an alternative view of human dignity and goodness; to clarify the telos of politics through relationships among the human person, the good of the human person, and human society.

Some Distinctions on Personhood

Maritain first refocuses the discussion on what seems to him the most important contribution Thomists can make to "contemporary thought": a robust distinction between personality and individuality.¹³³ Responding to DeKoninck's sharp criticism of "the personalists," Maritain is careful to note that while "there are, at least, a dozen personalist doctrines, which, at times, [have] nothing more in common than the term 'person'" he is advancing a Thomistic personalism as the solution to the twin excesses of individualism and totalitarianism.¹³⁴ He also fires a shot across DeKoninck's bow when he says:

[C]ertain minds, despite their metaphysical inclination, prefer confusion to distinction. This holds especially true when they are engaged in polemics and find it expedient to fabricate monsters which for the lack of anything better, in particular for the lack of references, are indiscriminately attributed to a host of anonymous adversaries.¹³⁵

¹³³ Ibid. I.1

¹³⁴ Ibid.

¹³⁵ Ibid. I.1-2

As with DeKoninck, Maritain affirms what he calls the “classical distinction” between the individual and the person.¹³⁶ The term individual marks out an existing whole. In material beings, the principal of individuality is matter, where the principal of unity is form. The complex metaphysical terms may obscure a basic insight: two instances of the same kind, two dogs for example, are differentiated not by “dogness,” which they share, but by the matter which belongs to each alone. Thus, the principle of individuation is matter. Little wonder, then, that materialism in science, as is distinctive of the modern period, is closely linked with individualism in philosophy, especially in political philosophy.

Conceptually, “individualism,” with its attention on the materially whole offers no way out of the central conundrum with which we began, viz. (in Maritain’s words), “Does society exist for each one of us, or does each one of us exist for society?”¹³⁷ The human being is a whole and society can only be a “whole” in a metaphorical sense because it is not a unified physical whole. While it’s not inevitable for the individualist to view society as an instrument of individual happiness, the individualist lacks sufficient explanatory resources to justify viewing society either as an instrument of the individual or, as DeKoninck also pointed out, as another whole, alien to oneself and with its own good to pursue.

The history of the last two centuries could be characterized, Maritain thinks, first by the excesses of individualism (believing that society exists for each

¹³⁶ Ibid. III.1

¹³⁷ Ibid. I.1

one of us) and then, by a corresponding reaction, the excesses of totalitarianism and communism (believing that each one of us exists for society). Maritain thinks what is needed is a way between the horns of the dilemma, one that unites the individual with society while retaining the distinctive features of both. He thinks the contemporary understanding of the individual lacks the conceptual resources to do that job. The solution is the Thomistic conception of the person, which he distinguishes from other schools of thought operating under the banner of “personalism.” The Thomistic doctrine of the person holds that a human person is an existing composite of form and matter, “one substance, which is both carnal and spiritual.”¹³⁸ Further, “the metaphysical tradition of the West defines the person in terms of independence, as a reality which, subsisting spiritually, constitutes a universe unto itself, a relatively independent whole within the great whole of the universe, facing the transcendent whole which is God.”¹³⁹ In more colloquial language, a human person is a really existing combination of body and spirit. Because of the spirit, the human person has intellect and will, and is thus capable of knowledge, free action, and love.

Human Dignity and Goodness

Recall that for DeKoninck, human dignity is derived entirely from the end for which he is capable of acting freely because of rational intellect and free will.

¹³⁸ Ibid. III.2

¹³⁹ Ibid. III.3

Recall also the deeply problematic nature of that claim, both from a philosophical standpoint and from a Thomistic one. Maritain offers an alternative view of the sources and nature of human dignity.

That view is considerably more complex. In the introduction, Maritain says he wants to, “make clear the personalism rooted in the doctrine of St. Thomas and to separate, at the very outset, a social philosophy centered in the dignity of the human person from every social philosophy centered in the primacy of the individual and the private good.”¹⁴⁰ He begins his argument for the centrality of personalist dignity by asserting that the ultimate end of all intellectual creatures (or rational beings), their ultimate good, is uninterrupted personal contact with and subordination to God.¹⁴¹ Second, all creatures, intellectual and otherwise, are ordained to the good of the order of the universe God created, a point of agreement between Maritain and DeKoninck. But, crucially, intellectual beings (viz. angels and humans) are also willed and governed for their own sake, not as a cog in the machinery of the universe. This is because, Aquinas teaches, intellectual beings alone bear the image of God.¹⁴² Being made in the image of God means the intellectual creatures alone are capable of knowledge, free action, and love.

While DeKoninck claims, on Aquinas’s authority, that humanity’s ultimate orientation is to the common good of the universe of which it is a part, Maritain

¹⁴⁰ Ibid. I.1

¹⁴¹ Ibid. II.1

¹⁴² ST I.93.2

cites Aquinas in advancing the view that, “the human person is ordained directly to God as to its absolute ultimate end. Its direct ordination to God transcends every created common good—both the common good of the political society and the intrinsic common good of the universe.”¹⁴³ He further confronts DeKoninck’s view in saying that while he agrees with DeKoninck in emphasizing the common good of the whole universe against “Greco-Arabian necessitarianism” (and, by extension, contemporary determinism), there is still more to say. Of even greater importance and priority is that rational beings, while they too are ordained to the common good of the universe, are alone and special in also being, “willed and governed for their own sakes.”¹⁴⁴ In support of this position, Maritain quotes Aquinas from the *Summa Contra Gentiles*, “Rational creatures alone are directed by God’s providence as being for their own sake governed and cared for, and not, as other corruptible creatures, for the sake of the species only.”¹⁴⁵ In a position that appears identical to DeKoninck’s, Maritain seems to root human dignity in its rational nature. Maritain shows, however, that this fact of human nature cuts in favor of his argument rather than DeKoninck’s: the intellect’s capacity for understanding and the freedom of will are more than simply tools given to humans to foster their work in the order of the universe. Intellect and free will

¹⁴³ Maritain, *The Person and the Common Good*, op. cit. II.1

¹⁴⁴ Ibid.

¹⁴⁵ SCG III.113

make humans fitted for relationships of communion, not merely of use, and bearers of the image of God (more on which below in the next section).

To be clear, Maritain does not deny DeKoninck's claim that humans can increase and diminish their dignity through the use of intellect and will. Maritain's nuance is that doing so amounts to a second source of dignity. While in his own words he seems to root human dignity in the human *essence*, I think it would be better stated that he roots human dignity most deeply in human *existence*. Mary Keys characterizes the difference between Maritain and DeKoninck on the origin of dignity as between rooting it in the person's rational nature (DeKoninck) and the person's freedom (Maritain).¹⁴⁶ I think that's not quite right. Freedom for Maritain is a feature of the essence of man, rooted in its rational nature. Freedom is, in fact, an operation of the rational nature, not prior to it. Maritain says that a person has a spiritual existence and is the subsistence characterized by "the operations of intellect and freedom."¹⁴⁷ The existence of the person is ontologically prior to the operational perfection of the person because "the act of being" is that in virtue of which there is this particular person existing here and now, whereas actions perfective of the essence of this particular person are the subsequent actions of an existing being.

Stated the way I have proposed, Maritain's argument is consistent with, and follows the pattern of, another common Thomistic metaphysical distinction

¹⁴⁶ Keys, op. cit. 177

¹⁴⁷ Maritain, op. cit. III.3

between the first act of a being, which is its existence, and the second act of a being, which is its operation (or movement towards the end). First act is ontologically prior to second act: there can be no existent operation towards the perfection of something that doesn't exist. In this case, there can be no operation of the essential features of the human being absent its existence, an existence which is the person. Maritain's focus is not on the essence or perfections common to all humans, but on the uniqueness of each person's existence. Ultimately and irrevocably, human dignity is rooted in that existence as a spiritual being. When Maritain takes up the question of distinguishing individuality from personhood, he begins with questions of existence and being precisely because he believes those to be primary, and if we lose the primacy of being in Maritain's thought, we will lose his meaning.¹⁴⁸

Existing things are inclined to their perfections. As individuals, they grasp for material goods. Because matter is finite, so is the human good under the formality of the individual—thus the individual part of the human person is often thought of as the grasping ego. Maritain agrees with DeKoninck on the primacy of common good in the order of perfections. This is evident at two levels, the temporal and the spiritual. With respect to the temporal, Maritain acknowledges in a footnote¹⁴⁹ that he agrees with those who prioritize the philosopher's good over the political community's good, but not because the individual good is *per se*

¹⁴⁸ Ibid. III.2

¹⁴⁹ Ibid. IV.12, n 33

higher than the common good. Rather, the good of the intellect, which is the philosopher's end, is (1) a common good and (2) a common good of a higher order than the common good of the polis. At the spiritual level, God is the supernatural common good, the ultimate end of every creature. In advancing in the common goods, human persons fulfill or perfect the capacities of their essence through free acts of intellect and love. That increased perfection is an increase in dignity because it is a further perfection of the human essence. Thus, Maritain's implicit response to DeKoninck on the question of the nature and sources of human dignity is that human persons have two sources of dignity. First, because of the primacy of existence in the order of being, human dignity is rooted in their existence as a person. Second, because of the primacy of the common good in the order of operations (or perfections), human dignity is increased or diminished as human beings act for the sake of the common good or fail to do so.

Personality and Love

Maritain stakes a great deal of his argument on the distinction between the individual and the person. The implications of the individuality of the human person were clear enough, but what about personality? Maritain says, "perhaps the most apposite approach to the philosophical discovery of personality is the study

of the relation between personality and love.”¹⁵⁰ He begins by exploring the phenomenology of loving a person, implicitly distinguishing it from admiration. When one admires someone, it’s the qualities of the admired one is inclined towards: we admire Washington for his leadership, Mother Theresa for her kindness and simplicity, and Booker T. Washington for his intellect. But loving someone is different. One doesn’t love the abstract qualities someone possesses, but the person who underlies and bears the qualities we admire. “The most existing reality of the beloved being,”¹⁵¹ as Maritain puts it. This sort of “existing being” has an inclination towards, and is perfected by, self-giving, or communion with others through the laying aside of its own advantages for the sake of another or the common good. Thus, Maritain says, “[Personality] requires the communication of knowledge and love...Personality, of its essence, requires a dialogue in which souls really communicate.”¹⁵² All of this is Maritain’s way of adding specificity to the Christian teaching that human persons are “made in the image and likeness of God.” They are like God in that they have a spiritual soul capable of knowing the truth and offering self-giving love to others.

It’s important to note the hierarchy Maritain has here established within the human person. Individuality is not *per se* bad, but rather must serve the higher formality of personhood with its inclination towards the common good and higher

¹⁵⁰ Ibid. III.3

¹⁵¹ Ibid.

¹⁵² Ibid. III.4

orders of knowledge and love. “Evil arises when, in our action, we give preponderance to the individual aspect of our being.”¹⁵³

In the treatment of the essentiality of self-giving, Maritain’s argument reaches its finest point. The good for the human person is neither the grabby self-centeredness of individualism nor participation as “principally a part” in a common good, but as a whole communing with others in knowledge and giving of self in love for the sake of others and the whole. It is as though Maritain’s response is a gentle suggestion not that DeKoninck is wrong, because they do agree on so much, but that he hasn’t gone deep enough, hasn’t gotten to the heart of the matter of what a human life is to be about and what it means for humans to have an essence marked by rationality and free will.

Exploring the dispute between Maritain and DeKoninck, interesting in its own right, serves three critical purposes in my investigation. First, the exchange offers an entry into a rival tradition to Rawlsian liberalism’s approach to personhood. Second, within the rival tradition of Thomism, this exchange is helpful in bringing to bear a great many of the tradition’s strengths in a concise and elegant presentation—both DeKoninck and Maritain were Thomists of the first rank and the debate here is rich and subtle. Third, both authors offer considerations which, quite apart from their dispute with one another, could serve to challenge and correct much of what I have criticized in Rawls’s account of the

¹⁵³ Ibid.

human person in Chapter One. It is to that third purpose to which I turn for the next chapter—DeKoninck’s and Maritain’s implicit criticisms of the Rawlsian liberal understanding of the human person and the political conception of personhood. Perhaps Ralph McInerny best explains why, in criticizing liberalism, one might turn to Maritain and other Thomists:

Maritain wrote of the false political emancipation and false conception of human rights which derive from the anthropocentrism of Rousseau and Kant based on the autonomy of the human person. One is free if he obeys only himself. Maritain cited three political and social consequences of this divinization of the individual: 1) practical atheism in society, since God appears as a threat to the autonomy of the individual; 2) the theoretical and practical disappearance of the idea of the common good; 3) the theoretical and practical disappearance of the idea of authority. The notion of the Mass Man and of a leader who is an inhuman monster follow. Bourgeois liberalism thus paves the way for revolutionary totalitarianism.¹⁵⁴

Rawls’s quest is for a stable peace and a flourishing freedom. Maritain’s implicit response, one in which he joined by DeKoninck, is that by proceeding from a mistaken understanding of the human person and human freedom, Rawls will get neither.

¹⁵⁴ McInerny, *op. cit.* 2

Chapter Four: Thomistic Personalism as the Remedy for Rawls

I am firmly of the view that there had better be a payoff for reading, let alone studying closely, dense philosophical texts. This chapter is about the payoff for working through the DeKoninck-Maritain exchange. It comes in two forms: (1) criticisms of the structure of Rawls's enquiry consistent with the writings of Maritain, DeKoninck, and Aquinas and (2) criticisms of Rawls focused on philosophical anthropology (again, in light of Maritain, DeKoninck, and Aquinas) including a rival conception of personhood. Personhood holds a central place in the Thomistic tradition. Aquinas says the person is "what is most dignified" and "what is most perfect."¹⁵⁵ The Thomistic alternative responds perspicuously to deficiencies, errors, and frustrations in Rawls's political philosophy noted in this chapter and previously in Chapter One. While other theorists have drawn scholarly attention to problems in Political Liberalism, Thomism offers resources for not only a fresh and holistic account of what went wrong, but also an alternative approach to many of the same problems. Neither Maritain nor DeKoninck (and of course, not Aquinas either) directly address Rawls or anything he wrote, but their works are apposite once digested. The payoff of bringing the two disparate traditions into dialogue is a great deal of depth on issues of signal importance to political philosophy.

¹⁵⁵ ST I.29.3

I should briefly note that while in the DeKoninck-Maritain exchange I largely sided with Maritain, that should not be taken as a mark of disrespect for DeKoninck. I draw on his work substantially here because of its wisdom.

Structural Objections

Calling them structural objections helps identify a pattern in the criticism of certain features of Rawls's inquiry, namely formal considerations apart from the content of the political regime. This section marks out three of those features and identifies important Thomistic challenges to Rawlsian claims fundamental to political philosophy.

Stability for the Right Reasons

The first challenge focuses on the telos of Rawls's enquiry: stability for the right reasons. Recall the way Wingenbach distills Rawls's most fundamental aim in *Political Liberalism* down to stability.¹⁵⁶ Michael Pakaluk makes the same point in marking the transition in Rawls's thought from *Theory of Justice* to *Political Liberalism*.¹⁵⁷ More than any other goal, greater than the search for the right conception of justice or the best process for constructing a just regime, Rawls

¹⁵⁶ Wingenbach, Ed, "Unjust Context: the Priority of Stability in Rawls's Contextualized Theory of Justice" *American Journal of Political Science*, 43:1 (1999), 220.

¹⁵⁷ Pakaluk, Michael, "The Dignity of the Human Person in the Philosophy of John Rawls" Conference on the Philosophical Foundations of Human Dignity, 2007: 16. Paper available at: <https://michaelpakaluk.files.wordpress.com/2012/02/the-dignity-of-the-human-person-in-the-philosophy-of-john-rawls.pdf>.

seeks a politics that will take into account the ideological and historical circumstances of contemporary developed democratic countries and offer stability over time. Rawls says, “If a conception fails to be stable, it is futile to try to realize it.”¹⁵⁸ Recall also that I have argued that Wingenbach’s criticism is well founded because Rawls says that for the sake of stability, even something as important as the search for truth must be set aside.¹⁵⁹ Unless it is sufficiently stable, justice as fairness is “not a satisfactory political conception of justice and it must in some way be revised.”¹⁶⁰ To be clear, Rawls is not saying stability at any price, but rather that stability under the right conditions is the goal. Lasting stability requires a regime in which peace among those of differing worldviews is a matter of principle, not just a temporary lack on anyone’s part of adequate power to subjugate rivals. Not peace at any price, Rawls says, but stability for the right reasons and in the right way—not despite the political regime, but because of it.

The writings of both DeKoninck and Maritain point us towards basic problems with the Rawlsian account of a politically liberal regime. Those problems are rooted in Rawls’s understanding of what a political society is. There is no common good on Rawls’s account of political society; the political community is strictly and merely a mechanism of social cooperation over time for distributing

¹⁵⁸ PL, 142.

¹⁵⁹ A claim Maritain refutes at *The Person and the Common Good* IV.7 where he argues that truth is prior to politics.

¹⁶⁰ PL, 141.

all-purpose means individuals may then use to live their lives as they see fit.¹⁶¹ That's not a common good, not a good participated in jointly or held in common, but only a mechanism directed toward individuals. As Rawls himself wrote, "What is missing in this sketch of the basic idea of society is a conception of the right and the good on the basis of which its members accept the rules and procedures that guide their activities."¹⁶² Instead, he starts with what he calls the primary goods, all-purpose means useful and even necessary for accomplishing a rational plan of life.¹⁶³ They include income, wealth, power, political power, and other resources necessary to exercise the freedom protected by rights and liberties. At one point, Rawls includes rights and liberties within the primary goods, but in most other references, he focuses on those goods which are distributed and needed for full enjoyment of the freedom protected by rights. The most important feature of the primary goods is that they are neutral in themselves, and may be used to further any rational life plan (because Rawls defines ethical goodness as having a rational plan of life) whether that life plan leads to flourishing or not. Thus, from the point of view of a comprehensive doctrine, whatever goodness (qua flourishing) the basic structure produces is entirely accidental.

Perhaps a defender of Rawls would reply that harmonious cooperation is itself an end and a good, the point and purpose of society. That option confuses

¹⁶¹ PL, 6

¹⁶² PL, 108-109

¹⁶³ PL, 181

means and ends. Those who cooperate are, by definition, acting in a coordinated fashion to do something. Thus, cooperation is a means to an end—thieves and angels both cooperate. What we want to know is what ‘something’ they are doing together. Now, perhaps the able defender might then respond that Rawls is not so far from DeKoninck and Maritain as he’s being accused of being; he, too, agrees that the ‘something’ for which people are cooperating is the political common good. He might say that for a democratic society, the distribution pattern governing the basket of primary goods constitutes the common good. This response is a dead end for Rawls for three reasons. First, Rawls expressly denies that there is a common good in Political Liberalism.¹⁶⁴ Second, if he did posit a distinctive common good, then politics would be rooted in a controversial comprehensive doctrine about what’s really good and fulfilling for a human person, precisely the sort of thing Rawls strains to avoid. He would be saying that it is a genuine good for human beings for there to be a political society that distributes fairly the primary goods.

Third, and this gets right to the heart of Thomistic criticism of Political Liberalism, the conjectural responses from a Rawlsian confuse the individual good with the common good. DeKoninck writes, “The good of the family is better than the singular good not because all the members of the family find therein their singular good; it is better because, for each of the individual members, it is also the

¹⁶⁴ PL, 109.

good of the others.”¹⁶⁵ The implicit criticism of Rawls’s definition of the ideal of society as a fair system of cooperation in distributing the primary goods is that the goal of society is nothing more than a distribution pattern of morally neutral tools and resources, not unified by any distinct good shared in common among those participating in the fair system of cooperation beyond the perpetuation of the distribution pattern. Rawls’s political society is merely, in DeKoninck’s words, “a collection, and only materially better than the singular good,” and merely a disunited heap of individuals.¹⁶⁶ Perhaps we can think of it this way: two single adults aren’t the same thing as a married couple, even though both groups are composed of the same number of people. The married couple shares a good the two single people do not and thus have a unity the two single people do not.

A society organized around providing individuals tools and resources for life plans, but without a unifying shared common good is inherently unstable because each member rightly views the community, such as it is, as a means to his or her individual end—society itself is a tool to be used insofar as useful and no more. The good of individuals, even when aggregated, never rises above what Rawls characterizes as a *modus vivendi*, a temporary truce in the struggle for power. “A society constituted by persons...who identify the common good with the private good, is a society not of free men, but of tyrants.”¹⁶⁷ And yet, reducing the

¹⁶⁵ DeKoninck, Charles *On The Primacy of the Common Good: Against the Personalists*, 8.

¹⁶⁶ *Ibid.*

¹⁶⁷ *Ibid.*, 11

good of the community to one's own individual good is exactly the behavior Rawls not only condones but requires in the original position, behind the veil of ignorance, with graspingness trammled only by the qualification of reciprocity, that one should do so only so far as it's consistent with others doing so (the definition of fairness). And therein lies the point of real frustration: if the only goods in question are the goods of the individual, material and scarce, then citizens are in competition for those goods. It would be terribly naïve to assume away the fierceness of competition for the primary goods without presenting a higher good to which they can be ordered and by which they can reasonably be controlled. That good, says the Thomist, is the common good of all including the individuals who are in competition.

Maritain, making the point in a similar way, says:

The end of society, therefore, is neither the individual good nor the collection of the individual goods of each of the persons who constitute it. Such a conception would dissolve society as such to the advantage of its 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; thus giving to the strong full freedom to oppress the weak.¹⁶⁸

Rawls might quickly respond, "I'm not doing what you accuse me of. Political Liberalism protects the weak by guaranteeing only the set of rights, liberties, and

¹⁶⁸ Maritain, *op.cit.*, IV.1

primary goods consistent with everyone else's enjoyment of the same, from the best off to the worst. One of the key points of the whole theory is that advantages for the most well off can only be justified if they benefit the least well off." Without a distinct common good, though, without a good beyond the collection of all the individuals' various life plans to bind the society together and order it properly, Rawls does what amounts to the same thing Maritain is describing—substituting the individual's good for the common good pits all against all in a scramble for scarce goods. Lest we exaggerate Rawls's point, he speaks for himself on the matter of the political common good. He says, "a society has no final ends or aims in the way that persons or associations do."¹⁶⁹ Furthermore, he says, societies are not communities. "While a well-ordered democratic society is not an association, it is not a community either... a zeal for the whole truth tempts us to a broader and deeper unity that cannot be justified by public reason."¹⁷⁰ Rawls means to say that political society is not a mere association, by which he means that one cannot quit the way one can a club. But crucially, political society is also not a community dedicated to the pursuit of life according to a comprehensive doctrine. There is no good beyond itself that political society is ordered to or aims at.

Rawls may set up mechanisms in the Original Position to try to benefit those who are weaker, but once agents are beyond the confines of the veil of ignorance, the basic structure they have built encourages citizens to think of

¹⁶⁹ PL, 41.

¹⁷⁰ PL, 42-43

politics in a self-regarding way, to see society's institutions as a tool for them to use to accomplish their own life plans, and the theory behind the basic structure expressly eschews the possibility of society aspiring to more than that. Under such conditions, stability is tenuous and will hold only so long as the individuals who make up the society Rawls envisions view the basic structure as a useful tool for their acquisition of primary goods, and view the primary goods as useful for helping them realizing their life plans.

If for any person or group, society requires sacrifice or ceases to be immediately useful for acquiring an ever-larger share of primary goods, it's apt to be disregarded or discarded. Even before that point is reached, the demands of a functioning society are great, up to and including risking one's life in its defense. The perpetuation of society would be jeopardized continuously if there were no distinctive common good to bind people to the social order in a way that causes them to prioritize that common good over their own individual good. A political society based on Political Liberalism, where unity is grounded only in enlightened self-interest, seems terribly fragile.

Maritain is more florid in his critical description of what he views as the failure of "bourgeois liberalism" to fulfill the promise of a stable peace. Unbridled liberalism is, in fact, inherently unstable. The combination of voluntarism and a refusal to recognize that political society exists to serve the higher ends of human persons eventually results in statism. But this sort of statism won't happen as the

product of some dystopian nightmares, e.g. a powerful Leviathan state wrenching freedom and property from unwilling citizens. Rather, recognizing no authority higher than the individual, and seeing the state as having the imprimatur of the citizens, or worse still as the very embodiment of the citizens, citizens themselves will hand over their responsibilities and the care of their future to the state and, “at the same time, [] will exact from the state the satisfactions of [] greeds and anarchistically reject the conditions of social life.”¹⁷¹ To many ears, this sounds exaggerated, fanciful even, but it was only recently that a prominent American Congressman expressed something very similar when saying that, “government is the name we give for things we choose to do together.”¹⁷² Congressman Frank makes no distinction between us as a group, as a people, and the government; the people have dissolved into the government and the government now embodies the people. The desire for independence that birthed liberalism has become a perpetual adolescence, willful and yet dependent.

Instead, on the Thomistic view, stability is secured and enhanced by a shared, distinctive political common good as well as growth in virtue of the citizenry. The distinctiveness of the common good is a key feature for enhancing stability. “Distinctive” means that the good of politics cannot be reduced to the good of individuals, as though the good of the community were merely a sum of all

¹⁷¹ Maritain, *op.cit.*, V.1

¹⁷² Quoted in Douthat, Ross, “Government and Its Rivals” *New York Times* Jan. 28, 2012, available at: http://www.nytimes.com/2012/01/29/opinion/sunday/douthat-government-and-its-rivals.html?_r=0

the goods of each of the people in the community. If that were so, aggregative strategies such as those of utilitarianism and hyper-individualist strategies such as anarchy would be viable options for attaining the good life. The distinctiveness of the *political* common good entails that it is a good that cannot be gotten outside of politics and that reasonable people will tend toward its preservation.

Too, because the common good is higher, growth in virtue encourages citizens to prefer it to their own individual good. Preferring the common good increases unity, diminishes strife and, in this way, inculcating virtue fosters political stability. People grow in virtue and, in so doing, prioritize the good of the community over their own self-interests. As Aquinas explains in the *Summa Contra Gentiles*, the more perfected in virtue a being becomes, the more it desires the good of all and works toward the good in beings other than itself. “And thus not without reason it is said that the good as such is diffusive; for the more a being is good, the more it spreads forth its goodness to beings which are further from itself.”¹⁷³ DeKoninck goes further, saying the cardinal virtues are not just helpful in directing people towards the common good as a higher priority, but necessary.¹⁷⁴ Maritain takes this idea further still, for virtue is only one example of a number of ends beyond and higher than political society to be served by that society.¹⁷⁵ Looking to the end of society itself, the specific good isn’t stability, or even

¹⁷³ III SCG c.24.

¹⁷⁴ DeKoninck, op. cit., 20.

¹⁷⁵ Maritain, op. cit., IV.4

stability in the right way, but in one among a number of formulations of this principle Maritain offers, “victory over servitude and the antagonisms that divide humanity.”¹⁷⁶ This is liberty as Maritain understands it, a freedom fit for a material rational creature.¹⁷⁷

The need for virtue is not lost on Rawls. He notes briefly that certain virtues in the citizenry help sustain the political conception of justice and he lists tolerance and fairness as examples.¹⁷⁸ There seems to be some confusion on Rawls’s part, however, about exactly what a virtue is. A virtue is an excellence of character that partially constitutes flourishing, and thus is good in itself. Tolerance doesn’t always contribute to flourishing, though, because some things should not be tolerated. Rawls would obviously condemn tolerating intentional injury, crime, racism, or unfairness. In matters of tolerance, it is not tolerance itself that is the virtue, but prudence. Knowing when to tolerate something unpleasant and when to stand against it requires subtle understanding of particulars and good judgment as to what should be borne for the sake of the common good and what one must stand against.

Rawls is right about the need for virtue, but his version contrasts sharply with DeKoninck, Maritain, and Aquinas. Rawls tries to construct virtues from political structures, constructing the people to fit the government rather than the

¹⁷⁶ Maritain, *op. cit.*, IV.12.n42

¹⁷⁷ *cf.* Maritain on Thomism’s understanding of freedom (as different from Rawls’s).

¹⁷⁸ PL, 157.

other way around, and to maintain virtues in citizens without crossing the line from the merely political into the comprehensive. On Rawls's own terms, a society has good reason to desire the inculcation of virtue in citizens. The problem is that his conception of justice explicitly excludes a basic structure of society that would encourage virtues on the basis that they are really good—they can only ever be ministerial to the political order. In other words, the kind of thing a virtue is already implicates comprehensive doctrines. In order for the traits Rawls wants inculcated in the people to be good for the people and not just good for Rawls's idea of government, he or any theorist must cross the threshold from the political to the metaphysical. Rawls's earlier commitments to eschew all metaphysics make the inculcation of virtue in citizens off limits; he is trying to avoid the unavoidable conclusion that a truly virtue-inculcating basic structure would necessarily draw on comprehensive (metaphysical) doctrines about the good life.

Stable political unity is based in an authentic common good that unifies society and a basic structure that fosters growth in virtue among the people, which further solidifies in them the priority of the common good over individualistic self-interest. With no authentic common good to unify the people and no non-metaphysical way to inculcate virtue in the citizens, Rawls's Political Liberalism fails to yield what it posits as most needful: neither reasons for long-term stability nor, so long as it lasts, stability for the right reasons.

The End of Political Society and Its Priority

Rawls is not only wrong about his theory's potential for achieving stability, but on a Thomistic view it is a mistake to take stability as society's end. Maritain asks, "why is it that the person, as person, seeks to live in society?"¹⁷⁹ One part of his answer, that people unite in society out of need and their own deficiencies, appears to be consistent with both the ancients and the moderns. It sounds like Aristotle, but could also have come from Hobbes, Locke, or even Rawls. But Maritain has something more in mind, not only to secure material goods such as food and shelter against human need, but also to secure immaterial goods such as virtue and knowledge for human flourishing. This view appears similar to Rawls's own, which includes "power, opportunities, and the social bases of self-respect" in the catalog of primary goods the individual gets from society and for which the project of justice consists in determining the fairest distribution, but there is a difference and it is crucial. Rawls's list of primary goods is limited in principle to goods one wants more of no matter what one's particular life-plan is.¹⁸⁰ For Rawls, the primary goods are neutral, instrumental means for achieving any long-term life-plan, i.e. whatever else one has planned in the next five years, more money, influence, and self-respect couldn't hurt.

¹⁷⁹ Maritain, *op. cit.*, IV.1.

¹⁸⁰ *TJ*, 142 and *PL*, 181.

In contrast, Maritain says that the needs of human persons for which they require society include “help in doing the work of reason and virtue.”¹⁸¹ This account of the good(s) of society is neither neutral nor wholly instrumental. It is not neutral in that there are determined ends in view, namely reason and virtue. It is not wholly instrumental, either: Maritain mentions character training and education on his list of the ends that society helps secure. Virtue is not an instrumental good, but another example of a means partially constitutive of the end.¹⁸² Incultation in virtue, including practicing acts of virtue, is itself part of the good life, part of the end itself and not simply a means serving the end. Elsewhere, Maritain articulates the end of society as victory over servitude and division, where authentic independence constitutes victory over servitude.¹⁸³ The freedom Maritain has in mind is not merely material. Every bit as important as freedom from the want of hunger and homelessness, victory over servitude is partially constituted by the virtuous life in which one is free of the evils that prevent the human person from pursuing what is good.

The other prong of Maritain’s answer is likewise distinctive of the Thomistic approach to politics. He says, “[The person seeks to live in society] because of its very perfections, as person, and its inner urge to the communications of

¹⁸¹ Maritain, *op. cit.*, IV.1

¹⁸² *cf.* Chapter Five, 175 ff on partially constitutive ends.

¹⁸³ Maritain, *op. cit.*, IV.12n42

knowledge and love which require relationship with other persons.”¹⁸⁴ This claim is correlative with what he calls “victory over division.” At the heart of Maritain’s thought here is the essential sociality of the human person, which entails that people naturally desire to live in harmonious communities. The good life in political community, when communal life is flourishing, constitutes a higher perfection for a human person than the good life of the mere individual. Thus the good of the person as participant in a political order has a higher priority than the good of the individual.

Recalling DeKoninck’s explanation of how goodness is diffusive of itself, a life of flourishing in reason and virtue extends out from the person’s individual good to focus on increasingly distant layers: the common good of the community, the country, the world. The person looks up and out, becoming increasingly detached, disinterested, and generalized. This inherent sociality begins with those to whom we are most immediately connected, family and close friends, but presses outward to political society and eventually the whole species or even the whole world. Being harmoniously social consists in good relationships, and good relationships require virtue, and thus it is because people are inclined toward and perfected by a harmonious society that society has an interest in inculcating social virtues in its people. It all fits tightly together for Maritain.¹⁸⁵

¹⁸⁴ Maritain, *op. cit.*, IV.1

¹⁸⁵ cf. W. Norris Clarke, “Person and Being” *Communio* 19 (winter) 1992 who makes the argument that persons are only fully realized in communion

To make this implicit criticism by Maritain explicit, Rawls has confused one *feature* of the end of society, stability, for the *end (telos)* of society. The tradeoff he proposes is: we are to lower our sights, settle for stability as the goal and, in exchange, get a regime that doesn't coerce citizens by imposing any particular comprehensive doctrine. The prospect of peace has great appeal, and would be all the more appealing to a World War II veteran who witnessed the aftermath of nuclear strikes, as Rawls was and did. But he has, in the process of constructing the bargain, made his goal practically unreachable in two distinct ways. First, political society, especially a Rawlsian political society, depends on the very virtues Rawls has forbidden the basic structure from encouraging because of their rootedness in comprehensive doctrines. Second, Rawls has reduced society to a mere means serving individual ends, a conduit through which the primary goods are distributed and redistributed. This is an inversion of the priority relationships between the individual and a political society DeKoninck and Maritain envision as leading to a stable, harmonious communion. With society reduced to a distribution network for the primary goods, Rawls can never reach the level of 'stability in the right way and for the right reasons' because a truly overlapping consensus, and not merely a *modus vivendi*, requires a unifying common good.¹⁸⁶ Without a common good, the distribution of scarce primary goods cannot help but be competitive and eventually antagonistic.

¹⁸⁶ DeKoninck, *op. cit.*, 18

On the relationship of the individual to society, DeKoninck says, “As long as man is not rectified by the cardinal virtues which must be acquired, he is drawn principally towards the private good against the good of the intellect... To achieve his dignity, he must submit his private good to the common good.”¹⁸⁷ Where Maritain emphasized the need for the inculcation of virtue in the person for the sake of sociality, here DeKoninck emphasizes the need for the inculcation of virtue for the sake of each person achieving his own good by prioritizing the common good of the community over his own individual good. In both cases, politics requires both a genuine political common good and a social inculcation of virtue in the citizens. Without an authentic common good and virtuous people, non-coercive stability in the right way and for the right reasons is impossible.

Criticisms of Philosophical Anthropology

“Definite conceptions of society and person are essential elements of any conception of justice and the good.”¹⁸⁸ Rawls is, of course, exactly right about that. The Maritain-DeKoninck exchange is fruitful not only as standpoint from which to study Rawl’s Political Liberalism and criticize its structure (as above), but also helps one to grasp insights on the content of the theory, especially Rawls’s view of the human person and the person’s relationship to society, i.e. philosophical

¹⁸⁷ Ibid. 20

¹⁸⁸ PL, 109-110

anthropology. I have grouped concerns under the headings: individualism and personhood, social mereology, freedom, and finally (in the next chapter) love.

Individualism and Personhood

Maritain and DeKoninck agree, against Rawls, that individualism isn't enough to ground a lasting peace and that, on its own, individualism leaves the person stunted and society fissiparous. "A society constituted by persons who love their private good above the common good, or who identify the common good with the private good," exactly the society Rawls is proposing, "is a society not of free men, but of tyrants," DeKoninck says.¹⁸⁹ DeKoninck connects this point to another that Aquinas makes in *De Regno*. Aquinas says that a tyrant is one who rules a whole people for his own benefit rather than for the common good, and further that if a multitude rules in such a way, "the whole people will be as one tyrant."¹⁹⁰ This from Aquinas and DeKoninck is an implicit criticism of Rawls because those in the original position are ruling as 'tyrants,' distributing primary goods in a social order for their own benefit—it's only that, deprived of knowing their exact place in society, they are supposed to hedge their bets by distributing the goods a bit more widely. The game, however, remains substantially the same:

¹⁸⁹ DeKoninck op. cit., 11

¹⁹⁰ Aquinas, *De Regno* 2.11

individual acquisition of primary goods. There is no concept of a good truly common to all members of society.¹⁹¹

This is yet another point in the argument where the work of the Thomists is critically important. Individualism, with its lack of an authentic common good, is not enough, but neither is a common good understood as something separate from the individuals. That would leave them as mere parts of a collective. Such a collective would have absolute priority and that way lies totalitarianism. In order to escape the dilemma of individualism, one kind of tyranny, and collectivism, another kind of tyranny, Maritain insists from the very first sentence of *The Person and the Common Good* on the need for another dimension of analysis: a distinction between individuality and personality.¹⁹² Maritain is critical of those who, like Rawls, think that because society helps remedy the material shortcomings of the individual, society's end is nothing more than attending to those shortcomings and, as much as possible, correcting for them.¹⁹³ On Maritain's view, humans are the political animal because of rationality, which requires development through character training, education, and the cooperation of other people, not just increases in wealth, health, opportunity, comfort, and power.¹⁹⁴ "The end of society, therefore, is neither the individual good nor the aggregation of the

¹⁹¹ Maritain at IV.1 refers to this particular abuse as a form of anarchy rather than tyranny, but whether tyrannical or anarchical, he means to convey that this kind of regime is radically and *per se* unjust.

¹⁹² Maritain, *op. cit.*, I.1

¹⁹³ Cf. PL, 178-190

¹⁹⁴ Maritain, *op. cit.*, IV.1

individual goods of each of the persons who constitute it.”¹⁹⁵ Rather, “the end of society is the good of the community, of the social body,” understood as a good held in common by the whole society as well as by each person who constitutes the society.¹⁹⁶ The common good, precisely in order to be common, cannot be merely a distribution of goods for individuals, no matter how equitable.¹⁹⁷ If the common good were material, even if composed of high priority items such as food and housing, it could not be simultaneously possessed by everyone in society—just as *this* hamburger and *that* job cannot be possessed by everyone at once. Thus the fundamental social unit cannot be the material individual with a good that cannot possibly be held in common. The common good is connected to the person and his or her rational good, and thus the person—not the individual—must be the fundamental social unit.

DeKoninck reinforces the point using a slightly different argument. He holds that the central problem of modern politics begins as a problem of philosophical anthropology, the revolt of the inferior “sensible” (or animal, physical) part of man against the good of the superior (or intellectual) part of man.¹⁹⁸ The natural priority is for the intellectual within the person to be held higher than the animal, and for shared goods to be prioritized over individual goods. The connection between the two, as may be obvious, is that intellectual

¹⁹⁵ Ibid.

¹⁹⁶ Ibid.

¹⁹⁷ DeKoninck, *op. cit.*, 27

¹⁹⁸ Ibid. 30

goods, e.g. knowledge, are not material and are thus, *ipso facto*, able to be shared and apt to be common. DeKoninck's point is that the inversion of the priority of the intellectual over the animal encouraged by some strains of thought fosters a view of politics as nothing other than an animal fight over scarce things or, as Harold Lasswell famously put it, about who gets what, when, and how.¹⁹⁹ The end sought and understood by the practical enterprises of political science and political prudence depend on theoretical starting points. Misunderstanding the priority of animal and intellectual within the human person leads to a parallel missing of the mark in politics, one in which the individual good is prioritized above the common good. Such a view makes a stable and lasting peace extremely difficult, perhaps impossible, because it places the growth and use of power on a collision course with the distribution of material goods, unrestrained by a higher good to which all must be subordinated. As an individual's power grows, so does its ability to acquire material goods, and if acquisition of material goods defines the good life, then there's good reason for an individual to acquire as much of as many material goods as he or she is capable.

DeKoninck and Maritain both work from a Thomistic conception of philosophical anthropology. The human person is composed of multiple "formalities" or aspects of their being, which are held together by being ordered to the ultimate good of the person. At the lowest levels are the formalities of

¹⁹⁹ Lasswell, Harold, *Politics: Who Gets What, When, How* New York: Whittlesey House, 1936

vegetation, passive bodily processes, and animal desires, those processes that involve the will and motion in order to complete: eating, drinking, reproducing, finding shelter and clothing, and generally the use of resources that make physical life possible and comfortable. At the higher levels are formalities of intellect, but there is order even within these, too. The practical intellect is subordinate to the theoretical intellect.²⁰⁰

The practical intellect and the theoretical intellect can, together, aim at natural knowledge and the natural good of the human person as well as what Thomism takes to be the highest good for the human person and the ultimate final end—the union with God known as beatitude. Both natural and supernatural ends are themselves composed of aspects or specifications. One aspect of the good life according to nature is “the person as citizen.”²⁰¹ But it is only one aspect and not the highest. There are aspects of the good of the human person that are more fundamental than politics and whose spheres the political community must respect. Maritain addresses this by saying, “Unless [political society] would vitiate itself, it implies and requires recognition of the fundamental rights of persons and those of the domestic society in which the persons are more primitively engaged

²⁰⁰ This claim is controversial among some prominent thinkers influenced by Aquinas, including John Finnis and Robert P. George, but the controversy is limited to a small group known as proponents of the “New Natural Law” who believe that the practical intellect is an independent, incommensurable, inordinable source of knowledge of the good.

²⁰¹ DeKoninck, *op. cit.* 27

than in the political society.”²⁰² A genuine political common good must not only protect rights, but also acknowledge associations higher and more fundamental than political society, e.g. the family and religious organizations.

Entailed in this claim is another that stands in stark contrast to the tradition of liberal political philosophy and, to a great extent, Rawls. Liberal philosophers, as widely divergent in their views as Hobbes (the frontispiece of *Leviathan* springs to mind) and Rousseau, often advance a view of politics that is implicitly totalizing. There is no higher formality or aspect of human wellbeing than politics and no social institutions more fundamental. Maritain is arguing that such a view undermines itself because the genuine common good of society is the good of all those who constitute society, including aspects of the good that are not themselves political. Politics, for the sake of the political order, must recognize these pre-political goods, show respect for their fundamentality, and encourage their pursuit. An example of such institutions is the family, the “domestic society” par excellent. In *Theory of Justice*, Rawls was ambivalent at best about the future of the family in a society governed by “justice as fairness.”²⁰³ The basic structure Rawls constructs neglects the family and, likewise, all the pre-political institutions and organizations.

²⁰² Maritain, op. cit. IV.2

²⁰³ TJ VIII.

Social Mereology

The wide array of aspects of human wellbeing contained in the philosophical anthropology of Thomistic philosophers naturally gives rise to the question of how the person and society fit together. How does the distinction Maritain is so keen on, the person as neither a seemingly god-like but ultimately slavish individual whole nor a mere cog in the larger whole of society, work to resolve the dilemma of the individual and the political community? In answering that question, it helps to break it into parts and track closely the differences between Maritain's positions and Rawls's.

On why the human person needs society at all, Maritain asserts that "the person requires membership in a society in virtue both of its dignity and its needs."²⁰⁴ With respect to needs, there's no disagreement between Rawls and Maritain. Satisfying some basic needs facilitates pursuit of the good. For Rawls, "goodness" is having a rational plan of life. But every such rational plan will require some needs to be filled by society: not only physical goods such as wealth, but also guaranteed rights and freedoms. This is not to imply that society acts for one or the other. Human dignity and material need aren't exclusive. Human dignity, the goodness someone has on account of himself (i.e. intrinsic worth)²⁰⁵ could hardly be said to be a priority where people are starving needlessly or where there is

²⁰⁴ Maritain, op. cit. IV.1

²⁰⁵ Emery, Giles O.P. "The Dignity of Being a Substance: Person, Subsistence, and Nature" *Nova et Vetera*, English Edition, 9:4 (2011), 992 and Aquinas, III Sent. 35.1.4.1

generally little concern at the social level for the material basics of human flourishing. But the two are distinct in that there are goods associated with dignity that surpass the satisfaction of mere material need and they are ordered in that satisfying the material needs of the human person is ordered to the dignity of the human person.

Maritain says, “Here the question is not only of his material needs, of bread, clothes and shelter, for which man requires the help of his fellow men, but also, and above all, of the help which he ought to be given to do the work of reason and virtue, which responds to the specific feature of his being.”²⁰⁶ These latter goods are absent from Rawls’s conception of justice and the order of society. That doesn’t seem to be an accident. Could Rawls have a robust public account of non-material (spiritual and intellectual) goods ordered to human dignity without trespassing on metaphysical grounds, the terrain he wants to avoid? He could not; as Maritain makes clear, the work of reason and virtue are included and are, in fact, the higher priority because of the specific nature he claims the human person has. They are unavoidable for the just regime and also unavoidably metaphysical.

When Maritain answers the question of why the human person seeks to live in society, he says the first and most important reasons are the relationships necessary for the communication of knowledge and love, which are the fundamental desires and fulfillments of the human person qua person. Only

²⁰⁶ Maritain, *op. cit.* IV.1

secondarily (in priority, not in chronology) do people desire society for help in satisfying the needs rooted in their material individuality. “The common good is not only a system of advantages and utilities but also a rectitude of life, an end, good in itself or, as the Ancients expressed it, a *bonum honestum*,” he says.²⁰⁷

Rawls’s view is the opposite: people live in society because of human needs and want society to secure the basics for them so as to create and pursue their own ends as a private matter—material concerns for the individual are the primary concern for society, and higher ends or greater perfections are the domain of the private sphere.

Rawls’s inversion of the Thomistic priority is perhaps a confusion of urgency with importance, an easy mistake to make. Material needs can feel more pressing and because of the intensity of desire (hunger, for example) one might conclude they are the most important—but the questions of intensity of desire and priority are separate and there is no reason to think the answer to one question determines the answer to the other. Intense desires might be either high or low priority. Seldom will finding a fulfilling career feel as intense as the itch of poison ivy, but to most people, Rawls and Maritain included, it’s obvious which of the two is more important to real human goodness. The trouble is that in saying so, one already implicates exactly what Rawls is at pains to avoid: what’s really good for a person and thus a metaphysical doctrine of what a person is. The same sort of

²⁰⁷ Ibid. IV.2

problem occurs, writ large, when specifying a good social order. What counts as a good social order depends on what sort of things compose the society and what's really good for them and it. Thus, it turns out that Rawls is doing two things in limiting the basic structure to the distribution of neutral primary goods: basing Political Liberalism on a metaphysical claim about the good of society, namely that society's concern is individuality and not personality, and, as part of the process of specifying the good of society as the fair distribution of neutral primary goods, inverting the priority of the individual and the person. In Political Liberalism, concerns for the development of the individual are "political" and thus an eligible priority for the basic structure where concerns for the development of the person are dismissed as "metaphysical" and thus ineligible.

That's not a small problem. Maritain describes prioritizing the individual aspect as the source of evil in human actions.²⁰⁸ C.S. Lewis described individualism as the philosophy of Hell in *The Screwtape Letters*. Strong words, but their reasons are clear. The "individual" formality is not evil—it's part of the human being and "the very condition of our existence."²⁰⁹ But when the individual is prioritized, the focus is turned inward. Every action furthering that priority necessarily leads away from authentic community because goods of the individual cannot be held in common. Prioritizing the individual at the societal level cannot help teaching and reinforcing that individuals are isolated and their trajectory is away from one

²⁰⁸ Maritain, op. cit. III.4

²⁰⁹ Ibid. IV.v

another as they get wrapped up in the ends they choose. In the extreme, the chosen ends come to be conceived as justified by that very choosing. Society is not a community, but a tool for furthering personal projects. If goodness is to be synonymous with rationality, as Rawls says it is, then at the risk of vitiating social ties, rationality had better not be limited to isolating individualism.

Furthermore, on Maritain's way of thinking, Rawls's conception of a political society united by an overlapping consensus favoring a basic structure that distributes primary goods fairly is a society only in an improper sense, a collective rather than a community. Maritain considers a spectrum of types of collective groups—he calls it an “analogical scale.”²¹⁰ At one end are “collective wholes constituted of mere individuals.”²¹¹ These include animal societies, where each individual is merely a part of the whole, finds its identity in the whole, and is subsumed by the whole. This he calls a society in an improper sense because there's no real “friendship” or relationship from one part to another; rather they are unified as participating in the whole. A single checkers piece is part of the set of checkers pieces, and all the checkers pieces together are a unified set. Each has a relationship to the set as a whole, but no piece has any necessary relationship to any other piece. There are no necessary interrelations; they are all just parts of a set.

²¹⁰ Ibid. IV.3

²¹¹ Ibid, IV.1

At the opposite extreme is the perfect society of persons, the mystery of the Holy Trinity.²¹² The Trinity has no parts at all, but is a whole of three wholes, specifically three persons. Maritain asserts that the concept of part is inherently opposed to the concept of person, that persons are necessarily wholes because they are free intellectual substances. Thus a society of persons is “a whole composed of wholes.”²¹³ The mystery of the Trinity is that God is one and simple, but also three persons; simultaneously one united whole and three distinct wholes. For the purposes of political philosophy, what’s most important is that this end of the spectrum of collective groups is characterized by wholes in relationship to one another, each of which partially forms the society of the whole and yet is not, strictly speaking, a “part.” Also important to understand is that at this end of the spectrum, the good of each is the good of all; there is a perfect coincidence of the good of each member of the society.²¹⁴

The sense in which a proper human society is a whole composed of wholes is somewhat less mysterious, a little easier to get an intellectual grip on. A human society is a single whole in that it is a unified project devoted to a common end, the common good of the good life for everyone in the society. Society is not a whole like a substance, but is what DeKoninck rightly labeled an accidental whole: it has form and matter, but depends for its being on the substance, or in this case

²¹² Ibid. IV.3

²¹³ Ibid.

²¹⁴ Ibid, IV.4

substances, to which it is attached.²¹⁵ And thus society is a whole *composed of wholes*: no person is expendable as a part and each is not a mere means to the good of the whole. Rather, each member is a subsisting whole itself, and must be respected as a rational creature with dignity and free will. Maritain, like Rawls, believes every human being has dignity and is entitled to respect. The problem for Rawls is that, as Maritain explains, it is personhood and not individuality that grounds that inherent dignity.

Persons, as rational wholes, are different from mere individuals in important ways. Persons face out. They tend by nature, meaning both for the sake of fulfillment and as a matter of course, towards communion with others. The goods that fulfill persons (*qua* persons) have their objects out in the world—knowledge, moral virtue, relationships with others—and all require persons to look outside of themselves for the end of their action. In fact, as persons, they are ordained to ends beyond politics; the person is superior even to the common good of political society because, unlike political society, the person is ordered to ultimate and eternal goods. Individuals, on the other hand, are turned inward and tend toward isolation.²¹⁶ The goods that fulfill individuals are focused on what's interior to them: desires for food, drink and sex, the necessities of clothing and shelter to keep them warm, and the acquisition of intermediary goods that facilitate these ends (e.g. money and power).

²¹⁵ DeKoninck, *op. cit* 14

²¹⁶ Maritain, *op. cit.* IV.1

Aristotle was working in the neighborhood of this distinction when he said in *The Politics* that society comes to be out of necessity, but continues for the sake of the good life.²¹⁷ When the immediacy of necessities subsides, when hunger is sated and thirst is quenched, some other reason is necessary for society to persist. Perhaps, then, a more refined criticism of Rawls is now in order. Rawls's theory is consistent with classical and Thomistic thought in that all recognize the human needs society satisfies. Additionally, Rawls agrees that society is a whole—the hypothetical society at the center of his theory is a closed society, self-contained with no relations with any other society.²¹⁸ But Rawls has missed, or perhaps set aside, the higher ends and formalities of the human person focusing instead on the lower formalities—those of the individual—and only on those ends for which society “comes to be” rather than those for which it continues to exist, in Aristotle's way of phrasing it. Aristotle's claim might be understood as a comment about stability. The higher ends of the human being must figure prominently in a theory where the goal is stability over time because the higher ends unite the members of society beyond temporary needs and beyond finite goods, transforming a heap of grasping individuals seeking inward fulfillment into a unified whole participating in some kind of genuine relationship.

Now, it's important to keep in mind that the formalities of “individual” and “person” are notionally distinct, but not really distinct—they refer ultimately to

²¹⁷ Aristotle, *Politics* I.2.

²¹⁸ PL 12

one and the same thing, the human being. Thus for the common good of society to be truly the common good of the human persons who compose it, Maritain says, the common good must benefit the persons as individuated *persons* and as *individuals* and respect their dignity.²¹⁹ Respecting their dignity requires acknowledging that human persons are ordered to goods that surpass society and transcend politics. Echoing Aquinas, who said, “Man is not ordained to the body politic according to all that he is and has,”²²⁰ Maritain offers specific examples of goods that transcend political society: natural law, the rule of justice, requirements of fraternal love, religious life, truth, theoretical knowledge, and beauty. All of these belong “to the order of the absolute” and must be acknowledged as superior to political society.

Maritain implies two related criticisms of a Rawlsian liberal theory and how it gets political limitations wrong. First, Political Liberalism fails to reach high enough in its conceptualization of the person, confusing it with a mere individual and thus only a lowly part of the whole. Second, Political Liberalism reaches too high in its esteem for political society, failing to recognize the superior goods of the person and political society’s subordination to them. For Rawls, politics need not acknowledge higher ends because the view of the basic structure, the object of an overlapping consensus, can reasonably be presumed to be consistent with the

²¹⁹ Maritain, *op. cit.* IV.4

²²⁰ ST I-II 21.4.3

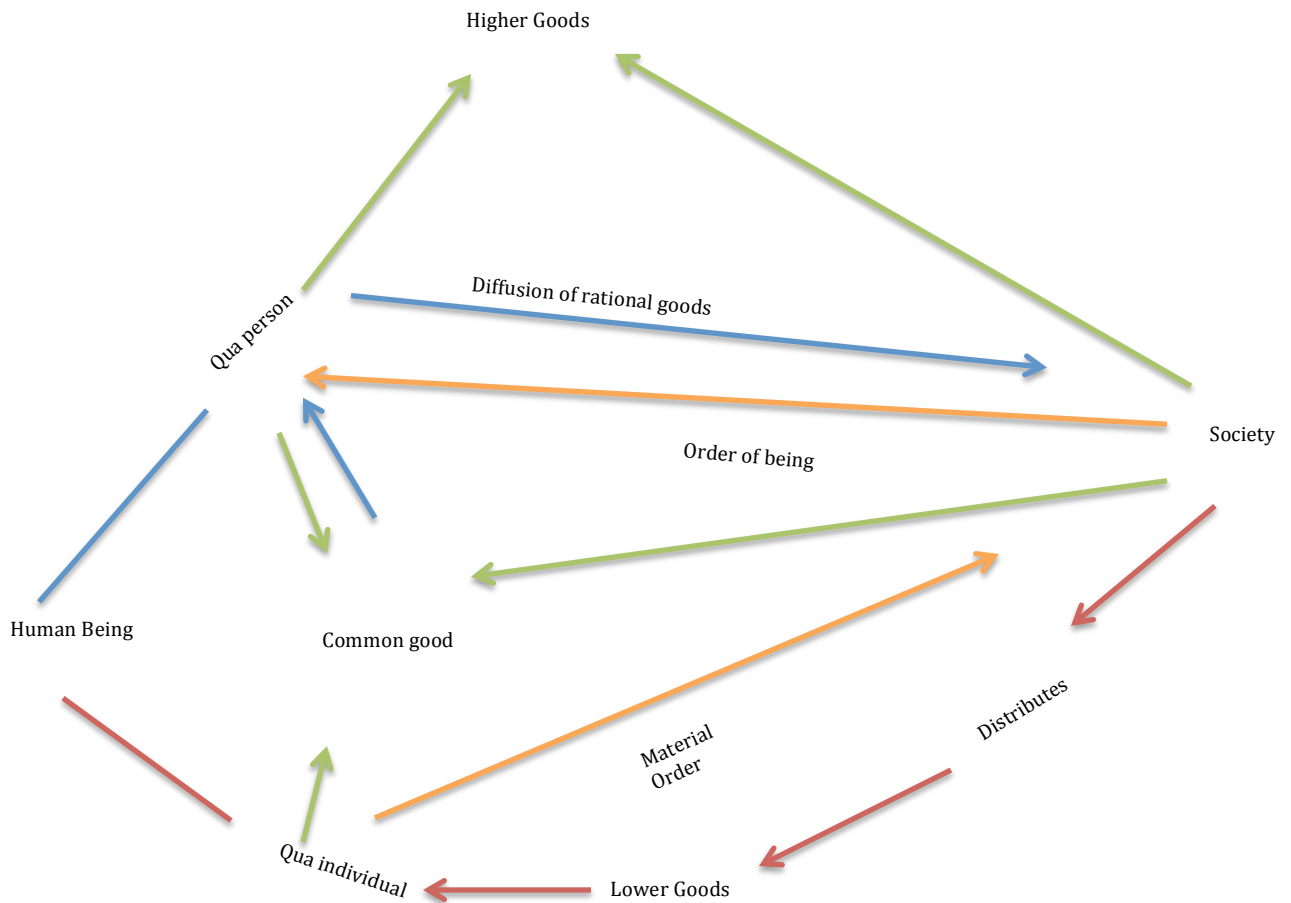
rest of the comprehensive doctrine in which it is, for each person, nested—
whatever that turns out to be.

Thus Rawls would reply that he doesn't have to get into the nettlesome issue of whether or not there are goods for human beings superior to the common good of political society and what those might be precisely because Political Liberalism will be consistent with the answer whatever it turns out to be. But the effect of ignoring the possibility of politics ordered to higher ends is, in practice, the same as denying such ends exist. Even if there are ends higher than politics, if political society takes no cognizance of those ends, or even of the fact that higher ends exist, political society cannot help becoming the de facto highest end. Rawls himself treats political society in exactly this way: what distinguishes "reasonable" comprehensive doctrines from "unreasonable" comprehensive doctrines is whether or not they can affirm the overlapping consensus.

The good of political society as Rawls conceives it is the standard by which comprehensive doctrines are judged rather than the other way around. A Thomistic assessment of this move by Rawls is devastating: just as the good of the whole person will be lost if only the goods of the individual are acknowledged and sought, so the good of the whole political society will be lost if it fails to favor the higher ends of the human person. Political Liberalism brings about both. It neglects the personhood of the human being and focuses strictly on individuality. But worse, for the sake of a supposedly lower but more solid foundation for

political society, Political Liberalism sacrifices the higher ends at which society aims. Such a tradeoff would be questionable if the prospects for achieving stability were strong, but given how precarious stability is for Political Liberalism, how frail and brittle it now seems, the trade isn't worth it. What's most important to note, however, is that the apparent tradeoff is a mirage—giving up the subordination of society to higher ends for the sake of stability is exactly what sows the seeds of instability by making impossible a genuine distinctive common good.

What's needed at the very root of political philosophy is a proper understanding of the relationship between the particular human being and society. I have developed a diagram to help clarify that relationship, as influenced by Aquinas, DeKoninck, and Maritain (preferring the latter when he and DeKoninck disagree).



The red lines connecting society to the human being qua individual represent the way the individuality of a human being connects him or her to society; materially, we are all dependent on material goods. Society defines and maintains private property and the distribution scheme. Orange lines model ontological priority. In the material order, individuals are subordinated to society as parts to the whole, but society as an accidental whole is ontologically subordinate to human persons,

which are substantial wholes. The blue lines connecting the human person to society represents the way the personhood aspect of the person connects it to society rationally and as a constitutive member. Where society contributes the maintenance of a scheme of distribution for material goods, persons diffuse rational goods which are not scarce throughout society. Note the blue line pointing from the common good back to the person, which is meant to capture Maritain's insight that the common good flows back to the person; it is blue because the common good's flow back to the person is in the order of rational goods, namely the good of rationally ordering the life of the community well. The green lines represent the order of goodness. The human being, qua both individual and person, as well as society contribute to the common good, which is the priority. Both the person and society are also ordered to higher goods.

In sum, the part-whole relation of the person and political society is a crucial element of political philosophy. The nature of the relationship between the human being and society circumscribes and helps determine the nature of politics: the good of politics is what it is because of the good for human persons and not the other way around. Further, on the Thomistic account, the common good of society is a *genuine* practical good, but *only* a practical good and loses its value as a good when it fails to recognize its limits and proper subordination to the higher formalities and ends of the human person. Rawls's Political Liberalism is guilty of focusing on the mere individual rather than the person as well as failing to

subordinate politics to the ends of the person that are superior. Disordered in this way, lacking a true common good and priority of the person, Political Liberalism will always be precarious. Harking back to Wingenbach and Pakaluk once more, a failure to provide stability is devastating for Political Liberalism as a theory because that is its authentic goal and true end.

The Purpose and Necessity of Freedom

For both Rawls and the Thomists, freedom has a central place in political philosophy. They disagree, however, about the origin, function, and importance of freedom both in the good life of a human person and in the order of a political society. Freedom is essential for both. For the Thomists, freedom in part defines human personhood and any fully rational act.²²¹ For Rawls, a choice under the condition of freedom is the source of goodness for the person and an end for political society. One of the two fundamental starting points for political personhood is the power to form a conception of the good.²²² One has to pay careful attention to his words to notice that it's not the power to act for the sake of the good or even the good itself which is fundamental. Rather, the power is the *freedom* to differentiate between good and bad, the ability to *choose* what to call good and what to call bad. Freedom is what makes a choice our own and what makes it good. Rawls is consistent on this point when describing how the basic

²²¹ Emery, op. cit. 995-996

²²² PL 30

structure of society is to be derived. The basic structure acquires its moral weight for citizens in contemporary Western democracies when and because it is what would be chosen by representatives in the original position. Elsewhere, I've been critical of the individualism implied by the original position; now, another contested assumption underlying Rawls's theory comes to light. The original position is meant to model conditions of maximum freedom, not only from the accidents of birth, constraints such as sex and race, but from the historical constraints on political choices. In Rawls's philosophical anthropology, freedom is the proper context for real choice and the kinds of beings capable of free choices are "self-originating sources of valid claims,"²²³ later revised to "self-authenticating sources of valid claims."²²⁴ The validity and value of the claims comes from the self.

DeKoninck is perhaps at his most polemical when railing against a view very much like Rawls's (though DeKoninck attributes it to the personalists). He says:

Through disordered love of singularity, one practically rejects the common good as a foreign good and one judges it to be incompatible with the excellence of our singular condition...One would not refuse the common good if one were oneself the principle of it, or if it drew its excellence from one's own free choice: the primacy is accorded to liberty itself.²²⁵

²²³ Rawls, John "Kantian Constructivism in Moral Theory," *Journal of Philosophy*, September 1980 77:9, 543

²²⁴ PL 32

²²⁵ DeKoninck, op. cit. 15

It's not that DeKoninck doesn't value freedom, but his understanding of the nature of freedom is different from Rawls's. Rawls's notion of freedom is a radical independence of the will, a rational autonomy, a complete wholeness of the self.²²⁶ Rejecting this view, DeKoninck thinks freedom is teleological, an idea he gets from Aquinas. In the *Summa Contra Gentiles*, Aquinas argued that intellectual and rational creatures such as human beings are higher than other beings because they are free to choose for the sake of their end rather than bound to it and because their end is higher.²²⁷ Freedom is not an end, but is "for" something, and that something is the human good, which is itself at the natural level a rational order partially constitutive of the common good of the whole of the universe and at the supernatural level nothing less than knowing and loving God.

DeKoninck emphasizes that rational creatures do not exist for the dignity of their own being but for the sake of an order beyond themselves, one in which they participate. To continue the metaphor used earlier, the orientation towards the good is a fundamental facing outward from the self. Rawls, again, has the person oriented wrong—facing in towards authenticity of self, focused on the concerns of the self, rather than directed out towards a standard beyond the self and the sociality fundamental to politics. Most pointedly, DeKoninck says, "Liberty is not

²²⁶ In this way, perhaps counterintuitively, Rawls seems to share with DeKoninck and Maritain the view that human beings are inherently social because of material deficiencies, but won't go as far as they do in arguing for other reasons humans are social.

²²⁷ III SCG. C.111

concerned with the end as such, but with the means.”²²⁸ Here the argument is that not only is freedom not the end itself, but freedom does not even pertain to the end.²²⁹ Humans are not free to choose their ends, but rather only free to decide whether they will act for the ends fixed in and by their nature and free to select the means most conducive to those ends in any given set of circumstances. My contention here, as elsewhere, is that DeKoninck is more illuminating when understood as criticism of Rawlsian liberalism rather than as criticism of Maritain and personalism.

Maritain is also an incisive critic, in part because of the apparent close relations between some of his ideas and some of Rawls’s. The pattern we first saw with the “overlapping consensus” repeats: Rawls and Maritain have related and ostensibly similar views that mask important differences. It looks like Maritain says something similar to Rawls when he specifies the task of political society, which is to help each member of society, “perfect his life and liberty of person.”²³⁰ The goal of politics is “real independence from the servitudes of nature” for the human person.²³¹ Further, as the human person grows and develops moral powers and talents towards real independence, real freedom, he or she will need two other sorts of freedoms: (1) the freedom of associating (and then, often, disassociating) with similarly situated persons in social and civic organizations and (2)

²²⁸ DeKoninck, *op. cit.* 18

²²⁹ *contra* Rawls, *vd.* PL 186

²³⁰ Maritain, *op. cit.* IV.2

²³¹ *Ibid.*

acknowledgement that some of these associations, e.g. the family, are prior to political society and thus must be respected as not simply an extension of or minister to the political community.

Once again the similarity between Rawls and Maritain is deceiving—the latter’s understanding of freedom, like DeKoninck’s, is a “freedom for” and not just a “freedom from.” That is, Maritain does not think that freedom from the servitudes of nature is a good in itself or enjoyed for its own sake. He recognizes that independence of that sort may serve bad ends as well as good. For politics to be a *bonum honestum* requires more than independence, more than a pattern of material arrangements that enhance freedom, but also a common sense of right and wrong (he calls it political conscience), moral rectitude, virtues, friendship, happiness, and even heroism.²³² Maritain denies that the common good is a “system of advantages” which might just as well be a counterfeit “good” of a mob as the real good of a political community.

What Maritain adds to DeKoninck’s otherwise valid criticism is an explanation of why freedom should be protected. DeKoninck and Maritain agree that freedom is for the sake of choosing the good, but DeKoninck offers little in the way of explanation why, given the absolute priority of the common good, the freedom to choose means to the end would be important—it isn’t clear why it

²³² Ibid.

wouldn't be enough that the true human good were realized, whether through free choice or compulsion.

The American Declaration of Independence closes with the mutual pledge of the signers to each other of "our lives, our fortunes, and our sacred honor." What the Americans made explicit, Maritain believes is at least implicit in every true political community. Political society tends toward a completeness or self-sufficiency of the political community (a continuous claim of the tradition of political philosophy from Aristotle forward, cf. *Politics* I.2) such that, "unlike a farmers' cooperative or a scientific association, which require the commitment of only part of the interests of the members, civil society requires the citizens to commit their lives, properties and honors."²³³ Maritain acknowledges that the perfection of political community is honored in the breach, but notes that in order to prevent either the kind of stagnation DeKoninck fears or even declines, the inclination and true trajectory of politics is essential to any good theory.²³⁴ Without a purpose of sufficient gravity, the political society won't foster the kind of attachment necessary to the continuation of the political community, given the kind of sacrifices frequently involved. When membership in a farmers' cooperative or scientific association becomes onerous, or even mildly annoying, people look for the nearest door and cancel their subscription to the newsletter on the way out. Political society has to be different; in Europe, membership in political society can

²³³ Ibid. IV.2

²³⁴ Ibid. IV.3

require one to forego the majority of one's income. The United States demands that every male citizen be willing to risk his life for the country by registering for the draft. Israel goes further, demanding that most citizens actually serve in the armed forces. A problem Alan Bloom first noted when Rawls published *Theory of Justice* remains in *Political Liberalism*: a society based on the theory of Political Liberalism offers nothing worth dying for. Rawls doesn't offer anything for which one might reasonably desire to risk one's life, fortune, or sacred honor. This failure of his ideal political community will inevitably yield terrible consequences because—in this world, what one is not willing to take risks to defend, one had better count on losing.

Chapter Five: Love Ineluctable.

A little like philosophical *deja vu*, the argument has now come round to a place it's been before: the inescapable relevance of love to political philosophy, even for Rawls and especially for Thomists. This chapter will make good on the promissory note from Chapter Two. There I argued that we cannot have a philosophical anthropology suitable for political philosophy without acknowledging basic human motivations, and the most basic human motivation is love. There, as here, I want to be clear that even if it feels slightly embarrassing to talk of love philosophically, the embarrassment is a matter of contemporary prejudice. Love has a rich philosophical tradition on which we need to draw to inform political philosophy. Here, I will give added precision and depth to the claim that the subject matter of love is philosophically unavoidable by specifying some of the ways love is an ineluctable element of a stable and free political society and a necessary part of a coherent political theory. To make sense of love in politics, especially love in political theory, will require clearer ideas of the nature of love, love of oneself, and love of others. Especially important is how the latter two, seemingly opposed, can be made to fit together.

In speaking of love, I do not mean only or even primarily romantic love or sexually charged love, often called erotic love. Romantic love is a type of love, but love itself is something more general and not essentially or even primarily sexual

or sentimental. Classically understood, love is a movement of the will, though as Josef Pieper notes, not necessarily a movement that already has an action as its object.²³⁵ To love something or someone is to will its good for that thing's own sake, not for instrumental reasons. Often, love involves acting on one's will for the other's good but at a minimum, it is a union of one's will with the good of another. Pieper phrases it as an emphatic expression, "I want you (or it) to exist!"²³⁶ He explains that "exist" there does not imply some kind of bare existence or mere survival; rather, the phrase is a willing for a person or thing to exist fully, instantiating richly its nature, participating maximally in the world as the kind of thing it is. It also entails not simply striving for the good of the object of love, but rejoicing in it, enjoying it.²³⁷ Love is orienting the will toward and finding joy in the being and goodness of another. Finding joy in the existent goodness of another is a crucial feature of love because it marks love as the first act of the will. Aquinas draws a parallel with knowledge: where the primordial act of the intellect is grasping something as true, the primordial act of the will is loving something that exists.²³⁸

People need love in all sorts of ways and for all sorts of reasons, at least three of which pertain to politics. A person needs to love and be loved to achieve a worthy life. A political society needs love to help create peace through an

²³⁵ Pieper, Josef *Faith, Hope, Love* (1997) San Francisco: Ignatius Press, 164

²³⁶ *Ibid.* 164

²³⁷ *Ibid.* 165

²³⁸ ST I.20,1 r

organized scheme of liberties and to motivate the sacrifices without which no society can be defended or long maintained.

Love and the Good Life

The fundamental orientation of the person to accomplishing a good life figures centrally in *Political Liberalism*—the capacity to form a conception of the good is the first of the two moral powers.²³⁹ It is also a point of agreement between Rawls and the Thomists: both agree that people make rational plans for their lives, carry out projects, and aim these at what they regard as good. The Thomists go further in arguing not only that the person is oriented towards formulating an intellectual conception of the good, but that the person is fundamentally *inclined* towards the good. In other words, the difference between Rawls and the Thomists on conceptions of the good life is that more than simply being able to articulate a *conception* of the good mentally, whether or not it's really good, Thomists say (1) human beings are fundamentally oriented toward *actually* coming to *know* the truth about what is good and (2) more than a mere conceptual grasp, the human will is fundamentally *directed* towards the good. In the Thomistic tradition, it has long been recognized that moral philosophy begins with the first principle of practical reason, that the good is to be done and pursued and evil avoided.²⁴⁰ But we must also be aware that added to practical reason is an inclination of will

²³⁹ PL 19

²⁴⁰ ST I-II.94.2

toward the good. Again, will is a necessary principle of moral action and the will's primordial act is love.

Now, were the claim merely that love is necessary for the good life, there might not be disagreement on that point between Rawls and the Thomists. At its most basic, the care and concern of others, their love, is required for a person to develop properly from infant to adult. Good parents do, and must, make tremendous sacrifices for the sake of their children's good. Rawls could agree, "of course, and love is a suitable component part of one among the family of comprehensive doctrines that form the overlapping consensus, but need not concern us with regard to the basic structure." But I argue that accomplishing the good life requires more at the level of politics than Rawls realizes—it requires not just abstract cooperation, but a genuine love for the political community. Philosophers have treated it variously: some call it civic friendship, e.g. J.M. Cooper,²⁴¹ and Maritain calls it amity.²⁴² But in all cases, the nub of the claim is that something more than self-interest and self-regarding action is needed to bind citizens together in a political community.

The threshold need for love in politics isn't high, but it is essential. Many, most perhaps, would immediately furrow their brow at the idea of love in politics; at best, it seems naïve. But love among citizens of a country can be a mere amity; it

²⁴¹ Cooper, J.M. "Political Animals and Civic Friendship" in *Reason and Emotion: Essays on Ancient Moral Psychology and Ethical Theory*, Princeton UP, 2004

²⁴² Maritain, *The Person and the Common Good*, V.4

does not need to be a full-blown *caritas* or charity, importing all the theological implications thereof (though in some people it may, in fact, be on account of charity that they love their country, and there's nothing wrong with that). If what Maritain suggests required full-blown theological virtues as such at the political level, then there could not be civic friendship among non-Christians, and he doesn't think that is the case. Instead, what is required to motivate the priority of the common good over the individual good is an inclination of the will towards the good of the political society and the people who are members of it.

Amity is also not friendship in the way we ordinarily use the term. Our connections to our friends are usually more intimate and less bounded, both deeper and broader, than civic friendship. But political friendship is a certain kind of love, a real form of friendship, and a "union of wills" essential to politics.²⁴³

Love and Peace

Why is it essential—why must a political theory take such baggage on board? The answer is that love of neighbor and country are the motivations connecting what otherwise would be a purely intellectual and abstract "citizen" with an abstract "common good." Even a good person needs more than a reason for action; he or she needs a rightly ordered will, too. Reason provides the grounds

²⁴³ cf. Mary Keys "The Union of Wills," review of Daniel Schwartz's *Aquinas on Friendship* (Oxford University Press 2007), in *Review of Politics* 71/1

for action and presents the action to be done, but motivational habits also determine the choices of actions people make.²⁴⁴

As for why love in connection to politics, O'Donnell puts it well when he writes, "The primary concern of civic friendship...is the realization of the common good of political society."²⁴⁵ The friendship is the motive force behind the pursuit of the common good. The inclination of everyone towards the good and for the higher good is what makes a unified society (what DeKoninck called "an accidental whole"²⁴⁶—we need love in order to model in a theory (to borrow a term from Rawls) what citizenship looks like from the practical point of view of a real person in a real political society. Pieper shows that this concern, even at the basic minimum, is natural²⁴⁷ and cannot be (as Rawls thinks) indifferent to the lifespans of others. Pieper writes, "Love is not synonymous with undifferentiated approval of everything the beloved person thinks and does in real life."²⁴⁸ Additionally, people naturally want not only the good for others, but they want their political community itself to be good because goodness is what justifies one's love.²⁴⁹ As reason and will go together in action, so goodness and love go together as their ends. What love means, at a minimum, is concern for someone's or something's

²⁴⁴ Eleonore Stump has an excellent synopsis of the relation of intellect to will through five stages of action in her *Aquinas*, 2003)

²⁴⁵ O'Donnell, Charles P. "The Christian Existentialist Political Philosophy of Jacques Maritain, in *Jacques Maritain: the Man and His Metaphysics*, American Maritain Association (1988), 139

²⁴⁶ DeKoninck, Charles *On the Primacy of the Common Good: Against the Personalists*, op. cit., 14

²⁴⁷ Pieper op. cit. 222

²⁴⁸ Ibid. 187

²⁴⁹ Ibid. 227

real good. In the case of a political community, the concern is mediated through that political community: through its forms of participation, constitution, privileges, and responsibilities. One does not, for example, show up unannounced at the home of a fellow citizen who is making poor life choices with heroin to arrest him and take all the drugs away; one might, however, be motivated by the knowledge of that person's plight to pass laws discouraging such a poor life choice and making easier to quit. I do not mean to gainsay all the other principled and prudential concerns associated with legislation, but only to point out that it is through political forms, institutions, procedures, and processes that one embodies love of country and countrymen. Other examples include participation such as voting, vigorous public discourse, and in extreme cases even civil disobedience, as with Martin Luther King, Jr., can show an inclination towards the common good.²⁵⁰

The previous chapters established the need for a genuine common good in politics and political philosophy. But it seems to me this is not enough. Both liberals (such as Rawls) and the Thomists face a similar problem: good philosophy might provide reasons why people *should* prioritize the common good, laying aside what they could grab for their own benefit in order to make sacrifices for the good of the community, but why *would* they? Literature and life abound with ignoble characters who, even knowing what is good, right, and noble fail to act

²⁵⁰ Dyer & Stuart, Rawlsian Public Reason and the Theological Framework of Martin Luther King, Jr.'s 'Letter from Birmingham Jail' *Politics and Religion*, Spring 2013

accordingly. What's missing in those instances is the will, the proper motivation for right action and with it the implicit acknowledgement that action is about more than intellectual concepts. To knowledge about what is good and the priority of the common good over the individual good we must add the proper disposal of the will towards the community. At the point of testing, a person must be inclined towards the community in order to see it as a great good, higher in priority than one's own good. This mistake, leaving the proper orientation of the will out of the conception of politics, seems particularly odd for modern philosophers, given their overall concern with the will. One usually thinks of Rawls as a voluntarist, after all, basing the legitimacy of a basic structure on what hypothetical people would consent to under conditions modeled in the Original Position. And yet, as is now clear, it's a voluntarism of the intellect only. As O'Donnell makes plain, practical reasoning still needs a rightly oriented will. "After due deliberation in given circumstances, each decides freely to adopt means worthy of achieving the ends of individual persons or the common good of political society. The means themselves, guided by the norms of reason, are propelled into action by the generous good will of right inclination."²⁵¹

Aquinas touches upon the place of love in political philosophy in his *Disputed Questions on Charity*. With customary clarity, he notes that an artist doesn't operate well, "unless love of the good which is intended through the

²⁵¹ O'Donnell, op. cit. 140

operation of his art is added to him.”²⁵² This insight applies to Rawls: representatives in the Original Position need antecedently to love the good of the political community whose basic structure they are creating. There’s no sign of that condition in Rawls’s writings. Even as late as *Political Liberalism*, creating a sustainable basic structure is entirely an intellectual process. To the extent Rawls involves the will, he assumes only self-interest, not love. I say, by contrast and aided by Thomistic resources, that one of the features needed behind the veil of ignorance is an inclination towards the good of the political community, without which representatives in the Original Position won’t be good craftsmen of the basic structure. As any student of Rawls would quickly recognize, however, he can’t simply tack that premise onto the theory without vitiating the prohibition on metaphysical doctrines.

David Gallagher offers a clear and compelling argument that “the very love of self inclines one to the love of others, that rather than being opposed they are essentially complementary, with the love of self finding its fulfillment precisely in the love of others.”²⁵³ His argument proceeds by demonstrating first that self-love is the source of all other willing.²⁵⁴ The will has a natural inclination, one that stops the regress of ends for the sake of which one chooses. The ineluctable object

²⁵² A.2.1

²⁵³ Gallagher, David “Thomas Aquinas on Self-Love as the Basis for Love of Others” *Acta Philosophica* 8:fasc1 (1999), 23

²⁵⁴ *Ibid.* 25

of that fundamental inclination is happiness, specifically one's own happiness.²⁵⁵ Human beings do not have to come to desire happiness; we are impelled toward it. But how is that self-love? By "happiness" (*beatitudo*), Aquinas means the total satisfaction of all goods and inclinations, one's all-around wellbeing. Love is to be inclined toward the good for something or someone. Here, the good one is inclined toward is one's own. Thus, the fundamental inclination of the will toward one's own good is self-love.

One might naturally object, though. "Wait a second, Mr. Thomist: you may have the same problem Rawls does, *mutatis mutandis*. If self-love is fundamental and natural for people, as you say it is, how can love of others ever be anything more than disguised egoism? Won't they just be loving others as a means to their own good?" A fascinating detail of the confrontation between Thomism and Rawlsian liberalism is to see the way some arguments develop along similar lines in disparate traditions. Where Rawls struggles with whether self-interest alone is enough to provide good reasons for a just political regime, Thomists wrestle with whether self-love is at the root of all action, whether it's compatible with the love of God and others. In the former instance, we saw Thomism as a corrective for liberalism, one tradition correcting another, but in the latter case the best arguments are internal to the tradition.

²⁵⁵ Ibid.

Gallagher notes, however, that Aquinas uses two different terms for the word “love.”²⁵⁶ In his familiar way, Aquinas makes distinctions and schematizes the different ways the term is meant. He uses a general term, *amor*, and a specific word to apply to love that involves rationality, *dilectio*. Furthermore, rational love has a more determinate structure, and Aquinas distinguishes between love of the object for the one whom one loves (*amor concupiscentiae*) and love of the person for whom one wills the object (*amor amicitiae*).²⁵⁷ Both are bound up in the act of love: when one celebrates a friend’s promotion at work, one loves the good of the promotion and one loves the friend. Further still, *dilectio* is subdivided into natural (*dilectio naturalis*) versus chosen (*dilectio electiva*), and Aquinas says that natural dilection is the principle of elective dilection. “And so the will naturally tends toward its own last end, for every man naturally wills beatitude. And from this natural willing are caused all other willings, since whatever a man wills, he wills on account of the end.”²⁵⁸ So far, it looks like Aquinas has a serious problem, that he is, in fact, an egoist. But Gallagher wants to say that the reduction of all love to self-love does not imply that all subsequent loves (*dilectio electiva*) are merely loves of concupiscence (*amor concupiscentiae*) where objects are desired for the benefit of the desirer alone.

²⁵⁶ Ibid. 26

²⁵⁷ ST I-II.26.4

²⁵⁸ ST I.60.2

In fact, the way out for Aquinas reveals the profound place love for others should occupy in moral and political philosophy. It is true that there is no room in his theory for a rigid altruism. Instead, we seek the good of others when their good becomes our own.²⁵⁹ And their good becomes our own when we love the other with the love of friendship. Thus, acts of love for another satisfy both formal elements of an act of love: the object loved and the one for whom it is loved. Presupposing a union of love, he says, “it is possible to desire and hope for something for someone else as if for oneself.”²⁶⁰ From the standpoint of political philosophy, the importance of this idea is made clearer because of Rawls’s theory – love is the overlapping consensus, and it must not be hypothetical, but real. Through love, the good of another becomes one’s own good, and thus one’s will and one’s good overlap with the will and good of another.²⁶¹

Applied to politics, Aquinas further distinguishes between loving the common good in order to possess it and loving the common good in order to maintain or protect it. Unsurprisingly, not all forms of love of the common good are proper to the citizen. The tyrant loves the good of the country, after all, but perversely loves it for what he can get for himself. A love of possession, he desires the common good with *amor concupiscentiae*, as an object purely for his own good. As we saw above, this love is deformed in missing one of the formal

²⁵⁹ Gallagher, op. cit. 30

²⁶⁰ Ibid.

²⁶¹ Ibid. 30-31

principles of love. The true citizen, on the other hand, loves the common good precisely as a higher good, because of love for others, and as a good one might risk one's life to preserve and defend.²⁶² This is a love in union with others and diffusive of itself.

Prioritizing the common good is thus a love of country and countrymen, an inclination of the citizen to the common good for himself or herself and fellow citizens. The nature of the common good is such that not only do the wills overlap, but the objects do, too, since the common good is the exact same common good for each citizen. The real overlapping consensus is now complete: a union of love among citizens for the common good realized in the lives of the people who make up the political society. In several places, Maritain says (metaphorically) that the common good flows back upon the persons in political society; I understand my analysis here to be working out what he might mean by that enigmatic phrase. The person prioritizes the common good, and wills the good of the political society, which society is realized at any given moment by the people who make it up, including the person willing its common good. All of society's members benefit from the good secured by accomplishment of the common good, and thus prioritizing the common good comes back to the person because the common good is also genuinely good for the person. As DeKoninck hinted at, but which only now becomes clear, a virtuous circle forms: desire for the common good

²⁶² Disp. Q on Charity A2.r

predisposes one to seek it out and reflect upon it as a good one is willing; thoughtful reflection leads to greater knowledge of the common good, and greater knowledge of its goodness fuels increased desire for the common good.²⁶³ In this way, love contributes to the stability over time of the common good and the real overlapping consensus.

Love not only motivates the pursuit of the common good and deepens the citizen's attachment to it, but also provides a much surer footing for an ordered scheme of liberties as the common good comes to be identified with each person's good. Rawls thinks self-interested rationality is enough to guarantee such a scheme. The thought is that in the interest of securing their own liberties once beyond the veil of ignorance, people behind the veil will favor reciprocity. And then, once the veil is lifted, political persons will continue to prioritize reciprocity as a principle of the system, pursuing their own good only so far as is consistent with others' doing so, too.²⁶⁴ This way, people don't need to care deeply about others or the community; they only need to be clear-sighted about their real prospects once the veil is lifted and act consistently with that (even without the veil). The veil of ignorance becomes a prosthetic, replacing conscience with political-not-metaphysical self-regard. But even here, where Rawls has gone to extraordinary lengths to make the theory as morally thin as possible, I pause to take note that he still helps himself to the motivation for prioritizing reciprocity

²⁶³ DeKoninck, *op. cit.* 10

²⁶⁴ PL 149

and the social order over one's own conception of the good life for oneself, the reasonable over the rational. He offers no argument or ground for believing people would be motivated to prefer the social order to their own private good, even if they acknowledge that the goods achieved thus far could only happen in such an environment. Rather, Rawls begins from the premise that society is stable because people do prioritize the social order and then explains how the social order proceeds from there to reinforce that view.²⁶⁵ And so, even if Rawls gets the idealized people in the Original Position to create the scheme of ordered liberty he prefers, citizens there and out in the real world would still need both a reason and a motivation to prioritize that scheme above any good they might be able to get by not doing so. The philosophical priority of the common good over the individual good, a common good which redounds to the benefit of the whole society of which the person is a part, is the missing reason, and love of that community is the missing motivation.

Love and Sacrifice

Rawls focuses on providing reasons, but the issue of motivation is equally important in figuring out how to theorize a society in which people prioritize the good of society as their own good. Society demands a great deal from citizens, particularly the kind of advanced liberal democracy Rawls has in mind. Taxes,

²⁶⁵ PL 143 and TJ VIII

procedures, forms, and at the outside limit either forced military service or registration for a draft: these are heavy demands and absent a deep and abiding connection between citizens and the political community, there's little reason to think people would willingly make such sacrifices. Thus even if Rawls could get all the intellectual problems with Political Liberalism worked out, without love of the political community by the citizens, there's no reason to think citizens will subordinate their private desires to the public good. Furthermore, without love of the citizens for each other, there's no reason to think people would conform their actions to the good of others as Political Liberalism requires. Any scheme of ordered liberties needs love to make it workable and stable over time.

Rawls might wave his hands at this point. "Okay, okay," he might say, "we need a little 'amity' in order for Political Liberalism to work, but that can be accommodated within the political conception of the person I have offered. Hence, there's no problem here, only added depth to my theory." This argument is mistaken. Contrasting it with the State of Nature (perhaps as best articulated by Hobbes) Allan Bloom described Rawls's Original Position as a "bloodless abstraction" which gives no permanent motive and that Rawls offers no basis for, "the nobility of sacrifice to the public good."²⁶⁶ There is much about Bloom's review, despite its remarkable rhetorical strength, that is unfair to Rawls and Political Liberalism, but this criticism brushes up against a profound objection.

²⁶⁶ Bloom, Allan "Justice: John Rawls vs. the Tradition of Political Philosophy," *American Political Science Review* 69,2:652

The issue of sacrifice brings the problem of love into sharp relief. Living in a political community requires sacrifice in two senses. To be part of the community requires, at least from time to time, that one give up for the sake of the needs of the community what one would rather do. Familiar examples include jury duty, paying taxes, obeying traffic laws, etc. Furthermore, to be stable over time, a society must always be prepared to defend itself and quite likely will be forced actually to defend itself at some point.

The first kind of sacrifice seems to me easily accountable within Rawls's way of thinking. It's reasonable to be confident that for the sake of a fair scheme of distribution of primary goods, people would be willing to tolerate minor or even fairly substantial sacrifices in the forms of taxes and regulations. There's a lot to be gained in a rational cost-benefit calculation from a scheme of ordered liberty, after all. The second kind of sacrifice, however, presents a grave difficulty for Rawls. His theory offers nothing that would inspire a citizen to sacrifice his or her life for the political community. Whatever the attraction of the basket of primary goods one gets from the state, it offers neither reason nor motivation for young men and women to volunteer to put their lives at risk. This is a fatal flaw. Pieper writes:

Another error about justice (at bottom quite liberalist but not at all limited to the era of liberalism) declares: it is possible to be just without having to be brave. This is not so much an error about the nature of justice as an error about the real structure of "this" world, in which justice is to be realized. For "this" world is constructed in such a manner that justice, and good

generally, could not be successful of its own accord without the fighting man, ready to die for it.²⁶⁷

Given the inescapable need for security, especially in light of the importance Rawls gives to stability over time, a political community must inspire loyalty and sacrifice. Political Liberalism has nothing to offer on its own behalf to inspire that kind of sacrifice. Perhaps those in the Original Position would get lucky and most (perhaps even all) among the family of reasonable comprehensive doctrines would independently inspire loyalty to the political community. But that's entirely contingent upon the doctrines Rawls seeks to take no cognizance of—it turns out he needs their help in a most desperate way to accomplish his central aim. The theory on its own doesn't do what he wants.

A pattern of fair distribution of primary goods is neither enough to *justify* sacrificing one's life for the common good nor enough to *inspire* the kind of fervent love that motivates many of those who risk their lives to defend the community. In fact, on purely self-regarding accounts, such sacrifices would seem to be irrational. If death is bad and if people act for the sake of some good, and further if sacrifice entails the strong possibility or even certainty of death, then how could sacrificial acts be rational? Rob Koons, extending what Gallagher started, explains how the Thomist escapes the problem. Koons distinguishes between two kinds of ultimate ends: rational and metaphysical. Rational ultimate

²⁶⁷ Pieper, Josef "On the Christian Idea of Man," *Review Of Politics* 11:1 1949, 10

ends are the ends stopping the regression of “why” questions about an action. The metaphysical final end is the causal final end, the end in virtue of which all other ends are genuinely ends-to-be-pursued. First-person deliberation, to be rational, must be able to be traced back to a rationally final end, but only from a third-person standpoint is the metaphysical final end required to explain all other action. Thus, from the perspective of the person, any good pursued for its own sake, e.g. the goods of God, community, and neighbor, can be rationally final.²⁶⁸ But only one good can be metaphysically final for any person: *beatitudo*.²⁶⁹ That good is not constituted by actions for its sake, but in part by actions for the sake of those ends which are rationally final and good in themselves. Doing my part in a just political community isn’t done *for the sake of* beatitude, but partially *is* the beatitude that ultimately grounds all my actions for this and other final ends. As Koons puts it, “my pursuing of my neighbor’s good as such is partly constitutive of the perfection of my nature as a rational creature.”²⁷⁰ He further distinguishes actions where the partial-constitution of happiness depends on successful pursuits from actions where pursuit alone is enough to constitute happiness (at least partially).²⁷¹ To extend one of Koons’s examples, one’s happiness is greatly affected by the success or failure of one’s attempts at friendship, but in the case of

²⁶⁸ Koons, Robert “Eros and Agape Revisited: Reconciling Classical Eudaemonism with Christian Love?” in *Reason, Revelation, and the Civic Order* DeKalb, IL: NIU Press (2014), 71

²⁶⁹ Ibid.

²⁷⁰ Ibid. 72

²⁷¹ Ibid.

excellence at one's profession, it is the pursuit itself that constitutes most of the happiness to be gained from the activity and explains why all the college baseball programs that will never be as successful as LSU are nevertheless justified in pursuing that goal as far as their talents will take them.

Once more, the Thomistic position can help clarify both justification and motivation. Perhaps the most difficult case, despite its necessity, is that of sacrifice for the sake of the political community. On Koons's terms, prioritizing the community and common good to such a great extent that one risks one's life for the community is a rationally final end the pursuit of which is success-independent. As a part of the political community, prioritizing its good over one's own is a rationally final end precisely because one is a part of the community and the good of the whole is greater than the good of the part.²⁷²

Koons's clarification is consistent with the wider Thomistic tradition (it actually explains how that tradition is internally consistent on the question). Aquinas says, "it is the act of a virtuous citizen to expose himself to the peril of death in order to conserve the republic."²⁷³ DeKoninck cites this passage in defending the subordination of the human person as a part. And Maritain agrees that insofar as the human person is an individual, he or she is a part of the community and thus the community's good is prior. Alternatively, if the human person is radically an individual, if participation in the community is merely about

²⁷² ST II-II.47.10

²⁷³ ST I.60.5.r

acquiring a basket of goods, then it's difficult to see how it could ever be rational for a person to risk his or her life for the community and impossible to see anything shy of insanity that would motivate such a risk. And the same is true if all good things have only a means-ends relationship to human happiness.

For the Thomist, though, the risks inherent in prioritizing the political community are justified by dint of the common good and are motivated by love of the community. Thus we reach the sharp point of the stick with which I have been poking John Rawls. Rawls rejects utilitarianism, but not quite fully enough because, like the utilitarian, the person in Rawls's theory only ever acts for the sake of his own happiness. The will is fixed rather than free, and fixed on self-interest. On the opposing Thomistic view, the human person is ordered indirectly to happiness via a multitude of rationally final ends, one of which is the common good of the political community. No competent political philosophy can fail to acknowledge that orientation to the common good either rationally as a final end or motivationally as a movement of the will. Without those elements, the theory runs aground and cannot account for basic facts or provide philosophical necessities such as a coherent account of the human person and the rationality of participating in the community's common defense.

In fact, *a fortiori*, according to Maritain, the political community itself is and must be ordered to rationally higher goods in a way similar to Koons's description for the person. The goods the political community is subordinated to

include natural law, the life of the spirit, beauty, the dignity of truth, the rule of justice, fraternal love, and theoretical knowledge.²⁷⁴ Maritain means to say the political community exists for the sake of those higher ends and ought to be in the service of those higher ends because they partially constitute the good life for the people who constitute the political community. The human person is ordered to all of those same goods as well as the political community's good. In other words, the human person subordinates himself to the community, which subordinates itself to the pursuit of transcendental ends themselves perfections of human persons. In this way, subordination to the political community is also success-dependent in that a political community that fails to realize those rationally final ends in the lives of its constituent citizens is worse and *pro tanto* less worthy of its members' noble sacrifices. This complex interrelation is able to make sense of sacrifice: one person subordinates himself to the community, which exists for the sake of goods which are his personal goods and also goods of the whole community, making them prior to goods merely his own.

The cumulative effect of a confrontation between the Rawlsian conception of personhood and a Thomistic one is by now, I hope, clear. Feature by feature, the Thomistic conception has more and better conceptual resources for addressing the key problems of political philosophy. From a coherent conception of the person to understanding motivations for action, where Rawls meets with frustration,

²⁷⁴ Maritain *op. cit.* IV.5

Maritain, DeKoninck, Thomas Aquinas, and others in the Thomistic tradition provide clarity and depth.

Conclusion

Anticipating Rawlsian Objections

There are risks in trying to work between two traditions. Chief among them, one could be caught between two entrenched armies and end up taking fire from both sides. In that case, one is as likely to be shot in the back by a friend as by someone from the other camp. There are certain to be objections to a project such as mine, from one direction or the other, and I want to try to address some of those here.

Those in the liberal camp may ask why Rawls would need to take anything I've said seriously. Why, on his own terms or self-understanding, would Rawls be compelled to address my criticisms, especially given that my criticisms are admittedly from the perspective of a particular comprehensive doctrine? Couldn't he brush them off as illicit inferences from a comprehensive doctrine, exactly the sort of thing Political Liberalism is meant to bracket out of the public square? Dismissing my objections is not as simple as that, for several reasons. First, my argument challenges the possibility of dismissing comprehensive doctrines from the debate, or at the very least Rawls's attempt at doing so. Thus, in a dispute between us, a Rawlsian could not assume criticisms from a comprehensive doctrine are off limits without committing a fallacy of begging the question.

Whether or not a freestanding view, be it Political Liberalism or some alternative, is even possible is part of the question at hand in Chapter One and Chapter Two.

Second, and a little less “gotcha,” Rawls would want to take the criticism seriously in part because I am granting him the goal of stability. That is, we agree that “stability for the right reasons” should be a high-priority goal in politics, and this agreement is part of what makes the whole project interesting and worth pursuing. MacIntyre is right to worry that much of contemporary political and philosophical debates, whether in the public square or the ivory tower, consist of representatives from irreconcilable worldviews talking past one another, not really having arguments because not even sharing enough common ground to have an argument. Here, we have something different. Rawls and I, liberal and Thomist, both agree that peaceful stability should be a goal of politics and thus of political theory. What we disagree about, of course, is the content of “for the right reasons” as it applies to stability. But at least we’re not talking past one another; instead, part of the point of this dissertation is to engage in a genuine debate between two philosophical traditions about the nature of politics with an eye on stability and through a discussion of the fundamental starting point of politics, personhood. My criticism in Chapter One focused on the fact that even given the worthiness of the goal, Rawls’s chosen means won’t have the result he wants. In other words, I do try to speak to Rawls (or a Rawlsian) on terms he has already accepted.

Third, the standpoint from which I criticize Rawls is one of those comprehensive doctrines which are supposed to compose the family of reasonable comprehensive doctrines from which he expects to get an overlapping consensus. That standpoint, namely Catholic philosophy in the tradition of Thomas Aquinas, is no outlier, but one of the main branches in the history of Western thought and, at least in popular form, still adhered to by a large minority of the populations in North America and Europe (in some places, even large majorities, e.g. the Catholic countries of Poland, Italy, Malta, and Ireland). To be clear, I do not mean that those large contingents of people are self-consciously Thomistic, Catholic, or philosophical, but rather that at the level Rawls identifies as axiomatic for his project, viz. settled convictions, arguments, and intuitions implicit in the public culture,²⁷⁵ their comprehensive doctrines are strongly influenced by the Roman Catholic Church and Thomas Aquinas is one of the most significant thinkers in the Roman Catholic tradition.

Fourth, a key part of my project has been to engage with Rawls's writings in a sympathetic way. He addresses one of the most significant difficulties of our age in a learned fashion. His approach turns out to be mistaken, or so I have tried to show, but mistaken in illuminating ways. My argument is not a revanchist attempt to make the world pre-modern once more. In fact, one of the key conclusions I have drawn from my research is that those influenced strongly by pre-modern

²⁷⁵ Rawls, "Political Not Metaphysical" op. cit. 228.

philosophy must do more to wrestle with the problems of our time. They might learn from Rawls the real difficulties arising from pluralism and go on to make serious efforts from within their respective traditions to address them, be they Catholic, Aristotelian, Jewish, Platonic, etc. Perhaps some of them already have. With respect to the tradition in which I locate my own work, Maritain is instructive in his serious attempt to grapple with pluralism based on a fully-fledged view of the human person—in fact, *because* of that view. He exhibits a reluctance to have the modern state combine its awesome power directly with religious practice. Kozinski, on the other hand, having himself arrived at the truth of the Catholic faith, seems not to appreciate the importance of freedom for the development of faith and the person more generally. But Maritain also refuses to think the importance of liberty to the human person requires liberal neutrality. The state is made for man, and for the state to flourish as a state it must recognize the ends beyond politics it is meant to serve.

The second major complaint a critic might offer is the classic, “so what?” That is, a critic might say (depending on how sympathetic he or she is) that while I’ve been a more-or-less able interpreter of Rawls, Maritain, and DeKoninck, there’s nothing original in the argument and what I’ve said doesn’t alter the terms or outcome of the debate. I would respond in the following way. In the previous chapter, I explored the essential part love has in political relationships and, thereby, its central place in political philosophy. To be sure, there’s a large body of

scholarship in theology on love, and even a significant amount of philosophy addressing romantic love or eros. But there's very little on the relationship between love and politics. I have not offered a full theory here, but worked (perhaps at times painstakingly) to the conclusion that even if it makes philosophers uncomfortable, there is no politics fit for the human person that does not center around love. My work here has also given rise to questions for further research, especially in the area of love. A well-worked out theory of love in politics would expound upon the nature of political friendship as a kind of love. It would address the difficulty created by the considerably more abstract connection among citizens and what it might mean to love those whom one does not even know.

Similarly with personhood, there is not as much scholarship as one might hope, which is to say not much at all (especially among contemporary liberal theorists such as Rawls), working with the metaphysical aspects of personhood as they concern politics. I showed in Chapter One that a great deal about the human person is simply assumed, and because of the almost wholesale absence of metaphysics from fundamental political philosophy, one might be unaware of just how much is being assumed. It's not wrong to make metaphysical assumptions; politics need not be reduced to metaphysics. But it is a mistake to begin from metaphysical premises without taking account of their implications. Metaphysical assumptions matter; they create boundaries of possibility and probability for political philosophy. Chapter One examined Rawls on the issue of personhood, the

assumptions he makes, the way those assumptions affect the theory, and the problems associated with his understanding of personhood. Chapter Four focused on working out some of the details and complexities associated with personhood by considering the aspect of “person” as contrasted with the aspect of “individual.”

This dissertation also contributes something new to the study of Rawls’s work. I realize that’s a bold claim, given the sheer number of library shelves devoted to works related to Rawls. For decades, Maritain and Rawls were near-contemporaries and worked on some of the same problems. And yet, very little was done to explore where their thoughts overlap, how they were different, and how they might fruitfully be placed in dialog. Convening such a conversation was one of the primary motivations behind this project, and I believe it has born fruit in the form of a deeper understanding of some of the problems associated with Rawls’s Political Liberalism as well as the development of a fresh standpoint for evaluation, praise, and criticism. At a more general level, Rawls helped open a space in political science for theories other than utilitarianism and consequentialism. Thomists have a wealth of resources to contribute to continuing discussions in political theory, and they should thank Rawls for broadening the horizon of possibility even as they criticize his theory and its conclusions. Thomists owe a debt to Rawls, and they should pay it by re-articulating Thomistic resources to address difficult political questions anew. I am convinced that there is

still more for me to learn from a deep engagement between Rawls and Thomism, and that others can benefit, too.

Anticipating Thomistic Objections

As I noted above, with this kind of project, one is as apt to be shot in the back by a friend as in the face by one's opponent. In that spirit, there are several complaints a Thomist might lodge against this dissertation. First, I often treat Thomism as though it speaks on all questions with one unified voice when the reality is rather more complex—there are often factions, and factions within factions. To some degree, I would bite the bullet and acknowledge that I deliberately avoided giving many pages to a catalog of internecine disagreements, even while trying not simply to paper over them. Chapter Three is representative of that effort. Maritain and DeKoninck are said to be representatives of two of the major factions, Transcendental Thomists and Lavalist Thomists respectively. That they are exemplars of two of the main schools of thought influenced by Aquinas in the 20th century was part of why I focused on their debate. Even so, I have tried to avoid getting bogged down in strident debates that ultimately won't determine the questions I'm focused on in this inquiry.

A colleague I asked to read the manuscript had a worry running in the opposite direction. He worried that I may be attributing to the unfolding of Maritain's thought or "what a Thomist would want to say" thoughts that are really

original to me, and might occlude from the reader the extent to which much of what I'm exploring is uncharted territory. That, too, may not be an entirely unfounded criticism, as I am reluctant to claim as my own that which seems to me a clear following out of the implications of another's idea. Still, I have tried to indicate throughout the chapters when I'm referring directly to what someone said and when I'm interpreting, applying, or extending the thought. Much of what I do is a new application or extension of a well-developed philosophical tradition, e.g. Rawls's Political Liberalism or Thomism, which makes the resulting treatment original but not an invention from whole cloth. When interpreting, I concede that my own interpretations of Maritain or DeKoninck might be controversial. For example, surely Lavalist Thomists wouldn't agree with me that Maritain is ultimately vindicated in his exchange with DeKoninck. Nevertheless, my interpretations are a good faith attempt to reflect accurately the thought of each scholar and to assess it charitably, even if critically.

Substantively, a Thomist might object that I sidestep an important metaphysical question about the status of the political community. The political community is not a substance, strictly speaking, but it seems to be more than a mere accident. It seems to have a kind of separate existence in that most often political communities long outlive any of their participating members. This is, indeed, a fascinating question, and one I have given some thought to. It did not seem to me necessary to sort it out in order successfully to advance the argument

of this dissertation. If one agrees that no matter what the status of the political community turns out to be that it is not a substance and, therefore, not strictly metaphysically prior to a person, then that's all I need for the sake of the argument in Chapter Four and Chapter Five. Going forward, however, as part of a research agenda, if I am to explore fully the exact relation of person to political community (social mereology), then I will need to address the question of the metaphysical status of the political community. Whether a political community is an accident, a proper accident, a relation, or a quasi-substance (among other possibilities) will help fix what sort of connection the political community has to the person.

Furthermore, and much more seriously, a Thomist might object that I shade dangerously close to a “wedding cake” view of human ends in which the ultimate final end can be “stacked” on top of the natural final end without affecting it, an especially American temptation. On that view, politics need take no cognizance of comprehensive doctrines, or religion, because everything necessary for the temporal good life is natural and understood philosophically. Opposed to that would be a “marble cake” view in which philosophy and theology, the natural and supernatural, remain distinct but are constantly interpenetrating and affecting each other. I would rebuff this criticism strongly. I have been clear that in order to avoid totalitarianism, the state must acknowledge that the human person is oriented toward ends beyond the state and more fundamental than the political community. That, in fact, the political community serves those ends, if indirectly,

by creating an environment conducive to the flourishing of human persons in virtue.²⁷⁶

Overall, the course of the inquiry has been to try to see anew the problem of pluralism (or the Fact of Reasonable Pluralism, as Rawls called it)—perhaps the signal political-philosophical problem of the age—in its proper context as an extension of the question of philosophical anthropology—what is a person? In other words, I began with the intuition that the problem of pluralism is an important lens through which to see how a conception of the human person, in both its abstract philosophical consideration and more concrete applications, operates in a political theory: whether it's necessary, why, and in what its central elements consist. Many who have wrestled with the metaphysics of personhood did not extend their arguments to politics, and many others, like Rawls, who make use of a conception of personhood do not give adequate consideration to its philosophical depths. I have used the vivid example of Rawls's theory to show that neglecting the concept of the person or making mistakes about it reverberates and has profound effects on the rest of the theory. In this case, how one understands personhood directly affects how one conceptualizes the problem caused by a diversity of views on fundamental matters in a contemporary democratic republic.

I have been keen to demonstrate three things in particular. One, the problem of pluralism is related to and affected by the question of philosophical

²⁷⁶ Chapter Four, p. 7 ff.

anthropology. Two, Thomists and Rawls, while they seem most often to be studiously ignoring one another, actually have a lot to talk about. Specifically, Thomists have much to contribute on the questions surrounding personhood. Three, the lack of attention to the fundamental importance of an adequate conception of personhood has led to a profound undervaluation by Rawls and Political Liberalism of the importance of truth and love to politics and political philosophy.

Through this inquiry, I have gotten clear on one question, the nature and importance of personhood in political philosophy, but have prompted others, which the reader may also anticipate. Chiefly, I have not solved the problem of pluralism. What I have done, instead, is to clear the ground of so much clutter in order, in a subsequent inquiry, to address the problem of pluralism from a Thomistic perspective with a robust view of the person fundamentally and ineluctably oriented to truth and love.

References

- Aquinas, Thomas *Commentary on the Sentences*
- Aquinas, Thomas *De Regno*
- Aquinas, Thomas *Disputed Questions on Charity*
- Aquinas, Thomas *Summa Contra Gentiles*
- Aquinas, Thomas *Summa Theologiae*
- Aristotle, *Nicomachean Ethics*
- Bloom, Allan, "Justice: John Rawls vs. the Tradition of Political Philosophy," *American Political Science Review* 69,2:652
- Clarke, W. Norris, "Person and Being" *Communio* 19: (winter) 1992, 601-618
- Cooper, J.M., "Political Animals and Civic Friendship" in *Reason and Emotion: Essays on Ancient Moral Psychology and Ethical Theory*, Princeton UP, 2004
- DeKoninck, Charles, *On the Primacy of the Common Good: Against the Personalists* reprinted in *The Aquinas Review* IV, 1997, transl. Sean Collins, available at: http://dataworks.com/aqr/V4_BC_text.html
- Douthat, Ross, "Government and Its Rivals" *New York Times* Jan. 28, 2012, available at: http://www.nytimes.com/2012/01/29/opinion/sunday/douthat-government-and-its-rivals.html?_r=0
- Dyer, Justin Buckley & Kevin E. Stuart, "Rawlsian Public Reason and the Theological Framework of Martin Luther King, Jr.'s 'Letter from Birmingham Jail'" *Politics and Religion* 6:1 March 2013, 145-163
- Emery, Giles O.P., "The Dignity of Being a Substance: Person, Subsistence, and Nature" *Nova et Vetera*, English Edition, 9:4 (2011), 992
- Gallagher, David, "Thomas Aquinas on Self-Love as the Basis for Love of Others" *Acta Philosophica* 8:fasc1 (1999), 23

Hicks, Dan, "Rawls's Rationalist Conception of Personhood" unpublished paper and winner, William James Prize 2011 for the best paper in American philosophy by a young philosopher. Available at:
http://www.academia.edu/657311/Rawls_rationalist_conception_of_personhood
(on April 12, 2015).

Keys, Mary, "The Union of Wills," review of Daniel Schwartz's *Aquinas on Friendship* (Oxford University Press 2007), in *Review of Politics* 71:1 (Winter 2009), 128-131

Keys, Mary M., "Personal Dignity and the Common Good: a Twentieth Century Thomistic Dialogue" in *Catholicism, Liberalism, and Communitarianism: The Catholic Intellectual Tradition and the Moral Foundations of Democracy* ed. Kenneth L. Grasso, Gerard V. Bradley, and Robert P. Hunt, Lanham, MD: Rowman & Littlefield 1995

Koons, Robert, "Eros and Agape Revisited: Reconciling Classical Eudaemonism with Christian Love?" in *Reason, Revelation, and the Civic Order* DeKalb, IL: NIU Press 2014

Kozinski, Thaddeus, *The Political Problem of Religious Pluralism and Why Philosophers Can't Solve It* Lanham, MD, Lexington Books 2010

Lasswell, Harold, *Politics: Who Gets What, When, How* New York: Whittlesey House 1926.

Leahy, Michael, *Is Social Justice Possible: Hayek, Rawls, MacIntyre, Taylor Critically Examined* dissertation submitted to Deakin University 2004, 108. On April 12, 2015, available at: <http://www.worldcat.org/wcpa/ow/224180174>

Maritain, Jacques, *The Person and the Common Good* trans. John J. Fitzgerald, New York: Charles Scribner's Sons, IV.5. Available at
<http://www3.nd.edu/~maritain/jmc/etext/CG.HTM>

McInerny, Ralph, "The Degrees of Practical Knowledge and The Primacy of the Common Good" in *Art and Prudence: Studies in the Thought of Jacques Maritain* 1988 South Bend, IN: University of Notre Dame Press, 5

MacIntyre, Alasdair, *After Virtue* 1981 University of Notre Dame Press, 247 (emphasis in the original)

Maritain, Jacques, *Scholasticism and Politics* trans. Mortimer J. Adler New York: The Macmillan Company 1940

Maritain, Jacques, *Man and the State* Catholic University of America Press 1951.

Maritain, Jacques, *True Humanism*, Tr. Margot Robert Adamson, London: G. Bles 1946

O'Donnell, Charles P., "The Christian Existentialist Political Philosophy of Jacques Maritain, in *Jacques Maritain: the Man and His Metaphysics*, American Maritain Association 1988

Pakaluk, Michael, "The Dignity of the Human Person in the Philosophy of John Rawls" Conference on the Philosophical Foundations of Human Dignity, 2007. Available at: <https://michaelpakaluk.files.wordpress.com/2012/02/the-dignity-of-the-human-person-in-the-philosophy-of-john-rawls.pdf> .

Pieper, Josef, *Faith, Hope, Love* San Francisco: Ignatius Press, 1997

Pieper, Josef, "On the Christian Idea of Man," *Review Of Politics* 11:1 (1949), 3-16

Rawls, John "Kantian Constructivism in Moral Theory," *Journal of Philosophy* 77:9 (September 1980), 515-572

Rawls, John "Justice as Fairness: Political not Metaphysical" *Philosophy and Public Affairs* 14:3, 223-251.

Rawls, John *Political Liberalism*, New York: Columbia University Press 1993, 47.

Rawls, John, "Reply to Habermas" *Journal of Philosophy* 92:3, 132-180

Rawls, John *Theory of Justice* Cambridge, Mass: Belknap Press of Harvard University 1971

Sandel, Michael *Liberalism and the Limits of Justice* Cambridge, UK: Cambridge University Press 1982

Stark, Rodney & Laurence R. Iannaccone, "Deregulating Religion: the Economics of Church and State" *Economic Inquiry* 35: 2 (1997), 350-364.

Stoner, James R., Jr. "Politics and Moral Culture: Aristotle, Rawls, and George" conference paper for "*Making Men Moral: The Public Square and the Role of Moral Judgment*" at Union University, 2009. Available at:
<http://uiswcmsweb.prod.lsu.edu/hss/polisci/files/item67429.pdf>

Stump, Eleonore *Aquinas* Oxford, UK: Routledge 2003

Taylor, Charles "Cross Purposes: the liberal-communitarian debate" in N.L. Rosenblum, (ed), *Liberalism and the Moral Life* Cambridge, Mass., Harvard University Press, 1989

Wingenbach, Ed, "Unjust Context: the Priority of Stability in Rawls's Contextualized Theory of Justice" *American Journal of Political Science*, 43:1 (1999), 213-232.