THE CATHOLIC UNIVERSITY OF AMERICA

Jacques Maritain and Alasdair MacIntyre on Human Rights

A DISSERTATION

Submitted to the Faculty of the
School of Philosophy
Of The Catholic University of America
In Partial Fulfillment of the Requirements
For the Degree
Doctor of Philosophy
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Washington, D.C.

2013
This dissertation is an examination of the two divergent positions on human rights taken by prominent Catholic and Thomist philosophers Jacques Maritain and Alasdair MacIntyre. Maritain and MacIntyre, although having traveled similar paths, which included atheism, Marxism, anti-liberalism, seemingly have diametrically opposed position on the use of human rights.

Maritain's work, including engagement with the drafting of the U.N. Declaration of Human Rights (1948), redefined human rights as an extension of the natural law tradition rooted in the work of Thomas Aquinas. Maritain's unique definition of rights included such notions as personalism, the common good, justice and had a basis in classical metaphysics.

MacIntyre, on the other hand, rejects human rights because of their liberal provenance, maintaining that rights language is a necessary band-aid to motivate individuals to help those less fortunate in society where community, the common good and family have been significantly weakened because of liberalism.

Starting with John XXIII and the Second Vatican Council up through Benedict XVI, Maritain's articulation of rights influenced several popes. It has become the stock language of the Catholic Church, despite centuries of pontiffs rebuking liberalism and rights language. With the understanding that rights can in fact be viewed as an extension of the natural law, rights language...
is now the preferred mode of speaking within the Church about the common good and human dignity.

Delving deeper into the notion of tradition constituted rationality, MacIntyre sees the importance of being a part of a tradition for practical rationality. Having allied himself to Catholicism and the tradition of Thomistic Aristotelianism, MacIntyre emphasizes the importance of operating within the tradition, despite whatever deficiencies it may have. As a result, he abandons his own criticisms of human rights, as evidenced in two advanced stages of his career: 1) one of relative silence on the subject, engaging the word choice instead of rights; and 2) coming around to a position where he recognizes that rights do in fact exist, but need to be couched within an understanding of the common good, justice, and generosity – elements that mimic Maritain's own articulation and that of the Catholic Church.
This dissertation by Carrie Rose Stibora fulfills the dissertation requirement for the doctoral degree in Philosophy approved by V. Bradley Lewis, Ph.D., as Director, and by Gregory T. Doolan, Ph.D., and Angela McKay Knobel, Ph.D. as Readers.

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For Susan Louise Gress-Andrews and Joseph Allen Stibora, Ph.D.
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Jacques Maritain and Alasdair MacIntyre on Human Rights

Carrie R. Stibora, Ph.D. (Cand.)

Director: V. Bradley Lewis Ph.D.

Introduction

1. Why Rights Now

Human rights have a virtual monopoly on contemporary political discourse, having emerged as the preferred mode of ethical rhetoric over the past five or six decades. Human rights rhetoric, however, is not without its weaknesses. Contemporary struggles related to human rights concern issues of definition, such as who has human rights? Do rights extend to animals? The environment? And what about when the rights of one individual clash with another, as in the case of abortion? Does the mother's right to abortion trump her child's right to life? And how far do human rights extend? Is there a right to gay marriage? Is there a right to health care? Is there a right to biologically and surgically change one's gender? Do such rights entail taxpayer funding? And on and on and on… Such questions about human rights seem to go as far as one's imagination, without any sort of clear boundary to keep check on the limits of rights. Mary Ann Glendon has complained that the situation is such that political and moral discourse has been impoverished by "the modern inclination to force all controversial issues into a straitjacket of rights talk."¹

Over the centuries, the Catholic Church made its way to embracing rights in an effort to protect the dignity of every human person. After World War II, "the international community began in earnest to adopt lists, charters, and declarations of human rights, but this process was well under way in Catholic thought two decades earlier as a way to reckon with totalitarian regimes."\(^2\)

While the centrality of rights inside and outside the Church does not seem controversial in today's political climate, this was not always so. Liberalism and Americanism were long considered to be the poor fruit of modernity, which threatened much of the Church's philosophical and theological framework. After initially rejecting liberalism and its fruit of human rights language, more than a *modus vivendi*, the Church has come to identify much of Catholic social teaching with human rights promotion.\(^3\)

2. *Why Maritain and MacIntyre?*

Two Catholic converts and philosophers, Jacques Maritain (1882 - 1973) and Alasdair MacIntyre (1929 - ), in their respective works offer insights into the both the old and new intellectual traditions in relation to Catholic social thought on rights. Moreover, they, each in his unique way, bring forth much to the discussion about rights.

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Their work on human rights, however, does not always get the credit it deserves – albeit for different reasons. Maritain, who was achieved international recognition as an intellectual, seemed to have cut off his influence with his not-well-received book, *The Peasant of Garonne*⁴. Published in the wake of the Second Vatican Council, Maritain's work was received as the musings of a cantankerous old man, stunting the influence he previously held. MacIntyre, on the other hand, has a pithy quote in his famed *After Virtue* – likening rights to the existence of witches and unicorns⁵ – that has been repeated by friend and foe. Generally, however, the reference is not followed by any deeper explanation of MacIntyre's own position that has developed extensively over time. While the positions of these two thinkers are quite different, their expansive work have been frequently overlooked or disregarded for reasons that seem to be more about public relations than philosophical content.

Maritain offers a new sort of bridge to understanding the use of rights, both within the Church and without. He represents, through the breadth of his career, the old guard of French thinkers who rejected liberalism, and the new guard, who sees liberalism as a strength instead of merely a position that the Church was boxed into by politics, having been converted largely by his experience in America.

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Alternatively, MacIntyre comes to the idea of human rights from a different perspective. Largely informed by the anti-liberalism of Marxism, MacIntyre's main concern about rights is the context-stripping and compartmentalizing effects that radical individualism has upon individuals and communities, leaving both denuded of the key elements of flourishing human life.

A comparison of what these two thinkers understand as the strengths and weaknesses of human rights offers an important glimpse into not just the past and present of the Catholic Church, but also the future of Catholic social thought and its bearing upon members of the Church and the world in which they live. Rather than sidestepping the more general questions of human rights facing contemporary culture, Maritain and MacIntyre offer insights into how to approach rights without the detrimental effect individual rights can have when they trump the common good.

3. Connections

At first glance, the work of Jacques Maritain and Alasdair MacIntyre on human rights seem to be diametrically opposed: the former sees them as a fulfillment of a philosophical tradition articulating the true dignity of the individual person within the natural law, while the latter compares their very existence to that of witches and unicorns. Maritain claims his position

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6 Kelvin Knight, a prolific scholar who has published significant works about Alasdair MacIntyre, is currently writing a book on the topic of MacIntyre's work on rights. (Personal email, 12/4/12).

7 MacIntyre, After Virtue, 69.
is from the Catholic thirteenth-century friar, Thomas Aquinas, while MacIntyre takes his initial cues from the nineteen-century atheist Karl Marx.

Given their divergent starting points and realms of influence, they were bound to come up with different approaches to human rights. Maritain, through his rights theory, made significant contributions during the twentieth-century through his peripheral involvement in the drafting of the United Nation's Universal Declaration of Human Rights, his influence upon the Second Vatican Council, and perhaps most importantly, by his indirect influence upon the thought of Pope John Paul II. The rhetorical tool of human rights supplied in part by Maritain


However, Ralph McInerny declares in his biography on Maritain that the Frenchman was "his country's delegate to the UNESCO meeting in Mexico City that fashioned" the document. Ralph McInerny, *Art and Prudence* (Notre Dame: University of Notre Dame Press, 1988), 30.


Bernard Doering reports that in 1947 Maritain was "head of the French delegation to the General Conference to UNESCO in Mexico City" and "Maritain was elected president of the conference and delivered the opening address." Bernard E. Doering, *Jacques Maritain and French Catholic Intellectuals* (Notre Dame: University of Notre Dame Press, 1983), 4.
was the cudgel used by Archbishop Wojtyla/Pope John Paul II in combating the propaganda machine propping up the Soviet Empire.\(^\text{10}\)

MacIntyre, on the other hand, expressed an anti-theory (or theories) of rights. From the vantage point of an intelligence analyst during the height of the Cold War, MacIntyre could even look suspicious.\(^\text{11}\) Could this Marxist be denying rights in an effort to disarm the popular new Polish Pope? Is it possible he is on the KGB payroll?\(^\text{12}\) While far-fetched, this suggestion

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Finally, there are Maritain's own words: "This speech was given in Mexico on November 1, 1947 at the opening of the second International Conference of UNESCO; I was the president of the French delegation." Maritain, *Peasant of Garonne*, 66, note 3.


\(^\text{11}\) "In receipt of an offer from Brandeis University in 1970, MacIntyre decided to move to the USA. This move was not without its political difficulties: since the time of his first academic visits to the USA beginning in 1961, he had been required to undergo political examinations by the US Department of Immigration on account of his involvement with the British Communist Party. On the occasion of the offer of the permanent position at Brandeis, it took the intervention of one of Massachusetts' senators, Senator Brooke, for MacIntyre to be permitted US Immigration to take up the Brandeis position..." Thomas D. D'Andrea, *Tradition, Rationality, and Virtue: The Thought of Alasdair MacIntyre* (Aldershot, UK: Ashgate, 2006), xviii.

\(^\text{12}\) Release of many of the classified documents from Poland and elsewhere behind the Iron Curtain have made clear just how involved the KGB and other secret police were in intelligence and counter-intelligence in the Soviet Union and beyond. See Weigel, *The End and the Beginning*, Part I.

A closer look reveals that MacIntyre's Marxism was perhaps more closely aligned with the CIA instead of Moscow. "One reason for the distain shown to his work in these quarters [the
underlines the tension between these two thinkers on rights and the very real pressures that existed during the time of their writing and influence. And yet, while they seem to be such opposites on the issue of human rights, an overview of their intellectual biographies reveals a striking number of commonalities, specifically their conversions to Catholicism and Thomism. Maritain, who considered himself very much a Catholic intellectual of the free west, embraced Thomism after his conversion to Catholicism from atheism and Marxism. Meanwhile, MacIntyre, whose stripes and allegiances have changed dramatically over time, also moved through various stages of Marxism, atheism, and ended up in his current position as a Thomistic Aristotelian.

Both men, generally considered to be anti-modern, took to Thomism, but came out with very different interpretations of it: Maritain blended it with liberalism while MacIntyre rejected most modern positions with his "disquieting suggestion" that contemporary ethics is broken.¹³

But this is not the end of the story. The purpose of this dissertation is not merely to take two thinkers and see how different they can be, or simply to chronicle the evolution of rights within Catholic social thought. While interesting and important elements which will be included herein, the real source of interest in the relationship between these two men is how their lives and ideas, mentors and influences, weave them together in ways not readily apparent in a superficial survey of their "rights talk."

¹³ MacIntyre, *After Virtue*, Chapter 1.

[political left] can be traced to an understandable reaction on the part of his contemporaries in the New Left to MacIntyre's decision to publish some of his most important political essays in the 1960s journals such as *Encounter* and *Survey*; whose relationship to the CIA's ideological role in the Cold War was even then something of an open secret." Paul Blackledge and Neil Davidson, "Introduction: the Unknown Alasdair MacIntyre," in *Alasdair MacIntyre's Engagement With Marxism*, eds. Paul Blackledge and Neil Davidson (Chicago: Hay Market Books, 2009), xvi.
Looking deeper, the argument can be made that perhaps their positions are really not that far apart after all? Perhaps MacIntyre's Marxist convictions that rejected the existence of rights have mellowed into a position closer to Maritain's? Perhaps MacIntyre's new intellectual home as a Thomist in the Catholic Church, a Church that has utilized the language of rights consistently for at least seven decades, has made him another sort of convert – one to human rights?

This dissertation will consider the possibility of MacIntyre's conversion to rights – or at least to no longer a rejection of them – while looking at just what these two intellectual giants of the twentieth and twenty-first century really mean by "rights." Specifically, the thesis will be: MacIntyre, who for years rejected arguments for the existence of human rights, later in his career softens his position so he is no longer at odds with the human rights language used by the Catholic Church. MacIntyre ironically quietly acquiesces to a tradition that, in large measure, is attributable to someone whose theory he previously rejected: Jacques Maritain.

4. Method

This dissertation will engage two methods to convey the relevant information. The first will be a general study of Maritain and MacIntyre's work on rights, focusing upon and documenting their writings. The second, which will serve as the larger context within which their work exists, will consider these two thinkers within their own biographies, including politics, traditions, outside influences, friendships, etc… . Neither worked in a vacuum, immune to the realities and demands of history. To ignore these elements is to miss major pieces of their thought and the influences upon it. Admittedly, this approach is also very "MacIntyre-ian" because neither thinker is considered to be an individual, existing like a "brain in a vat" but part
of a larger family, community, country – or countries, and traditions. These elements together will tell the story of their lives; as such, suggesting perhaps a third method: storytelling.

MacIntyre, places a heavy emphasis upon the role of storytelling in passing along the wisdom of traditions and cultures as examples of "the good" and "the bad" in forming one generation to the next.

5. Layout of the Chapters

While the use of human rights is commonplace when discussing issues of justice today, it was not always so. "In the late 1940s believers in human rights had to fight for intellectual legitimacy, a battle they finally won on account of the horrors perpetrated by the Nazis," says Johannes Morsink in his lengthy book on the drafting of the UN Declaration of Human Rights.\(^\text{14}\)

It was World War II and the Nazis that served as the catalyst to the embrace of human right's language, Morsink argues.\(^\text{15}\) Hitler's unthinkable evils demanded some response to prevent their repetition. In this, the second decade of the twenty-first century, the battle for legitimacy of human rights is long past. "At the end of the twentieth century there is not a single nation,

\(^\text{14}\) Morsink, *Universal Declaration*, xi.
\(^\text{15}\) Morsink is not alone in this opinion. Samuel Moyn argues similarly that it was Pius XI decision to use rights as a way to combat totalitarianism in "Personalism, Community, and the Origins of Human Rights" in *Human Rights in the Twentieth Century: A Critical History*, ed. Stefan-Ludwig Hoffman (Cambridge: Cambridge University Press, 2010), 9 and following.

However, elsewhere, Moyn says "Finally, though the Universal Declaration is as much backward looking as forward looking, the people who understood human rights as a response to the Holocaust specifically were few and far between." Samuel Moyn, "Jacques Maritain, Christian New Order, and the Birth of Human Rights" (May 2008), http://ssrn.com/abstract=1134345, 2.
culture, or people that is not in one way or another enmeshed in human rights regimes."^{16}

Moreover, it is difficult to even articulate a political description of justice that does not involve the use of human rights.

Despite their ubiquitous presence, what is meant by human rights is not at all uniform. The moniker "human rights" is loaded with a vast array of often hidden contextual and background material that can vary with speaker, audience and context. It is clear that what John Locke meant by rights is considerably different than what Pope John Paul II meant by the same term. Debates continue to rage over the sources of their origins, what they mean, and how or whether to promote them. Maritain and MacIntyre find themselves in the crosshairs of these intellectual battles.

This dissertation will be broken into two parts. Part I, focusing upon the work of Jacques Maritain, will start in Chapter One with a look at the Frenchman's work and how a man considered anti-modern adopted the very modern language of human rights. Additionally, background will be given for the adoption of rights by pontiffs from the nineteenth-century onward until it became the language of the Church, as well as Maritain's place within that progression.

Chapter Two looks more carefully at Maritain's use of personalism, the common good and natural law to underpin his theory of human rights. Then, a closer analysis of Maritain's definition of human rights will be made as considered through the lens of his unique interpretation of Thomistic themes necessary to understand his frequently misunderstood meaning of rights.

^{16} Morsink, *Universal Declaration*, x.
Chapter Three will unpack of many of the criticisms launched at Maritain's work on rights, including those that focus upon his notion of personalism, his use of Thomism, his integration of theological themes into philosophical work and finally, whether or not his position is too Byzantine to be effective within the academy or within the pews.

Chapter Four will consider Maritain's rights work as it fits into the tradition of Catholic social thought as evidenced by his imprint upon the Second Vatican Council and the work of Popes Paul VI, John Paul II and Benedict XVI. The chapter will then consider why his significant contribution to the tradition and beyond is not better known.

Part II will move to the work of Alasdair MacIntyre. Chapter Five will be a general look at MacIntyre's life, the many influences upon his work and major shifts in areas of research in relation to his work on rights. MacIntyre's allegiances to Marxism, Aristotelianism and Thomism will each be considered in relation to liberalism, the aversion of which has been an overarching theme throughout MacIntyre's career.

Chapter Six will then move specifically to MacIntyre's manifold definitions and articulations of rights theories coinciding with the three intellectual stages outlined in Chapter Five.

Chapter Seven will discuss the relevant criticisms of MacIntyre's rights work along with any rebuttals made by MacIntyre himself to specific critics.

Chapter Eight will consider two further stages in MacIntyre's rights work, including the evidence and possible reasons for shifts in MacIntyre's position. The argument will be made that, having embraced yet another tradition, that of Catholicism, and because of his own growing conviction that thinking within a tradition is imperative despite any weaknesses, MacIntyre defers to the way in which the contemporary Church speaks of justice – through human rights –
which is a relatively new language for the Church largely based upon the work of Maritain. Ironically, that which MacIntyre rejected because of tradition, he later embraced because of tradition.

Finally, the Conclusion will discuss remaining issues of related to MacIntyre's criticisms of Maritain along with closing remarks on the importance of the role of biography in a general overview their thought.

6. Which Rights?

Although rights language is a relative newcomer to philosophy, pinpointing its exact entry into the philosophical lexicon is difficult business. There is no mention of rights in the Bible and no mention of them in the pre-modern period. The road to what is contemporaneously understood as human rights is long and varied, with many fits and starts. Rights theories have


About the Bible, Fortin says: "Ius in the singular occurs approximately thirty times, but always to designate some legally sanctioned arrangements…. Neither can the natural rights doctrine be said to play a significant role in medieval thought. Thomas Aquinas…either had never heard of them or did not deem it necessary to incorporate them into his scheme." Fortin, "Sacred and Inviolable," 202.

18 "Rather than originating all at once as a set and then merely awaiting later internationalization, the history of the core values subject to the protection by rights is one construction rather than discovery and contingency rather than necessity." Samuel Moyn, The Last Utopia (Cambridge, MA: The Belknap Press of Harvard University Press, 2010), 20.


This discussion will be focused upon natural rights and human rights (used synonymously) and will not touch upon rights derived from positive or civil law.
taken on many forms and meanings over time, from Hobbes's rights in relationship to the Leviathan, to Rousseau's articulation that became the "Rights of Man" touted in the French Revolution, to Thomas Jefferson's rights to the pursuit of life, liberty and happiness. Any attempt to make a tidy historical path from today's understanding of the word to its origins would be radically over simplified. Samuel Moyn offers the advice that "we must give up once and for all the idea that the history of human rights is a story in which a static liberal doctrine rises slowly over time."19 There are just too many twists and turns in the path of the provenance of human rights to chronicle here.20

Right theorists typically weigh in with a specific blend of nuances, additions and deletions from one theory to the next. Rights in their plasticity are prone to reinvention. They are comparable to a beloved old family wedding dress continually having its hem taken in and out to suit the frame of each new wearer. This seems to have started with seventeenth-century writers who "had mastered the art of concealing their 'novelties' by cloaking them in more or less traditional garb."21 Francis Bacon "admonished radical innovators to express themselves only in familiar terms, adding that one should always begin by telling people what they most want to


20 John Finnis says that the "grammar of rights is so extensive and supple in its reach that its structure is generally rather poorly understood; misunderstandings in discussions about rights, and about particular (alleged) rights and their extent, are consequently rather frequent." Natural Law and Natural Rights (Oxford: Clarendon Press, 1980), 198. Natural Law and Natural Rights (Oxford: Oxford University Press, 2011).

hear, that is, what they are accustomed to hearing.” It seems this technique was not unique to the seventeenth-century, but continues to be employed by rights theorists, wittingly or not. "Human rights, then, are not merely a common, easily agreed upon tradition, but rather a field of struggle and controversy among differing world-views and values."

Despite the manifold theories of rights, for present purposes the rights that will be engaged herein will be natural or human rights, which refers to their innate quality, in contrast to "acquired" rights, that can be given and taken away, earned, or granted from an outside authority, such as the state or positive law.

7. Pope Leo XIII's Influence

In 1891, Pope Leo XII (1878 – 1903), caught in the crux of the menace of socialism and the abuses of unbridled capitalism, needed a new language of political assessment to respond to the unprecedented threats to the world. What the pope came up with in his encyclical *Rerum Novarum* (*New Things*) was a mixture of old and new political theory that henceforth came to be called Catholic social thought or Catholic social teaching. His work has been the blue print for

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23 As will be seen in Chapter Two, Maritain believes he is following the spirit of Thomas Aquinas in his innovations to a theory of rights.


For further discussion about the definition of rights as well as eight sets of adjectives that make up the spectrum of rights taxonomy, see Williams, *Who Is My Neighbor?* Chapter 2.
the Church's political stance up through today. It is important to note, that these "new things" for Leo referred specifically to the political revolutions that were sweeping away the old political orders.

The Church, for centuries, had its leadership intertwined with monarchies, sharing greater power with the local dioceses under the headship of the bishop. As monarchies were toppled, the Church was forced to centralize its power in Rome rather than come under the power of the governments of nation-states. The liberal alternative of the separation of church and state was the only avenue left to the Roman Church when it became clear that the secular values embodied in the newly created states were not consistent with the Church's interests. While suffering the loss of political power and vast properties, the Church's centrification of power under the pope in Rome provided the necessary authority to maintain its relevance to those living under these new nation states, while shoring up its moral and spiritual leverage. Rather than being boxed into a corner, this seemingly weakened position became a source of strength for the Roman Church.


27 The first line of *Rerum Novarum* reads: "That the spirit of revolutionary change, which has long been disturbing the nations of the world, should have passed beyond the sphere of politics and made its influence felt in the cognate sphere of practical economics is not surprising." Pope Leo XIII, *Rerum Novarum*, Encyclical Letter. (1891), #1. http://www.vatican.va/holy_father/leo_xiii/encyclicals/documents/hf_l-xiii_enc_15051891_rerum-novarum_en.html

28 See Perreau-Saussine, *Catholicism and Democracy*, Chapter 1.
While a great proponent of the work of Aquinas and natural law, Pope Leo found both of these inadequate for dealing with the new struggles facing the world. The embroiled pope resorted to the language of human rights to effectively protect his flock from new threats; on the one hand, human rights protected the individual from being subsumed into the whole of socialism, while on the other, the individual was protected against the abuses of the industrial revolution. Moreover, it provided protection against slavery, which Pope Leo was facing in Brazil. The pope needed a way to declare that the inhabitants were in fact free individuals and not slaves. The old method of natural law, because it did not outlaw the use of slavery, was insufficient.

Popes had been dappling with the language of rights in an unsystematic way – usually referring to the rights of the Church hierarchy – since Gregory XVI (1831-1846). Leo believed he was rooting his theory of rights upon universal principles and scholastic philosophy.

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30 "Would that all who hold high positions in authority and power, or who desire the rights of nations and of humanity to be held sacred, or who earnestly devote themselves to the interests of the Catholic religion, would all, everywhere acting on Our exhortations and wishes, strive together to repress, forbid, and put an end to that kind of traffic, than which nothing is more base and wicked." Pope Leo XIII, *In Plurimus*, #19.

"If, indeed, it seemed to Us a good, happy, and propitious event, that it was provided and insisted upon by law that whoever were still in the condition of slaves ought to be admitted to the status and rights of free men, so also it conforms and increases Our hope of future acts which will be the cause of joy, both in civil and religious matters." Pope Leo XIII, *In Plurimus*, #21.

"Is (sic) is, however, chiefly to be wished that this may be prosperously accomplished, which all desire, that slavery may be banished and blotted out without any injury to divine or human rights, with no political agitation, and so with the solid benefit of the slaves themselves, for whose sake it is undertaken." Pope Leo XIII, *In Plurimus*, #21.

31 Mary Elsbernd argues that Leo's approach was much more historically conditioned than Leo realized. "Leo XIII claimed a coherent socio-political and economic teaching based on
In Leo XIII's thought, the foundation of right was in the obliging authority of God through law. His extension of rights to authorities other than ecclesial hierarchy including civil authority, matters over slaves and parents over children was consistent with this foundation for rights. Seemingly influenced by the individual rights vocabulary of the liberal constitutions, Leo XIII attributed rights to individuals as such, as a member of a social class, or as a family member. … Thus, in the encyclicals of Leo XIII, not only did *jus* as a word enjoy a prominence, but the concept behind the word showed an increased affinity to the liberal use of the term.\(^{32}\)

However, what remained of the theory embraced by Leo was the modern baggage that he rejected philosophically (and theologically) but remained because of the provenance of the ideas, viz. that rights inhere in the individual from the state of nature that exists prior to the existence of society. The state of nature, articulated by early modern thinkers, such as Rousseau and Hobbes, had been an alternative to both the inconvenience of Genesis and the teleology used by ancient and medieval philosophy. What modern thinkers had rid themselves of, viz. scholasticism, was what previously the Church had argued could not be gotten rid of.\(^{33}\) And yet, Pope Leo, faced with new realities, needed something 'new' to combat them.\(^{34}\)

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\(^{32}\) Elsbernd, "Rights Statements," 310-11.

\(^{33}\) As outlined, for example, in Pope Pius IX's *Syllabus of Errors*, Encyclical Letter, 1864. http://www.papalencyclicals.net/Pius09/p9syll.htm

\(^{34}\) Leo XIII's use of natural rights was not followed by his immediate successor Pius X.
This eclectic blend is where the stories of Maritain and MacIntyre begin. Leo's work represents the crossroads of two traditions – pre-modern teleological philosophy expressed in natural law and modern enlightenment philosophy. While Maritain worked to strengthen and push forward the integration of modern thought into the Catholic tradition, MacIntyre, for the bulk of his career, rejected it.

Also at the center of the discussion on rights, although Maritain pre-dated the bulk of the literature on the topic, is the issue of when the notion of subjective rights arose. Its relevance here, as will be also be seen later, is related to what seems to be a disconnect within Church teaching: while on the one hand, pontiffs rejected human rights for centuries, later they came to embrace them. The debate, in many respects hinges on whether or not a subjective understanding of rights – viz., a right as something that inheres in the individual protecting one from the infringement of others – existed prior to the emergence of nominalism, or if the scholastic understanding of rights was merely an objective one – where a right was something outside the individual, but what was due a person based upon the principles of justice and charity. One side argues that human rights language was a break with the previous Catholic position, while the

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Throughout, I will be following the terms outlined by Fortin, pre-modern is "represented preeminently in the Christian West by Aristotle and his medieval disciples" while modern "which originated with Machiavelli in the sixteenth century and achieved its most popular form the political philosophy of John Locke a century and a half later." Ibid.
other considers human rights language to merely be an extension of the scholastic tradition (if not before).

Fortin frames the debate by explaining two different positions. First the revisionist, which espouses "[t]he conventional wisdom of our day … that modern thought was already latent in premodern thought, that it was gradually educed from it by a process of logical inference, and that in consequence one cannot legitimately speak of a hiatus or breach of continuity in the Western intellectual tradition from its inception in fifth-century Greece or therabouts down to modern times."36 This position, Fortin explains, "was never accepted by everyone. Most of the popes resisted it, as is evident from even a superficial glance at the documents of the pre-Leonine period."37

Other thinkers, including Fortin, take a second position which sees "the safest and best way to make sense of the current intellectual scene is to analyze it in terms of the dichotomy between the premodern and modern modes of thought."38

Michel Villey's research, which is emblematic of the break-in-tradition position, concluded that only an objective form of right – i.e. what the right action should be according to justice or charity – existed until the dawn of nominalism in the work of William of Ockham in

36 Ibid., 205.
37 Ibid.
"By way of example, one has only to recall the eightieth and last of the 'errors' condemned by Pius IX in the Syllabus of 1864, which is that 'the Roman Pontiff can and ought to reconcile himself with progress, liberalism, and modern civilization.'" Ibid.
38 Ibid.

Fortin cites Eric Voegelin, Leo Strauss, Karl Lowith, Michael Oakeshott, Jacob Klein, Hannah Arendt as examples.
the early to mid-fourteenth-century. The scholarship of Brian Tierney, on the other hand, represents the 'revisionist' position, and explores the early use of rights language dating back to ancient Rome and through the Scholastic period. Tierney's scholarship includes examination of theologians as well as canon lawyers or jurists, whom he believes are a much better source for pinpointing rights usage – an area never touched by Villey. While Villey insists that any notion of subjective rights is exclusive to post-nominalism, Tierney posits that both an objective definition of rights and a subjective form of rights both existed prior to the modern articulation.

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Richard Tuck and others, including MacIntyre following Tuck, as will be discussed in the Chapter Six.

Tierney lays out the entrenched differences among scholars as to the source of rights. "Kenneth Minogue has asserted that the idea of human rights is 'as modern as the internal combustion engine.' Donnelly found a starting point in Locke. An Italian writer has observed, with serene confidence, that scholars agree unanimously on this point: 'The theory of natural rights is born with Hobbes.' Knud Haakonssen discussed the role of Grotius as an innovator. Richard Tuck emphasized the contribution of Gerson. Michel Villey has maintained, in a long series of publications, that the true 'father of subjective rights' was the fourteenth-century Franciscan philosopher, William of Ockham. Evidently there is room for some further historical clarification." Brian Tierney, *The Idea of Natural Rights: Studies on Natural Rights, Natural Law, and Church Law 1150-1625* (Grand Rapids, MI: Wm. B. Eerdmans Publishing Company, 2002), 3.


Villey's research, limited to just philosophers and theologians such as Thomas Aquinas, portrays a more limited range of definitions for *ius*.
Villey, through researching Scholastic theologians, argues that prior to Ockham, *ius* was never understood as a subjective right except perhaps in vulgar language. It was only with Ockham and a debate over mendicant poverty, which brought about a "semantic revolution" where *ius* took on a subjective form.\(^2\) Robert Kraynak, adding to the debate, notes that the distinction needs to be made that while surely there were rights granted to individuals by legitimate authority he offers the example of "the 'right' of a priest to preach the Gospel and administer the sacraments" – there was no such thing as a subjective or natural right that attached to an individual.\(^3\)

Tierney refutes Villey's position by pointing out that rights had a more varied pedigree than identified by Villey, as evidenced in the canonists documents. He concludes that when philosopher Peter Olivi (1248 – 1298) and canonist Johannes Monachus (1250 – 1313)\(^4\) discussed *ius* as subjective right, they were not casually or carelessly borrowing a usage from vulgar discourse. Rather each was providing a detailed analysis of a concept whose importance

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Another Thomist, John Finnis, has jumped into the fray of this debate, given that his own position on natural rights is also tightly linked to natural law. Finnis takes a third position by arguing that Aquinas may not have used a subjective right in his work, but it is implied therein. Finnis says "when Aquinas says that *ius* is the object of justice, he means 'what justices is about, and what doing justice secures, is the right of some person or persons – what is due to them, what they are entitled to, what is rightfully theirs.'" Quoted in Rowland, *Culture and the Thomist Tradition*, (London: Routledge, 2003),152, taken from John Finnis, *Natural Law and Natural Rights*, 2nd ed. (Oxford: Oxford University Press, 2011), 133.

\(^2\) This argument, especially the poverty issue will be discussed at much greater length in Chapter Six, as it is central to MacIntyre's notion of rights.


\(^4\) Both of whom were contemporaries of Thomas Aquinas (1225-1274).
was fully apparent to them.”\textsuperscript{45} Therefore, Ockham, writing after Olivi and Monachus, did not start a "semantic revolution" by writing about subjective rights, but merely engaged the "rich language [that] already existed in which rights theories could be articulated."\textsuperscript{46} Tierney adds:

The doctrine of individual rights was not a late medieval aberration from an earlier tradition of objective right or of natural moral law. Still less was it a seventeenth-century invention of Grotius or Hobbes or Locke. Rather… it was a characteristic product of the great age of creative jurisprudence that, in the twelfth and thirteenth centuries, established the foundations of Western legal tradition.\textsuperscript{47}

While Tierney makes a compelling case, not all are swayed. As Tracey Rowland points out, however, "this argument still does not get around the fact that the classical tradition gave priority to the object, that is to justice, not to the subject."\textsuperscript{48} Kraynak argues that any subjective element offered by Tierney is still far from resembling anything like modern human rights.\textsuperscript{49}

Returning to the relevance of this debate to Maritain and MacIntyre, if the work of Villey and others is correct, that there was only an objective definition of rights prior to nominalism and that their popularity grew solely within the framework of the Enlightenment, then Maritain is doing something new, as will be discussed in Chapter Two, by linking natural law to natural rights.\textsuperscript{50} However, if Tierney's position is correct, that rights were both objective and subjective in their meaning, then Maritain's work isn't so original, but is merely a resurrection of the work

\textsuperscript{45} Tierney, \textit{Idea of Natural Rights}, 42.
\textsuperscript{46} Ibid.
\textsuperscript{47} Ibid.
\textsuperscript{48} Rowland, \textit{Culture and the Thomist Tradition}, 152.
\textsuperscript{50} Again, the idea of natural law and natural rights working together may not have been original to Maritain, but he was able to promote it far beyond those who influenced him. See Chapter One, Section 3.
that had been done in the Scholastic period, wittingly or not. MacIntyre, as will be seen in Chapter Six, sides on this debate with the break-in-tradition crowd represented by Tuck.

The historical debate will continue on this topic along with more research and argumentation. Until the polemics come to an end, the question will remain as to whether Maritain or MacIntyre's effort is more inline with an authentically Catholic position. Is Maritain able to reconcile what was previously considered anti-Catholicism with Catholicism, or is he unwittingly pulling out an older tradition deep from the Catholic intellectual well? Or is it MacIntyre who is able to hearken back to a truer Thomism that more authentically represents the older tradition of Church teaching?

To this question and more, we shall now turn.
CHAPTER ONE:

Maritain's Pre-modern and Modern Mélange

Maritain's body of work, shaped by a suicide pact, two world wars, foreign exile, and deep faith, offers a unique philosophical perspective that leaves critics wondering if he is anti-modern or ultramodern (or extremely modern). On the one hand, in 1922, he railed against "liberalism, Americanism, modernism"; on the other, he became a new sort of Tocqueville trumpeting the American experiment. This same Frenchman, who was both a force behind the Second Vatican Council and one of its sharpest critics after its implementation, concluding that


Before his dramatic conversion to Christianity with his future wife, Raïssa Oumançoff, in 1906, the couple made a pact to commit suicide if truth could not be found. See Jean-Luc Barré. *Jacques and Raïssa Maritain: Beggars for Heaven*, trans. Bernard E. Doering (Notre Dame: University of Notre Dame Press, 2005), 47-49.

Maritain, as a disciple of Aquinas for the better part of his career, insisted that he was not a neo-Thomist but simply a Thomist. Dougherty, *Jacques Maritain*, 1. See also Chapter 4.

Maritain once wrote, "Vae mihi si non thomistizavero." ["Woe is me if I should cease to be a Thomist."] Maritain is, however, frequently referred to as a neo-Thomist. Ralph McInerny, *Art and Prudence* (Notre Dame: University of Notre Dame Press, 1988), 78.


modernity and Christianity were simply incompatible. As the "premier postwar philosopher of human rights," Maritain's position endorsing human rights lends further fodder to the debate of his modern allegiances.

This chapter will look first at the major philosophical transitions and influences in Maritain's life and work that eventually led him to an innovative understanding of rights language based upon his own Christian Humanism, moving him into a precarious category of adhering to both anti-modern and modern philosophies. The chapter will then move to look at the "double helix" of sorts that makes up the relationship between Maritain and several popes, starting with Pius XI, as rights language became stronger and more frequent in papal encyclicals and on the world stage from the 1930s forward, while explaining how it was in keeping with many of the liberalizing trends within the Church, starting with the French Revolution.

1. Maritain Prior to Rights

Born in 1882 into a strong French Republican family, Maritain started to forge his own identity during his teenage years as a socialist. At sixteen, he wrote, "Everything I will think and know, I will consecrate to the proletariat and to humanity. I will use everything to prepare the revolution, to aid the happiness of humanity."

Maritain, along with other young Frenchmen,

\[\text{(3) Maritain, } \textit{Peasant of the Garonne}, \text{ 14-19.}\]

\[\text{(4) Moyn, } \textit{"Personalism, Community," 4.}\]

appealed to socialism because it "was seen to be the sequel to the heroic and great revolutionary tradition of France… ." Maritain found himself wrapped up in the chaos of the *fin du siècle* culture, which, on the one hand, embraced "a socialism based on a rationalistic and collective optimism about man's future," and on the other, "a symbolism which proposed that man was alone and without ultimate purpose." He and his future wife, Raïssa Oumançoff, wrestled with these conflicting philosophies to the point of making a suicide pact if they couldn't find some truth to stand on. Then in 1902, the struggling young couple encountered Henri Bergson at the Sorbonne, who offered an alternative philosophical perspective through metaphysics and symbolism, which was a stepping-stone away from nihilism (and suicide). But it took converting to Catholicism that would eventually start Maritain and his wife on a new philosophical path, leaving behind the trendy nihilism and Marxism of his day. In Catholicism, particularly in Thomism, Maritain found the identity he would hold fast to for the rest of his intellectual career, despite twists and turns demanded by history.

Maritain, who emerged as a central figure in French intellectual life in the aftermath of the First World War, received the moniker of anti-modern early in his career, which was attributable to a certain degree to the book he wrote in 1922 with the facetious title *Antimoderne*. In it, Maritain believed himself to be representing the ever-open spirit of Catholicism and Thomism to the contemporary age. Despite the misrepresentation his book implied, Maritain was

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6 Ibid., 31.
7 Ibid.
8 Leon Bloy was the perhaps the most significant influence upon Jacques and Raïssa, leading ultimately to their Catholic conversion, but Bergson first offered the two young students intellectual hope.
an outspoken critic of modern philosophers, focusing upon Descartes, Luther, Kant and Rousseau in the book *Three Reformers*, while later works took to task Hegel, Bergson, Heidegger, and the Positivists. Setting his "face definitively against the main currents of modern thought," Maritain principally rejected materialism, the distortion of metaphysics questioning man's ability to know reality, and the efforts to de-Hellenize philosophy seen in anti-scholasticism, to name a few. He rejected these modern themes because ultimately they distorted or denied the proper relationship between man and God. While this emphasis on the distorted relationship between man and God would remain an important theme throughout his post-conversion career, Maritain's relationship with modernity would change over time. The Catholic Frenchman was "extremely interested in the various aspects of contemporary culture" and in any effort to extend and develop his Thomism to make it "a more comprehensive and nuanced system than it was when he received it."

Shortly after the Great War, Maritain became involved with *Action Française*. This political group was founded by Charles Maurras, who saw the awkward marriage of his atheistic views to those of anti-modern Catholics, mostly Thomists, to be the vehicle to return France to

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11 Ibid., 8-9.
its former monarchical glory. Maurras saw in the Church "an essentially conservative force, a force of order, the buttress of monarchy rather than the mystical body of Christ." And Maurras appealed to many Catholic reactionaries – anti-republican, anti-democratic, anti-liberal – who saw new hope in Action Française. The outside pressure from republicans gave a natural affinity to the seemingly incompatible groups. "Within their respective domains, both Thomism and Maurrasism laid claim to rationality, the former to reason in theology and that latter to reason in politics."

Maritain's "youthful intellectual passage from socialism and symbolism to Catholicism and Thomism led him at ever quickening speeds away from the world views of the Enlightenment and the Revolution, and ever more into the worlds of anti-modernity."

Introduced to Action Française by his spiritual director, Dom Humbert Clerrisac, Maritain introduced other friends into the movement while helping to finance and edit the group's journal, Revue Universelle. The anti-modern and anti-liberal tilt of Action Française led Maritain to again hold seemingly incompatible ideas, as he had when a young socialist:

He was simultaneously asserting the possibility of the restoration of a traditionally social order and the Church's place in it, while prophetically declaring the impending total destruction of the modern world. He simultaneously was

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12 For more on Maritain and Action Française, see Phillipe Bénéton, "Jacques Maritain et L’Action Française," in Revue française de science politique 23, no. 6 (1973): 1202-38. Bénéton takes the unique position that the rupture of 1928 between Maritain and Maurras was not a significant force in transforming Maritain's political thoughts, but that the relationship between the French Thomist and the group had been built more upon illusion and misunderstanding, while Maritain maintained his own intellectual independence.

13 Perreau-Saussine, Catholicism and Democracy, Section "The Political Virtues of Modernation: Neither Maurras nor Marx."

14 Ibid.

15 Amato, Mounier and Maritain, 73.
assuming that the Church was relevant to modern man and modern civilization, while inferring the need for the complete reversal of five centuries of Western history. In short, apocalyptic, reactionary and reformist views cohabitated within Maritain's philosophy of times.\(^{16}\)

This would not be the last time Maritain seemed to hold fast to incongruent ideas.\(^ {17}\)

Ultimately, the Vatican condemned *Action Française* in 1926 because of the group's subordination of religion to politics and nationalism. The condemnation forced Maritain "to rethink his philosophy of the modern world."\(^ {18}\) From the condemnation of *Action Française*, or what Maritain biographer Doering calls "the Crisis of 1926,"\(^ {19}\) it is "possible to date Maritain's willingness to explore more sympathetically the possibility of a more positive relation between Catholicism and contemporary democracy, and to begin for the first time a sincere exploration of the condition of man in his times."\(^ {20}\) Up until that point, Maritain's interests had focused upon

\(^{16}\) Ibid., 75.

\(^{17}\) Maritain maintained two seemingly paradoxical positions later in his career:

"This is not to veil Maritain's baffling paradoxes. Here is an illustration of his 'two sides' justifying many of the attacks on him…" "This is what Maritain writes in his Preface to *Metaphysics*: 'For the moderns, the object of logic is no longer things themselves, thought as transported into the mind, but pure forms of thought, as though knowledge had a structure and forms independent of things and the logician studied these forms and structure of thought.' This is Aristotle and his struggle against the forever active invasion of subjectivism, identical in scope with Maritain’s own struggle against forms of modern subjectivism, Luther, Descartes, Kant, Husserl.

"Yet the same Maritain, with a kind of irresistible movement toward the modernist duality of mind, accepts the Bergsonian and near-Teilhardian supposition that man’s mental and moral stuff has been rising thanks to some evolutionary *elan*, and will continue to do so." Thomas Molnar, "Jacques Maritain: Protean Figure of the Century," in *Modern Age* 40 (Summer 1998), 281-86, 285.

\(^{18}\) Amato, *Mounier and Maritain*, 75.

\(^{19}\) Doering, *Maritain and Intellectuals*, 7.

\(^{20}\) Amato, *Mounier and Maritain*, 76.
theology and metaphysics. The crisis revealed his own naiveté about political philosophy and challenged him to leave his comfortable intellectual home to enter into the fray of politics. Of the experience of the condemnation of *Action Française*, Maritain later wrote, "There began for me then a period of reflection devoted to moral and political philosophy in which I tried to work out the character of authentically Christian politics and to establish, in the light of philosophy of history and of culture, the true significance of democratic inspiration and the nature of the new humanism for which we are waiting." The fruit of the crisis was Maritain's *Integral Humanism*, published in 1936, "in which he spelled out his politics of personalism in most classic form," which also included new leanings toward liberal democracy that he had largely condemned previously in his career.

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22 It is generally held that *Integral Humanism* appeared first in 1935 in Spanish, based upon six lectures he had given at the University of Santander, however Konrad Sieniewicz reports that Maritain first discussed the ideas that would lead to *Integral Humanism* in Poznan, Poland, a year before the Spanish lectures were delivered in the speech "The Historical Ideal of a New Christianity," presented at a conference of Thomist philosophy. Konrad Sieniewicz, "Maritain in Polonia," in *Jacques Maritain e La Società Contemporanea*, ed. Roberto Papini, 112-116 (Milan: Editrice Massimo, 1978). For more on this see Chapter Four, Section 2.


*Integral Humanism*, translated as *Humanisme Intégral* in French, was translated as *True Humanism* by M. R. Adamson. It will be referred herein as *Integral Humanism*, unless otherwise noted.


Considered his *magnum opus*, which will be discussed further in the next chapter, Maritain's main goal in *Integral Humanism*, from a Eurocentric perspective, was to outline what a New Christendom could look like, not by recreating a medieval model, but by working within the new boundaries of the world, reacting to the pressures of pluralism\textsuperscript{24}, secularism, individualism and communism. At its heart was Maritain's continued effort to return man and God into a right relationship. His personalistic approach was the expression of how this relationship can be restored through the proper understanding of man. *Integral Humanism* was a blend of anti-liberalism, anti-modernism, anti-communism, and anti-capitalism. However, while he was against much in these ideologies, Maritain did take from them positive elements that he then molded to fit into his own project. Hittinger refers to Maritain's effort as a "bottom up" approach, where the leaven of the average man would fecundate the whole of society through his

\textsuperscript{24} Pluralism for Maritain referred both to the panoply of religious creeds, as well as secular philosophies that were living together in modern society, that, though often unfortunate, need not be impediments to social and political unity.

Maritain gives them different ontological status within the state. "Societal pluralism within the body politic, then—that is, a multiplicity of other particular societies which proceed from the free initiative of citizens and which should be as autonomous as possible—would for Maritain belong to the *essence* of a truly political society. Religious pluralism, on the contrary—that is, a multiplicity of spiritual families with different ways of conceiving the meaning of life and modes of behavior—does not for Maritain belong to the essence of political society. No, but it does belong *de facto* to the *existent* that is contemporary political life. … He is admirably attentive to essence, to natures, to intelligible structures. But his thought is always centered on existents, on *essences existing*, and consequently he is also attentive to the *existential state* or the *ensemble of existential conditions* in which these essences are actualized or realized." Joseph W. Evans, "Jacques Maritain and the Problem of Pluralism in Political Life," in *The Review of Politics* 22, no. 3 (July 1960): 307-323, 309 and following.

Maritain's own experience as a man who had gone through many different "conversions" away from atheism as well as his wife's influence as a Russian Jew confirmed his commitment to see unity within the state or a "new Christendom", despite the unfortunate reality of disagreement.
striving toward holiness, in contrast to the "top down" approach that would bring piety to the people through governmental authority.

Despite steps toward liberalism and pluralism in defining this new age, *Integral Humanism* did not yet endorse rights. 25 "[T]here was simply no sign in Maritain’s thought that such 'Christian humanism' meant human rights." 26 There is only passing mention of rights in *Integral Humanism*:

When Rome, in the time of Gregory XVI and Pius IX, condemned the claim to make freedom of the press and freedom of expression of thought ends in themselves and unlimited rights, it was only recalling a basic necessity of human government. These freedoms are good and answer to radical needs in human nature: they have to be regulated, as does everything that is not of the divine order itself. The dictatorial or totalitarian way of regulating them – by annihilation – seems detestable to me; the pluralist way – by justice and a progressive self-regulation – seems good to me, as it is as strong as it is just. 27

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See also Moyn, "Personalism, Community," 9.


"The ambivalence is well captured in his *Fortune* magazine story of 1942 in which he still castigated modern man for 'claim[ing] human rights and dignity – without God, for his ideology grounded human rights and human dignity in a godlike, infinite autonomy of human will,' while also now referring to the apparently alternative 'concept of, and devotion to, the rights of the human person' as 'the most significant political improvement of modern times'." Ibid.


"Quand Rome, au temps de Grégoire XVI et de Pie IX, condamnait la prétention de faire de la liberté de la presse ou de celle de l'expression de la pensée des fins en soi et des droits sans limites, elle ne faisait que rappeler une nécessité élémentaire du gouvernement des hommes. Ces libertés sont bonnes et répondent à des exigences foncières de la nature humaine: elles demandent à être réglés, comme tout ce qui n'est pas de l'ordre proprement divin. La manière dictatoriale ou totalitaire de les régler – par l'anéantissement – nous paraît détestable; la manière pluraliste de les régler – par la justice et une auto-régulation progressive – nous paraît bonne, elle ne serait pas moins forte que juste." Maritain, *Humanisme Intégral*, 496.
Beyond this mild speculation of how rights ought to be dealt with under totalitarian regimes, there is no further mention of rights.\textsuperscript{28}

In 1939, Maritain makes mention of rights in his lecture "A Christian Looks at the Jewish Question."\textsuperscript{29} "Rights, Maritain emphasized, were only going to be retrievable 'in a general new régime of civilization, freedom from the ills of capitalistic materialism as well as from the even greater ills of Fascism, Racism, and Communism.'"\textsuperscript{30} Again, Maritain was stressing a new political order, one in which the old liberalism wasn't going to work to sufficiently protect Jews within any sort of pluralism.

Also in 1939, Maritain reminded an "audience that democracy can no longer 'afford the luxury of drifting. Individualism in the sense of individual rights and comforts must cease to be its chief objective.'"\textsuperscript{31} Here again, Maritain makes it clear that he is no proponent of the idea of human rights, rejecting their embodiment as a product of the Enlightenment and the disordered liberalism of his day.

\textsuperscript{28} In his 1927, \textit{The Things That Are Not Caesar's} [\textit{Primauté du Spirituel}] – published in English in 1931 – Maritain again used rights in a more classical sense, without presupposing "a doctrine of rights possessed by the individual as over against civil society…" Frederick J. Crosson, "Maritain and Natural Right" in \textit{The Review of Metaphysics} 36, no. 4 (June 1983): 895-912, 900.

In 1933, Maritain published in French \textit{Freedom in the Modern World} (\textit{Du Régime Temporel et de La Liberté}), later published in English in 1938. It mentions rights three times, as Crosson notes, "in its classical Thomistic sense, e.g., the 'divine right' of the pope and the 'sovereign right' of the Church." Crosson, "Maritain and Natural Right," 899.


2. Maritain's Embrace of Rights

While human rights as a tool of rhetoric seems common place today, it is important to note that by embracing them, Maritain was risking much in going against the grain of the Christian right of his day. His position subjected him to accusations of being Jewish, a mason, or a communist (which also sounds antiquated to contemporary ears). Moreover, Maritain proceeded in a radical way by rejecting the Enlightenment arguments for human rights.

The road to Maritain's conversion to human rights language occurred while on exile in the United States, mainly upon the knowledge of the horrific atrocities of World War II. Maritain's time in America and knowledge of the atrocities of the war were influential in his own decision to embrace rights. Moyn points out that "though the Universal Declaration is as much backward looking as forward looking, the people who understood human rights as a response to the Holocaust specifically were few and far between. And, if there were such things as human rights, there was no 'human rights movement' motivated to collective action by other grievous catastrophes or various structural wrongs." Moyn, "Maritain, Christian New Order," 2. I take his point to be that there was not an organized human rights movement, designed to rectify the wrongs of the past, but that those who embraced rights were looking forward to the future as the world was rebuilding both physically and morally. Moyn offers a greater explanation of the road to rights language in his book, The Last Utopia, where he also explains that even after the U.N. Dec., the use of rights language waned and waxed in the subsequent decades, not fully gaining international traction until the 1970s. "Having been almost never used in English prior to the 1940s, when they experienced only a modest increase, the word 'human rights' were printed in 1977 in the New York Times nearly five times as often as in any prior year in that publication's history. The moral world had changed." Moyn, Last Utopia, 4.

Brian Tierney, while not mentioning Maritain, offers a different point of view to Moyn's argument that the emergence of rights was not somehow tightly connected to the evils of Nazism. "In the aftermath of World War II, there came a great revival of rights rhetoric, exemplified above all in the United Nations Universal Declaration of Human Rights. Simple-minded moral relativism seemed inadequate in the face of the unthought of evils of the Nazi regime." Tierney, The Idea of Natural Rights, 345.
with new urgency and innovation. Maritain was not alone in seeing rights as the only solution to the emerging issues of fascism vs. communism. As will be discussed below, the Church, viz. Pope Pius XI, also saw rights as the only way to survive these brutal ideologies, with the United Nations and other secular governments later adopting the language of rights as a beacon of hope against future atrocities witnessed in World War II.

Crosson speculates that in America, Maritain "found in the language of natural rights a universe of discourse, a set of commonplaces, in which he could speak effectively to a secular American audience and which led him in a new direction." Crosson quickly adds that Maritain did not adopt rights for purely rhetorical reasons.

In 1942, in *Scholasticism and Politics*, Maritain quoted a list of rights that had been enumerated by Pope Pius XI, which included the rights to life, "to bodily integrity, to the necessary means of existence; the right of man to tend towards his ultimate goal in the path marked out for him by God; the right of association and the right to possess and use property…." In addition to these fundamental rights, Maritain added the rights "not to put on a ___

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34 It is interesting to note in Dougherty that Maritain, in contrast to Etienne Gilson, focused upon arguments and not context. Dougherty explains that Gilson was much more open to looking at the entire context of a situation instead of bald argumentation. In the case of human rights, it was context that seemed to change Maritain's argument. Dougherty, *An Intellectual Profile*, 32-33. Moreover, it seems an argument could be made that Maritain was more moved by the charisms of individuals instead merely arguments. Bergson, Bloy, Maurras, various spiritual directors, various popes, radical leftist Saul Alinsky, and Teilhard de Chardin could be considered to have had substantial impact upon his thought.

35 Crosson, "Maritain and Natural Rights," 901.

shirt of brown, black, red, green or the devil's colour; [not to be] re-educated in a concentration
camp; not to be killed by the air-bombing of the new Western civilizers; the right to dislike and
despise every form of totalitarian dictatorship."37 Here such rights were clearly directed at the
aggressive dictators at the onset of WWII. And it seems Maritain's obedience to Pius XI may
have extended beyond the Papal condemnation of Action Française to included the embrace of
rights.

It wasn't, however, until 1942 that Maritain made the claim "that a revival of natural law
implied a broad set of prepolitical human rights"38 in Natural Law and Human Rights,

The preface to the French translation is the only portion of this work published in

Scholasticism and Politics was based upon nine lectures Maritain gave in America at the
University of Chicago in 1938.

37 Maritain, Scholasticism and Politics, 112.


See also Crosson, "Maritain and Natural Rights," 898. "[T]he historical oddity is this: so
far as I know, in all of his writings on social and political issues in the twenties and early thirties,
Maritain never discusses natural rights and uses the term only once, in passing."

Maritain wrote a response to a letter from a nun who reported that his new ideas were
getting him in trouble all the way to Rome. The nun suggested that "in the Church [you would]
no longer be anything other than the successor of saint Thomas." Barré, Beggars for Heaven,
375. Maritain's sharp retort offers insights into the ways in which churchmen were capitulating
with "the enemy" during WWII. "You could answer [to those who are worried about me] ... it
would be more appropriate for them to worry over ... Cardinal Baudrillart associating his prestige
... with the worst policy of collaboration with the enemy, Father Garrigou-Lagrange militating
politically for the government of Vichy, a handful of traitors trying to corrupt French Catholic
opinion by radio and the press. Moreover Father Louis of the Trinity (Provincial of the French
Carmelites) had chosen, in his conscience as a religious, and disciple of Saint John of the Cross,
to continue the fight alongside General de Gaulle, and I haven't heard of his being asked to
abandon his battleships for mystical studies. Finally, you know as I do ... it is not only a question
of our fatherland, but of the Holy Church, which is made vulnerable today by those who would
compromise it with the fascist new order; a crisis no less serious than that of the great schism in
transforming him "into the philosopher of human rights that he had never been before." With the publications of *The Rights of Man and Natural Law*, Maritain had "developed a full-blown theory of natural rights.

Maritain did not believe that human rights needed to be left to the realm of narcissism, but that a definition of rights could be molded to include duties, the common good and other communitarian and theological elements, thereby releasing them from a strictly Enlightenment, atheistic and/or secularist position. Feeling unconfined by older definitions of human rights, Maritain shaped his own definition – to be discussed in Chapter Two – to fit into his vision of Christian humanism. "In *Natural Law and Human Rights*, Maritain took what would be a fateful step for postwar intellectual history as a whole, making the claim that a revival of natural law implies a broad set of prepolitical human rights." Such an argument had not been made before,

The middle ages; it is no longer a question as it was at that time of choosing between a legitimate Pope and an illegitimate Pope, but rather between conceptions which maintain Christian truth in souls and those which lead ... as the Cardinal of Lisbon said, to 'deChristianize the Church herself.' When a Christian has understood that, he has to choose at the price of risks and perils, and not take refuge in a patronizing neutrality." Barré, *Beggars for Heaven*, 375-76.


40 Crosson, "Maritain and Natural Rights," 902.


Moyn dates Maritian's use of rights language to 1942, but it is clear that he uses rights in
especially since most historians would agree that the end of the Thomistic natural law tradition was instigated by the rise in rights political theory. "In either a stroke of a master or a sleight of hand, Maritain – as if the Church had not long and unanimously rejected modern rights – claimed that the one implied the other and indeed that only the one plausibly and palatably justified the other." The idea of human rights was implicit, said Maritain, in the medieval natural law tradition on the basis of the intrinsic dignity of man.

Following the example of Leo XIII and later popes, Maritain's understanding of human rights weaved together both pre-modern and modern philosophies. While not denying a debt to liberalism, Maritain argued that the philosophical underpinnings of rights can be sourced to Thomistic natural law. As discussed in the Introduction above, where Pope Leo felt confined by the language of Thomism, and therefore resorted to the liberal articulation of human rights,

Scholasticism and Politics, which dates back to lectures given in 1938.

There is a brief mention of rights in Scholasticism and Politics, published in 1940. It reads: "[The common] good implies and demands the recognition of the fundamental rights of the person (and of the rights of the family, in which the persons are engaged in a more primitive mode of communal living than in political society)." Maritain, Scholasticism and Politics, 69. This passage was from Maritain's Deneke Lecture, given at Oxford in 1939, later published as a small book in French that year as La personne humaine et la societe (Paris: Desclee de Brouwer, 1939). Parts of it were later used again in The Person and the Common Good, chapters three and four.

43 Maritain, Rights of Man and Natural Law, 65
44 Maritain and others who have linked human rights back to the natural law tradition are not the only ones to take the modern argument and link it to the past. The dictatorial shah, Mohammad Reza Pahlavi, credited "his ancient countrymen with the discovery of human rights; The tradition of the great Persian emperor Cyrus of more than a millennium before, the shah asserted, had now found fulfillment in his own dynasty's respect for moral principle." Moyn, Last Utopia, 2.
Maritain was able to square the circle, so to speak, by linking human rights back to St. Thomas.\textsuperscript{45} Where Leo considered himself treading upon new ground into what the Church had rejected for centuries, Maritain argued that the philosophical sources were there all along, making any break with the Thomist tradition unnecessary.\textsuperscript{46}

Maritain's particular style of recalibrating terms is the likely source for the confusion among his readers as to his pre-modern or modern allegiances. He was not afraid to blend the new with the old, or to feel limited by a definition that didn't suit his purposes. Maritain, in what he believed to be the spirit of Thomism and without nostalgia for the past, breathed new life into static secular notions in an effort to make them compatible with his own perspective on Catholic social teaching. In addition to embracing and redefining rights, Maritain took on many liberal ideas and made them his own by adding Christian concepts to them, which will be discussed in greater detail in the next chapter. For example, while critical of Masonic Progressivism or the progress of Hegel, Maritain saw an important place for progress in his political philosophy. The state, democracy, freedom and moral autonomy were all redefined to fit together into his bigger vision of a Christian, integrated and progressive humanism. This tactic fit neatly into Maritain's belief that Thomism as an ever-relevant doctrine, "\textit{open and without frontiers; open to every reality wherever it is and every truth from wherever it comes}.... It is a doctrine indefinitely

\textsuperscript{45} Maritain is not the only Thomist to hold this position. Notably, John Finnis is another who maintains the connection between Aquinas and rights. See Finnis, \textit{Natural Law and Natural Rights}, 42-48.

Maritain may have gotten the idea from Rommen's \textit{The Natural Law}, along with Charles G. Haines, \textit{The Revival of Natural Law Concepts} (Cambridge: Harvard University Press, 1930), both of whom he cites in \textit{Man and the State}, 41.

\textsuperscript{46} For a list of quotes from \textit{Rerum Novarum} that echo Locke, see Michael Novak, \textit{Free Persons and the Common Good} (Lanham, MD: Madison Books, 1989), 214, note 3.
progressive, and free of all save the true…. Ready… for the changes and remodelings required by a better view of things, and for the … deepenings demanded by an inquiry that is always going forward."47

It seems to be no accident that Maritain adopted the language of rights in the United States during the war. During that time, he worked tirelessly with other French refugees of varying backgrounds and creeds to help buttress the spirits of the suffering French and to help preserve what remained of French culture for the post-war period. Despite his initial rejection of all things American, his many trips there and subsequent exile made a deep impression, helping him to articulate further his own thoughts on Christian humanism to include rights language.48

47 Quoted in Dougherty, Jacques Maritain, 225.

In the Forward to the 1968 edition of Integral Humanism, Maritain says of the work: "I make no claim to engage St. Thomas himself in debates in which the majority of the problems present themselves in a new manner. I engage only myself, although I am conscious of having drawn my inspiration and my principles from living sources of his doctrine and spirit." Maritain, Integral Humanism, 151.

"Nous ne prétendons pas engager saint Thomas lui-même dans des débats où la plupart de problèmes se présentent d'une façon nouvelle. Nous n'engageons que nous, encore que nous ayons conscience d'avoir puisé notre inspiration et nos principes aux sources vives de sa doctrine et de son esprit." Maritain, Humanisme Intégral, 294.

48 Maritain concedes the influence American had upon him later (1958) in Reflections on America: "The thing in this connection is that, fond as I may have been of America as soon as I saw her, and probably because of the particular perspective in which Humanisme Intégral was written, it took a rather long time for me to become aware of the kind of congeniality which existed between what is going on in this country and a number of views I had expressed in my book.

"Of course, the book is concerned with a concrete historical ideal which is far distant from any present reality. Yet, what matters to me is the direction of certain essential trends characteristic of American civilization. And from this point of view I may say that Humanisme Intégral appears to me now as a book which had, so to speak, an affinity with the American climate by anticipation." Maritain, Reflections on America, Section III. "In the Perspective of True Humanism."
And he saw come to life in America many of the ideas he had penned in *Integral Humanism*.

"Far beyond the influences received either from Locke or the eighteenth century Enlightenment, the American Constitution … is deeply rooted in the age old heritage of Christian thought and civilization." 49

As Amato explains, "[I]n siding with France, Maritain" found himself "defending, in great part, the very liberal bourgeois civilization which [he] had previously condemned. Also implicit within [his] defense of France were new-found sympathies for both bourgeois England and America, as well as collectivist Russia." 50 "In sum, the war caused Maritain to rethink [his] view of Europe and the world, and the results of this rethinking … led Maritain in the direction

49 Maritain, *Reflections on America*, Section III "In the Perspective of 'True Humanism.'"


50 Amato, *Mounier and Maritain*, 155.
of American liberalism". As will be discussed further in the next chapter, "Maritain was ready to promote 'American civilization' as the soil for a new Christendom, as 'the focus towards which all really progressive energies in the work in history since the disintegration of the Middle Ages have been tending.'"52

Another possible catalyst for Maritain's conversion to rights language could have been the break in his relationship with Father Garrigou-Lagrange and others in the Vatican, such as Cardinal Pacelli, over fascism in Spain. John Hellman notes:

> It is striking to learn how, in 1940-42, the 'orthodox' Thomists were favorable to an authoritarian Europe. Maritain, who was the leading Thomist intellectual, was shocked by the comportment of American Catholic leaders as well as by great French scholars like the Petainist Pere Garrigou because it suggested where Thomism led, politically.53

While Maritain had been hopeful that Thomism could solve all problems, a breech in this faith was evident by what he saw other Thomists supporting.54

What Maritain saw as a betrayal to Catholic principles did not end with Spanish Fascism. The many clerics who capitulated to the Vichy government also lead to Maritain's

51 Ibid.
52 Ibid., 156, and Maritain, Reflections on America.

54 The question still remains as to whether this was because something was missing in Thomism, or in the character of those making the arguments.

"In a now famous remark, [Waldemar] Gurian noted: 'if Thomas were alive today he would be for Franco, for Tizo, for Pétain. … To be practical in 1941 with St. Thomas in politics is a joke.' In private, Simon went so far as to worry that a generation’s worth of criticism of the French Revolution and its rights had, sadly, redounded to the benefit 'not of Thomas but of Hitler.' Moyn, "Maritain, Christian New Order," 15.
disillusionment with the previously used political categories. The experience of seeing Churchmen in whom he had placed his philosophical trust, such as Father Garrigou, align themselves with the Vichy government in France and fascism elsewhere convinced him new language was needed to deal with the new totalitarian struggles. The old categories based in Thomism were not just insufficient, but dangerous. Rights language was a way to integrate an element of contemporary culture back into Thomism, breathing new life into the older ideas, adjusting them to deal with contemporary problems.

3. Sea Change in Ecclesiastical Language

Maritain was not operating in a vacuum in stepping toward rights. He was responding, in large measure, to the unfolding of unprecedented threats to the world and the dramatic moves of the Vatican in the efforts of Pope Pius XI toward rights language to combat the new political trends that older categories seemed insufficient to fight.

For centuries the Church had been "especially cautious about embracing a liberal concept of rights whose foundations were riddled with deistic and rationalistic suppositions and whose visible fruits were political structures antagonistic to Catholicism."\(^{55}\) However, a transformation – in fits and starts – happened in the years prior to the Second World War when the regnant categories fell short.\(^{56}\) However, the Church's journey to the liberal notion of rights didn't start in the 20th century. It has been brewing since the French Revolution.

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\(^{56}\) For a rejection of liberalism, see *The Syllabus of Errors* of Pius IX in 1864, and then condemnation of modernity of Pius X. See Russell Hittinger, "Two Thomisms, Two Modernities," in *First Thing* 184 (June/July 2008).
The strong anti-Catholic element of the French Revolution ushered in a new concentration of power in Rome while the local Church suffered grievously from the loss of power, prestige and civil authority. Catholics, looking for a shepherd while their own bishops were weakened for various political reasons, reached out in unprecedented ways to Rome. Known as "ultramontanism" – or "over the mountains" in reference to Rome's location to France – the authority of the pope swelled because of the vacuum created by the revolution in France, and grew further as revolutions spread. Prior to the French Revolution, local bishops had shared authority with the pope and also other civil authorities, but after it the focus turned toward the Roman Pontiff, strengthening the Church in Rome, its clergy, and authority. Moreover, as the previous types of authority were cut off, e.g. civil and educational, the Church's authority and influence would be relegated much more to moral authority instead of any direct political authority. It is no accident that the statement on the infallibility of the pope was declared at this time during the First Vatican Council.

As Perreau-Saussine explains, in the nineteenth century, "[t]he church wanted more than freedom for Catholics: it wanted freedom for the church, which in turn meant some acknowledgement of the existence of the church as an organized body, with its own traditions, canon law, and hierarchy." All of which were being stamped out by the ensuing liberalism,

57 The influence of the Church upon monarchies and their population is hard to imagine today, in addition to the vast properties the Church previously held. The Church even had its own battleship. Russell Hittinger, Millennial Lecture in Rome, Due Sante Rome Campus of University of Dallas (January 2000).

58 Emile Perreau-Saussine makes a fascinating argument from more of a French perspective in his posthumously published book with an equally unfascinating title, Catholicism and Democracy.

59 Perreau-Saussine, Catholicism and Democracy, Under "Laicism as Statism."
leaving the Church to largely distrust the new trend. But while on the one hand, they rejected the secularizing element of liberalism, on the other, there seemed to be no alternative for the Church but to embrace liberal tactics in order to remain relevant. The last foothold the Church had was to promote "religious freedom" in order to maintain some vestige of its authority in the newly secular states who wanted nothing to do with the smells and bells of Rome.

This is a piece of history largely missed by those chronicling the rise of rights in Catholic social thought. More than just a nice feel-good gesture to the separated brethren or believers of other faiths, the right to religious freedom was/is a crucial element for the survival of the Church. Through it, the Church has been able to maintain some sphere of existence within secular states in order to reach and teach Catholics worldwide. Rights, by extension, were not merely the only way out of dealing with the fascism and communism in their opposing forms of violating human dignity, but were a further and necessary step in maintaining the Church's authority as revolutions spread, even though a full spectrum of human rights had not yet been fully recognized or embraced by the hierarchy.

While the revolutions spread, "Roman authorities understood perfectly well the despotic and even totalitarian impulses of the new regimes. They also understood that the doctrine of royal absolutism had produced its mirror image in the revolutionary regimes. Papal encyclicals usually defended the rights of society against the states born in the revolutions." Such despotic

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60 I don't mean to imply that Church is being disingenuous in her support for human rights and that it is merely a modus operandi. The Church does recognize the importance of human dignity and a key element of that dignity is man's relationship to God in various faiths.

impulses were felt keenly both by the Church hierarchy as well as those living under their often-violent control.

With the arrival of twentieth century fascism and communism, "the person" articulated in personalistic philosophy became the cornerstone for maintaining a foothold for Christianity in public moral life. "[T]he Church discovered its sovereignty over the 'human [person'], over which in turn no merely temporal politics can claim full authority."\(^{62}\) Therefore, the state, no matter how much power it wielded, was always limited by the inherent dignity of the human person and all that that entailed.\(^{63}\)

With these historical pieces in mind, the process whereby the Church fully embraced rights, faced with the unprecedented threats to the world by fascism and socialism, can now be considered.

While popes from Pius IX to Pius XI saw the liberal state as something of an alternative to deal with totalitarianism, their concern was that a liberal state would lead to an atomization and instrumentalization of individuals and community that would spread to other areas of society and culture that trumped any possible advantages of liberalism.\(^{64}\) But the Great War and World

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\(^{63}\) There was a considerable amount of personalist scholarship being done at this time, among the earliest was Max F. Scheler's *Von Ewigen im Menchen* (Lipzig: Der Neue Geist Verlag, 1921).

\(^{64}\) "From 1789 to 1939, Roman authorities understood perfectly well the despotic and even totalitarian impulses of the new regimes. They also understood that the doctrine of royal absolutism had produced its mirror image in the revolutionary regimes. Papal encyclicals usually defended the rights of society against the states born in the revolutions. Even so, theologians like Bishop von Ketteler, and popes from Pius IX to Pius XI, were unwilling to completely abandon what then was called a corporativist conception of the state. For one thing, their imaginations were still informed by the sacral model of kingship, and it would take the Great War to make this model practically obsolete. The more important reason, however, was the one mentioned by Pius
War II brought totalitarianism and the evil of tyranny to a new scale that could no longer be combated with the regnant categories.

The "New Things" – or revolutions – faced by Pope Leo XIII were not going away, but were becoming a larger threat to the world. The enemies at the gates were at the forefront of Pius XI's (1922-1939) mind when he decided to commit the Church to anti-totalitarianism in the 1930's, setting the Church on a new track away from political policies based upon the outmoded model of divine kingship and toward liberalism.65

Pius started by decrying fascism in Spain in 1931 with the encyclical Non Abiamo Bisogno.66 As the menace of Nazism and Soviet Communism grew darker, Pope Pius XI published Mit Brennender Sorge,67 which was initially written in German for expediency of communication, and Divini Redemptoris. All three encyclicals emphasized the violation of human rights by the state.

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In 1931, Pius XI authored Quadragesimo Anno in commemoration of the Fortieth Anniversary of Rerum Novarum. Pius used the language of rights following the lead of Pope Leo XIII, with regard to the rights of workers, men in relationship to the state, especially the poor, and property rights.


In *Divini Redemptoris*, which was responding to the plague of communism that preceded the 1917 Bolshevik Revolution, the pope focused on how communism "subverts the social order, because it means the destruction of its foundations; because it ignores the true origin and purpose of the State; because it denies the rights, dignity and liberty of human personality."\(^{68}\) Pius wrote that his encyclical offered an "organized common effort towards peaceful living, [and that] Catholic doctrine vindicates to the State the dignity and authority of a vigilant and provident defender of those divine and human rights on which the Sacred Scriptures and the Fathers of the Church insist so often."\(^{69}\)

In *Mit Brennender Sorge*, Pius XI spoke more urgently because of Hitler's radical aggression, as suggested by the title: "With Burning Concern". "We shall continue without failing," Pius affirmed confidently, "to stand before the rulers of your people as the defender of violated rights, and in obedience to Our Conscience and Our pastoral mission, whether We be successful or not, to oppose the policy which seeks, by open or secret means, to strangle our rights guaranteed by a treaty."\(^{70}\)

Unique elements that engage personalism and rights based upon human dignity can be seen in Pius XI's work. In *Mit Brennender Sorge*, Pius, using the new language, declared that "[M]an, 

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\(^{68}\) Pius XI, *Divini Redemptoris*, #14.

\(^{69}\) Ibid., #33.

This is a curious line given that there is no mention of human rights in Scripture or the Fathers of the Church, but it indicates that Pope Pius XI views the language of human rights to be an extension of traditional Catholic teaching and not a new innovation.

This was "[t]he first time a Christian anthropology had been succinctly and systematically set forth… ." Elsbernd, "Rights Statements," 326.

\(^{70}\) Pius XI, *Mit Brennender Sorge*, #5.
as a person, possesses rights that he holds from God and which any collectivity must protect against denial, suppression or neglect.” Implicitly, Pius is also referencing the source of those rights as defined by Maritain – human dignity from God – found within natural law. Though he appeared on the surface merely to be continuing the work of his predecessors on rights, Pius was in fact doing something different by placing them safely into a Christian anthropology. Rights became then:

… the consequence of a God-given human dignity through nature as well as grace with a resultant human task. No longer were rights an appended concept conveniently used to claim ecclesial prerogatives or to limit totalitarianism. Rather, rights had become an integral, foundational concept to a Christian anthropology, albeit transformed from the liberal description of the secular, rational individual. This integration was the culmination of a slow evolution in response to the historical context of this period.  

Maritain, who was an outspoken critic of Franco's Fascism in Spain, saw the condemnation of communism in *Divini Redemptoris* to be too strong while many priests and religious were being martyred in the Spanish Civil War. Pope Pius XI was sympathetic to Maritain's concerns but died on February 10, 1939, just prior to issuing an address with "a severe warning to the fascist regime" [in Spain] and a prediction of its downfall if it sided with Germany. 

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71 Ibid., #30.
72 Elsbernd, "Rights Statements," 312.

Upon Pius XI's death, Maritain issued a radio address in France. In it Maritain touted many of the social-political elements that he was also engaging, e.g. the supreme value of temporal civilization (as well as the value of the eternal kingdom of God); 'that civilization rests upon the dignity of the human person' made in the image of God; the freedom of religion, conscience.
Despite finding the sympathies of Pope Pius XI, many clerics influential upon the Vatican, such as Cardinal Pacelli, who was then Secretary of State, and Maritain's old friend Father Garrigou-Lagrange, were critical of Maritain's Christian Humanism. When Cardinal Pacelli became Pope Pius XII, after the death of Pius XI, Maritain's influence seemed to have dried up, except for what he exerted upon Cardinal Montini, who later became Pope Paul VI.


Such a position wasn't popular among many in the Vatican, including with his old friend Father Garrigou-Lagrange, and the Secretary of State, Cardinal Pacelli, later Pius XII.


75 See Smith, 25. "It was he, formerly Giovanni Battista Montini, who in 1928 translated Maritain's Three Reformers into Italian, and in 1936 wrote the introduction to his philosophy of history classic, Integral Humanism, a book that the Pope cites in his monumental encyclical. It was appropriate that at the close of the Council, he 'made a gesture of gratitude to the light, elderly man in St. Peter's that day.'" Robert A. Graham, "Jacques Maritain on Aggiornamento," in America 116 (March 11, 1967): 348-49.

"In addition to the fact that he was not a close friend of John XXIII, the successor of Pius XII, the author of Humanisme Intégrale undoubtedly was still somewhat the object of suspicion in Rome. In 1956, the philosopher barely escaped the condemnation of his theses.... Through Maritain, it was also Montini who was targeted. His position in the Curia had been very much weakened. The future Paul VI knew what he was doing when, in October 1957, he paid homage to Maritain before the second World Congress for the Apostolate of the Laity. Far from dying down, the controversy broke out again during the early years of the pontificate of John XXIII. ... 'The adversaries of the thought of Monsieur Maritain have not laid down their arms,' Roland de Margerie, the French ambassador to the Holy See, point out. 'A few days ago Cardinal Pizzardo confided to a prelate who is a friend of ours that the preservation of Italian minds from the
However, with the advent of war, Pius XII used rights, and possibly Maritain's work despite their pre-existing differences and Pacelli's anti-modern disposition. By then, Maritain had integrated rights into his Christian Humanism. Pius took note and "in his widely reported Christmas message to the world for 1940, he [Pius XII] followed Maritain in calling for a new Christian order, and in his Pentecost radio message six months later, he recommended a declaration of the rights of the human person as its basis."  

After the war, Maritain continued to worry up to the 1960s that his work might be put on the Index. He was credited for influencing Pope John XXIII's encyclical *Pacem in Terris* (1963), which instituted the full-scale conversion to personalistic rights; as well as *Dignitatis Humanae* (1965), which declared the religious freedom of all persons. Only with the advent contagion of the ideas of this French philosopher remained one of his greatest cares." Barré, *Beggars for Heaven*, 419.

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80 Maritain's desire for religious freedom was motivated by his love for the Jewish people as well as his the growing importance he placed upon pluralism in his goal for a New Christendom. As he explained in *The Peasant of the Garonne*: "The message of the Church to the age is now formulated in a decidedly and blessedly widened manner – no longer as though addressed to a Christendom which was formerly 'sacral' and is now more or less secularized, but as addressed to the entire world and to the whole of mankind, to the 'profane' civilization which is that of today, and is now in the process of being extended to all the people." Maritain, *Peasant of Garonne*, 52-53.

"Et c'est d'une manière définitivement et bienheureusement élargie que le message de l'Eglise au siècle est maintenant formulé, -- non plus comme adressé à une chrétienté jadis
of Paul VI's papacy did Maritain see the ready acceptance of Christian Humanism and the broad influence it had upon the Church. Paul VI called Maritain his teacher and "credited him for his part in inspiring the encyclical Populorum Progressio." Maritain work on Catholic social thought left an indelible mark upon on the Second Vatican Council as well as succeeding papacies and future generations, as will be seen further in Chapter Four.

4. Who Was First? Pius XI or Maritain?

There are conflicting arguments about who influenced whom with regard to the induction of rights. Did Pius influence Maritain or vice versa? Moyn argues that Pius was influenced by Maritain. He says that at the time when the three anti-totalitarian encyclicals were written "Pius – who knew Maritain well and esteemed his work – turned directly to personalism as the foundation of the Church’s spiritual alternative to totalitarianism, in 1937-38," adding it as a new foundation for rights. This position seems somewhat implausible because of the fact that Maritain didn't start writing on humanism until the mid-1930s, while rights weren't included until the late 1930s or even early 1940s, well after Pius had already utilized personalism and rights in his own encyclicals. This, of course, doesn't preclude some influence upon Pius by Maritain, but likely not on the issue of rights.

«sacrale» et plus ou moins sécularisé, mais comme adressé au monde entière et à l'universalité des hommes, à la civilisation «profane» qui est celle d'aujourd'hui, et qui est en voie de s'étendre à tous les peuples." Maritain, Le Paysan de La Garonne, 738.


Others argue that it was Pius who influenced Maritain. Elsbernd, citing Pius's facility with the German language gives credit to Max Scheler and other German personalists who wrote on the topic over a decade sooner than Maritain did. Hittinger, on the other hand, points to the influence of Luigi Taparelli upon Achille Ratti (the future Pius XI). Taparelli was a teacher of Leo XIII and co-founder of Civiltà Cattolica, the Jesuit journal founded in 1850 to negotiate socialism on one hand, and capitalism on the other by a return to natural law and metaphysics in the wake of Cartesian confusion and the threat of hypostatism. It seems that Ratti was influenced on many fronts by the work already done by Taparelli to use Thomism to address the new struggles facing the world, and it was likely his influence that led to Pius's inclusion of the dignity of the human person, the link between duty and rights, the instrumental state, and the emphasis on the common good.

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Elsbernd speculates that Pius's contribution to the encyclical tradition of human rights linked with human dignity has been overlooked because of the proximity of his work to the Second World War.

84 Russell Hittinger also points out that Pius, starting with his encyclical Quas primas, which was the establishment of the feast of Christ the King, also served to establish the primacy of Christ and his law over all earthly authority, thus confirming that nations are subject to natural law. From here, Pius XI was able to move to the acceptance of human rights because they would be viewed in accord with the primacy of eternal law instead of merely as an earthly construction. (Personal email, Russell Hittinger, 2/12/13.) Pope Pius XI, Quas Primas, December 11, 1925. See #19. http://www.vatican.va/holy_father/pius_xi/encyclicals/documents/hf_p-xi_enc_11121925_quas-primas_en.html

Elsbernd draws out examples of personalism in Pius XI that, as will be seen in the next chapter, look remarkable similar to Maritain:

"The first time a Christian anthropology had been succinctly and systematically set forth occurred in Divini Redemptoris (1937). The context in which it appeared heightens its significance, namely the true civitas humana. Pius XI began with a reference to God as creator of all. Then he described the human person created by God and endowed with dignity from nature
Ratti was especially influenced by the writings of Luigi Taparelli, whose work on social justice, subsidiarity, and natural rights was funneled into the Pian encyclicals of the 1920s and 1930s. Indeed, Pius explicitly recommended Taparellian neo-Thomism in the encyclical *Divini illius* (1929). If anything, he was more insistent than Leo that Thomas's social, legal, and political thought be interpreted and adapted to the modern situation.\(^85\)

Taparelli's major work, *Saggio teoretico di diritto naturale appoggiato sul fatto*, or the *Theoretical Treatise on Natural Right Based on Fact*, was an effort to use natural law to ground human rights. Additionally, he saw that science could be used to formulate solutions to social problems.\(^86\) As such, he set out to systematize a position for the Church in order to deal with the new social realities.

and grace. In consequence to this dignity, the human person had a task and personal rights (*Redemptoris*, 78, #27).

"The foundational nature of the human person showed itself not only in Pius XI's systematic expose but also in his concrete proposals for socio-political and economic applications. In his encyclicals, Pius XI stressed the instrumental function of the socio-political (*Redemptoris*, 79, #29; *Sorge*, 160, #30) and economic orders (*Quadrageimo*, 210, #101) in series of the human person. In addition, the notion of the common good was inextricably linked to the good of the individual members of the society (*Sorge*, 160, #30). Thus, one can postulate that the foundations of rights in the dignity and task of the human person was part of a much larger picture." Elsbernd, "Rights Statements," 326.

\(^85\) Hittinger, "Modern Catholicism," 17.

\(^86\) "In all of his work, but particularly in the *Saggio*, Taparelli was engaged in constant dialogue with his predecessors and ideological competitors, in good Scholastic fashion, looking to salvage what might be valid in those systems, and refuting what was false." Thomas Behr, "Luigi Taparelli D'Azeglio, S.J. (1793-1862) and the Development of Scholastic Natural Law Thought As a Science of Society and Politics," in *Journal of Markets & Morality* 6, no. 1 (Spring 2003): 99-115, 103.

"Taparelli's answer to the positivistic tendencies of the sociological approach is at the heart of his efforts to develop a method that would reintegrate the moderate realism of the Scholastics with a scientific method of observation and inductive method, a return, as it were, to the basic unity of the sciences." Behr, "Luigi Taparelli," 103.
Taperelli's influence seems to best explain the significant layers of overlap between his work and that of Leo XIII, Pius XI, and Maritain.\textsuperscript{87} However, while many of the key elements that are found in Maritain's humanism are also found in Pian encyclicals and elsewhere, it was Maritain who, after Pius's death in 1939, expanded upon and popularized the personalist notions that underpinned his own work on rights.

\section*{5. Liberal, but…}

For much of his career, Maritain considered himself an anti-liberal.\textsuperscript{88} While \textit{Integral Humanism} revealed in some ways a softening to it, he would never have considered himself a liberal in the sense of Rousseau or Locke. While his stance against the likes of Rousseau and

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\textsuperscript{87} Elsbernd draws out examples of personalism in Pius XI that, as will be seen in the next chapter, look remarkable similar to Maritain.

Perhaps the ideas that overlap Maritain's work on the dignity of the person as a foundation for rights, the link with the common good, the instrumentality of the state, and the human civilization (\textit{civitas humana}) came from Taparelli. They likely did not come from German personalism. Scheler in particular was interested more in spiritual personalism, ala Martin Buber, and not the social/political dimension.

Moreover, by this point G.B. Montini (the future Pope Paul VI) had already translated \textit{Trois Reformers} and by 1936 had written an Italian introduction to \textit{Integral Humanism}. As the Secretary of State to Pius XI, it is conceivable that he – or Maritain directly – had something to do with these elements in Pius's work.

Another option would be that Pius XI was informed to a degree about Maritain's work and then linked them with rights, with Maritain following the pope's lead, or getting the final push in that direction after his move to America.

Locke didn't change, Maritain's view of America did, and therefore he changed his beliefs in how liberalism could look, or could be defined. As Amato says:

Maritain thus came to advocate a type of liberalism. While still fearing the "democracies" inspired by Locke, Rousseau, and Hegel and while still convinced that Christianity alone was the source of a real personalist democracy, Maritain was now willing to stress the importance of the human city, the need for free institutions within it, and the broader need for a just and humane democratic order.89

Maritain came to view America as the embodiment, in potentia, for the type of Christian Humanism he had been advocating since his Integral Humanism of the 1930s. America, through the work of the spirit, had the elements necessary for a new Christendom to flourish. "Maritain was ready to promote 'American civilization' as the soil for a new Christendom, as 'the focus towards which all really progressive energies in the work in history since the disintegration of the Middle Ages have been tending.'"90

"It was this belief in the United States and its institutions," Amato explains, "— as exaggerated as it was — that brought Maritain fully into the mainstream of contemporary liberal political theory, and culminated a political evolution which led from the Action Française to the pluralism of his Integral Humanism of the 1930s, and then to American liberal democracy."91 All of which carried with them their own sort of Christian stamp, and differed vastly from their Enlightened counterparts. "In sum, it was the support which Maritain gave France and the United

89 Amato, Mounier and Maritain, 158.
90 Ibid., 156.
91 Ibid., 156-57.
States during and immediately after the Second World War that baptized him as a liberal and made him indisputably an adherent to the tenets of freedom, brotherhood and social justice."\textsuperscript{92}

**6. Conclusion**

In answer to the question of whether Maritain was an anti-modern or an ultramodern, it seems that the answer is that he was both. Maritain, believing himself to be working within a Thomistic ethos, prided himself on bringing the spirit of Thomism to tackle the new problems. Beyond Thomism, Maritain believed the Church in general is both anti-modern and ultramodern. In his work *Antimoderne*, Maritain said: "That which I call anti-modern here might just as easily have been called ultramodern. It is well known, in fact, that Catholicism is also anti-modern because of its immutable attachment to the tradition of ultramodernity that boldly adapts to emerging new conditions in the life of the world."\textsuperscript{93} Here Maritain related anti-modernism to something that is open to dynamism and moving to wherever truth may lead, in contrast to modernism, which Maritain saw fixed in its own iniquities. Just as Leo XIII had responded to "new things" in a dynamic and un-chartered path, Maritain made the call: "Men in our time are summoned to an integral restoration of Christian values, to a universal reinvention of order."\textsuperscript{94}

\textsuperscript{92} Ibid.


\textsuperscript{94} Moyn, "Maritain, Christian New Order," 3.
"In fact," as Amato contends, "it might reasonably be concluded that, by mid-century, Maritain was willing to take the modern world seriously. It was no longer simply an ample target for his philosophical derision, nor a useful vehicle for articulating his religious apologetics; rather the modern world had become for him an undeniable situation in which man found himself and was forced to seek to build a just and free human order."\(^95\)

Exactly how he engaged human rights to address the twin problems of radical individualism and communism while also keeping one foot in Catholic tradition will be the focus of the next chapter.

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\(^95\) Amato, *Mounier and Maritain*, 162.
CHAPTER TWO:

Redefining Rights - The Key Elements

As discussed in the previous chapter, Maritain had an evolving but innovative way of looking at human rights, especially after the Second World War. His work, however, was not *sui generis*, but informed by the Catholic tradition to which he had converted and the Thomism with which he was ever engaged. It was to these that he turned when he added rights to his humanism.

This chapter, broken up into two parts, will first focus upon filling in the background details of Maritain's working definition of rights, particularly the three elements that make up a unique blend which constitute his own contribution to rights theory within the tradition of Catholic social thought, viz. personalism, the common good and natural law.¹ The second part will consider his actual definition of human rights, which will be "unpacked" by looking at the essential pieces that constitute human rights for him. Finally, Maritain's interest in a new Christian order and his notion of progress will be addressed as well as the role he anticipated rights to play in the coming age.

¹ As seen in the last chapter, some of his innovations could be attributed to Pope Pius XI but the documentation is murky. As a result and given that regardless of the provenance, it was Maritain who popularized these ideas, I will be referring to them as his innovations and/or contributions.
PART I – Christian Humanism

1. Big Picture of Maritain's Political Philosophy

In *Integral Humanism*, Maritain summarized his own political theory into three pithy p's – personalistic, pluralistic and peregrinal. These overarching principles were born of the weight of totalitarianism as well as his own disillusionment with the political vicissitudes of France, wavering between monarchy and republicanism, and the surging of liberalism. As such, Maritain was left with a bad taste for top-down modes of authority as a model for a Christian society. Christendom of old, he believed, was irretrievably dead and a new approach was necessary. In its place, Maritain became interested in a new model, a lay-oriented bottom up approach. In this "New Christendom" the Church, particularly the laity, would be the leaven, living, working and praying to transform society from below in a more democratic fashion. Maritain's approach was in stark contrast to a more top-down approach where the form of government held a certain responsibility for passing along the faith, e.g. the model of the papacy or a monarchy with a single figure at the top, radiating his authority and teachings out to those beneath him. Under his new model, the state had minimal authority, what Maritain referred to as "the instrumental state".

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3 Hittinger, "Modern Catholicism," 16.

"... one can see an evolution toward the human person as a constitutive element of magisterial teaching. Stretching from Pius VI into the thought of Pius X the underlying Christian anthropological framework seemed to be that of Augustine: *ante peccatum, sub peccato, sub gratia, in gloria*. This understanding of anthropology was set in a hierarchical framework which emphasized functions in society and a status relative to a position of authority. An individual as individual played a negligible role. These suppositions came from a certain understanding of what it meant to be human, that is, an anthropology which was salvation history. As such, they were unable to bridge the gap to the secular understanding of the human person." Elsbernd, "Rights Statements," 325.
given that it was there to serve man and the body politic and not vice versa.\textsuperscript{4} In stark contrast to the top-down approach of old, Maritain's new model balances the power of the state against the needs of the individual, thus facilitating "the development of the human person and his extraterritorial rights and privileges."\textsuperscript{5}

With an instrumental state, Maritain's three p's could be unleashed: the dignity of the human person would be upheld (\textit{personalism}), man's freedom to choose his own religion would be respected (\textit{pluralism}), and man's freedom to live as a leaven within society while also recognizing that the city was not his true end would be acknowledged (\textit{peregrinal}).\textsuperscript{6} These were for Maritain the road map to a "New Christendom."\textsuperscript{7}

\textsuperscript{4} Pius XI "stressed the instrumental nature of the state's function in service of the human person in society (\textit{Redemptoris, 81}, 33).

"According to Maritain, 'the basic political reality is not the state, but the body politic with its multifarious institutions, the multiples communities which it involves, and the moral community which grows out of it.' (Maritain, \textit{Man and State}, 12) 'The state,' Maritain continues, is only that part of the body politic especially concerned with the maintenance of law, the promotion of the common welfare and public order, and the administration of public affairs. The State is the part which specializes in the interests of the whole. It is not a man or a body of men; it is a set of institutions combined into a topmost machine. . . . The State is inferior to the body politic as a whole, and is at the service of the body politic as a whole.' (Ibid., 12-13)

"Maritain refers to his theory of the state as 'instrumentalist,' (Ibid., 13) because it 'regards the State as a part or an instrument of the body politic.’ By insisting that the state is exactly an instrument or a part of a larger whole, not a whole itself, Maritain assures that the state cannot claim to be a person -- a group person, that is, a unity of order distinct in dignity, possessed of its own rights. (Ibid., 13-14)." Patrick McKinley Brennan, "The Decreasing Ontological Density of the State in Catholic Social Doctrine," in \textit{Villanova Law Review} 52, (2007): 1-45, 31.

\textsuperscript{5} Hittinger, "Modern Catholicism," 17-18.

\textsuperscript{6} "this [earthly] city is a society not of men installed in definitive dwellings, but of men \textit{en route}. This is what can be called a 'peregrinal' conception of the city." Maritain, \textit{Integral Humanism}, 239.

"cette cité est une société non pas de gens installés dans des demeures définitives, mais
With these three elements in place, it is easy to see the role that rights played in upholding this model. The rights of religious freedom, rights to property, of the worker, the family, and the rights of a person simply because he is a person, emanate out of Maritain's bottom-up model. The person must be protected both from the state and others who might infringe upon these elements required to fully live out one's vocation as a citizen, a member of a family and community, and as a Christian striving for heaven beyond the temporality of earth.

After looking at Maritain's overarching philosophical agenda, attention can be given to the three elements he used to explain his rights theory before considering his exact definition. The three pieces, personalism, the common good and natural law, like his three p's above, are bound together; the project limps if one of the pieces is missing.

2. **Personalism**

The first element in Maritain's unique articulation of rights starts with personalism. First appearing in the nineteenth-century, personalism was a vague philosophical term that had many different meanings. Used as a pejorative initially, personalism later came to be used positively
among German philosophers, notably Max Scheler (1874 - 1928). It made its way into the French lexicon in the early twentieth-century where it was used specifically as an antidote to various ideologies, viz. radical and atheistic individualism and/or the divination of the state, but still maintained a general ambiguity of meaning. In the early 1930s, Emmanuel Mounier, Maritain and the group that made up *Esprit* brought new significance to the term through their meetings at Maritain's home:

A lively communitarian dialogue thus produced a new philosophical attitude about the place of the person in society. The personal center within the human being called for by the personalists was expected to radiate through the human endeavors in the cultural, political, economic, social, educational, artistic, ethical, and religious aspects of life in the world at the time. Personalism has been a sensitive issue in France during the first third of the Twentieth Century as witnessed in the writings of Renouvier, Blondel, Bergson, Péguy, Laberthonnière, Archambauld, de Rougemont, Teilhard de Chardin, Berdiaev, and Marcel. In line with that tradition of concern with the future of the person, Maritain and Mounier developed a new problematic to deal with the crisis in civilization between the two world wars in the twenties and the thirties. 

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"Pour ses adversaires, le personnalisme n'est qu'une idéologie; pour ses partisans, c'est une philosophie. En réalité il n'est ni l'une ni l'autre. Notre but ici est de montrer que tout le débat repose sur un malentendu radical." Lecroix, *Le personnalisme*, 8.

"For its adversaries, personalism is just another ideology; for is adherents it is a philosophy. In reality, it is not one or the other. Our goal here is to show that all the debate rests upon a radical misunderstanding." (Translation mine.)

Lecroix's argues that personalism is in fact a deep and fundamental truth that has come to the surface in the minds of men, therefore making it difficult to characterize as either an ideology or a philosophy.


Personalism "offered a political philosophy which was intended to be 'neither individualistic, nor imperialist' and which was to be identified as 'communitarian and personalistic.'"\(^{11}\) For many, "[t]his was in answer to the crisis faced by the human being living in a society under the aegis of modernity."\(^{12}\) As Maritain explained:

We have witnessed the development of a totalitarian or exclusively communal conception of society which took place by way of reaction. It was natural, then, that in a simultaneous reaction against both totalitarian and individualist errors the concept of the human person, incorporated as such into society, be opposed to both the idea of the totalitarian state and that of the sovereignty of the individual.\(^{13}\)

Discussion of the human person, commonplace now, was a dramatic change in Catholic thought. "When Maritain first began to explore the existential depths and destiny of the human person, Catholic moral teaching tended to talk in terms of the individual, with reference to his nature and ends."\(^{14}\)

Maritain, aware of personalism's flexibility and detachment from one particular school of thought or doctrine, wrote: "It is rather a phenomenon of reaction against two opposite errors,}

\(^{11}\) Gendreau, "Role of Jacques Maritain," 99.
\(^{12}\) Ibid.


which inevitably contains elements of very unequal merits. Not a personalist doctrine, but personalist aspirations confront us. There are, at least a dozen personalist doctrines, which, at times, have nothing more in common than the term 'person.'

Despite the ambiguity, Maritain carved out his own specific usage that was rooted in metaphysics – something Mounier, who was heralded as the head of personalism, lacked in his own work. Personalism, for Maritain, was the embodiment of the idea that man is both the center of the universe, but also called to live out his relationship to God and others unselfishly – allowing for both his individuality to be respected, while also necessitating his duties and responsibilities to others. Maritain's particular usage, which "stresses the distinction between individuality and personality," will be unpacked further below.

Influenced by Thomist Reginald Garrigou-Lagrange, Maritain embraced a particular kind of personalism from the bevy of personalisms – Thomistic Personalism. Thomistic Personalism, which he ultimately referred to as Christian humanism, appealed to Maritain because it was rooted clearly in the doctrine of St. Thomas and centered around the dignity of the human person. Maritain described further his adopted and adapted humanism:

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15 Maritain, Person and the Common Good, 12.

"C'est un phénomène de réaction contre deux erreurs opposée, et c'est un phénomène inévitablement très mélangé. Il n'y a pas un doctrine personnaliste, mais des aspirations personnalistes et une bonne douzaine de doctrine personnalistes, qui n'ont parfois en commun que le mot de personne … " Maritain, La Personne, 171.

16 Maritain, Person and the Common Good, 12.

17 In The Person and the Common Good, Maritain also cites R.P. Schwalm as influential upon his own work. R.P. Schwalm O.P., Leçons de Philosophie Sociale, reedited in part under the title, La Société et l'État (Paris: Flammarion, 1937).

18 Maritain's friend Yves Simon initially considered Thomistic Personalism to be an ineffective distinction: "Last winter," [Simon] wrote Maritain, "our seniors did a treatise on the
Such a humanism, which considers man in the wholeness of his natural and supernatural being, and which sets no *a priori* limit to the descent of the divine into man, we may call the *humanism of the Incarnation*. It is an 'integral' and 'progressive' Christian position, which I believe conforms to principles representative of the genuine spirit of Thomism.\(^{19}\)

The role played by personalism in Maritain's arrival at rights language cannot be overestimated.\(^{20}\) Maritain first sketched his Christian humanism in *Freedom in the Modern Subject: Thomistic personalism: true internationalism. It was polished folly: everything idiotic was individualism, everything nice was personalism."* Hellmen, "The Anti-democratic Impulse," 2.

"'Why have philosophers devoted so much attention in recent years to the distinction between person and individual?' one Catholic philosopher asked in 1943, going on to conclude that even in Scholastic terms the distinction is baseless. 'In this matter, they are motivated chiefly by the desire to provide a philosophical answer to the claims of totalitarianism.'" John A. Creaveny, "Person and Individual," in *The New Scholasticism* 18, no. 3 (July 1943): 231-50, 247.

As noted above, Fr. Garrigou-Lagrange, who had been an important part of Maritain's Thomistic Circles in France, later became a philosophical opponent of Maritain's, rejecting his work on Christian Humanism.


"Integral Humanism," or *Humanisme Intégral* as it is used in French, is another name used by Maritain for his Christian Humanism, or Christian Personalism, or Thomistic Personalism. There doesn't seem to be much difference in the various terms used throughout his works.

While it is still not clear exactly from where the influence came, personalism entered into Catholic social teaching through the work of Pius XI. However, "Maritain was the most influential among those Catholics who shifted the terms and targets of inquiry from individual to person, thereby installing 'personalism' as the Catholic touchstone of applying scripture and tradition to today's world." Brennan, "Jacques Maritain," 138.

\(^{20}\) The influence of personalism was not limited to ecclesiastical communities. Moyn explains the influence personalism had among European elite just prior to the U.N. Dec. drafting. "In summer 1947, the Institute for International Law reconvened after a ten year hiatus. For decades the self-appointed tribune of European 'civilization' and the legal conscience of humanity, the Institute now hoped to retake its former role."
World\textsuperscript{21} in 1933. A stronger profile appeared in his 1934 book \textit{Integral Humanism}.\textsuperscript{22} There were some changes to his central thesis of Christian humanism, such as the inclusion of rights, but the main core remained focused on the dignity of the person as articulated by Maritain through the spirit and influence of St. Thomas Aquinas.\textsuperscript{23}

\begin{quote}
"Neither the Charter nor diplomatic wrangling is reassuring," noted Charles de Visscher, Belgian international lawyer and judge (1946-52) on the International Court of Justice, who prepared the Institute [for International Law]'s report and proposal on human rights, in his opening remarks. 'International organization,' he complained indignantly, 'looks like a mere bureaucracy with neither direction nor soul, unable to open to humanity the horizons of a true international community.' A new international law, based on human rights and theorized and implemented by the caste of jurists, might, however, provide the 'morally-inspired salvation' that the world clearly needed. Now comes a very curious statement: 'Since the end of the second world war, a powerful current of ideas has arisen against the nameless abuses that we have witnessed: it is the personalist conception of society and power. The intellectual elites of all of the countries with liberal and democratic traditions are rallying to this conception.' According to de Visscher, this 'personalist conception' alone could provide the basis of an authentic turn to human rights and guide the response of law to Machiavellian power." Moyn, "Personalism, Community," 1-2.
\end{quote}

Despite the confusion about Maritain's role upon the U.N. Dec. (see Introduction, note 9), Novak is able to fill in a few particulars of his influence. The drafters of the U.N. Dec. embraced Maritain's distinction between the person and individual, breaking an ideological logjam that had held up the document's drafting. Novak writes: "From the very first words of the Preamble, then, the Universal Declaration avoids the term individual and takes care to surround the term person with references to the expanding circles of communities and associations in which, in the real world, actual persons become aware of their own capacities, responsibilities, rights, and obligations; and in which they find information about their human possibilities and their rights, in addition to moral and institutional support in vindicating them." Michael Novak, "Human Dignity, Human Rights," in \textit{First Things} 97 (November 1999): 39-42.


\textit{Integral Humanism} was based upon six lectures Maritain gave in 1935 in Spanish at the University of Santander, Spain. These lectures, however, were built upon a lecture Maritain gave in Poznan, Poland, the year before that included elements from the last three Spanish lectures. See Chapter 4, note 33.

\textsuperscript{23} For more on the evolution of the definition of the person as used by the Greeks up to St. Thomas, see Williams, \textit{Who is My Neighbor?} Chapter 7.
A key element Maritain derived from St. Thomas in his Christian humanism, which further grounded human dignity, was the metaphysical distinction made between individuality and personality.\textsuperscript{24} As Maritain explained, this is not a new distinction, but "indeed a classical distinction, belonging to the intellectual heritage of humanity" and "fundamental to the doctrine of St. Thomas."\textsuperscript{25} Maritain drew upon it to negotiate the atomism of liberalism and the collectivism of communism.

In Maritain's reading of St. Thomas, the individual element of man is individuated by matter. Therefore individuality refers to the material reality of man, as well as all animals and even inanimate objects.\textsuperscript{26} Individuality, as defined by Maritain, has no engagement with the true

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As mentioned in the previous chapter, Garrigou-Lagrange and Maritain were not the first use integrate personalism into Catholic social thought. Pope Pius XI had clearly engaged in a type of personalism that bears a strong resemblance to Maritain's. Elsbernd draws out examples of personalism in Pius XI that look remarkable similar to Maritain:

"The foundational nature of the human person showed itself not only in Pius XI's systematic expose but also in his concrete proposals for socio-political and economic applications. In his encyclical, Pius XI stressed the instrumental function of the socio-political (\textit{Redemptoris}, 79, §29; \textit{Sorge}, 160, §30) and economic orders (\textit{Quadrageimo}, 210, §101) in series of the human person. In addition, the notion of the common good was inextricably linked to the good of the individual members of the society (\textit{Sorge}, 160, §30). Thus, one can postulate that the foundations of rights in the dignity and task of the human person was part of a much larger picture." Elsbernd, "Rights Statements," 326.

\textsuperscript{24} Maritain, \textit{Person and the Common Good}, 13.

Maritain’s first treatment of this is in \textit{Trois Réformateurs} (1925).


\textsuperscript{25} Maritain, \textit{Scholasticism and Politics}, 58-59.

\textsuperscript{26} Maritain distinguishes the individuality of man apart from that of immaterial beings. "The angels are individual essences; the Divine Essence, in its sovereign unity and simplicity, is supremely individual. Pure forms or pure spirits are, of themselves or by the reason for that which constitutes their substantial intelligibility, in the state of individuality. For this reason, St. Thomas says that each angel differs from any other as the whole species of lions differs from the
source of man's dignity, his spiritual element. "In so far as we are individuals, each of us is a fragment of a species, a part of this universe, a single dot in the immense network of forces and influences, cosmic, ethnic, historic, whose laws we obey." But man is not merely an individual, he is also a person.

Historically, the term "person" was originally a Greek word used to denote a mask worn by an actor. Boethius (480-525 A.D.) used the term philosophically to explain the metaphysical reality of man: *persona est substantia individual naturae rationalis* ("A person is an individual substance of rational nature"). Thomas adopted Boethius's definition and used it in relationship whole species of horses or from the whole species of eagles. In other words, each angel differs specifically from every other; each is an individual by the very form (absolutely free from any matter) in which its being consists and which constitutes it in its species." Maritain, *Person and the Common Good*, 35.

"Les anges sont des essences individuelles; l'essence divine, en sa souveraine unité et simplicité, est suprêmement individuelle. Les formes pures, c'est-a-dire les esprits purs, sont par elles-mêmes, ou en raison de ce qui constitue leur intelligibilité substantielle, dans l'état d'individualité. C'est pourquoi un ange diffère d'un autre ange, nous dis saint Thomas, comme toute l'espèce de lions diffère de toute l'espèce des chevaux ou de toute l'espèce des aigles. Chacun d'eux diffère spécifiquement des autre, et est un individu en raison même de la forme, absolument pure de toute matière, en laquelle consiste son être et qui le constitue dans son espèce." Maritain, *La Personne*, 188.


"The thrust of the word [person] into the mainstream of intellectual parlance, however, came with the theological discourse during the patristic period, notably the attempts to clarify or define central truths of the Christian faith. These discussions focused primarily on two doctrines: the mystery of the Blessed Trinity and the mystery of the Incarnation of the second Person of the Trinity, which in turn involves the hypostatic union of the two natures, divine and human." Williams, *Who Is my Neighbor?* 121.
to the Trinity and the hypostatic union, but also to emphasize the dignity of man because of his rational nature. "Indeed, man's dignity is rooted in his rational nature, which separates him from the rest of visible creation and wherein chiefly lies his resemblance to God."[29]

Maritain, uses the word person in this Thomistic sense of the dignity of man because of his rational nature. However, person – or personality – as explained by Maritain is difficult to define, going beyond Aquinas's usage, because it refers to the interior of man that encompasses the spiritual element. Maritain uses more of a phenomenological approach to define it, explaining it in terms of love and in relationship to other men and God. He refers to it as the "interior to oneself," but is quick to say that it is not an interior absorption of self because "it demands the communications of intelligence and love."[30]

This spiritual element of the person is the core of man's freedom. Man "insofar as he is a person, he is not subject to the stars and atoms; for he subsists entirely with the very subsistence of his spiritual soul, and the latter is in him [as] a principle of creative unity, of independence and

"For as famous men were represented in comedies and tragedies, the name 'person' was give to signify those who held high dignity. Hence those who held high rank in the Church came to be called 'person.' Thence by some the definition of person is given as 'hypostasis distinct by reason of dignity.' And because subsistence in a rational nature is of high dignity, therefore every individual of the rational nature is called 'person.'" Thomas Aquinas, *Summa Theologicae*, trans. Fathers of the English Dominican Province (New York: Benziger Bros., 1948). Reprinted (Westminster, MD: Christian Classics, 1981), I, 29, 3, ad 2.

In various places, Aquinas says: the person "is expressive of dignity" (S. Th., II-II, 32, 5), that "person implies dignity" (I, 32, 3, ad 4) and that person adds "a distinguishing property of dignity" to hypostasis (I, 40, 3, ad 1).


[30] Ibid., 64.
of freedom."\textsuperscript{31} Man's freedom exists to reach, in accord with his nature, spiritual perfection. His freedom is not meant to be license or pure rational autonomy like Kant's articulation.

In addition to freedom, personality is the source of man's dignity. "For Aquinas… man's basic dignity flows from his personhood, from the fact that he is endowed with a rational nature. Moreover, dignity is seen by Aquinas to be the distinguishing characteristic of personhood."\textsuperscript{32} Maritain explains:

\begin{quote}
[\text{T}]he human person not only bears to God the common resemblance born by other creatures; it resembles Him in a proper and particular fashion. It is the image of God. For God is spirit and the person proceeds from Him, having as its principle of life a spiritual soul, a spirit capable of knowing and loving, and being elevated by grace to participate in the very life of God, so as to finally love Him and know Him even as He loves and knows Himself.\textsuperscript{33}
\end{quote}

In addition to being made in his image, personhood provides man with at transcendent end. "A person possesses absolute dignity because he is in direct relationship with the Absolute, in which alone he can find his complete fulfillment."\textsuperscript{34} Here Maritain underlines the source of man's dignity but also his ultimate end – life in God. Finally, this dignity given to man, places him as

\begin{footnotesize}
\textsuperscript{31} Ibid., 62.
\textsuperscript{32} Williams, \textit{Who Is My Neighbor?} 155.
\textsuperscript{33} Maritain, \textit{Scholasticism and Politics}, 64.
\end{footnotesize}

an absolute value over all of creation, save God himself, and therefore precludes the person from being subsumed into the common good as a mere cog.  

Personhood, for Maritain, also implies duty, responsibilities and rights. Rights become necessary to protect man from violations of his dignity and his freedom. Without freedom, a person is not able to carry out his responsibilities and duties.

The distinction of individual versus person also reveals how a community, a culture, an ideology becomes denuded of what is truly worthy of man by denying the existence of God. When the individual or material needs come to dominate that of the spiritual, it comes at the expense of the person, and man's entailed spiritual nature. Maritain explained how this happens:

In the moral order, he must win, by himself, his freedom and his personality. In other words, his action can follow either the slope of personality or the slope of individuality. If the development of the human being follows the direction of *material individuality*, he will be carried in the direction of the 'hateful ego', whose law is to *snatch*, to absorb for oneself. In this case, personality as such will tend to adulterate, to dissolve. If on the contrary, the development follows the direction of the *spiritual personality*, then it will be in the direction of the generous self of saints and heroes that man will be carried.

Man, then, as both individual and person, "is caught between two poles: a material pole, which, in reality, does not concern the true person but rather the shadow of personality or what, in the strict sense, is called the *individuality*, and a spiritual pole, which does concern *true personality*." The concept of person, beyond mere individuation, brings with it all that is

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37 Maritain, *Person and the Common Good*, 33.
entailed by a rational nature, including notions of history, family, community, vocations, free will. Without the spiritual, man is left an empty shell. The person, beyond being a mere individual, has an eternal destiny that transcends the material or temporal order, based upon the dignity attributable to him because he is made in God's image. This borderland, of the individual and person, Hittinger explains, consists "of ends that are distinct but never entirely separated. On one hand, the person possesses a natural dignity with its corresponding perfections, liberties, and duties; on the other hand, through the spiritual powers of intellect and will, and decisively by grace, the person is called to a transcendent order."

For Maritain, the ramifications of this distinction are manifold, especially when it comes man's relationship to the state. Integral to the person and personalism is the role of the community and by extension, the common good, to which we will turn next.

"l'être humain est pris entre deux pôles: un pôle matériel, qui ne concerne pas, en réalité, la personne véritable, mais plutôt l'ombre de la personnalité ou ce que nous appelons, au sens strict du mot, l'individualité; et un pôle spirituel, qui concerne la personnalité véritable."

Maritain, La Personne, 186-87.


Examples from Fay of rights which ought to be inviolable by the state are: "the right to life, the right to personal freedom and to conduct one's life as master of oneself and of one's acts, responsible before God and the law of the community, the right to pursue perfection of moral and rational human life, the right to pursue eternal good (without which there is no true pursuit of happiness), the right to bodily integrity, the right to the private ownership of material goods as a safeguard for the liberties of the person, the right to marry according to one's choice and to establish a family, the right of association, the right to respect and dignity whether or not one represents an economic value for society – all of these basic rights are rooted in man as a person, as a being whose destiny is beyond the merely temporal."


40 "Because of the material element in his human personhood, man is in some sense subordinate to the state and has obligations to it, and the state may in certain instances make claims upon him." Fay, "Maritain on Rights," 445.
3. The Common Good

While the human person's dignity is rooted in himself, it is not without regard to the family, community, and society in which he lives and the common good which goes beyond a collection of individuals. The common good for Maritain, simply put, can be defined as: "the sum of those conditions of social life which allow social groups and their individual members relatively thorough and ready access to their own fulfillment." This definition is deceptively

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In The Person and the Common Good, Maritain makes his meaning of the common good concrete: "Thus, that which constitutes the common good of political society is not only: the collection of public commodities and services – the roads, ports, schools, etc., which the organization of common life presupposes; a sound fiscal condition of the state and its military power; the body of just laws, good customs and wise institutions, which provide the nation with its structure; the heritage of its great historical remembrances, its symbols and its glories, its living traditions and cultural treasures. The common good includes all of these and something much more besides – something more profound, more concrete and more human. For it includes also, and above all, the whole sum itself of these; a sum which is quite different from a simple collection of juxtaposed units. . . . It includes the sum or sociological integration of all the civic conscience, political virtues and sense of right and liberty, of all the activity, material prosperity and spiritual riches, of unconsciously operative hereditary wisdom, of moral rectitude, justice, friendship, happiness, virtue and heroism in the individual lives of its members. For these things all are, in a certain measure, communicable and so revert to each member, helping him to perfect his life and liberty of person. They all constitute the good human life of the multitude." Maritain, Person and Common Good, 52-53.


"Le bien commun implique aussi l'intégration sociologique de tout ce qu'il y a de conscience civique, de virtus politiques et de sens de la loi et de la liberté, d'activité, de prospérité matérielle et de richesses spirituelles, de sagesse héritaire inconsciemment à l'œuvre, de rectitude morale, de justice, d'amitié, de bonheur, de vertu et d'héroïsme dans la vie individuelle des membres du corps politiques, dans la mesure où toutes ces choses sont, d'une certaine façon, communicables et font retour à chaque membre, l'aidant à perfectionner sa vie et sa liberté de personne, et où elles constituent dan leur ensemble la bonne vie humaine de la
simple because it is basically the proper ordering of a society in relationship to the individual and to each individual's relationship to God.

While playing an important role in Maritain's Christian humanism, the common good has a subtle yet important relationship to human rights. Here again, Maritain, following St. Thomas, starts with God, who is the Common Good. The Common Good is then used as an ordering principle for a society of human persons and the good. Maritain explains: "The end of society is its common good, the good of the body politic." 

Distortions, however, in the nature of the common good wreak havoc on the whole of society, especially when to the advantage of totalitarianism or collectivism. "[I]f one fails to grasp the fact that the good of the body politic is a common good of human persons—as the multitude." Jacques Maritain, L'Homme et L'État in Jacques and Raïssa Maritain: Oeuvres Complète IX (Paris: Éditions Saint-Paul, 1990): 473-731, 494.

"In 1943, a controversy raged over Maritain's personalism and its effect on the traditional doctrine of the common good. Maritain wrote The Person and the Common Good in order to clarify his position and, implicitly, to answer his critics. That is a long story, still awaiting its historian, but it connects with Maritain's fundamental effort, namely, to put together the traditional doctrine of Natural Law and the modern theory of Human Rights." McInerny, Art and Prudence, 98.


See Maritain, Person and The Common Good, 15-23.

"The end of politics is the human good; it is the highest end in human things." Aquinas, Commentary on the Ethics, I, 2, cited in Maritain, The Person and the Common Good, note 21.

Maritain, Scholasticism and Politics, 69.

Ibid. A similar statement is made in The Person and the Common Good, 50.
social body itself is a whole made up of human persons—this formula may lead in its turn to other errors of the collectivist or totalitarian type," 47 Maritain explained.

The common good, rather than pitting persons against each other, allows the good of the members of society to enhance the lives all the other members. "Society thus appears as furnishing the person with the conditions of existence and development which he definitely needs. The human person cannot achieve his fullness alone, but only through receiving certain goods essential to him from society." 48

Maritain connects rights to the common good by noting the damage that is done to society when inalienable rights are violated, such as the right to life. "Just as every law, – notably the natural law, on which they are grounded, – aims at the common good, so human rights have an intrinsic relation to the common good. Some of them… are of such a nature that the common good would be jeopardized if the body politic could restrict in any measure the possession that men naturally have of them." 49 Rights violations, therefore, are not merely a transgression against an individual person, but have a negative ripple effect upon the whole of society.

For Maritain, ultimately, the work of the temporal order is a common task. "[T]he essential and primordial object for which men assemble within the political community," to which Maritain believed must be aspired, contrary to the warped ideologies of totalitarianism and

48 Ibid., 68.

"De même que toute loi (et notamment la loi naturelle, sure laquelle ils sont fondés) vise au bien commun, de même les droits humains ont une relation intrinsèque au bien commun. Certains d'entre eux, … sont de telle nature que le bien commun serait mis en péril si le corps politique pouvait restreindre à un degré quelconque la possession que les homes en ont naturellement." Maritain, *L'Homme et L'État*, 589.
collectivism, is "to procure the common good of the multitude, in such a manner that each concrete person, not only in a privileged class, but through the whole mass, may truly reach that measure of independence which is proper to civilized life and which is insured alike by the economic guarantees of work and property, political rights, civil virtues, and the cultivation of the mind." \(^{50}\)

For Maritain, the balancing act of the individual and the community was crucial to achieving the desired moral and spiritual ends. "Thus appears the antimony which creates the state of tension proper to the temporal life of the human person," he explains.

\[T\]here is a common work to be accomplished by the social whole as such, by that whole of which human persons are parts, and thus these persons are subordinate to the common work. And nevertheless what is most profound in the person, his eternal vocation, together with the good linked with this vocation, is superior to this common work and gives to it direction. \(^{51}\)

Maritain's understanding of the common good in relationship to the individual person breaks the adversarial divide between the two. "We see, then, that the true conception of political life is neither exclusively personalist nor exclusively communal," he explained. "[I]t is both

\(^{50}\) Maritain, *The Rights of Man*, 92.

"[L']objet essentiel et primordial pour lequel les hommes se rassemblent dans la communauté politiques, c'est de procurer le bien commun de la multitude en telle sorte que la personne concrète, non pas seulement dans une catégorie de privilégiés, mais dans la masse tout entière, accède réellement à la mesure d'indépendance qui convient à la vie civilisée, et qu'assurent à la fois les garanties économiques du travail et de la propriété, les droits politiques, les vertus civiles et la culture de l'esprit." Maritain, *Les Droits De L'Homme*, 657.


"Ainsi apparaît l'antinomie qui crée l'état de tension propre à la vie temporelle de l'être humain: il y a une œuvre commune à accomplir par le tout social comme tel, par ce tout dont les personnes humaines sont des parties; et ainsi les personnes sont subordonnées à cette œuvre commune. Et cependant ce qu'il y a de plus profond dans la personne, sa vocation éternelle, avec les biens rattachés à cette vocation, est surordonné à cette œuvre commune et la finalise." Maritain, *Humanisme Intégral*, 446.
personalist and communal in such a way that these two terms call for and imply one another. Hence, there is nothing more illusory than to pose the problem of the person and the common good in terms of opposition. In reality, it is posed in terms of reciprocal subordination and mutual implication.”

4. Natural Law

Having established the proper relationship between the individual and the whole or the person and the common good, the role of natural law can be introduced. The natural law is the underpinning of human rights for Maritain because of the intrinsic dignity of the human person qua person made in the image and likeness of God. Maritain said, "[T]he dignity of the person means nothing if it does not signify that by virtue of the natural law, the human person has the

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52 Maritain, The Person, 55.

"On voit ainsi que la vraie conception de la vie politique n'est ni exclusivement personnaliste ni exclusivement communautaire, mais est, comme nous l'écrivions il y a bien des années, a la fois personnaliste et communautaire, je dis en telle sorte que ces deux mots s'exigent l'un l'autre et s'enveloppement l'un l'autre. Et on voit qu'il n'est rien de plus illusoire que de poser le problème de la personne et du bien commun en termes d'opposition. Ce problème se pose en réalité en termes de subordination réciproque et de mutuelle implication." Maritain, La Personne, 211.

53 This emphasis of the dignity of the human person was not unique to Maritain, but can been seen in Pius XI articulation of rights.

"The first time a Christian anthropology had been succinctly and systematically set forth occurred in Divini Redemptoris (1937). The context in which it appeared heightens its significance, namely the true civitas humana. Pius XI began with a reference to God as creator of all. Then he described the human person created by God and endowed with dignity from nature and grace. In consequence to this dignity, the human person had a task and personal rights (Redemptoris, 78, §27)." Elsbernd, "Rights Statements," 326.
right to be respected, is the subject of rights, and possesses rights."\textsuperscript{54} Therefore, "[t]he philosophical foundation of the Rights of man is the Natural Law."\textsuperscript{55}

"The human person possesses rights," Maritain explained, "because of the very fact that it is a person, a whole, master of itself and of its acts, and which consequently is not merely a means to an end, but an end, an end which must be treated as such."\textsuperscript{56} Moreover, this universal human dignity requires specific duties, which "express in the creature the eternal plan of creative

\begin{itemize}
\item \textsuperscript{54} Maritain, \textit{The Rights of Man}, 106-07.
\item Maritain, \textit{Les Droits De L'Homme}, 661.
\item Maritain, \textit{Natural Law}, 53-54, and \textit{Man and State}, 80.
\item Maritain, \textit{L'Homme et L'État}, 572.
\end{itemize}

Maritain believed that it was the distortions made by Enlightenment and positivist philosophers upon the natural law that lead to the confusion about the provenance of rights. "During the rationalist era jurists and philosophers have misused the notion of natural law to such a degree, either for conservative or for revolutions purposes, they have put it forward in so oversimplified and so arbitrary a manner, that it is difficult to use it now without awakening distrust and suspicion in many of our contemporaries. They should realize, however, that the history of the rights of man is bound to the history of Natural law, and that the discredit into which for some time positivism brought the idea of Natural Law inevitably entailed a similar discrediting of the idea of the Rights of man." Maritain, \textit{Natural Law}, 53-54, and \textit{Man and State}, 80-81.

"Pendant l'ère rationaliste les juristes et les philosophes, soit pour des fins conservatrices, soit pour des fins révolutionnaires, one abusé à un tel point de la notion de loi naturelle, ils l'ont invoquée de façon si simpliste et si arbitraire, qu'il est difficile de l'employer maintenant sans éveiller la méfiance et le soupçon de beaucoup de nos contemporains. Ils devraient pourtant se rendre compte que l'histoire des droits de l'homme est liée à l'histoire de la loi naturelle, et que le discrédit ou pour un certain temps le positivisme a jeté l'idée des droits de l'homme un semblable discrédit." Maritain, \textit{L'Homme et L'État}, 572-73.

\begin{itemize}
\item \textsuperscript{56} Maritain, \textit{The Rights of Man}, 106.
\end{itemize}

"La personne humaine a des droits, par là même qu'elle est une personne, un tout maître de lui-même et de ses actes, et qui par conséquent n'est pas seulement un moyen, mais une fin, une fin qui doit être traitée comme telle." Maritain, \textit{Les Droits De L'Homme}, 660-61.
Wisdom,\textsuperscript{57} require a right to carry out said duties. "Because he has obligations or duties to do certain things, he has rights to the means of performing these duties. His rights are founded on his duties, and these duties are founded on the transcendent destiny of his human person."\textsuperscript{58} For example, one has an obligation to worship God, so he must have the corresponding right to fulfill such a duty. Duties ascribed to the person mirror the rights he is given to carry them out.

While more will be said about natural law below, the key to seeing Maritain's connection between rights and natural law is his unique understanding of the person, which entails society and the common good. Without these three elements, it is all but impossible to understand Maritain's notion of human rights. They are essential for distinguishing his position from those of more general liberal theorists. With these in mind, Maritain's particular definition of human rights will be considered.


\textsuperscript{58} Fay, "Maritain on Rights," 443.

Pius XI "based at least some rights of the Catholic Church in its \textit{munus} (\textit{Quadragesimo}, 190, 41; \textit{Redemptoris}, 103, 73; \textit{Magistri}, 53-54, 16-17). The \textit{munus} of the church necessitated rights to fulfill the given mission. Such a concept appeared to have united rights with the nature of the church itself. The reinterpretation by Pius XI reflected a willingness to depart from the purely religious framework within which Pius X thought as well as a desire to speak in concepts comprehensible to the non-Catholic world." Elsbernd, "Rights Statements," 323.
PART II - Definition of Rights

Before going deeper into defining Maritain's rights, it is important to note something about Maritain's particular style that bears upon his definition of rights. Maritain rejected the way modern philosophies, by contradicting the wisdom of ages past, grew from what came before by rejecting it. In contrast, the French Thomist used a more scholastic approach, or a *philosophia perennis*, which, standing on the shoulders of giants, built upon what had come before. In the tradition of St. Thomas, who took the best of pagan Aristotle and baptized it for Catholic use, Maritain was not afraid to take old things and try to make them new again. Maritain uses this method with natural rights and other liberal terms. A cursory reading of his work looks like classical liberalism, but upon closer inspection, Maritain's use of terms is not entirely consistent with liberal definitions. The Frenchman took rights, shook off the dust of secularism, emptied them of what he considered to be the baggage of divinizing the individual and "baptized" them for suitable use within a Christian ethos.

Being French, Maritain was most familiar with the interpretation of rights, or the Rights of Man, articulated by Jean-Jacques Rousseau. Maritain used Rousseau's work as a foil to contrast

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60 See Fuller and Hittinger, *Vocation of the Catholic Philosopher*, x.
61 The Church, along with Maritain, used this new form of rights. "If the Church speaks of human rights in verbally the same way as others do, we must not take this to be an acceptance of the theoretical bases others might advance for such rights." McInerny, *Art and Prudence*, 99.
62 Maritain is comfortable extolling the goals of the French Revolution, liberty and fraternity, as something to which should be aspired. Replacing equality with truth, Maritain is yet again tweaking an older idea and making it his own. "[A] new civilization will come to live, on condition that men hope and love and strive, truly and heroically, for truth, liberty and fraternity." Maritain, *The Rights of Man*, 96. Equality, does however, play a role, especially when it comes to rights. There is equality among all persons because of their human dignity. This
his own view. His own position, in many ways, was everything Rousseau's was not. Where Rousseau's Rights of Man were divine, and therefore infinite, Maritain's were finite because of their instantiation in humanity. Where Rousseau's rights were limited only by the ego and free of any objective standard, Maritain's were subject to moral law, duties, obligations, and the common good. Rousseau's rights were based upon the denial of God, while Maritain's were a gift of God and the expression of God's will for men. Rousseau's society was a compromise for the wildly free and fulfilled man in the state of nature that only placed unwanted limits upon man's freedom while Maritain viewed it as a source of full flourishing with in the common good. In no way does Maritain's work resemble the Rousseau-ian notion that man should "obey only himself," thereby abandoning all claims of authority, public order, community, family or God.

"Maritain's grounding of rights," as explained by Hittinger, "is different from the modern nominalist and self-interested grounding; and it is not simply a theological grounding in the brotherhood of men, God's workmanship in all men, or the like. Rights embody the conditions necessary to promote the good human life; rights are telic, communal, and conditional."  

Equality is best illustrated in the Maritain's discussion of pluralism. The equality of rights 'the glue' of sorts that will hold the state together when faced with manifold views and faiths. Ibid., 82.


Even his use of language reveals his French roots going back to Rousseau as he refers to human rights with great frequency as "the rights of men."

Fay, "Maritain on Rights," 443.

When defining rights, Maritain wrote with some frequency about their essential elements. The most precise definition Maritain offered, which was consistent with his other articulations, was found posthumously in an unpublished manuscript. It reads:

What does the notion of right mean? A right is a requirement that emanates from a self with regard to something which is understood as his due, and of which the other moral agents are obliged in conscience not to deprive him. The normality of functioning of the creature endowed with intellect and free will implies the fact that this creature has duties and obligations; it also implies the fact that this creature possesses rights, by virtue of his varying nature – because he is a self with whom the other selves are confronted, and whom they are not free to deprive of what is due him. And the normality of functioning of the rational creature is an expression of the order of divine wisdom.  

This seemingly simple and/or somewhat vague paragraph, revealing a number of ideas that Maritain believed constitute rights, is loaded with historical and philosophical content. It includes three elements Maritain viewed as essential when defining rights: 1) the medieval notion of *ius*, especially as used by St. Thomas Aquinas; 2) the role of natural law as the source of rights in its gnoseological and ontological senses; and 3) how rights based upon natural law are an expression of God's authority and eternal law. All of these flow from Maritain's Thomistic personalism and reveal the dramatic differences between him and other liberal rights theorists.

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66 Maritain, *Natural Law*, 59-60 note 27. This definition comes from an unpublished manuscript of Maritain's found in his papers entitled "The Philosophical Foundations of Natural Law." Although the text is almost identical to *Man and State*, in it Maritain provides a definition of rights that does not appear in his other works.
1. *Ius*

When Maritain spoke of that what is due someone, he was referring to Aquinas's use of *ius*, or right, defined as "giving a man what is due." Recent debates have asked whether or not Aquinas used the word *ius* in the form that would be recognized today as a subjective right – as used by Maritain, and other liberal thinkers, including Hobbes, Locke and Rousseau. Historically, it seems clear that Aquinas had in mind an objective idea of right – or "the right" and not something subjective or possessed by an individual, the way it is spoken of later.

As Thomas explained, "the word 'ius' was first of all used to denote the just thing itself" and not something that subjectively inheres in the one to whom it is due. An objective right, then, fits into the order of justice, because "giving a man that which is due" is the just thing to do, as evidenced in the etymological link between *ius* (right) and *iustitia* (justice).

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68 This will be discussed further in Chapter Four. A lot of ink has been spilled to connect rights growth in prominence to the natural law tradition first found in ancient Roman Law and later in the work of medieval thinkers. For very different perspectives, see Tierney *The Idea of Natural Rights*; Tuck *Natural Rights Theories: Their Origin and Development*; Michel Villey, *Le droit et les droits de l'homme* (Paris: Presses universitaires de France; 1re edition, 1983). For present purposes, however, the issue was not one that would Maritain would have given much thought to given that most of the debate started after his death.

69 Aquinas, *Summa Theologiae*, II-II, 57, 1, ad 1.

Justice, "has its own special proper object over and above the other virtues, and this object is called the just, which is the same as 'right.' Hence it is evident that right is the object of justice" *Summa Theologiae*, II-II, 57, 1.

obligations owed to bring about a "right order," which means that "everyone receives his due, and everyone is disposed to give others their due."\textsuperscript{71}

Maritain, in his characteristic use of \textit{philosophia perennis}, takes Aquinas's concept and builds on it, interjecting other elements foreign to Aquinas's own particular use, while espousing what he considered the spirit of Thomism. Maritain adds subjective rights into the notion of justice.

Objective right implies or contains subjective rights, in that if any particular right – a single element of 'what is due' to someone – is lacking, a situation of objective right or of objective justice no longer exists. Natural justice forms the core of the natural moral law, and the matter or object of natural justice is natural right. Natural right, in turn, can be 'broken down' into natural right specific instantiations of 'what is due' in justice to all human beings.\textsuperscript{72}

Rights, based upon Thomistic personalism, underscored the dignity of the human person, rounding out the objective sense of rights to include what is owed to man because of that dignity. As Williams explains, subjective human rights change the emphasis of Thomas' explanation, but do not change the content. "Whereas natural rights theory… represents no deviation from the traditional natural law theory as far as content is concerned, it does entail a change in vocabulary and a shift in emphasis."\textsuperscript{73} The result, as argued by Williams and others, is that Maritain's linking

\textsuperscript{71} Ibid., 285.

\textsuperscript{72} Ibid., 284.

\textsuperscript{73} Ibid., 285.

In the Introduction, the issue of the source of rights was discussed. While Maritain antidates most of the debate, an important question arises here: if those who hold that there is a break in the tradition between scholasticism and the notion of subjective rights brought about by nominalism are correct, is it still possible to believe that rights as used by Maritain in the spirit of St. Thomas are compatible with Thomism? For more on this see V. Bradley Lewis, "Theory and Practice of Human Rights: Ancient and Modern," in \textit{Journal of Law, Philosophy and Culture} 3 (Spring 2009): 277-96.
subjective rights to Thomas, while it may not be consistent in the tradition, is not inconsistent logically. The two are compatible.

2. Natural Law in the Working Definition

Natural law, Maritain makes clear, is the underpinning for rights. However, he engages natural law on two levels: the ontological and the gnoseological. Maritain understood the ontological element, the how it exists, of natural law as "man's nature in virtue of which he possesses ends which necessarily correspond to his essential constitution and which are the same for all." All things have a nature, "but man is endowed with intelligence and determines his own ends and must put himself in tune with the ends necessarily demanded by his nature." Natural law, therefore, is nothing more than the "order of 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." Natural law, simply put, is the "normality of functioning," grounded on the essence of man.

Used twice in the definition of rights above, Maritain connects "normality of functioning" to rights in that "[t]he same natural law which lays down our most fundamental duties, and by virtue of which every law is binding, is the very law which assigns to us our

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75 Ibid.
76 Maritain, *Man and the State*, 86.

"un ordre ou une disposition que la raison humaine peut découvrir, et selon laquelle la volonté humaine doit agir pour s'accorder aux fins essentielle et nécessaire de l'être humain." Maritain, *L'Homme et L'État*, 579.
fundamental rights.\textsuperscript{77} Because we have a certain nature, we also have certain duties and rights associated with that nature.

The second element of natural law for Maritain is the gnoseological, or how knowledge of the natural law is acquired. Such knowledge, Maritain, following Thomas, is based upon the first principle of the natural law: "the good is to be done and pursued and evil is to be avoided."\textsuperscript{78} Beyond this, Maritain attributed the acquisition of knowledge of natural law to a unique reading of St. Thomas on the role of inclination. "I think that Thomas Aquinas' teaching should be understood in a much deeper and more precise fashion than usual," Maritain explained.

When he says that human reason discovers the regulations of Natural Law through the guidance of the inclinations of human nature, he means that the very mode or manner in which the human reason knows natural law is not rational knowledge, but knowledge through inclination. This kind of knowledge is not clear knowledge through concepts and conceptual judgments; it is obscure, unsystematic, vital knowledge by connaturality or congeniality, in which the intellect, in order to bear judgments, consults and listens to the inner melody that vibrating strings of abiding tendencies make present in the subject.\textsuperscript{79}

\textsuperscript{77} Maritain, \textit{The Rights of Man}, 107.

"Le vraie philosophie des droits de la personne humaine repose donc sur l'idée de la loi naturelle. La même loi naturelle qui nous prescrit nos devoirs les plus fondamentaux, et en vertu de laquelle toute loi obliges, c'est elle aussi qui nous assigne nos droits fondamentaux." Maritain, \textit{Les Droits De L'Homme}, 661.

\textsuperscript{78} Aquinas, \textit{Summa Theologiae}, I-II, 94, 2.

\textsuperscript{79} Maritain, \textit{Man and the State}, 91-92.

"Quand il dit que la raison humaine découvre les régulations de la loi naturelle sous la conduite des inclinations de la nature humaine, il veut dire que le mode même selon lequel la raison humaine connaît la loi naturelle n'est pas celui de la connaissance rationnelle, mais celui de la connaissance par inclination. Cette sorte de connaissance n'est pas une connaissance Claire par concepts et jugements conceptuels: c'est une connaissance obscure, non systématique, vitale, qui procède par «connaturalité» ou sympathie et dans laquelle l'intellect, pour former un jugement, écoute et consulte l'espèce de chant produit dans le sujet par la vibration de ses tendances intérieures." Maritain, \textit{L'Homme et L'État}, 585-86.

Fay, "Maritain on Rights," 442.
The reason this interpretation of St. Thomas is important to Maritain is that it underpins his explanation of conscience and human progress. Individuals, through inclination not reason, grow deeper in their awareness of natural law. And humanity, through the passing of time, or progress, deepens its knowledge of the principles of natural law, sharpening man's moral conscience.

Rights for Maritain are an historical development discovered at a certain time when humanity's consciousness grew deep enough to be aware of its place in natural law.\textsuperscript{80} Though not realized before the sixteenth century (and not used by the Church until much later), their late arrival doesn't mean that rights didn't exist. "Such knowledge is still progressing," Maritain explained. "[T]he progress as long as human history endures. The progress of the moral conscience is indeed the most unquestionable instance of progress in humanity."\textsuperscript{81}

\textsuperscript{80} Maritain compares the discovery of rights to multiplication tables. Just because the tables didn't exist didn't mean that two times two didn't equal four. Rights have a similar ontology: just because they had never been realized before the 16th century, and not used by the Church until much later, doesn't mean that they didn't exist. Maritain, \textit{Man and the State}, 91.

Maritain set "a dynamic goal for human society which is properly democratic; that is, the failure to realized and have all men exercise their rights is a sign of an 'inhuman element that remains in the social structure of each period.'" Hittinger, \textit{Thomisms}, 160-61.

\textsuperscript{81} Maritain, \textit{Man and the State}, 94.

"Et une telle connaissance continue de progresser; elle progressera tant que durera l'histoire humaine. Ce progresse de la conscience morale est, en vérité, l'exemple le moins discutable de progresse dans l'humanité." Maritain, \textit{L'Homme et L'Etat}, 589.

Maritain also believed that the aftermath of the Second World War was going to usher in a new era of Christendom, though decidedly different from the first Christendom of the medieval period.

"Maritain saw … the beginning of the celebrated 'third age' of the world anticipated by Christian philosophers of history since the middle ages. '[T]his third era,' Maritain hypothesized, 'should begin to appear with the general dissolution of post-medieval humanism and nobody knows how many centuries it would last after that. There is no intention of suggesting, with some
This sharpening of conscience can be seen in the lacunae of the Middle Ages, for example, as evidenced above in Thomas's work on *ius* – humanity had not progressed enough to envisage the notion of rights. Maritain explains further:

When one has clearly seen this basic fact, and when, moreover, one has realized that St. Thomas' views on the matter calls for an historical approach and a philosophical enforcement of the idea of development that the Middle Ages were not equipped to carry into effect, then at last one is enabled to get a completely comprehensive concept of natural law. And one understands that the human knowledge of natural law has been progressively shaped and molded by the inclinations of human nature, starting from the most basic ones.\(^2\)

millenarist thinkers, that it should be a golden age [but o]nly under this order could integral humanism blossom to fullness.' (Maritain, *Man and State*, 102-3.) Moyn, "Maritain, Christian New Order," 5.

"From this point of view, Maritain was ready to promote 'American civilization' as the soil for a new Christendom, as 'the focus towards which all really progressive energies in the work in history since the disintegration of the Middle Ages have been tending.'" Amato, *Mounier and Maritain*, 156, Maritain, *Reflections on America*, 110-11.

"The proper achievement – a great achievement indeed – of the XVIIIth Century has been to bring out in full light the *rights* of man as also required by natural law. That discovery was essentially due to a progress in moral and social experience, through which the root *inclinations* of human nature as regards the rights of the human person were set free, and consequently, *knowledge through inclination* with regard to them developed." Maritain, *Man and the State*, 94.


"Quand ce fait fondamental a été clairement compris, et quand, d'autre part, on s'est rendu compte que les vues de saint Thomas sur ce sujet appellent d'elles-mêmes une approche historique et une mise en œuvre philosophique de l'idée de développement auxquelles le moyen âge n'était pas équipé pour avoir recours, alors enfin on est en mesure de se faire une idée adéquate et d'établir une théorie complètement appropriée de la loi naturelle. Et on comprend que la connaissance humaine de la loi naturelle ait été progressivement formée et modelée par les
Speaking more specifically about the rising consciousness of rights, Maritain makes it clear that while the idea of rights has been around for some time, a proper interpretation has been frustrated by distorting ideologies and misunderstanding:

Thus is was in ancient and medieval times attention was paid, in a natural law, to the obligations of man more than to his rights. The proper achievement indeed – of the 18th century has been to bring out in full light the rights of man as also required by natural law. That discovery was essentially due to a progress in moral and social experience through which the root inclinations of human nature as regards the rights of the human person were set free, and consequently, knowledge through inclination with regard to them developed. But, according to a sad law of human knowledge, that great achievement was paid for by the ideological errors in the theoretical field. 83

Maritain found further fodder for his convictions about the progress of humanity's moral conscience by his work on the U.N. Dec. The U.N. Committee faced a paradox: while there were many signatories of the declaration who were in agreement on specific rights, these same signatories could not agree on a single theoretical and ideological justification for their inclinations.

83 Maritain, Man and State, 94.

"C'est ainsi que, dans l'Antiquité et au moyen age, on prêtait attention, dans la loi naturelle, aux obligations de l'homme plue qu'à ses droits. L'œuvre propre du XVIII siècle – œuvre d'importance majeure à coup sur – été de mettre en pleine lumière les droits de l'homme comme également requis par a loi naturelle. Cette découverte a été essentiellement due au progrès de l'expérience morale et sociale, par lequel les inclinations radicales de la nature humaine touchant les droits de la personne ont été libérées, et s'est développée par suite une connaissance par inclination de ces mêmes droits. Mais, en vertu des disgrâces de la connaissance humaine, cet incontestable progrès a été paye, dans le champ théorique … ." Maritain, L'Homme et L'État, 589.
consensus. Maritain saw the members' consensus on specific rights as evidence the gnoseological element natural law – that all men can know the truth despite varying sources.\(^{84}\)

3. Eternal Law

The third essential element of natural rights for Maritain's definition is man's relationship to God. Maritain closes his definition of rights with: "And the normality of functioning of the rational creature is an expression of the order of divine wisdom."\(^{85}\) Here 'divine wisdom' is an alternative expression for the eternal law of God. What Maritain is articulating in shorthand, again following Thomas, is that natural law is merely man's grasp of the Eternal law of God.\(^{86}\) Or as James Schall explains:

> The most important consequence of the relation between the eternal law – that is, the order of reality in the mind of God – and the natural law – that is, this same eternal law looked at from the side of the created reality – is that the natural law, according to which each being acts in the way that it does, has an intelligent origin.\(^{87}\)

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"Maritain liked to tell the story of how a visitor at one meeting expressed astonishment that champions of violently opposed ideologies had been able to agree on a list of fundamental rights. The man was told: "Yes, we agree about the rights but on the condition no one asks us why." Glendon, *A World Made New*, 77.


\(^{86}\) For Aquinas on the divisions of law, see *Summa Theologiae*, I-II, 91.

Often, new natural lawyer John Finnis is connected with Maritain for also using natural law to ground rights. Finnis's position, however, is strikingly different from Maritain's insofar as he doesn't connect it to the eternal law of God but roots its foundations by emphasizing the natural in natural law. Finnis's point is one of epistemology, that it can be known naturally, and not like Maritain's metaphysical rooting in the existence of the eternal law of God.

To understand better what Maritain meant it is best to look at Thomas. As rational creatures, Aquinas explained, man "is subject to divine providence in the most excellent way, insofar as it partakes of a share of providence, being provident both for itself and for others." Man, owing to his rationality has a share of Eternal Reason, and is thus given "a natural inclination to [his] proper act and end. This participation of the eternal law in the rational creature is called natural law." This element, of man participating within the eternal law decreed by God, is essential for Maritain. Without God's authority, all laws and all rights devolve into a power grab akin to the philosophies of Machiavelli, Hobbes, Rousseau, etc. Moreover, man is able, despite his intelligent origin, to reject his own human nature and will things that are "at variance with its natural law as a manifestation of the eternal law. Maritain seeks to prevent, at least in theory, the human will from claiming, as in fact it does claim in modern philosophy, absolute autonomy over what it is and does, over human nature itself." In turn, it is through man's intelligence and "reasonableness" – doing what he ought to do – that metaphysically, man "is a certain kind of being whose law is discovered through the self-reflective use of his reason. Neither his being nor his reason as a faculty is a reality that man gives himself in the first place. His being as such is not something that he creates from nothing by himself." Man has an intrinsic human nature and his actions should reflect his reasonableness – doing what he ought to do – in accord with this nature created by God.

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89 Ibid.
91 Ibid., 84.
Maritain believed the value a society gave to God was reflected in that society through its laws, culture, communities and families when man acts in a reasonable way along with natural law. He wrote about the political theories of Bodin, Hobbes and Rousseau, who all propose theories of the state where the state is given control over the people to rule with an arbitrary will. These philosophies reflected the notion of God as arbitrary will, passed down from nominalism. This underscores why Maritain emphasized the importance of the natural law as a reflection of the eternal law. Without God, there can be no true natural law, no true authority, and no true rights.

4. Conclusion

This chapter should make it clear that Maritain was "writing outside the lines" when it came to embodying a rights theory because of his unique uses of personalism, the common good and natural law. The manifold layers of his definition, including elements from Thomism and those he considered "inspired by the spirit of Thomas," as well as elements from liberalism, make the effort to understand his intent an uphill climb.

This chapter has also filled in the blanks of many of the innovations and unique uses Maritain employed in dealing with rights that are part and parcel of Catholic social thought—crucial pieces for understanding the legacy left by Maritain's work, but also those who are critical of his positions, both of which will be discussed in the following chapters.

92 Schall, Maritain, The Philosopher, 74.
CHAPTER THREE:

Maritain's Critics

Maritain's work has not gone without criticism, in some cases severe. His unique humanism and his effort to blend what seem to be opposing philosophies, viz. Thomism to liberalism, has led to unabated discussion.

This chapter will consider some of the criticisms that have been launched at Maritain's rights work. First, an overview of the clash between liberalism and Catholicism will be outlined, followed by the controversies which ensued when Maritain's humanism was addressed by devotees to the older Catholic positions, focusing upon Antonio Messineo, Jacques Croteau, Charles De Koninck, and Robert Kraynak. I will then discuss arguments against Maritain's interpretation of Thomas's natural law and his balance of theology and philosophy in his rights work.

1. Liberal Rights vs. Catholic Thought

Despite Maritain's "strategically brilliant gambit to capture an originally alien language for Catholicism and claim a perfect and necessary fit," critics argue that the results are dubious. Criticisms have been leveled at Maritain because he is trying to build upon or embrace a tradition that was founded upon anti-Catholicism. Promoted by the likes of Hobbes, Locke, Rousseau and

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those in search of "a Protestant Politics," it is not difficult to see that early rights theorists were pitting themselves directly against the Scholastic Tradition and the Catholic Church.² Ernest Fortin explains the mindset of those looking to establish a "new [intellectual] world" at the expense of the old. He writes:

The early modern writers, with whom any discussion of the problem must begin, if not necessarily end, certainly understood themselves to be breaking entirely new ground and to be doing so on the basis of a radical critique of the premodern tradition. May of them, from Machiavelli onward, thinking that they had discovered a new continent, likened themselves to Christopher Columbus and were ready to burn their ships behind them. They, at least, were convinced of the fundamental irreconcilability of the two positions and hence of the necessity to choose between them. Accordingly, they saw the war in which they were engaged, not as a civil war pitting rival factions against each other within a divided city, but as a war between two continents neither one of which could survive unless the other was destroyed.³


Zuckert also provides a deep critique of Grotius and his deformation of Aquinas' natural law theory, which influenced later thinkers. "From Grotius's point of view, the Thomist version of the natural law is especially deficient in the post-Reformation context. Not only are its historical associations difficult to shake off, but it contains principles that exacerbate the characteristic troubles of the age." Zuckert, *Natural Rights*, 144.


Bacon, *New Organon*, 1, 92: "And therefore it is fit that I publish and set forth those conjectures of mine which make hope in this matter reasonable, just as Columbus did, before that wonderful voyage across the Atlantic, when he gave the reasons for his conviction that new lands and continents might be discovered besides those which were known before; which reasons, though rejected at first, were afterwards made good by experience and were the causes and beginnings of great events."
Critics, like Fortin, argue that it was the end of Thomism that made way for liberalism and rights. Moyn points out that "[w]hat would have been – and still is – curious about this claim, of course, is that whatever their opinions of the origins of modern rights talk, nearly all histories of the political language concur that the rise of rights in political theory occurred after and because of the destruction of the Thomistic natural law tradition." It was for this reason that pontiffs rejected rights language for many decades, seen here in Pius VI's (1775-1799) rebuke:

This absolute freedom is established as a right of man in society. It not only guarantees him the right to not be disturbed because of his religious opinions, but it also gives him license to think, speak, write, and even print with impunity everything which the most unbridled imagination can suggest about religion. It is a monstrous right which seems nonetheless to the Assembly to result from the innate quality and freedom of all men . . . a chimerical right . . . contrary to the rights of the supreme Creator.

For more on Locke and Hobbes, see 97 and following. Fortin points out: "Interestingly enough, it is often when they sound most alike that moderns and premoderns are furthest apart." Fortin, "Presumed Medieval Origins," 98.

"For radically contrasting stories of the origins of rights that nevertheless concur on [the point that death of Thomism opened the door to rights], see Leo Strauss, Natural Right and History (Chicago: [University of Chicago Press,] 1953); Tuck, Natural Rights Theories: Their Origin and Development (Cambridge: 1979); and Michel Villey, Le droit et les droits de l'homme (Paris: 1983)." Moyn, "Personalism, Community," Endnote 31. See also Robert P. Kraynak, Christian Faith and Modern Democracy, Chapter 3.

Others argue that there was no break in the tradition, but that rights grew out of (or could have grown out of) an ongoing progression in civil law, or as Fortin calls it "a more polished version" of Roman and medieval law. See John Courtney Murray, We Hold These Truths: Catholic Reflections on the American Proposition (Lanham, MD: Sheed & Ward, 2005); John Finnis, Natural Law and Natural Rights.


With a closer look at the history of modernity and the Church's extensive rejection thereof, it was quite a dramatic thing for Maritain to embrace rights, for good or for ill. "In either a stroke of a master or a sleight of hand, Maritain – as if the Church had not long and unanimously rejected modern rights – claimed that the one implied the other and indeed that only the one plausibly and palatably justified the other." Though keeping natural law, but changing the content, Maritain left some wondering if he "conceded too much to modernity ('dressing up poor Thomas Aquinas in the rags of a laicist apostle of democracy,' in Aurel Kolnai’s hilariously grim assessment)."

Avery Dulles, developing ideas of both Maritain and John Courtney Murray, explains why he thinks human rights must come from earlier in the tradition than Hobbes and Locke. "While we may concede that the idea of human rights did not explicitly surface until modern times, the concept of human dignity, from which such rights follow is very ancient. As philosophers such as Jacques Maritain have argued, the medieval natural law tradition implicitly contains the idea of human rights." "On the other hand," the cardinal argued, "the tradition

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8 Ibid., 16.


Rowland also sees incompatibilities in the philosophical blending in Maritain's work. Thomism, on the one hand, is nothing if not open to theism, while liberalism, on the other, wants nothing to do with God. Such incompatible positions, according to Rowland, make the idea of blending Thomism with liberalism like blending oil and water. Tracey Rowland, Culture and the Thomist Tradition after Vatican II (London: Routledge, 2003), 154.

9 Dulles, Church and Society, Section "Voices Opposed to Human Rights."
stemming from Thomas Hobbes and John Locke undermines the very concept of human rights.

John Courtney Murray correctly stated$^{10}$:

The individualization of Locke's law of nature results in a complete evacuation of the notion of the 'rights' of man. It is quite evident that Locke's state of nature reveals no *ordo juris*, and no rights in any recognizably moral sense. There is simply a pattern of power relationships – the absolute lordship of one individual balanced against the equally absolute lordship of others. Significantly, Locke uses the word 'power' more frequently than the word 'right' in describing the state of nature.$^{11}$

"The Catholic doctrine of human rights, therefore," Dulles concludes, "is not based on Lockean empiricism or individualism. It has a more ancient and distinguished pedigree."$^{12}$

In his own work, Maritain downplayed the importance of the historical origins of rights, concluding that nominalism and the Enlightenment were merely errors, something of a historical blip or moral accident.$^{13}$

It does not seem to me correct to say that the eighteenth-century conception of the Rights of Man was the application to the individual of the idea of the Divine Right of Kings, or of that of the imprescriptible rights divinely conferred on the Church. I would rather say that that conception presupposes, in its distant origins, the long history of the ideas of natural law and of the law of nations evolved in ancient and mediaeval times, and derives, in its immediate origins, from the univocal distortion and the rational rigidity which those ideas, to their very great detriment, have undergone since Grotius and especially since the advent of a completely geometrizing reason. We have thus arrived at treating the individual as a god and making all the rights conferred upon him into the absolute and unlimited rights of godhead.

In my opinion any rational justification of the idea of the rights of man, and of the idea of law in general, demand that we should rediscover the idea of natural law,

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$^{10}$ Ibid.

$^{11}$ Murray, *We Hold These Truths*, 307.

$^{12}$ Dulles, *Church and Society*, Section "Voices Opposed to Human Rights."

$^{13}$ Hittinger, "Jacques Maritain and Yves Simon," 170.
distorted by eighteenth-century rationalism, in its true metaphysical connotations, its realistic dynamism and the humility of its relation with nature and experience. We are then able to understand how a certain ideal order, rooted in the nature of man and of human society, can impose moral demands valid throughout the world of experience, history and fact, and can establish, for the conscience as for the written law, the permanent principle and the elementary and universal criteria of rights and duties.\textsuperscript{14}

From this long quote, as discussed in the previous chapter, Maritain's argument for progress over time and in the consciences of people is evident. To summarize, the natural law was heading in the direction of rights, and would have arrived at them soundly without the wrong turn at that part where the individual is made a god. Back on the course, however, rights have securely returned to what they were intended to be, viz. a clear emanation from natural law. As a result, Maritain didn't see a problem with melding Thomism and human rights together because they were meant to go together all along.

It was this issue and other new ideas in Maritain's \textit{Integral Humanism} that set the stage for the drama of the 1950s.

\section*{2. The Crisis and Critics of \textit{Integral Humanism}}

Maritain's humanism was something of a lightening rod in the Church in the decade or so following the Second World War. While there were rumblings against him prior to the war, these didn't come to a head until after the smoke cleared from the battles. Though \textit{Integral Humanism} was published in French in the 1930s, it was not available in Italian until 1946, setting off a

veritable intellectual firestorm with its publication. More was at stake than merely disapproval by his peers, many contended that Maritain's work ought to be condemned by the Vatican. Others have chronicled this stage in Maritain's career; I will be focusing upon some of the main critics of Maritain's work to highlight the philosophical issues.

The most dangerous critic, who raised more than just eyebrows in Rome in 1956, during Pius XII's pontificate, was Jesuit Antonio Messineo, who wrote a scathing attack of Maritain's personalism in the Jesuit journal *La Civiltà Cattolica*. His strong review against *Integral Humanism* was not the first of its kind; he had published previous criticisms of Maritain's work, along with others, many written anonymously. This particular review, due a confluence of factors, such as timing, location of publication, and author, led people running to Maritain's defense or heaping condemnation upon his work, even up through the highest levels at the

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17 Interestingly, the work of Messineo and Croteau has a scant presence in scholarly publications. It is not clear to me if Messineo's work has ever been translated from Italian into English or French. The introduction of Jean-Domique Durand's article "La Civiltà Cattolica contra Maritain: Le combat de Père Antonio Messineo," in *Notes et Documents* (May-September 2005), 34-71, is in French, but Messineo's work is included in the original Italian. Moreover, neither Messineo nor Croteau make their way into Barré's biography of Maritain. While the details around Messineo read like something from a soap opera, Croteau's work, published before the "Crisis of '56" does not have any of the markings of inflammatory scholarship and/or political motivations of which Messineo has been accused.

18 A. Messineo, "L'umanesimo integrale" in *La Civiltà Cattolica* 107, no. 3 (August 25, 1956): 449-63. Ironically, the same journal co-founded by Tapparelli, who was arguably the herald of many of the ideas Maritain put forth in *Integral Humanism*. 
Vatican. Messineo had written a second part of his critique that at the last minute wasn't published because of all the controversy stirred up by the first part.19

According to those defending Maritain, Messineo seems to have taken the Frenchman's work as an abstraction and missed the true essence of his effort.20 As such, the impression is given when reading about the "Crisis of 1956" that Messineo's article was inflammatory, politically driven, bruta figura and therefore not authentic scholarship. Messineo, however, raised many valid questions that have been raised by others.

In his review of Integral Humanism, Messineo touched upon many philosophical points, including Maritain's personalism, pluralism and progressivism. The main thrust of the article was

19 "Just when a second article was about to appear, Pope Pius XII prevented the publication because Montini, who had worked in the Secretariat of State in the Vatican directly for Pope Pius XII, was also attacked in the text." McCauliff, "Friendship," 10.


"La grande question était posée avec angoisse par Mgr André Baron: 'Ce qu'il y a derrière Messineo nous est inconnu'. Le Saint-Office préparait-il une condamnation? Le pape était-il informé? Ou du moins la Secrétairerie d’Etat? L’article du père Messineo était-il un ballon d’essai pour tester l’opinion ou bien, comme le suggérait Mgr Baron, une sorte de compensation parce que précisément le Saint-Office n’aurait pas réussi à obtenir la condamnation?" "Lettre de Mgr Baron à C. Journet, 13 septembre 1956," in Maritain-Journet, Correspondance, IV, 628-29.

The big question was posed with distress by Mgr. André Baron: "Those who are behind Messineo (and his article) are unknown to us." Did the Holy office prepare a condemnation? Was the pope informed? Or at least the secretary of state? Was Fr. Messineo's article a trial balloon to gauge opinion, or, as it has been suggested by Mgr. Baron, was it a kind of payback precisely because the Holy Office couldn't have succeeded in obtaining a condemnation?" (Translation mine.)

20 Maritain did not respond to this criticism directly. His friend, Charles Journet, wrote a point by point rebuttal to all of Messineo's criticisms in "Une presentation de l' 'Humanism integral" in Nova et vetera (1956) 246-60. Reprinted in Maritain-Journet, Correspondance IV 1950-1957 (Fribourg, 2005): 815-33.
that Maritain, still influenced by the likes of his previous mentor, Henri Bergson, as well as Bennedetto Croce and Hegel, was engaging modern heresies. This mixing was corrupting previously held notions of the Church by placing too much emphasis upon "this world." As such, Messineo believed Maritain's integral humanism was really integral naturalism. He did not see Christianity has having a central place in the humanism, but was an extrinsic piece, so much so that other sorts of ideologies, such as atheism, could also slide easily into its place. "It follows then that integral humanism is not an intrinsically Christian humanism,"\textsuperscript{21} but is only extrinsically Christian. "In fact, it may even include agnostics and atheists, rationalists and unbelievers. In its substance integral humanism is, therefore, naturalism integral."\textsuperscript{22}

Referring to human rights, Messineo points to the source of their origin. Rather than embodied by the doctrines of the Church, their provenance comes from less worthy pedigrees:

Not granted to those wholly faithful to Catholic dogma, but the rationalists to proclaim in France the Rights of Man and citizen, to the Puritans in America to give the final blow to slavery, to the atheistic Communists in Russia to abolish absolutism of private profit.\textsuperscript{23}

Such sources, and all of Maritain's engagement with modernity, to Messineo were simply unacceptable and therefore most worthy of condemnation.

\textsuperscript{21} "Segue allora che l’umanesimo integrale non è un umanesimo intrinsecamente cristiano". Messineo, \textit{Civiltà Cattolica}, 60.

\textsuperscript{22} "È un umanesimo soltanto estrinsecamente cristiano; ad esso possono infatti aderire persino l’agnostico e l’ateo, il razionalista e il miscredente. Nella sua sostanza l’umanesimo integrale è, dunque, un naturalismo integrale." Ibid., 61.

\textsuperscript{23} "Non è stato concesso a dei credenti integralmente fedeli al dogma cattolico, ma a dei razionalisti di proclamare in Francia i diritti dell’uomo e del cittadino, a dei puritani di dare in America il colpo di grazia alla schiavitù, a dei comunisti atei di abolire in Russia l’assolutismo del profitto privato." Ibid., 60-61
Ultimately, of course, Maritain was not condemned, but it took the arrival of the Second Vatican Council and the elevation of Pope Paul VI to finally put a definitive end to the scrutiny.

In addition to the general criticisms launched at *Integral Humanism* by Messineo and others, Jacques Croteau offered his own critique of Maritain's individual and person distinction in his work *Les Fondements Thomistes du Personnalisme de Maritain.*[^24] His review, published in 1955, arrived before the Messineo firestorm and seems to have made very few waves, perhaps because of it is gentler conclusions. It focuses upon two questions: 1) Is Maritain's notion of individual and person rooted in a correct understanding of Aquinas?; and 2) Is it reasonable to refer to a type of personalism as a Thomistic personalism?

For the first question, "Is the individual/person distinction rooted in Thomas?" Croteau seems to think it is not. He points out confusion in Maritain's understanding of Thomas's use of individual and individuality, which he believes is the root of more general problems in Maritain distinction.[^25] The Frenchman has confused the principle of individuation with individuality.

Matter, for composite substance, is the principle of individual, but it does not follow that to be an individual is to be material. To be individual, above all, means to be incommunicable: to be indistinct in oneself and distinct from others. It is a concrete substance which is individual. When there is a composite, concrete substance, individuality is a characteristic not only of its matter but also of its form. In other words, an individual is a whole, not a part.[^26]


[^25]: "Nous nous attacherons pour le moment à cette dissociation telle qu'elle doit s'opérer chez les êtres corporels, puisque c'est la que la confusion à pris origine." Croteau, *Les Fondements*, 122.


"Maritain clears up some of the ambiguous language in the distinction between person and individual. On Maritain's view, it is not on the case that we are only partly person; rather we
"Individuality represents a concrete unity of incommunicability for the whole man, united together, form and concrete matter." As such, Maritain's distinction between an individual and a person doesn't hold because the elements Maritain attributes just to the person must also be applied to the individual. The two cannot be separated.

The answer to his second question "Can there be a Thomist personalism?" Croteau answers in the positive, with a few nuances.

Posing the problem more clearly, Croteau asks how Maritain's personalism, which places the person as the highest good in the universe can be reconciled with Thomism, where it has always been understood that "bonum commune divinius est quam bonum particular?"

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27 "C'est le principe d'individuation qui serait en cause mais non l'individualité. Car l'individualité représente l'unité concrète d'incommunicabilité de tout l'homme, unissant ensemble forme et matière concrète: haec ossa, haec carnes, haec anima." Croteau, Les fondements, 124.

28 "En raison de quoi, on pourrait tout aussi légitimement tenir pour vraie cette proposition contraire à celle de Maritain, à savoir que l'homme est partie en tant que spirituel, puisque la spiritualité entre dans l'individualité tout autant que la matérialité. Si donc l'individu implique l'aspect de partie, ce sera tout au plus sous l'angle de sa matérialité et non celui de son individualité." Ibid., 124.

29 "Le personnalisme de Maritain peut se dissocier de la distinction entre individu et personne parce que les deux termes de la soi-disant opposition se réfèrent à des formalités que l'on trouve chez saint Thomas sous une autre formule." Ibid., 170.

30 "Peut-on, de droit ou de fait, légitimement parler de personnalisme thomiste? À certains tenants de la primauté du bien commun, qui ne se réclament pas moins de saint Thomas, un telle formule est de soi contradictoire. Le personnalisme, en effet, est un mouvement qui, visant tout à la fois à éviter les erreurs de l'individualisme et du communisme, accorde à la personne humaine, en vertu de sa dignité spirituelle, une transcendance au-dessus de la société et
The nuances Croteau sees as necessary to reconcile these two disparate positions for a Thomistic personalism is to admit of the tension Maritain speaks of between the person and the common good, both of which are subordinate to The Common Good, which is God.\textsuperscript{31} "Mais c'est un personnalisme qui s'accorde si bien avec la primauté du bien commun qu'il fait consister la grandeur de la personne dans son ordination au bien commun suprême, Dieu, qu'elle aime plus que son bien propre prive."\textsuperscript{32}

Ultimately, Croteau suggests that while the root of Maritain's distinction between individual and person is not grounded in Thomas, a Thomistic personalism is warranted because of the great emphasis Thomas placed upon the human person.\textsuperscript{33}

Charles De Koninck, another critic of Maritain's humanism, doesn't take such a sanguine approach. He wrote \textit{On the Primacy of the Common Good: Against the Personalists}, published in

\begin{itemize}
\item \textsuperscript{30} Ibid., 171.
\item \textsuperscript{31} See Croteau, \textit{Les Fondements}, 247.
\item \textsuperscript{32} "But it is a personalism that fits so well with the primacy of the common good that it is able to consist of the grandeur of the person in his ordination to the supreme common good, God, whom he loves more than his on private good." (Translations mine.) Ibid., 247.
\item \textsuperscript{33} L'opposition entre l'individu e la personne comme entre la raison de partie et celle d tout semble être un des thèmes fondamentaux du personnalisme de Maritain. Elle tiendrait, à son avis aux racine mêmes de la métaphysique thomiste. Est-il possible en se réclament de saint Thomas d'appuyer une telle assertion? Sinon la question se pose, a savoir s'il faut rejeter en bloc la doctrine sociale d Maritain, comme dénuée de fondement thomiste. À cela l'on peut répondre que la formulation ou la conceptualisation en termes d'opposition entre individu et personne, sans être thomiste, n'affecte pas le contenu thomiste du personnalisme de Maritain. Saint Thomas accorde à la personne une telle valeur qu'il est légitime de parler personnalisme thomiste." Ibid., 17.
\end{itemize}
France in 1943.\textsuperscript{34} Although many speculate that his criticisms were directed at Maritain, the Frenchman is never mentioned by name. However, they hit home closely enough that it prompted Maritain to write \textit{The Person and the Common Good} to address the issues raised by De Koninck.

Before the Second World War, however, De Koninck voiced his opposition to Maritain. In a 1938 letter to Mortimer Adler, De Koninck focuses in upon the issue of freedom in the new humanisms, viz. Maritain's. While this was a personal letter and not a long treatise, De Koninck sees the emphasis upon free will and freedom, starting with the humanism of Molina, to be the downfall of all humanisms.

If I were asked to imagine what philosophy is most profoundly opposed to the Aristotelian and Thomist spirit, I would answer "humanism". I mean that a more profoundly opposed philosophy is inconceivable. There is no corrective for humanism, for it is by definition based on the primacy of freedom. No amount of distinctions can mitigate this opposition. A Thomistic humanism is a contradiction in terms, the essence of Thomism being the absolute transcendency of God of which the most profound implication is predetermination.\textsuperscript{35}


"Joseph Ratzinger, who served as a peritus during the Second Vatican Council, voiced his discomfort with the emphasis upon freedom in a commentary on \textit{Gaudium et spes} – much of which has been attributed to Maritain's influence. Ratzinger made a distinction between the liberal notion of freedom and that of Thomas. Referencing paragraph 17 of the Council document, Ratzinger pointed out that: the treatment tended to focus on the modern Liberal philosophical interest in freedom of personal choice, rather than an ontological conception of freedom as 'living in the presence of God'. Whereas the alternative conception of freedom as 'personal choice' does have a place within a theological framework under the concept of free will, the Thomist tradition differs quite fundamentally from the Liberal in its treatment of free will. The Liberal idea that education by itself without the power of grace can direct the will
This new emphasis upon freedom is a radical change from earlier positions that emphasize human nature within the proper relationship to God. De Koninck explains that: "It has become a custom with modern scholastics to consider freedom as the very essence of personality. They give as reason that personality is something absolute. They place the accent on 'substantia individua'. They neglect the 'rationalis natura'." Nature, for De Koninck (as we also saw above in Croteau), has a much more important role than individual. It is the nature of man to be in relationship with or in communication with others and with God – with relationships becoming more perfect the more necessary they are – here he cites the Trinity as the most perfect of all communications. "There is no question of freedom in this most exalted form of personality, and there is communication of nature."36 As a result, "[f]reedom always implies some imperfection, either in the subject or in the object. God’s freedom regards finite being. The creature’s freedom relative to the most perfect object (God as known indirectly) implies imperfection in the creature."37

Speaking more specifically of Maritain’s humanism, De Koninck explained that "The incommunicability of personality is a condition of communication. Paradoxically: the more a suppositum is incommunicable, the more it is a principle of communication."38 He continues:

This throws overboard the false implications drawn from the distinction between individuality and personality. Authors such as Maritain claim that man as a person is above society, for instance; and that he is a member of society as an individual. This [is] purely and simply false. Man is a member of society because he is a

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36 De Koninck, "Letter to Adler."
37 Ibid.
38 Ibid.
person. That is why ants are not members of a society. This principle is true transcendentally: in the Trinity, in the Church, in angelic universes.  

So freedom, for De Koninck, is a mark of imperfection and not something to be gloried in. The end result of exalted freedom apart from human nature ends in a type of slavery. De Koninck concludes that "if Molina were right, then the expression of freedom would be an end it itself. This is dialectical materialism. Then all determination becomes imperfection, and freedom is opposed to nature: nature becomes privation." Maritain's effort to negotiate the pitfall of individualism and totalitarianism just created new issues because the person is not meant to be considered outside of society.

Decades later, Kraynak takes a different position against Maritain's notion of freedom by insisting on Kantian elements in the Thomist's work that have not led where the Frenchman intended. Kraynak insists that Maritain, by embracing both a notion of autonomy and by giving man the highest value in the universe, except for God himself (beyond nature, the common good, society and even angels) he has misplaced freedom as the ultimate good instead of merely a conditional one. "Although he has begun with the classical or Thomistic notion of virtue, he ends with a Kantian or liberal notion of freedom – a freedom that is distinguished by the exercise of

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39 This point of De Konnick's seems to emphasize one made repeatedly by Pope John Paul II, that man finds himself in self-gift.

40 De Koninck Letter.

De Koninck concludes in the Letter: "Paradoxically, if freedom is an end, then the persons must be absorbed by the state: for in so far as persons imply determination, they too are opposed to freedom. Dialectical materialism must end in the destruction of the persons, because as determinations they are obstacles to the expression of freedom. Suicidal accusation is a logical consequence of this position."
rights and the flourishing of unique and independent personalities.\textsuperscript{41} The final tie that binds the two together comes when "Maritain insists that human rights are God given and inherent in the natural order." Thus, rights and duties cannot be separated, "because God made everyone an autonomous person who deserves respect as a right, but who must also give others respect as a duty. With this move, Maritain has spun an apparently seamless web of Thomism and Kantianism – of Christian natural law and modern natural rights – in his concept of the human person.\textsuperscript{42}

What is so pernicious about Kant's notion of freedom, cloaked in Thomism, Kraynak explains, is threefold: First "is the misuse of personhood, which leads to a deification of man and a neglect of man's sinful and depraved nature."\textsuperscript{43} Second, is that "[w]hen human autonomy is divinized at the expense of human sinfulness, human rights are born and a principled connection between Christianity and democracy replaces the traditional prudential attitude.\textsuperscript{44} And a third


Evidence of his Kantian shift in \textit{The Rights of Man and Natural Law}: "The human person is always higher than any social or political good because it has a soul that is open to God, giving it infinite dignity. In fact, he says, 'A single human soul is of more worth than the whole universe of bodies and material goods. There is nothing above the human soul except God. In light of the eternal value and absolute dignity of the soul, society exists for each person and is subordinate to it' (RMNL, 13). In this passage, Maritain has given Thomas a Kantian twist by emphasizing the infinite worth of every individual soul compared to the natural universe and the common good of society; he has even elevated man above the angels by asserting that only God is above the human person." Kraynak, "Christian Philosophy," Section "Maritain and the Dignity of the Human Person."

\textsuperscript{42} Ibid.

\textsuperscript{43} Ibid., Section "The Problems With Principled Personhood."

\textsuperscript{44} Ibid., Section "Prudential Politics in the Earthly City."
confusion develops between "respect" and "charity." Under Kant's influence, Christianity treats "morality as respect for the autonomy of persons because human wills are of infinite worth or are sacred; they are thus required to respect the choices of others as rights rather than to impose on others for the others' own good. Yet respect in this sense is not necessarily the essence of Christian charity, nor even of rational behavior."\(^{45}\) Again, Kraynak is pointing to the hegemony that autonomy now has over virtue, community and the common good.

And finally, echoing themes in De Koninck, Rowland explains that the classical approach embodied in natural law emphasized justice as central to the issue of rights. The liberal ideal of natural rights shifted the emphasis from the idea of justice to something more self-centered. When the shift occurred, the new rights-bearing subject's relationship to his environment became "essentially controlling, acquisitive and competitive."\(^{46}\) The liberal emphasis upon the individual and his autonomy has very little in common with the Thomist notion of natural law, viz. the common good. While Maritain rejects the radical individualism of liberalism, he does emphasize individual autonomy, making it difficult to parse out the difference between the two. Moreover, an emphasis upon the autonomy of the individual denudes the essential cultural elements of community, family and the quest for virtue.\(^{47}\)

\(^{45}\) Ibid., Section "The Confusion of Kantian Respect and Christian Charity."


\(^{47}\) This is more a theological point, but is quite illustrative of her point: "The idea that a classical Christian mode of self-formation takes the form of a participation in the life of the Trinity wherein a person receives a vocation as a gift of divine grace is difficult to assimilate to a principle which holds that human dignity rests upon our capacity for autonomy and self-creation." Rowland, *Culture and the Thomist Tradition*, 153.
As for Maritain, he would certainly dismiss these criticisms, mainly because he saw himself doing something very different with personalism and his notion of personality over the individual. He "frequently insists that he is not 'Kantianizing' the concept of personality because freedom of the will is not an end in itself, nor does it serve a purely formal morality. Rather, he says personality involves a conquest of nature through civilization in which our higher nature rules our lower nature and man attains his end, the rational and beatific life." 48

With regard to autonomy, Maritain maintained that "this expression 'autonomous freedom' . . . I use in an Aristotelian and Pauline sense, but in no degree in the Kantian." 49

Maritain saw himself as negotiating the pitfalls of individualism and collectivism:

Those whom, for want of a better name, I just called the advocates of a liberal-individualistic type of society, see the mark of human dignity first and foremost in the power of each person to appropriate individually the goods of nature in order to do freely whatever he wants; the advocates of a communistic type of society see the mark of human dignity first and foremost in the power to submit these same goods to the collective command of the social body in order to 'free' human labor (by subduing it to the economic community) and to gain the control of history; the advocates of a personalistic type of society see the mark of human dignity first and foremost in the power to make these same goods of nature serve the common conquest of intrinsically human, moral, and spiritual goods and of man's freedom of autonomy." 50


49 Maritain, Scholasticism and Politics, 136-43.

50 Maritain, Natural Law, 74, and Man and the State, 107.

"Ceux que je viens d'appelle, à défaut d'un meilleur mot, les partisans d'un type de société libéral-individualiste, voient la marque de la dignité humaine d'abord et avant tout dans le pouvoir de chaque personne de s'approprier individuellement les biens de la nature afin de faire librement tout ce qui lui plait; les partisans d'un type communiste de société voient la marque de la dignité humaine d'abord et avant tout dans le pouvoir de soumettre ces mêmes biens à la maîtrise collective du corps social afin de «libérer» le travail humain (en l'assujettissant à la communauté économique) et afin de gagner le contrôle de l'histoire; les partisans d'un type de société personnaliste croient la marque de la dignité humaine d'abord et avant tout dans le
Maritain, of course, ascribes to the third type, and with this, is once again doing something different than liberalism per se, but has his own unique blend of Thomism and personalism to negotiate the pitfalls.

3. Thomas's Natural Law

While few would argue that Maritain was not a Thomist, not every element of Maritain's work that he claims to be from the medieval friar is true to Thomas or even in the spirit of Thomism, as viewed above in Croteau. Here are three such examples from Maritain's use of the natural law that have come under fire by critics.

Maritain had a unique interpretation of the gnoseological element of natural law, arguing that the way the natural law is known is through non-rational inclinations, or in some places he describes them as 'vibrations,' that progress over time, leading to a greater consciousness of the natural law as time goes on. Proof of the non-rational element, Maritain argued, is evidenced when a consensus can be arrived at on common principles within a pluralistic group, as seen principally in the unity of the signatories of the U.N. Dec. of Human Rights despite differing reasons for arriving at a consensus. Maritain viewed the element of progress, as discussed generally above, as historically evident, citing the example of how the consciousness of human rights was a triumph of the eighteenth-century.\footnote{Maritain, \textit{Man and the State}, 94.} "That discovery," like other discoveries within natural law, "was essentially due to a progress in moral and social experience through which the pouvoir de faire servir ces mêmes biens de la nature à la commune conquête des biens intrinséquement humains, moraux et spirituels, et de la liberté d'autonomie de l'homme." Maritain, \textit{L'Homme et L'État}, 604.
root inclinations of human nature as regards the rights of human beings were set free, and consequently knowledge through inclination with regard to them developed."  

Critics of Maritain's argument say that his articulation of Thomas's use of inclinations doesn't hold water on two fronts. First, it isn't an accurate reading of Thomas's text on the epistemological question of natural law and second, that whatever unity there may have been between the signatories of the U.N. Dec. when Maritain was writing is now no longer extant.

The first issue, that of the authenticity of Maritain's interpretation of Thomas, is addressed by Gregory Doolan. "[W]hile Thomas might concur with Maritain that our understanding of the natural law involves some sort of historical development," Doolan explains, "he would not concur with the notion that our understanding of the most general precepts of that law are the result of such a development." Doolan's argument is twofold. First, he argues that Thomas believed that general first principles "are not discovered over time by society," but that "as self-evident principles they are understood fully and clearly the moment the concepts involved are understood." Second, Doolan goes after Maritain's use of "vibrations" for man's awareness of natural law. He makes it explicit that the non-rational vibrations of thought,

52 Ibid.

"Cette découverte a été essentiellement due au progrès de l'expérience morale et sociale, par lequel les inclinations radicales de la nature humaine touchant les droits de la personne ont été libérées, et s'est développée par suite une connaissance par inclination de ses même droits." Maritain, L'Homme et L'État, 589.


54 Ibid.

55 Ibid., 132-33.
articulated by Maritain, have no place in Thomas. "There is no indication that the inclination that he describes is some non-rational mode of thought, nor is there any indication that he thinks our understanding of the specific moral precepts that follow from this inclination are as Maritain contends, 'in no way rationally deduced.'"\textsuperscript{56} The vibrations of which Maritain speaks simply have no place in the work of Thomas.

Crosson also adds fuel to the argument against Maritain by pointing out that when the Frenchman articulates his gnoseological position, "even though the terms are used by Maritain in passing as it were (i.e., without any justification or explanation), he never provides a reference to Aquinas for them. On other issues, citations to Thomistic texts are abundant."\textsuperscript{57}

The second issue that critics argue against concerning Maritain gnoseological understanding of natural law is the supposed unity that can be found among pluralistic groups where ends can be agreed upon despite different means. Though men may have different ideological and theological convictions, Maritain argued,

\begin{quote}
when it concerns, on the contrary, the basic \textit{practical} ideology and the basic principles of \textit{action} implicitly recognized today, in a vital if not a formulated manner, by the consciousness of free peoples, this happens to constitute \textit{grosso modo} a sort of common residue, a sort of unwritten common law, at the point of practical convergence of extremely different theoretical ideologies and spiritual traditions.\textsuperscript{58}
\end{quote}

Beyond his example of the consensus found among the signatories of the U.N. Dec., in \textit{Reflections on America} Maritain voiced his approval for the secular system in the U.S., where

\textsuperscript{56} Ibid., 135.
\textsuperscript{57} Crosson, "Maritain and Natural Right," 901.
\textsuperscript{58} Maritain, "The Possibilities For Co-operation," Section "Can Intellectually Divided Men Co-operate in Practical matters?"
differing religions influence the private sphere, but also put their stamp on public life because differences are set aside to achieve the common good.\textsuperscript{59} Maritain saw this type of democracy to be evidence of the natural law, that despite religious creeds and philosophical underpinnings, a unified understanding of the common good could be agreed upon.

However, 30 years out from the signing of the U.N. Dec., Ralph McInerny was critical of Maritain's position based on societal trends. Thomas Williams also voices the same criticism more starkly 60 years out.\textsuperscript{60} McInerny admits that "[t]o the degree that Maritain's teaching … is

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\textsuperscript{59} Maritain, \textit{Reflections on America}, Section "II. The Great Political Achievement."
\textsuperscript{60} McInerny, \textit{Art and Prudence}, 129-31.


Popes John Paul II and Benedict XVI have made it clear that the world has moved away from a practical consensus. "If Maritain is correct in his claim concerning connatural knowledge and human participation in the natural law through natural human inclinations, those natural inclinations and rational awareness of moral truth have both been impaired by recent trends in contemporary Western secular culture. As Pope John Paul II argued, we who are living in the 'post-religious' Western world are presently experiencing an eclipse of both philosophical reason and Christian faith, with a corresponding darkening of conscience (Wojtyla 1998: 90). Pope Benedict XVI calls attention as well to the growing disconnect between contemporary European culture and its Biblical roots." Proietti, "Maritain on Human Dignity and Human Rights," 113.

The popes' recognition that the practical consensus is not effective does not, however, negate their confidence in natural law as a source of human rights. See Pope Benedict XVI's 2008 speech to the U.N. General Assembly.

"This reference to human dignity, which is the foundation and goal of the responsibility to protect, leads us to the theme we are specifically focusing upon this year, which marks the sixtieth anniversary of the \textit{Universal Declaration of Human Rights}. This document was the outcome of a convergence of different religious and cultural traditions, all of them motivated by the common desire to place the human person at the heart of institutions, laws and the workings of society, and to consider the human person essential for the world of culture, religion and science. Human rights are increasingly being presented as the common language and the ethical substratum of international relations. At the same time, the universality, indivisibility and interdependence of human rights all serve as guarantees safeguarding human dignity. It is evident, though, that the rights recognized and expounded in the \textit{Declaration} apply to everyone
linked to the fact of the UN, it will seem to have been pretty well weakened if not completely refuted by history. There has been, in other words, a pragmatic disproof of his pragmatic agreement." Williams says that "not only can opinions and sensibilities theoretically change over time; they have de facto changed in radical ways in the past 60 years." Current legislation to give rights to nature, animals and plants reveals that Maritain's statement of practical consensus no longer holds true. "The lack of recognized foundations" among rights theorists "leaves rights agreements up to an ever shifting public opinion, expressed in momentary majorities." 

The arguments made by McInerny and Williams based upon historical refutation, while seemingly damaging to Maritain's project, may not have dissuaded the French Thomist. He viewed the natural law as something objective; despite people's awareness of its reality, it still holds. This idea was tightly connected to his notion of progress. As a society progressed in moral knowledge, so too would their awareness of natural law. Maritain saw the truths of natural law to be like the reality of natural science and mathematics. Though multiplication tables weren't discovered until long after the discovery of multiplication, to say two times two is anything but four is incorrect. Even though a cultural regression has taken place since the writing of the U.N.

by virtue of the common origin of the person, who remains the high-point of God’s creative design for the world and for history. They are based on the natural law inscribed on human hearts and present in different cultures and civilizations." Benedict XVI, "Meeting With the Members of the General Assembly."

61 McInerny, Art and Prudence, 130.
63 Ibid.
Dec., Maritain would likely believe his theory was not disproved, but was more of a commentary upon the cultural knowledge, or lack thereof.⁶⁴

Maritain, recognizing that awareness of natural law isn't always tidy, defended his position by saying:

That every sort of error and deviation is possible in the determination of these things merely proves that our sight is weak, our nature coarse, and that innumerable accidents can corrupt our judgment. Montaigne maliciously remarked that, among certain people, incest and thievery were considered virtuous acts. Pascal was scandalized by this. All this proves nothing against natural law, any more than a mistake in addition proves anything against arithmetic, or the mistakes of certain primitive people, for whom the stars were holes in the tent which covered the world, prove anything against astronomy.⁶⁵

Maritain, making the distinction between law and knowledge of the law, points out that human error is not the fault of natural law, but the blindness of men. "Only when the Gospel has penetrated to the very depth of human substance will natural law appear in its flower and its perfection."⁶⁶

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"Que Toutes sortes d'erreurs et d'aberrations soient possibles dans la détermination de ces choses, marque seulement que notre vue est faible, notre nature mal dégrossie, et que des accidents sans nombre peuvent corrompre notre jugement. Montaigne remarquait malicieusement que, chez certains peuples, l'inceste et le larcin étaient tenus pour actions vertueuses. Pascal s'en scandalisait. Tout cela ne prouve rien contre la loi naturelle, pas plus qu'une erreur d'addition ne prouve quelque chose contre l'arithmétique, ou que les erreurs de certains peuples primitives, pour qui les étoiles étaient des trous dans la tente qui recouvrait le monde, ne prouvent quelque chose contre l'astronomie." Maritain, *L'Homme et L'État*, 583-84.


"Ce n'est que lorsque l'Évangile aura pénétré au plus profond de la substance humaine que la loi naturelle apparaîtra dans sa fleur et sa perfection." Maritain, *L'Homme et L'État*, 585.
And finally, Frederick Crosson attacks Maritain's explanation of the inviolability of human rights. Crosson sees Maritain as taking Locke's state of nature as a starting point – the pre-political man – placing rights outside the boundaries of the state's authority, while simultaneously appealing to Thomistic teleology based upon the common good within the natural law. Crosson looks specifically at Maritain's comments in *Scholasticism and Politics*, though Maritain makes similar comments elsewhere. "Man is constituted as a person," Maritain explains, "made for God and for eternal life, before being constituted part of a human community … . Hence there are primordial rights, which [political society] must respect."\(^{67}\)

Crosson explains that Locke's notion of rights of the prepolitical man rest upon an individual, whereas Thomas espouses a type of justice that rests upon the communal. "It is this aspect which underlies the ambiguity or paradox in speaking of natural rights as something possessed by the individual, something 'prior (in nature) to society.' In contrast to Locke, for whom natural law refers to the individual's self-preservation, for Aquinas all law aims primarily at the common good of the community."\(^{68}\)

It is upon this basis that Crosson says that "in the late thirties and the forties, Maritain was led to assertions which were internally inconsistent as well as inconsistent with the basic context of political philosophy in which he worked."\(^{69}\) No matter how valiant his efforts to deal with totalitarianism, "it was a Janus-effort, ambivalent and ambiguous. It looked back, as Locke

\(^{67}\) Maritain, *Scholasticism and Politics*, 76.

\(^{68}\) Crosson, "Maritain and Natural Rights," 905.

\(^{69}\) Ibid., 911-12.
did, to a pre-political status of man, and forward, as Aquinas did, to man's natural telos. On the one hand, he was using Enlightenment categories, while trying to mix them with classical Thomism. Such ambiguity can now be seen "in the modern use of the term 'natural', as signifying either our original brute condition which civilization has clothed with cultural conventions or the better estate to which our human aspirations call us." While Maritain may not engage in such confusion, the terms he uses are certainly confusing. "But we cannot have it both ways without a conceptual muddle."

This point is also mentioned by Deborah Wallace: "Maritain's attempt to adapt the liberal theory of natural rights to natural law inadvertently resembles the Lockean view of the individual in the state of nature, that is, in an abstract existence prior to membership in civil society." However, Wallace explains that "Maritain did not go as far as the Lockean view for he makes a distinction between his idea of the pre-political person and the idea of the pre-social person in Locke." She contends, however, like Crosson, that:

the danger in this distinction is the suggestion that one's social bonds to family are natural whereas one's connection to the wider society is constructed or artificial. The very notion that primordial rights exist in 'primordial society' or 'the family,' prior to the larger political community, which can limit rights, seems to set up a false separation between one's social nature and one's political ties to the wider society.

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70 Ibid.
71 Ibid.
72 Ibid., 912.
74 Ibid.
75 Ibid.
As Wallace points out, Maritain was able to avoid Locke's state of nature, but there is confusion in his work.

To this, Maritain could likely reply that man qua individual has a horizontal reality within society, making him a part of a family, community, etc…, as well as a transcendent reality qua person because of his relationship to God which trumps the horizontal. However, the transcendent reality cannot be fulfilled without the communal. "The person as an individual is necessarily bound, by constraint if need be, to serve the community and the common good since it is excelled by them as the part by the whole." Maritain continues, however, "[t]he person as person insists on serving the community and the common good freely. It insists on this while tending toward its own fullness, while transcending itself and the community in its movement toward the transcendent Whole."

4. Too Theological

Jude Dougherty in his biography has pointed out that "Maritain did not in practice always keep clear the distinction between philosophy and theology." For this, Maritain's definition of rights has drawn fire for being too theological. Andrew Woodcock criticizes Maritain generally

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76 Maritain, *Person and the Common Good*, 77.
77 Ibid.
"La personne en tant que personne demande a servir la communauté et le bien commun librement, et en tendant a sa propre plénitude, en se dépassent elle-même et en dépassent la communauté, dans son mouvement vers le Tout transcendant." Maritain, *La Personne*, 218-19.
for what he calls Maritain's "dogmatic approach" to philosophy. While Woodcock is comfortable with Maritain's self-description as a "Christian Philosopher," he feels Maritain goes too far by making the Christian faith the basis of his views, which must naturally "detract substantially from the universal applicability of his views." Moreover, Woodcock maintains that Maritain's position is as more of an apologist, trading in reason for dogma.

Clearly, Maritain – who throughout his post-conversion career, maintained that one of man's greatest problems was that he has not put God in his proper place – saw fit to include theological elements into his philosophical effort to bring order to the political sphere. As for his human rights theory, his link between human rights and human dignity hinged upon God's existence. Without the existence of God, there can be no eternal law and no natural law. "In reality, if God does not exist, the Natural Law lacks obligatory power. If the Natural Law does not involve the divine reason, it is not a law, and if it is not a law, it does not oblige."

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80 Ibid.

81 Ibid.

Maritain is not alone in being dismissed because theological elements of his work; MacIntyre faces the same criticism of his Thomism. Christopher Stephen Lutz defends both Thomists. "So while modern thinkers assert that no philosophy that depends on theological presuppositions is genuinely philosophical, Maritain and many other Thomists have held that no account of human action that ignores the human person's supernatural end is sufficient, adequate or complete." Christopher Stephen Lutz, Tradition in the Ethics of Alasdair MacIntyre: Relativism, Thomism, and Philosophy (Lanham, MD: Lexington Books, 2009), 172.

82 Maritain, Natural Law, 46-47, and Jacques Maritain, La loi naturelle ou loi non écrite (Fribourg, Suisse: Editions universitaires, 1986), leçon 2, 44-46.
Such theological elements certainly draw out the secular detractors against Maritain's rights theory, with most simply dismissing Maritain's work out of hand. As will be discussed below, Maritain's work is byzantine enough that it does not always receive the full appreciation his effort merits, but the theological elements make it even easier to avoid engaging. Given this and because of the malleability of human rights definitions, secular thinkers simply embrace Maritain's emphasis upon human dignity as the underpinning for a human rights theory and scuttle the rest.

Maritain does, however, have his own defense against those who wish to disregard his work as a "Christian philosopher." From the 1930s on, Maritain consistently argued for a balance

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84 This may be the case with Johannes Morsink who, in his comprehensive work on the U.N. Dec. did not include Maritain in any way and declared that he played no role whatsoever in its drafting. Morsink, *The Universal Declaration of Human Rights: Origins, Drafting and Intent*. Also confirmed in personal email exchange with Morsink. 9/6/11.

85 Certainly, Maritain's theologically rich theory of human rights wasn't the only one on the table. But his work and that of other personalists did not have a lasting impression in secular Europe. Moyn writes: "But by the time of the explosion of human rights in the later 1970s, when the concept gained a currency out of all proportion to any other moment in history, Christian personalism, while not absent, was decidedly peripheral. Human rights had become a secular doctrine of the left". Moyn, "Personalism, Community," 27-28.

Michael J. Perry argues that rights theories lose their grounding without recourse to the existence of God. "The point here is not that morality cannot survive the death of God. There is not just one morality in the world; there are many. Nor is it the point that one cannot be good unless one believes in God. … The point is just that what ground one who is not a religious believer can give for the claim that every human being has inherent dignity is obscure. Especially obscure is what ground a resolute atheist can give." Michael J. Perry, *The Idea of Human Rights: Four Inquiries* (New York: Oxford University Press Chapter 1, and *Toward a Theory of Human Rights* (Cambridge: Cambridge University Press, 2006), 16.

This will be discussed further in Chapter Six, when discussing the role that emotions play in human rights theories.

between theology and philosophy. The issue was certainly not limited just to Maritain's human rights theory, but extended to other areas of philosophical work in which he engaged. In his 1933 work, *An Essay on Christian Philosophy*, Maritain defended the use of theology and philosophy working in tandem. "Some seem to think that theology supplies cut and dried answers to the

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86 This was published in 1933 in French as *De La Philosophie Chrétienne* and then into English in 1955 as *An Essay on Christian Philosophy*. The edition cited here is from website of The Jacques Maritain Center at The University of Notre Dame, http://maritain.nd.edu/jmc/etext/aeocp15.htm, Section "Moral Philosophy Adequately Considered."


Maritain was not alone in his remarks on Christian Philosophy. Étienne Gilson is perhaps better known for his defense of Christian philosophy against thinkers such as F. Van Steenberghen, who denied that there is such a thing as Christian Philosophy since the Christian elements, as theological, corrupt pure philosophy. Gilson (and his followers) defended the work of Thomas Aquinas as that of a Christian Philosopher, particularly in his work *The Spirit of Medieval Philosophy*, Gifford Lectures 1931-1932, re. ed. (Notre Dame: Notre Dame University Press, 1991), Chapters 1 and 2. John F. Wippel explains: "Thomas philosophized only as a believing Christian and as a professional theologian. Hence one must allow for some kind of positive and intrinsic influence which runs from Thomas's faith to his philosophy. Any effort on our part to separate his philosophy from its original theological context is bound to be inaccurate, historically speaking, and to run counter to his spirit. In short, Thomas Aquinas was not a pure philosopher, but a philosophizing theologian or, as Gilson often expressed it, a Christian philosopher. And if this is so, one should describe his philosophical achievement as 'Christian Philosophy,' not as pure philosophy." John F. Wippel, *Metaphysical Themes in Aquinas II* (Washington, DC: The Catholic University of America Press, 2007), 20. For more, see Chapter 1, "The Possibility of a Christian Philosophy: A Thomistic Perspective," and John F. Wippel, *Metaphysical Themes in Thomas Aquinas* (Washington, DC: The Catholic University of America Press, 1984), Chapter 1, section 1. Wippel discusses Maritain's contribution to this debate. The Frenchman suggests that there is a distinction between the essence of philosophy as a subject and the man who engages in philosophy. The nature of philosophy in a given subject is pure philosophy, and Christian, but the philosopher who is Christian "believes that fallen nature is elevated and strengthened by grace. Furthermore, he finds that his faith reveals certain truths to him which unaided reason would in fact fail to discover." Wippel, *Metaphysical Themes*, 11.

Maritain explored extensively the many types of knowledge in his 1932 *Les Degrés Du Savoir* or *The Degrees of Knowledge*. The second part of this work, focused upon the theological and philosophical, with Chapter Six entitled "The Mystic Experience and Philosophy." Maritain,
major philosophic questions, and in this way nullifies the endeavors of philosophy. Then there are those who fancy that in a Christian regime philosophy is subjugated to theology.\textsuperscript{87} In reality, Maritain argues, "theology possesses an object, a light, and a method that differ entirely from those of philosophy."\textsuperscript{88} Though theology informs philosophy, "when engaged in its own pursuits, philosophy is not a handmaid; it is free, it enjoys the freedom to which as a form of wisdom it is entitled."\textsuperscript{89} This is difficult to see, Maritain explains, for those who are limited by their own atheistic systems. "Some modern philosophers who disbelieve in Christian revelation presume to judge in terms of their own peculiar assumptions concerning this revelation and the relationship established in the Christian system between philosophy and faith. Their method leaves something to be desired, for their assumptions are without validity save in a non-Christian system."\textsuperscript{90} As a result, it will be all but impossible to convince such a modern thinker of the limitations of his own system.


\textsuperscript{87} Maritain, \textit{An Essay on Christian Philosophy}, # 15.

"Parfois on semble penser que la théologie apporte des réponses toutes faites aux grandes questions philosophiques et rend ainsi inutile l'effort de la philosophie. D'autres imaginent qu'en régime Chrétien la philosophie est asservie à la théologie." Maritain, \textit{De La Philosophie Chrétienne}, 259.

\textsuperscript{88} Maritain, \textit{An Essay on Christian Philosophy}, #15.

"En réalité la théologie à un objecte, une lumière, une méthode entièrement différente de ceux de la philosophie." Maritain, \textit{De La Philosophie Chrétienne}, 259.

\textsuperscript{89} Maritain, \textit{An Essay on Christian Philosophy}, #15.

"quand elle poursuit son œuvre propre, la philosophie n'est pas servante; elle est libre, étant une sagesse." Maritain, \textit{De La Philosophie Chrétienne}, 260.

\textsuperscript{90} Maritain, \textit{An Essay on Christian Philosophy}, #15.
A few years later, Maritain refines his argument in *Integral Humanism* by explaining that without Christianity, philosophy falls into the error of naturalism:

The third error has expressed itself in modern times starting with the Renaissance. It consists in seeing in the world and in the terrestrial city purely and simply the domain of man and of pure nature, without any relationship either to the sacred or a supernatural destiny or to God or the devil. This is what may be called separated or anthropocentric humanism, or even liberalism…

Again, as he argued previously, this position does not serve philosophy, particularly metaphysics or a proper anthropology. Reason is not served by limiting the scope in which it can operate.

Later in his career, Maritain was still defending Christian philosophy, but this time from the vantage of one who is a Christian philosopher, seen here in an excerpt taken from his 1966 *The Peasant of the Garonne*:

After all, a Christian can be a philosopher. And if he believes that, in order to philosophize, he should lock his faith up in a strongbox – that is, he should cease being a Christian while he philosophizes – he is maiming himself, which is no good (all the more as philosophizing takes up the better part of his time). He is also deluding himself, for these kinds of strongboxes have always poor locks. But if, while he philosophizes, he does not shut his faith up in a strongbox, he is philosophizing in faith, willy-nilly. It is better that he should be aware of it. When one becomes aware of it, then one is forced to admit that there is a "Christian

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"Certains philosophes modernes, qui ne croient pas à la révélation chrétienne, jugent avec leur propre présupposé concernant cette révélation, c'est-à-dire avec un présupposé qui ne vaut qu'en système non chrétien, la relation établie en système chrétien entre la philosophie et la foi. Ce n'est pas d'une bonne méthode." Maritain, *De La Philosophie Chrétienne*, 260.


"La troisième erreur s'est exprimée dans les temps modernes à partir de la Renaissance. Elle consiste à voir dans le monde et dans la cité terrestre purement et simplement le règne de l'homme et de la pure nature, sans aucun rapport ni au sacré, ni à destinée surnaturelle, ni à Dieu, ni au diable. C'est ce qu'on peut appeler l'humanisme séparé ou anthropocentrique, ou encore le libéralisme." Maritain, *Humanisme Intégral*, 414.
philosophy." It is philosophy, and its work is a work of reason, but it is in a better position to perform its work of reason.\(^\text{92}\)

The Christian philosopher, fully aware of all that is influencing his reason, is much better prepared to philosophize than one who believes himself to have checked his faith – and unscrutinized ideological presupposition – at the philosophical door.

5. Too Philosophical?

Philosophy, in the eyes of many, has become an overly technical effort that is largely unintelligible for the uninitiated. Does Maritain, defining rights with philosophical precision, make it too hard for the average person to understand his rights work?

Though this issue has received less attention than those above, it seem important for the broader engagement of his work through the Church universal. Wouldn't it be easier to find another way to deal with moral and ethical issues than a warmed over version of liberalism? And has his unique usage found its way into the public square or into the pew and pulpit? What have been the fruits of it? While certainly, it has found traction in Catholic social teaching in general,

\(^{92}\) Maritain, *Peasant*, 142.

"Après tout, un chrétienne peut être philosophe. Et si, pour philosopher il croit devoir enfermer sa foi dans un coffre-fort, -- c'est-à-dire cesser d'être chrétien pendant qu'il philosophe, -- il se motile lui-même, ce qui es malsain (d'autant plus que philosopher lui prend le meilleur de son temps); et il se trompe lui-même, cars coffres-forts-là sont toujours mal verrouilles. Mais si pendant qu'il philosophe il n'enferme pas sa foi dans un coffre-fort, il philosophe dans la foi, quoi qu'il en ait. Mieux vaut s'en apercevoir.

"Quand on s'en aperçoit, alors on est bien forcé d'avouer qu'il y a une «philosophie chrétienne». Elle est philosophie, son travail est un travail de raison." Maritain, *Le Paysan De La Garonne*, 857.
as will be discussed in Chapter Four, there is ample evidence that his distinctions are unknown at the parish level and to his larger goal – broader society.

Schall, seeing the distance between what Maritain wrote and the culture, writes of the effort needed when reading his work. "Thus, reading Maritain on rights and values requires a constant internal correction to recognize that what he means by these terms is something very different from what is generally meant by them in the culture."\(^{93}\) And unfortunately, "[w]hether Maritain's tactic to retain the use of the words, while reformulating their meaning, is the best one seems less viable in the years since his death in 1973."\(^{94}\) Confusion abounds as to his precise meanings.

Rowland points out that to understand Maritain "requires a knowledge of the intellectual history of natural law and natural rights doctrines and their rival interpretations within rival intellectual traditions."\(^{95}\) A tall order for even the most well-trained philosophers, while almost beyond reach for even the general episcopate, much less the average person in the pew.

Given the difficulty in gaining access to Maritain's meaning, popular journalism has had the greater influence on the average person in the pew. Rights, then, are now "generally understood in a subjective manner that allows no objective component that would examine the meaning or content of the … rights proposed by comparing them with natural law, the content of

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\(^{93}\) Schall, Maritain, The Philosopher, 95.

\(^{94}\) Ibid.

\(^{95}\) Rowland, Culture and the Thomist Tradition, 150.
which is not solely formulating the subjective will. And rights are grounded only upon an elastic understanding of the word 'dignity.'

McInerny adds his own thoughts on the cultural confusion when speaking of the fruit of the U.N. Dec. and other rights-based constitutions, especially for religious liberty:

Such efforts invite misunderstanding from friend and foe alike. … What cannot be overlooked is that modern talk of liberty and rights arose out of a view of the carrier of those rights which is both incompatible with Catholicism and wobbly on exclusively natural and philosophical grounds. The bearer of human rights is seen as an atom without a nature. His freedom does not flow from what he is and what he is for. It becomes a claim against other contrary free projects. The theory does not protect us from the interpretation that there is no right use of liberty, no uses which can be theoretically excluded as impermissible. All substantive claims about what man is and what he ought to do are taken to be subjective, mere opinions such that to act on them in a way that affects others is unjust…. The history of the interpretation of the relation of Church and State shows a movement from non-establishment on a federal level toward judicial hostility to religion.

In this way, subjective human rights are vulnerable to the whims of culture, while

Maritain's notions have gotten lost in the shuffle.

Without mincing words, Russell Kirk hasn’t been won over to the use of rights language in the Church. Thinking it would be better to dispense with rights language altogether, he "warns that 'human rights' is an elusive and manipulable term, 'a Newspeak term, often supercilious,

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96 Schall, Maritain, The Philosopher, 95.


98 McInerny, Art and Prudence, 100-01.

99 Maritain was aware of the confusion, but did "not admit that his principles as such [were] the cause." Contrary to what Maritain had predicted, in his optimism, "[c]ivilization did not follow the lines of revelation that supported classic reason but rather a line that separated itself from both the philosophical and revelational traditions." Schall, Maritain, The Philosopher, 96.
readily employed to advance causes hostile to genuine order and justice and freedom.' To play with rights talk is to risk 'hoist[ing] ourselves by our own verbal petard.'

A final critique that I have not run across in my research, but that seems relevant is to consider why, if Maritain emphasizes such a precise use of human rights, with qualification after qualification, he is still so open to engaging and promoting human rights theories which do not square with his own definition? Maritain heralded the U.N. Dec. and yet, that definition was quite devoid of elements of great importance to Maritain. Absent in the definition are the crucial elements Maritain so painstakingly emphasized in his own effort, i.e. the common good, natural law, and most importantly, an emphasis upon God. There clearly seems to be a disconnect between his own definition and that of the U.N. (and elsewhere). Perhaps here, Maritain, in his zeal to see the promotion of human rights as a response to the Second World War and his confidence in the dawning of a new Christian era, was willing to overlook the missing elements with the expectation that they would someday be included in all notions of human rights?


6. Conclusion

Taken collectively, these issues raise a lot of questions about Maritain's work and the role it has played in Catholic social thought. However, there are few that were not anticipated by Maritain. Many of these will resurface again as we move on to the rights work of Alasdair MacIntyre, but in the meantime, it is important to show how Maritain works into the tradition of Catholic social thought through his long and prolific career.
CHAPTER FOUR:

Maritain and the Catholic Social Teaching Tradition

Beyond the walls of classrooms, extending out over the borders of nations, Maritain left a distinct mark upon Catholic social thought, secular politics and many subsequent generations of students and beneficiaries of his ideas. "Many of Maritain's big ideas have been assimilated in geographically diverse Catholic circles and on all levels of the church."

While it seems many of his ideas were derived from Taparelli and Pius XI, as discussed in Chapter One, Maritain was instrumental in promulgating them, especially on human rights, while also bearing the brunt of the criticism for their unique formulation within the larger scope of Catholic social thought.

The goal of this chapter is twofold: 1) to show the depth of Maritain's influence within the "growing end" of the Catholic social thought tradition; and 2) to try to understand why his influence, which was significant while he was living, is not better known and engaged in contemporary academia.

First, this chapter will look specifically at Maritain's legacy of human rights and those who have championed his work. Maritain's role and influence upon the Second Vatican Council, particularly the Declaration of Religious Freedom, *Dignitatis Humanae*, and the Pastoral Constitution on the Church in the Modern World, *Gaudium et Spes*, will be discussed. The Frenchman's deeper influence upon the papacies following the Council will be considered,

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particularly that of Pope John Paul II which used human rights as a key theme to combat Soviet communism, echoing in many ways Maritain's own work.

Finally, this chapter will end by addressing why Maritain's work on human rights, despite its a decided legacy, is not as well known as one might expect, and why Maritain doesn't get nearly the credit due him for his influence upon the historic council or intellectual influence thereafter.

1. Second Vatican Council and Pope Paul VI

In his 2007 encyclical, *Caritas in Veritate*, Pope Benedict XVI made clear that the tradition of Catholic social thought did not see a dramatic break with the Second Vatican Council, but that it has grown over time. "It is not a case of two typologies of social doctrine, one pre-conciliar and one post-conciliar, differing from one another: on the contrary, there is a single teaching, consistent and at the same time ever new." Here Pope Benedict is repeating his

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2 After 15 years as a student of philosophy, five years as a student and then professor of Catholic social teaching, viz. *Centesimus Annus*, in at a summer seminar in Krakow, Poland, my only real familiarity with Maritain, prior to this dissertation, was his work on art. I could have much more easily articulated positions by Maritain's student John Courtney Murray than by Maritain. I suspect my experience as a post-Vatican II Catholic academic is not an isolated one. This is in stark contrast to previous generations: "Yet university-educated Catholic Americans who came of intellectual age in the 1940s and the 1950s, Jacques Maritain was an unmistakable presence." Bernard Doering, "Maritain and America – Friendships," in *Understanding Maritain: Philosopher and Friend*, eds. Deal W. Hudson and Matthew J. Mancini, 27-55 (Macon, GA: Mercer University Press, 1987), 29.


And further "The link between *Populorum Progressio* and the Second Vatican Council does not mean that Paul VI's social magisterium marked a break with that of previous Popes, because the Council constitutes a deeper exploration of this magisterium within the continuity of the Church's life. In this sense, clarity is not served by certain abstract subdivisions of the
processor who pointed out that Catholic social thought is constant because of its intention to always be linked to the Gospel of Jesus Christ, but "ever new, because it is subject to the necessary and opportune adaptations suggested by the changes in historical situations and by the unceasing flow of events which are the setting of the life of people and society." This consistency, Dulles explained, does not imply uniformity; each papacy, starting with Leo, left its own mark on Catholic social thought because the unique demands of history. Which also suggests that the principles are sufficiently flexible to adapt to strikingly different events, yet consistent enough to still be regarded as the same tradition.

Maritain has received credit for his own role in the current of Catholic social thought, both picking up pieces from previous popes, but also adding new concepts and insights to the tradition. Perhaps the most significant areas of Maritain's influence can be seen in the Second Vatican Council and the papacy of Paul VI.

At the beginning of Maritain's work, *The Peasant of Garonne*, Maritain expressed his "thanksgiving for all that the Second Vatican Council had 'decreed and accomplished.'" As Doering explains:

Maritain 'exulted' (as he put it) in the Council's proclamation of a precise notion of liberty, in particular of religious liberty; he exulted in the proclamation of an exact idea of the human person, its dignity and its rights; he exulted in the impetus the Council gave to the ecumenical movement; he exulted in the Council's affirmation and blessing of the temporal mission of the Christian and of its recognition of the particular status of laymen in the Church; he exulted in the thought that the Pope 'neither wishes nor ought henceforth to exercise any other power than that of the spiritual keys,' that, all the vestiges of the Holy Roman Empire have been liquidated, the Church has 'definitively left the sacral and baroque ages,' 'broken the ties which claimed to sustain it,' and 'freed itself of those burdens by which it was once considered better equipped for the work of salvation.'

And every single one of these accomplishments of the Council had been proposed by Maritain "thirty years before in *Integral Humanism* as among those 'universal principles; and as part of the 'general plan' which he had always claimed were prerequisite to Christian Transformation for the temporal order." As a result, Maritain's mature personalism, including human rights, found deep traction in Catholic social thought. He has been given credit for the significant influence he had upon the Second Vatican Council. "More than any other Catholic," Brooke Smith wrote, "it was Maritain who prepared the way for the Roman Catholic renewal. Following the lead of Pope Leo XIII, Maritain's social writings appeared to many, before the council, to be revolutionary. He

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6 Ibid.

7 Ibid., 93.
developed a philosophy of Christian openness to the world that was significant in creating the intellectual condition that led to Vatican II.\(^8\) Elsewhere, Joseph Evans has written, "In my view, *Humanisme Intégral*, – in conjunction with subsequent Maritain books like *Principles d'une Politique Humaniste* and *Man and the State*, and with numerous 'little essays' of Maritain – did much of the spadework for Vatican II."\(^9\) "Indeed, if there be any point on which his critics agree, it is that the influence of his writing on Vatican II was overwhelming."\(^10\)

Maritain's influence is palpable in the documents of Vatican II, known for its efforts to open the Church to the world, especially in *Gaudium et Spes* and *Dignitatis Humanae*. The Second Vatican Council also heralded the triumph of the language of rights within the Church hierarchy and Church doctrine.

As mentioned in Chapter One, Maritain worked with Pius XI (1922 -1939) prior his death as the world was at the threshold of the Second World War, fighting Spanish Fascism, German Nazism and Soviet Communism.\(^11\) It was this historical crux that led Pius XI to embrace rights as the rhetoric to deal with totalitarianism and the same point at which Maritain took on human

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"It is impossible to assess Maritain's lasting contribution to Catholic Thought. Paul VI called Maritain his teacher and cited him in *Popularum Progressio* (1967). Yves Simon, a student when Maritain taught at the Institut Catholique, acknowledged his mentor's influence as he developed his political philosophy. So too did John Courtney Murray when speaking of the role of religion in society and the relationship of the church to the state." Dougherty, *Jacques Maritain*, 4.

See also Schenk, "Maritain and Vatican II," 79-106.

9 Evans, "Introduction" in *Integral Humanism*, 148.


11 See Chapter One.
rights as part of his own project, changing him as much as he changed them with his very unique and specific definition.

After the death of Pius XI, Popes Pius XII (1939 - 1958) and John XXIII (1958 -1963) followed. At this point, Maritain was still concerned that his revolutionary work may end up on the index, although it has been argued that both *Integral Humanism* and *Man and State* were influential upon John XXIII's encyclicals *Mater et Magistra* (1961) and *Pacem in Terris* (1963), which marked the full scale acceptance by the Church of personalistic rights.\(^{12}\)

Amato points out that though Maritain didn't "fully anticipated Pope John in his remarkable willingness to call attention to what is good in a world that [had] known violence and anarchy since 1914, [Maritain] aided in further taking the Church from the modern world into the contemporary world."\(^{13}\) As Guiseppe Alberigo makes clear, the stage of Vatican II was set in many ways by Maritain. "Vatican II," Alberigo explains, "drew inspiration for its own decisions from an awareness that the phase known as Christendom was now past, that is, the time when Christianity and, above all, Catholicism, in the West was lived as a social system that was self-sufficient insofar as it embodied the faith and was ruled by the Church and its secular arm."\(^{14}\)


\(^{13}\) Amato, *Mounier and Maritain*, 163.


Alberigo has a lengthy explanation of the new ethos to which was being aspired in the early stages of the Council. He explains that some of the distinctions are Maritain's, including the idea of the "new Christendom" as well as his bottom-up approach, discussed in Chapter Two: "But as a return to the Middle Ages became increasingly implausible, Catholic intransigence had to adapt itself to some developments in the world around it that were judged to be irreversible."
Alberigo adds in a note that "Many bishops were able to accept this perspective because they knew the *Humanisme Intégral* of Jacques Maritain."\(^{15}\)

Dispelling decades of fear, Maritain's work was fully vindicated with the arrival of his friend Giovanni Battista Montini to the Chair of Peter as Pope Paul VI in 1963. Pope Paul made no secret of his admiration for Maritain. "'I am a disciple of Maritain,' the Pope once said, 'I will call him my teacher.'"\(^{16}\) The two men had a friendship that had spanned years prior to Montini's elevation to the papacy.\(^{17}\)

As a result, after the First World War there appeared the idea of a 'new Christendom' that would be less sacral than traditional 'Christendom' to the extent that it distinguished various levels, following Maritain's distinction, which soon became canonical, between the habitual activity of believers 'as Christians' in the profane world and their exceptional activity 'precisely insofar as they are Christians,' when religious values were threatened there. Such was the outlook of the second wave of Catholic Action, which took on a specific character in each life setting, when it asserted, as did the Young Catholic Worker movement (a movement greatly encouraged by Pius XI who committed himself fully to the 'new Christendom' project): 'We will make our brothers Christians once again, we swear it through Jesus Christ.' Or, as another well-known slogan put it, the aim was to inject 'the whole of Christianity into the whole of life' by stripping it of is now outdated medieval trappings. …

"The ultimate goal was still an integral christianization or, better, rechristianization, but the strategy had changed: it was no longer a question simply of protecting what was left of Christendom by presenting it as a hypothetical model for a reluctant world; rather it was necessary to leave the ecclesiastical fortress and propose an open-air Christianity, a 'shock' Christianity, as it was sometimes called, and offer it to a world in process of secularization as the only way by which it could achieve a properly human salvation in the face of totalitarian ideologies. In is won way this integral Christianity was all-embracing, if not totalitarian, but it could not be imposed from above by an unlimited power (whence the reservations, beginning with those of Maritain, against the Francoism that was arising in Spain)." Guiseppe Alberigo, ed. *History of Vatican II, Vol. I*, English Version, ed. Joseph A. Komonchak, trans. Matthew J. O'Connell (Maryknoll, NY: Orbis, 2006), 77-78.


Having studied Maritain's work during seminary, the then Giovanni Battista Montini "translated Maritain's *Three Reformers* into Italian in 1928, and in 1936, he wrote the introduction to the Italian version of Maritain's magisterial philosophy of history," *Integral Humanism*.\(^{18}\)

Maritain gave Montini, specifically through *Integral Humanism*, a new way to view the Church in the world. Maritain had "a vision of a new Christian civilization which was 'lay rather than clerical, democratic rather than authoritarian, and capable of inspiring a mass political party in which all who shared 'Christian values' could participate.'"\(^{19}\)

In 1945, while Maritain was the French ambassador to the Holy See and Montini was working as the Vatican Secretary of State, the two had the "opportunity to meet at dinner for conversation about the reconstitution of European society in the post-War period. Maritain found Montini's expansiveness congenial because of his openness 'to all forms of renewal and progress.' Maritain was among those who approved of a rapprochement between the church and the modern representative, if not democratic, state."\(^{20}\) The two found they "shared the same outlook on solving problems and expressing the role of the Christian in society and in the church."\(^{21}\) Montini's mind, much like Maritain's, "favored 'a school of mediation between the ancient and the modern, tradition and revolution, order and adventure.'"\(^{22}\)

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\(^{19}\) Quoted in McCauliff, "Friendship of Maritain and Paul VI," 5. See also Barré, *supra* note 12.

\(^{20}\) Ibid., 6.

\(^{21}\) Ibid.

\(^{22}\) Ibid.
In 1963, upon the death of Pope John XXIII, the newly minted Pope Paul VI presided over the late pope's work of the Second Vatican Council where he freely invoked the work of Maritain. "This was especially true with regard to Gaudium et spes, or the Constitution of the Church in the Modern World, and in the dialogue within the Church leading to Dignitatis humanae – the Declaration on Religious Freedom.\textsuperscript{23}

The mark of Maritain is easy to see in the work of Gaudium et spes.\textsuperscript{24} The emphasis upon the dignity of the human person, man's freedom, and the common good are all echoes of Maritain's own work. Paragraph 26 has his particular stamp upon it when it speaks of the universal, inviolable human rights.\textsuperscript{25} Cardinal Gabriel Garonne, a bishop who participated in the Second Vatican Council and who later became the President for the Pontifical Council of Culture (1982-1988), said that "Jacques Maritain's 1937 work Humanisme Intégral, which was a...

\textsuperscript{23} Ibid.


\textsuperscript{25} "Every day human interdependence grows more tightly drawn and spreads by degrees over the whole world. As a result the common good, that is, the sum of those conditions of social life which allow social groups and their individual members relatively thorough and ready access to their own fulfillment, today takes on an increasingly universal complexion and consequently involves rights and duties with respect to the whole human race. Every social group must take account of the needs and legitimate aspirations of other groups, and even of the general welfare of the entire human family.

"At the same time, however, there is a growing awareness of the exalted dignity proper to the human person, since he stands above all things, and his rights and duties are universal and inviolable. Therefore, there must be made available to all men everything necessary for leading a life truly human, such as food, clothing, and shelter; the right to choose a state of life freely and to found a family, the right to education, to employment, to a good reputation, to respect, to appropriate information, to activity in accord with the upright norm of one's own conscience, to protection of privacy and rightful freedom even in matters religious." Vatican II, Gaudium et spes, §26.
development of an earlier work Religion and Culture, was an important influence on the formulation of Gaudium et spes. It was this work in particular which provided a philosophical framework for the project of synthesizing the Liberal and Thomist traditions."26

As for Dignitatis humanae, the Declaration on Religious Freedom, Maritain had long been a proponent of giving man the freedom to choose his own religion,27 much of his conviction having been forged through his relationship to his Jewish wife. This was also another area upon which Maritain and Pope Paul agreed. The document helped the "very large, on-going project of placing Jewish-Christian relations on a new foundation," especially after the experience of the Holocaust.28 Again, the fingerprints of Maritain are evident in this council document in the language of freedom, human dignity and human rights. Hittinger writes:

At the conclusion of the ninth session of the Second Vatican Council in December 1965, three important documents were sent to Pope Paul VI for his signature; the declaration Dignitatis humanae on religious liberty, the decree Ad Gentes on missionary activity, and the pastoral constitution Gaudium et spes. As a triptych, these documents summarized, clarified, deepened, and extended more than a century of Catholic social, legal, and political thought and doctrine. Pope Paul VI

26 Rowland, Culture and the Thomist Tradition, 22.

Alberigo reports Paul VI's request to Maritain to be an outside advisor to the Council: "Maritain, a layman, could not intervene directly in the Council, but at the end of 1964 Paul VI asked him for his views on subjects that were to be discussed during the fourth period: Maritain drafted his views in the spring of 1965. The French philosopher's main suggestion was the publication of an encyclical on truth, 'the meaning [of which] is today obscured and threatened'; he also offered some 'thoughts on the needs of the faithful in relations to truth.' The second memorandum had to do with religious freedom from the viewpoint of civil society, while the third was devoted to the apostolate of the laity; here Maritain emphasized the autonomous responsibility of the laity, for whom he did not use the expression 'people of God' but rather 'the faithful people.'" Alberigo, The History of Vatican II: Vol. 5, 548-49.


was a disciple of Jacques Maritain, whom he wished to make a cardinal, and he certainly understood that the triptych of documents reflected Maritain's understanding of a "new Christendom," personalist, pluralist and peregrinal in nature.29

At the final public meeting of the Council, Paul VI spoke of the advent of a new humanism, one of the true man, the entire man, to face the challenges of secular humanism,30 clearly making reference to Maritain's Integral Humanism.


Brennan adds: "Maritain's argument for the desacralization of the state carried the day in the Second Vatican Council, and Maritain's defense of liberty of conscience and religion was given expression, with the considerable help of American Jesuit John Courtney Murray, in the Second Vatican Council's Declaration on Religious Liberty, Dignitatis humanae. When the Catholic Church belatedly embraced the ideal of religious liberty as its own heritage and gift, it employed Maritain's approach." Brennan, "Jacques Maritain," 138.

30 "La veille, Maritain avait entendu avec joie le pape célébrer, dans son [Paul VI] discours à la dernière séance publique du Concile, l'avènement d'un 'nouvel humanisme', celui de 'lhomme vrai', de l'homme tout entière', face au défi de 'lhumanisme laïc et profane' fermé 'à la transcendance des choses suprêmes'. 'La religion du Dieu qui s'est fait homme s'est rencontrée avec la religion (car c'en est une) de l'homme qui se fait Dieu'. Paul VI avait voulu ainsi cueillir avec le sens des formulas, qui le caractérisait ce qui avait été, selon lui, 'la spiritualité du Concile.' Entendant ces paroles, Maritain pouvait à bon droit y reconnaître comme un écho aux thèses d'Humanisme intégral condamnées moins de dix ans plus tôt par le père Messineo dans la Civiltà cattolica. "Le temps du "naturalisme intégral" lui dira Paul VI lors d'une audience privée deux jours plus tard, était "désormais bien fini." (Carnet, 10 december 1965). Quoted in Philippe Chenaux, Paul VI et Maritain (Brescia/Rome: Istituto Paolo VI, 1994), 63.

The old man, Maritain heard with joy the pope celebrate, in his last public meeting of the Council, the arrival of a 'new humanism,' that of the true man, the entire man, in contrast to secular humanisms closed off to the transcendence of the highest things.' 'The religion of God who made man is met with the religion (because it is one) of man who is made God.' Paul VI had thus want to gather a sense of the formula which had characterized the Council, according to him, 'the spirituality of the Council.' Hearing these words, Maritain could justifiably recognize an echo of the Integral Humanism thesis, condemned fewer than ten years earlier by Fr. Messineo in the Civiltà cattolica. "The times of "naturalism integral" he told Paul VI during a private audience two days later, are from now on quite finished." (Translation mine.)
After the council, Pope Paul credited Maritain with helping to inspire the 1967 encyclical *Populorum Progressio* – On the Development of People.\(^{31}\) The concluding paragraph of the first part of the encyclical reads: "What must be aimed at is complete humanism," and then the pope cites *Integral Humanism* in a footnote.\(^{32}\)

Pope Paul VI's papacy came to an end in 1978, five years after the death of Maritain.

2. **John Paul II (1978 - 2005)**

Papal biographer of John Paul II, George Weigel, has noted: "Maritain was one of the pioneers of the Catholic human rights revolution, which changed the course of twentieth-century politics. While helping the Church through a genuine development of social doctrine, Maritain helped forge some of the tools that eventually broke through the Berlin Wall."\(^{33}\) This statement, to the uninitiated could seem rather vague and obscure. What does Maritain have to do with the crumbling of the Berlin Wall? The answer lies within the influence he had upon Pope John Paul II.

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\(^{31}\) Evans, "Introduction," 148.


With Pope Paul VI claiming Maritain as a teacher, it has been conjectured that John Paul II "may well be a second-generation student." However, it is difficult to know how much of an influence Maritain had upon John Paul II directly.

Maritain's work was widely distributed in Poland just prior to the 1939 invasion by the Nazis, representing a way through the ideologies of their violent neighbors. His work was picked up by the Polish resistance during the war and was promulgated clandestinely, both in Poland and abroad. After the war, the Soviet leadership made efforts to keep Maritain's work out of Poland because of his political themes, while translations of Thomist Etienne Gilson were

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34 Dougherty, Jacques Maritain, 99.

35 Sieniewicz cites very "Maritainian" lines from the Polish Christian Worker Party statement presented at the Congress of Warsaw after the end of WWII before the group was disbanded by the Soviet leadership, July 15, 1945: "L'uomo che possiede un'anima immortale ha un suo proprio fine trascendente. Per questo i suoi diritti naturali devono esser rispettati, in particolare il suo diritto al sviluppo spirituale." Sieniewicz, "Maritain in Polonia," 114.

"Man, who possesses an immortal soul, has his own proper transcendent end. For this [reason], his natural rights must be respected, in particular, his right to spiritual development." (Translation mine.)

"La personalità dell'uomo può svilupparsi integralmente solo in armonia con lo sviluppo della società, al servizio dei suoi fini principali. L'organizzazione sociale e politica dello Stato deve dunque basarsi sull'uomo sociale, che subordina il suo egoismo al bene comune della società. Queste idée portano logicamente sia il rifiuto di ogni totalitarismo, estraneo allo spirito polacco, che al rifiuto dell'individualismo, che indebolisce le fondamenta della società facilitando lo sfruttamento dei deboli da parte dei potenti." Ibid.

The personality of man can develop integrally only in harmony with the development of society, in the service of their principal ends. The social and political organization of the State should therefore be based upon the social man, who subordinates his ego to the common good of society. These ideas logically carry both the rejection of every totalitarianism, foreign to the Polish spirit, and the rejection of individualism, which weakens the foundations of society by facilitating the exploitation of the weak by the powerful. (Translation mine.)

The information supplied by Sieniewicz is confirmed in Jacques and Raïssa Maritain: Oeuvres Complete XVII (Paris: Éditions Saint-Paul, 1990): 123, citing that the Poznan lectures were a condensed version of the last three lectures Maritain gave the following year in Santander, Spain.
permitted since his work did not involve social issues. During Wojtyla's time in Rome while studying at the Angelicum from 1946-1948, he lived at the Pontifical Belgian college where


Naturally, among the various reasons for the absence of Maritain's work translated into Polish, the main reason without a doubt is due to his social-politico ideas, which are totally contrary to Marxist ideology. (Translation mine.)

"Respingendo la filosofia di Maritain, sia ignorandola, sia criticandone la Weltanschauung tomistica, i marxisti, nello spirito del divide et impera si stano orientando piuttosto verso una arbitraria versione gilsoniana del tomismo…. " Woznicki, "L'influenza di Maritain," 156.

Rejecting the philosophy of Maritain, either ignoring it, or criticizing his Thomistic Weltanschauung, the Marxists, in the spirit of divide and conquer, were oriented somewhat toward an arbitrary Gilsonian version of Thomism… (Translation mine.)


However, regardless of the lack of translations of Maritain's works into Polish, and the rejection of his views judged to be fideistic by Marxist officials, his philosophical interpretation of St. Thomas is not only heard but is fully present in all the Polish scholars and admirers of the Angelic Doctor. (Translation mine.)

Also George Huntston Williams notes: "Gilson, because he wrote almost wholly on Thomas and scholasticism, was more commonly translated into Polish than Maritain, several of whose works on democracy and culture were written or at least published in English during his sojourn in America during the war. We have already notes (see chapter 4, part 3) that Gilson and Maritain, as lay French Thomists, are commonly linked, but we have sought to show that Maritain was closer to traditional Thomism, while Gilson was closer in spirit and especially in methodology to La Nouvelle Théologie. That Maritain exercised considerable influence on Thomist Personalism at KUL and elsewhere in Poland is attested by Andrew N. Woznicki, "L'influenza di Maritain sulla filosofia in Polonia," Jacques Maritain e la Società contemporanea, ed. Roberto Papini (Milan: Massimo, 1978), pp.154-69. Maritain is given to be understood as an important factor in the evolving thought of John Paul II in that the foregoing piece was reprinted in its entirety (without inclusion of the name of the author in a special
French was spoken. It is difficult to imagine that the most famous Catholic French philosopher in the world was not spoken of on a regular basis. Beyond the seminary, Weigel has credited the influence Maritain had upon John Paul's pontificate, dating it back to the Polish priest's time at the Catholic University of Lublin, Poland.37

Through faculty colleagues at KUL [Catholic University of Lublin], and especially Stefan Swiezawski, Wojtyla had his first serious encounter with Etienne Gilson's historical rereading of Thomas Aquinas and with Jacques Maritain's modern Thomistic reading of Catholic social ethics, including Maritain's moral defense of democracy as the modern method of government most reflective of human dignity. It was Swiezawski, for example, who introduced Wojtyla to Maritain's Integral Humanism, a key 1936 text that later influenced the Second Vatican Council and its approach to the modern world.38

Beyond the initial exposure to Maritain, Wojtyla absorbed Maritain's thought into his own work. "[T]hrough his The Acting Person and his many other philosophical treatises, [Wojtyla] developed an integrated personalism which requires fidelity and normative adherence to the 'metaphysics of being' of Thomas Aquinas in the spirit of Maritain which the need of openness to the exigency of contemporary existential phenomenological personalism in the spirit

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37 "Many of the signature themes and initiatives of the pontificate of John Paul II were drawn from the renewal of Catholic theology that took place, primarily in continental Europe, in the decades prior to the second Vatican Council. … John Paul II's social doctrine assumed, even as it extended, the thinking of theologians dating back to Augustine, Aquinas, and Suárez; the thought of such modern exponents of Catholic social theory as Wilhelm Emmanuel von Ketteler, Heinrich Pesch, Oswald von Nell-Breuning, S.J., Jacques Maritain, and John Courtney Murray, S.J.; and the social magisterium of Popes Leo XIII and Pius XI." Weigel, The End and the Beginning, 480.

of Max Scheler and Mounier." And like Maritain, Wojtyla blended Thomism with personalism to be the cornerstones of his own philosophic work. "Pope John Paul II is not a man of one idea," Dulles explains. "As I have said, he accepts the whole dogmatic heritage of the church. In his philosophy he combines personalist phenomenology with a strong Thomistic metaphysics." Wojtyla was noted for his consistency of philosophical thought throughout most of his intellectual career. He did not careen wildly from Marxism, to other philosophers like so many others in the twentieth century, but remained constant in his Thomistic and personalistic focus, refining and deepening them over time. While Christian Europe was dying and reinventing notion of human rights, there was only one part of Europe that continued to view rights through the personalist lens – Eastern Europe, specifically Poland. "There, Maritain, Mounier, and Scheler enjoyed huge discipleships, not least in the personalism of Karol Wojtyla, eventually Pope John Paul II." For Wojtyla, personalism was more than a philosophical mission, but deeply personal and a type of activism because of the constant pressure from communism to subsume the individual into the state.

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39 Gerdeau, "The Role of Maritain," 104.

40 Dulles, "John Paul II and Mystery," Part I.

Kenneth Schmitz provides a deeper analysis of the two thinkers. Schmitz lays out the significant substantive overlap between them, with Wojtyla adding a new phenomenological element because of his keen interest in the interiority of the person. "Wojtyla adopted the method of phenomenology because traditional metaphysics cannot take adequate account of this turn to the self, given the development of the sense of subjectivity in modern times, so that by itself it is not adequate to catch the distinctive character of modern experience." Kenneth Schmitz, "Jacques Maritain and Karol Wojtyla: Approaches to Modernity," in The Bases of Ethics, ed. William Sweet, 126-39 (Milwaukee, WI: Marquette University Press, 2000), 132-33.

Wojtyla, as the bishop of Krakow, attended Vatican II. He was involved in the writing of *Gaudium et spes*, which gave the Polish bishop further contact with Maritain, if not in person, then through his ideas which were embodied in that Second Vatican Council document. "Wojtyla's experience as a young bishop at the Second Vatican Council confirmed and deepened his personalism. He was particularly involved in writing the "Pastoral Constitution on the Church in the Modern World" (*Gaudium et Spes*), Article 26, which speaks of "the exalted dignity proper to the human person" and of universal, inviolable human rights",42 – the same article to which much credit is given to Maritain.

In addition to *Gaudium et spes*, Dulles notes, "[a]t Vatican II Wojtyla entered vigorously into the debates on religious freedom. The council opened its declaration on that subject with sentences that could almost have come from the pen of Bishop Wojtyla, had he been one of the authors:"43

A sense of the dignity of the human person has been impressing itself more and more deeply on the consciousness of contemporary man. And the demand is increasingly made that men should act of their own judgment, enjoying and making use of a responsible freedom, not driven by coercion but motivated by a sense of duty44

What is interesting about Dulles's comment is that this excerpt from Vatican II could have also come from the pen of Maritain. There are many layers of overlap between the Frenchman and Wojtyla making it difficult to know the source of the influence – that is how ingrained Maritain's project became into Catholic social thought – as well as revealing what a

42 Dulles, "John Paul II and Mystery."
43 Ibid.
44 *Dignitatis Humanae*, §1.
student of the council John Paul truly was. There is much more of a mirror between the Peasant
and the Pope than comes to light in the various biographies of the two men – although Dulles and
De Torre have brought out many of the similarities. The deepening of Wojtyla's personalism, the
emphasis upon universal and inviolable rights, and the focus upon the right to religious freedom
seem beyond a mere coincidence of Maritain's influence upon the future pope.

With the advent of his own pontificate in 1978, John Paul made it clear from the
beginning that he was influenced by Maritain's *Integral Humanism*. The many ideas influenced
by Maritain/Vatican II did not remain in the classroom or in Wojtyla's academic books, but
found a pronounced position in the papacy of John Paul II. Though Maritain is not mentioned by
name, Joseph De Torre lists numerous occasions when the Polish Pope specifically uses the term
"integral humanism," or some very similar variation of the term, starting with his first encyclical
*Redemptor Hominis*, published in 1979.45 "John Paul serve[d] as a sentinel in the tradition of

45 De Torre, "Maritain's *Integral Humanism*," 206-08.

"The humanist thrust of Catholic social thought, however, in later years received a
powerful boost from the wide and deep application of the anthropological concept of culture in
John Paul II's writings. Pope John Paul gives his predecessor's orientation a Christological and
incarnational twist and expands on it in his first encyclical, *Redemptor hominis*, where he makes
the remarkable statements 'for the Church all ways to God lead to the human person" and "the
human person is the primary route the church must travel in fulfilling its mission." Allen
Figueroa Deck, S.J. "Commentary on *Populorum progressio* (On the Development of Peoples)"
in *Modern Catholic Teaching: Commentaries & Interpretations*, ed. Kenneth B. Himes, O.F.M.,

"John Paul II, *Redemptor hominis*, number 14. The personalist and phenomenological
currents in John Paul II's humanism are clearly revealed in *The Acting Person*, a work of
phenomenological anthropology, the fruit of his teaching at the Catholic University of Lublin.
His thought is an intensification of and wider development of Pope Paul's VI's humanism with
similar, if less explicit, underpinnings in Catholic intellectual culture of pre- and post- World
Reidel, 1969)." Deck, "Commentary on *Populorum progressio*," 313, note 56.
Maritain: he continues Maritain's efforts to build the intellectual basis for a personalist theory of democracy, or an "integral humanism." This is not to say that Wojtyla/John Paul II doesn't bring his own significant body of work to the table when he becomes pope, but that he is still working within the same tradition, arriving with his own philosophical approach, but that approach was not far from the direction in which the tradition had already been going.

Beyond *Integral Humanism*, first as a bishop then as pope, John Paul used human rights as a battering ram against Soviet propaganda and blunt force. John Paul rallied for the notion that the state is a mere instrument, while emphasizing human rights and their basis in natural law. Russell Hittinger has written that "one can discern the stamp of [Maritain's] mind on the encyclicals of John Paul II, who, if anything expounds the instrumentalist conception of the state more aggressively than did Maritain himself."

Dulles adds further that, "[i]n his continuing struggle against Marxism in Poland after the Second Vatican Council, Cardinal Wojtyla identified the doctrine of the person as the Achilles' heel of the Communist regime. He decided to base his opposition on that plank. In 1968 he wrote to his Jesuit friend, the future Cardinal Henri de Lubac:

> I devote my very rare free moments to a work that is close to my heart and devoted to the metaphysical significance and the mystery of the PERSON. It seems to me that the debate today is being played on that level. The evil of our times consists in the first place in a kind of degradation, indeed in a pulverization, of the fundamental uniqueness of each human person. This evil is even much more of the metaphysical than of the moral order. To this disintegration, planned at times by atheistic ideologies, we must oppose, rather than sterile polemics, a kind of 'recapitulation' of the mystery of the person."

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46 Ibid., 204.
48 Dulles, "John Paul II and Mystery."
After becoming pope, "John Paul II would continue to insist that the extraordinary brutality of the 20th century was due to an unwillingness to recognize the inherent value of the human person, who is made in the image and likeness of God, who confers upon it inalienable rights that can neither be bestowed nor withdrawn by any human power."49

During his first visit back to Poland after being elected pope, John Paul was explicit in his convictions about the dignity of the human person and man's inalienable rights. Though not heavy handed, he was consistent in his remarks about the rights of men and of nations, knowing full well that his audience was both the oppressed Polish people as well as their oppressors – both the Polish and Soviet authorities.

On the day of his arrival, John Paul met with Polish leaders, where he reminded them that "Peace and the drawing together of the peoples can be achieved only on the principle of respect for the objective rights of the nation, such as: the right to existence, to freedom, to be a social and political subject, and also to the formation of its own culture and civilization."50 That same day, during an outdoor Mass in Victory Square in Warsaw, the pope subtly alluded to the oppression being experienced by the Polish nation:

We are before the tomb of the Unknown Soldier. In the ancient and contemporary history of Poland this tomb has a special basis, a special reason for its existence. In how many places in our native land has that soldier fallen! In how many places in Europe and the world has he cried with his death that there can be no just

49 In Centesimus Annus, the pope wrote: "The human person receives from God its essential dignity and with it the capacity to transcend every social order so as to move toward truth and goodness." Pope John Paul II, Encyclical Letter, 1991, §38.1. http://www.vatican.va/edocs/ENG0214/_INDEX.HTM Quoted in Avery Dulles, "John Paul II and Mystery."

Europe without the independence of Poland marked on its map! On how many battlefields has that solider given witness to the rights of man, indelibly inscribed in the inviolable rights of the people, by falling for "our freedom and yours"!\(^5^1\)

John Paul's strongest remarks of the trip were saved for a homily given during Mass at the Brzezinka Concentration Camp, or Auschwitz (Oswiecim). The drama evoked by such a place of evil cannot be missed.

Can it still be a surprise to anyone that the Pope born and brought up in this land, the Pope who came to the see of Saint Peter from the diocese in whose territory is situated the camp of Oswiecim, should have begun his first Encyclical with the words "Redemptor Hominis" and should have dedicated it as a whole to the cause of man, to the dignity of man to the threats to him, and finally to his inalienable rights that can so easily be trampled on and annihilated by his fellowmen? Is it enough to put man in a different uniform, arm him with the apparatus of violence? Is it enough to impose on him an ideology in which human rights are subjected to the demands of the system, completely subjected to them, so as in practice not to exist at all?\(^5^2\)

Interestingly, the pope closes his remarks by saying that he is the successor of Popes John XXIII and Paul VI – a clear nod to the Second Vatican Council, since it also would have been appropriate to mention being the successor to Peter had been merely trying to emphasize the papacy. And again, the pope underscored the violation of the rights of nations in that sacred place of unspeakable sorrow.

He who is speaking these words is the successor of John XXIII and Paul VI. But he is also the son of a nation that in its history has suffered many afflictions from others. He says this, not to accuse but to remind. He is speaking in the name of all


the nations whose rights are being violated and forgotten. He is saying it because he is urged to do so by the truth and by solicitude for man.\footnote{Ibid.}

This trip to Poland was emblematic of John Paul's constant effort to emphasize the rights of man – especially knowing of the unique opportunity he had to reach the people, the oppressed and the oppressors, behind the Iron Curtain.


All the same there is … one fundamental dimension, which is capable of shaking to their very foundations the systems that structure mankind as a whole and of freeing human existence, individual and collective, from threats that weigh on it. The fundamental dimension is man, man in his \textit{integralità}, man who lives at the same time in the sphere of material values and in that of spiritual values. Respect for the inalterable [inalienable] rights of the human person is at the basis of everything.\footnote{John Paul, UNESCO Address, §4. Emphasis mine.}

\footnote{Il y quand même — et je l’ai souligné dans mon discours à l’ONU en me référant à la Déclaration Universelle des droits de l’homme — une dimension fondamentale, qui est capable de bouleverser jusque dans leurs fondements les systèmes qui structurent l’ensemble de l’humanité et de libérer l’existence humaine, individuelle et collective, des menaces qui pèsent sur elle. Cette dimension fondamentale, c’est l’homme, l’homme dans son intégralité, l’homme qui vit en même temps dans la sphère des valeurs matérielles et dans celle des valeurs spirituelles. Le respect des droits inaliénables de la personne humaine est à la base de tout.” Ibid.}
Here John Paul is reiterating what he considers to be the key to peace, like his predecessor Paul VI, echoing Maritain. Included in this one paragraph is the notion of man's inalienable rights, the element of the integrity of man, and Maritain's elements of personhood – man living in the realm of the material and the spiritual.

Even after the fall of communism and the Soviet empire, Pope John Paul II's philosophical consistency was evident in his encyclical *Veritatis Splendor* (The Splendor of the Truth), published in 1993. Though the political situation had changed, the pope continued to emphasize the importance of human rights and natural law, especially as his countrymen and others in the newly independent states that had formed the Soviet bloc had newfound freedoms that carried great new responsibilities and duties.\(^{56}\)

In *Veritatis Splendor*, the pope again wrote what could have easily come from the pen of Maritain:

\(^{56}\) During Pope John Paul II's visit to Poland in 1997, many said that the pope's tone had changed from one of hope for the future and encouragement, as had been during previous visits, to one of a father scolding his children for their errant ways. True or not, his introductory speech signals a recognition of the new realities that faced Poland and the rest of Eastern Europe after communism.

"I greet you, Poland, my homeland! Although I happen to live a long way away, still I do not cease to feel a son of this land, and nothing which concerns it is alien to me. Citizens of Poland, *I rejoice with you at your achievements and I share in your concerns!* There is certainly reason for optimism - for example - in the process, not an easy one, of "learning how to be a democracy" and the gradual consolidation of the structures of a democratic and constitutional state. To this must be added numerous achievements in the area of the economy and social reform, recognized by prestigious international bodies. But there are also problems and tensions, sometimes quite painful ones, which need to be resolved by a common and fraternal effort on the part of all, *with respect for the rights of each human being*, especially the most defenceless and weak. I am convinced that *Poles are a nation endowed with an enormous potential of talent and spirit, intelligence and will*; a nation capable of much, and one which can play an important role in the family of European countries." Pope John Paul II, Wroclaw, Poland, May 31, 1997, §2. http://www.vatican.va/holy_father/john_paul_ii/travels/documents/hf_jp-ii_spe_31051997_poland-arrival_en.html
At this point the true meaning of the natural law can be understood: it refers to man's proper and primordial nature, the "nature of the human person", which is the person himself in the unity of soul and body, in the unity of his spiritual and biological inclinations and of all the other specific characteristics necessary for the pursuit of his end. "The natural moral law expresses and lays down the purposes, rights and duties which are based upon the bodily and spiritual nature of the human person.\textsuperscript{57}

And then, in the next section:

But inasmuch as the natural law expresses the dignity of the human person and lays the foundation for his fundamental rights and duties, it is universal in its precepts and its authority extends to all mankind. This universality does not ignore the individuality of human beings, nor is it opposed to the absolute uniqueness of each person. On the contrary, it embraces at its root each of the person's free acts, which are meant to bear witness to the universality of the true good.\textsuperscript{58}

Despite his years of emphasizing human rights, John Paul was not unaware of the reality that human rights in general usage had become unhinged from their Christian roots. "In a last ditch plea to an overwhelmingly secularized continent shortly before his death, John Paul II worried that the very Europe that had come to celebrate rights as the core of its identity also seemed poised to cut the last thread binding it to the Christianity that had allowed their discovery"\textsuperscript{59}

While John Paul certainly added his own twist to the concepts Maritain laid out, there is enough overlap to not know where the ideas of one stop and the other start. This element of


While not an exact match to Maritain's individual vs. person template, the elements are very similar.

\textsuperscript{58} John Paul II, \textit{Veritatis Splendor}, §51.

\textsuperscript{59} Moyn, "Maritain, Christian New Order," 23.
Maritain's influence is usually summed up as John Paul II's regard for the Vatican Council, which is of course true, but his appreciation must be extended to Maritain's imprint upon it.


Fr. Joseph Ratzinger was also present at Vatican II, not as a bishop but as a peritus to Cardinal Manfred Frings of Cologne. Though he would be critical of elements of the Second Vatican Council as was seen in the previous chapter, Ratzinger, who was considered more conservative than many previous popes when he became Pope Benedict XVI in 2005, did not waver from his predecessors' appreciation and promotion of human rights rooted in natural law.

While not prone to emphasizing integral humanism the way John Paul II did, Benedict's commitment to human dignity and human rights is evident through many of his writings. As early as his first encyclical in 2005, Deus Caritas Est, the new pope included an emphasis upon human rights in order to promote true justice.\(^{60}\) He reiterated the connection between rights and justice again in his 2009 encyclical Caritas in Veritate, including a specific section that covered "Rights and Duties,"\(^ {61}\) where he calls attention to the distinction between rights as license and rights that carry with them duties. "Duties set a limit on rights because they point to the anthropological and ethical framework of which rights are a part, in this way ensuring that they do not become licence. Duties thereby reinforce rights and call for their defence and promotion.


\(^{61}\) Ibid., Chapter 4.
as a task to be undertaken in the service of the common good."\textsuperscript{62} Clearly, the German pope had the richer definition of human rights promoted by his predecessors in mind instead of the denuded version that emphasizes rights based solely upon human dignity. As such, it is again difficult to say that Benedict XVI is influenced directly by Maritain, but his ideas have definitely had an indirect effect.

Beyond his encyclicals, the German pope made it clear that there is a link between rights and natural law. In 2007, in his address to the International Congress on Natural Moral Law, Pope Benedict stated: "Human freedom is always a shared freedom. It is clear that the harmony of freedom can only be found in what is common to all: the truth of the human being, the fundamental message of being itself, exactly the \textit{lex naturalis}.\textsuperscript{63} And in April 2008, the German Pope addressed the United Nations, focusing his remarks on the human rights and their link to natural law:

\begin{quote}
This reference to human dignity, which is the foundation and goal of the responsibility to protect, leads us to the theme we are specifically focusing upon this year, which marks the sixtieth anniversary of the \textit{Universal Declaration of Human Rights}. This document was the outcome of a convergence of different religious and cultural traditions, all of them motivated by the common desire to place the human person at the heart of institutions, laws and the workings of society, and to consider the human person essential for the world of culture, religion and science. Human rights are increasingly being presented as the common language and the ethical substratum of international relations. At the same time, the universality, indivisibility and interdependence of human rights all serve as guarantees safeguarding human dignity. It is evident, though, that the rights recognized and expounded in the \textit{Declaration} apply to everyone by virtue of the common origin of the person, who remains the high-point of God’s creative design for the world and for history. They are based on the natural law inscribed
\end{quote}

\textsuperscript{62} Ibid., \S 43.

on human hearts and present in different cultures and civilizations. Removing human rights from this context would mean restricting their range and yielding to a relativistic conception, according to which the meaning and interpretation of rights could vary and their universality would be denied in the name of different cultural, political, social and even religious outlooks. This great variety of viewpoints must not be allowed to obscure the fact that not only rights are universal, but so too is the human person, the subject of those rights.  

In this explanation, one of Benedict's own additions to the discussion about rights is also evident – his emphasis upon the dictatorship of relativism. Here he is making it clear that rights theory cannot be predicated upon merely cultural, religious, social or political outlooks, as such would undermine the universal element that underpins his – and the Church's – notion of human rights. This is an interesting point with reference to the U.N. Dec. because the Declaration itself...  


\[\text{\textsuperscript{65}}\text{Benedict XVI made similar remarks in Berlin, Germany: "For the development of law and for the development of humanity, it was highly significant that Christian theologians aligned themselves against the religious law associated with polytheism and on the side of philosophy, and that they acknowledged reason and nature in their interrelation as the universally valid source of law. This step had already been taken by Saint Paul in the Letter to the Romans, when he said: “When Gentiles who have not the Law [the Torah of Israel] do by nature what the law requires, they are a law to themselves ... they show that what the law requires is written on their hearts, while their conscience also bears witness ...” (\textit{Rom} 2:14f.). Here we see the two fundamental concepts of nature and conscience, where conscience is nothing other than Solomon’s listening heart, reason that is open to the language of being. If this seemed to offer a clear explanation of the foundations of legislation up to the time of the Enlightenment, up to the time of the Declaration on Human Rights after the Second World War and the framing of our Basic Law, there has been a dramatic shift in the situation in the last half-century. The idea of natural law is today viewed as a specifically Catholic doctrine, not worth bringing into the discussion in a non-Catholic environment, so that one feels almost ashamed even to mention the term." Pope Benedict XVI, Bundestag Address, Berlin, Germany, Sept. 22, 2011. http://www.vatican.va/holy_father/benedict_xvi/speeches/2011/september/documents/hf_ben-xvi_spe_20110922_reichstag-berlin_en.html}\]
makes no reference to the crucial element of God. Benedict, like Maritain and other popes before, is lauding the Declaration despite its obvious deficiencies.

4. Beyond the Papacy

Beyond the Vicars of Christ, Maritain's influence was felt among Church intellectuals, viz. Thomists, such his students Yves Simon and John Courtney Murray and countless other students who have been influence by him, directly or indirectly (or wittingly or unwittingly).66 Moreover, many ecclesial documents have the stamp of Maritain upon them, such as the Compendium of the Social Doctrine of the Church.67

66 Even Charles de Koninck, who was no fan of Maritain, said his a letter to Mortimer Adler: "Though I am no Maritainist, no one can deny that he has done more for Thomism in the modern world than any flock of scholars hatched in the coop."


152. The movement towards the identification and proclamation of human rights is one of the most significant attempts to respond effectively to the inescapable demands of human dignity. The Church sees in these rights the extraordinary opportunity that our modern times offer, through the affirmation of these rights, for more effectively recognizing human dignity and universally promoting it as a characteristic inscribed by God the Creator in his creature. The Church's Magisterium has not failed to note the positive value of the Universal Declaration of Human Rights, adopted by the United Nations on 10 December 1948, which Pope John Paul II defined as "a true milestone on the path of humanity's moral progress."

153. In fact, the roots of human rights are to be found in the dignity that belongs to each human being. This dignity, inherent in human life and equal in every person, is perceived and understood first of all by reason. The natural foundation of rights appears all the more solid when, in light of the supernatural, it is considered that human dignity, after having been given by God and having been profoundly wounded by sin, was taken on and redeemed by Jesus Christ in his incarnation, death and resurrection.

The ultimate source of human rights is not found in the mere will of human beings, in the reality of the State, in public powers, but in man himself and in God his Creator. These rights are
In 1958, the Jacques Maritain Center was founded at the University of Notre Dame – a rare foundation given that Maritain was still alive. Such honors usually come posthumously. And a year after his death, the International Jacques Maritain Institute was founded in Rome, Italy, in 1974. The Institute boasts of 16 affiliated institutes in other countries and a network of 20 national sections and collaborating associations, in addition to having operational relations with UNESCO, the Food and Agriculture Organization (FAO), and other NGOs. "The church in Latin America, in particular, has been much inspired by him. Maritain had an intellectual hand in the creation of Christian Democratic parties and indirectly, of the liberation movements that flowed from them."\(^{68}\)

As for rights in general, Glendon has written that, "the Church has emerged as, intellectually and institutionally, the single most influential champion of the whole, interconnected, body of principles in the Universal Declaration,"\(^{69}\) which was a result of the push for rights by popes, bishops and intellectuals. "The powerful invention of tradition that could allow such a view occurred in the 1930s and 1940s," Samuel Moyn concludes, "thanks to Jacques Maritain above all."\(^{70}\)

\(^{68}\) Brennan, "Jacques Maritain," 138.


5. The Peasant's Fallout

Maritain was a much sought after intellectual for the majority of his career. He worked with popes, was an enemy of Hitler's, was asked to serve France by President Charles De Gaulle, had a demanding international speaking schedule, held important university positions, and was widely published in France and beyond. Despite a career full of accolades, the breadth of Maritain's influence today is not well known beyond specific circles. As Timothy Fuller and John Hittinger explain: "What may be surprising is the neglect with which Maritain is treated in his own historic tradition. Applauded before Vatican II as a source of renewal, yet disdained by some as too liberal, Maritain saw his reputation and influence slip after the Council… ."

While perhaps there are other contributing factors, part of the reason for Maritain's diminished stature among intellectuals was the fall out from his poorly received The Peasant of Garonne, which many considered to be a cranky screed by an old man. The book, published by

\[\text{71} \text{ Fuller and Hittinger, } \textit{Reassessing the Liberal State}, \text{ 2.}\]

\[\text{72} \text{ Michael Novak has suggested that another significant factor contributing to the decline in Maritain's popularity was the quick abandonment of Thomism after the Council. (Personal Email, 11/28/12). R. Hittinger, however, points out that as Thomism was abandoned, personalism came into vogue in the 1960s, which would suggest that Maritain should have kept some of his influence as prominent personalist. Hittinger, } \textit{Modern Catholicism,} \text{ 13.}\]

V. Bradley Lewis has added that Maritain's absence from France directly following WWII to serve as the French ambassador to the Holy See diminished his influence in France and allowed Jean-Paul Sartre to take center-stage philosophically with very little opposition. This explains his diminished importance in France, but does not seem to have had much affect upon his influence in Rome, as Maritain was likely at the zenith of his influence at the close of the Second Vatican Council when he was publicly recognized by Pope Paul VI.

And perhaps the fact that Maritain was not a religious, and therefore not directly involved in the Second Vatican Council is reason to believe why credit would be given to John Courtney Murray, S.J., rather than to his mentor, Maritain.

\[\text{73} \text{ Another element, which may have played a role in the diminishing of Maritain's influence, was his unique style of dealing with political issues that engaged both hope and}\]
the then 85-year-old Maritain, came at the end of his long and illustrious career, and was described by one critic as "quite literally a bomb' thrown into Catholicism."74 As one review makes clear, Maritain at that point was heralded as the man who lit the new fire that was to


Maritain engaged this same mixture in his post Action Française work, when he emerged as a wiser and less naïve thinker. This pattern can be seen in The Peasant of Garonne, although it seems most reviewers picked up only upon the 'warning' element, while not seeing any hope among the pages.

Here Schenk describes the way this hope and warning was embodied in the Second Vatican Council: "Not only did Maritain enjoy the personal admiration and support of [Pope] Paul, not only had Maritain influenced the council in matters such as religious liberty and human rights, but he represented the kind of echo that the council fathers were hoping to elicit from academics and other intellectuals. At the heart of the council’s message was the maxim ascribed to Augustine: 'Let us seek with the desire to find, and find with the desire to seek still more.' The message combined moments of humility and criticism, admitting that the Church was still searching for her own way forward, but also expressing the need for the intellectual world to open its eyes to the light of faith. 'Do not forget that, if thinking is something great, it is first a duty. Woe to him who voluntarily closes his eyes to the light. Thinking is also a responsibility, so woe to those who darken the spirit by the thousand tricks which degrade it, make it proud, deceive and deform it.'" Schenk, "Maritain and Vatican II," 80.

Schenk conjectures that despite Maritain's work to embody a new spirit of Thomism, it is not a possible source for renewal in the aftermath of the Council fifty years later. "The two other arguments prima facie for doubting the value of Maritain’s legacy as a source for renewal in the genuine spirit of the council pull in opposite directions from one another: while his involvement in the human rights debate has been dismissed recently as a naïve accommodation to modernity, his conversation with the modern project as a whole is often dismissed in globo as nostalgic and reactionary." Schenk, "Maritain and Vatican II," 93. Basically, caught in a middle position which allows him to be dismissed by liberals and conservatives: liberals and the younger generation rejected him because he was a Thomist while conservatives rejected him because of his liberal personalism.

become the Second Vatican Council, while also trumpeted as "the veritable idol of liberal Catholic intellectuals." What precipitated Maritain's fall from grace was that *The Peasant of Garonne* not only had what many called a cranky edge, but seemed to douse "the fire" that Maritain had started – representing a betrayal to many. Robert Graham's 1967 review of the work for *America* magazine summarized nicely both what many were critical of, while also underlining Maritain's fame and influence among Catholic intellectuals and the Council itself. Graham starts the article with: "Maritain is anything but forgotten or irrelevant, but there are those who wish he hadn't written this book." He cites others who had commented on the work: "In *Le Monde*, Fr. Yves Congar, writing in obvious embarrassment, observed that Maritain underestimates the contribution of modern theologians. The editor of the Jesuits' *Etudes*, Fr. Bruno Ribes, throughout an extended and pained circumlocution, made it clear that he thought the book unfortunate." Dominican François Biot declared "[t]hat a man retired to his hermitage and already well advanced in years cannot understand the development of the very thing he helped set afoot should not surprise us." Fr. Biot concluded that for Maritain's honor and influence in the Church, "it is too bad that his friends did not dissuade him from publishing this last book."

The real crux of Graham's and other's issues with Maritain are summarized here:

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75 Graham, "Maritain on Aggiornamento," 348-49.
76 Ibid., 348.
77 Ibid., 349.
78 Ibid., 348.
79 Ibid.
80 Ibid.
Were someone younger, with his credentials, to come along now, he would be hailed as representing the ideal Catholic of the aggiornamento – an intellectual and scholar respected in all milieux, a humanist of broad culture, sensitive to profound trends, politically a protagonist of the liberal society, anything but a clerical, and married to boot. But now he is cast instead as a Brutus who stabbed the aggiornamento in the back. He has committed the faux pas of having said what is 'not said' in his circles, of giving aid and comfort to the integralists, of letting down his own disciples and – what counts for most, perhaps – of daring to point a critical finger at the writings of Fr. Pierre Teilhard de Chardin.  

Whether or not the cranky tone critique is justified, it is clear from this review that Maritain held a prime place among Catholic intellectuals – those closest to the Second Vatican Council in the years shortly after it concluded. Fifty years out, it is very difficult to get this impression from those writing about the Second Vatican Council. A recently published book *After Vatican II: Trajectories and Hermeneutics* makes only passing reference to Maritain. In one place he is mentioned in relationship to Julian Green. The text says: "Of his fellow convert to Roman-Catholicism, Jacques Maritain later wrote that Green, like Leon Bloy, *railed* not without reason at 'the religion of those who believe that they believe in God and live as if God didn't exist.'" While in and of itself, this quote wouldn't carry much weight, but taken with the

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81 Ibid., 348-49.  
82 One exception, will be discussed below, are those writing with a deep understanding of Maritain's work, including Richard Schenk and Michael Novak (who was a reporter in Rome covering Vatican II).  
84 Robin Darling Young, "A Soldier of the Great War," in *After Vatican II: Trajectories and Hermeneutics*, ed. James L. Heft (Grand Rapids, MI: W.B. Eerdmans Publishers, 2012), 134-63, 145. (Emphasis my own.) While the author may not have intended to put forward a view
other quotes in the work about Maritain – or lack there of – it gives one pause as to what has become of his reputation. Later in the same chapter, Robin Darling Young enumerates the Catholic intellectuals in Post Would War I France, among whom is Maritain. However, Maritain is only listed as an innovative Thomist in passing, and never mentioned among the long list of influential personalists in the post-war era.85

Elsewhere, students of Maritain's seem to get more credit for the council than he does. John Courtney Murray has been described as the "architect of Vatican II's Declaration on Religious Freedom."86 If there can only be one architect, it seem odd to give the title to Murray when Pope Paul VI chose to close the council by giving special mention to Maritain. Moreover, many of the ideas Murray espoused came from his teacher, Maritain.87

85 "Not all those who studied and taught the Theology of Thomas Aquinas were supporters of the neoscholastic model or of the particular authorities in the church who regarded that model as indispensable. In the twenties and thirties, Jacques Maritain, for instance, was, in the French church, intent upon putting forward the vital philosophy of Thomas Aquinas in answer to needs as he saw them, of modern society." Young, "Soldier," 147-48.

"... the personalists inspired by Emmanuel Mounier such as Blondel, Claudel, Rousselet, even Peter Maurin..." Ibid., 146.

86 "Despite his sudden death at 63 in 1967, this architect of Vatican II's Declaration on Religious Freedom has been increasingly recognized as primarily responsible for bringing the Catholic tradition on Church, state, and society into civilized conversation with the American proposition' of pluralist democracy." John Courtney Murray, We Hold These Truths: Catholic Reflections on the American Proposition (Kansas City: Sheed and Ward, 1988). Reprint, (Lanham, MD: Sheed & Ward, 2005), v.

87 Here McCauliff offers a deeper explanation of the relationship of Maritain and Murray to the Council. "After the death of Pope John XXIII, Cardinal Montini, now Pope Paul VI, presided over the Council and invoked Maritain's work. This was especially true with regard to Gaudium et spes (The Constitution of the Church in the Modern World), which embodied some of these same principles, and in the dialogue within the Church leading to the Declaration on Religious Freedom (Dignitatis humanae, 1965), which also had direct American input from the
While it is not impossible to find references to Maritain's influence upon Vatican II, his name is not nearly as prevalent as one might expect. It will be interesting to see how much recognition he gets with the Fiftieth Anniversary of the Council upon us.

Ultimately, after Vatican II, it seems his blending of modernity with Thomism worked against him. The liberals thought him too old-fashioned, while conservatives found him too trendy.

6. Conclusion

Brennan offers an interesting insight into Maritain's decline – and that is his success. His own ideas have become so common place that no one quite remembers from where they came.

The revival of Thomism initiated by Pope Leo XIII has been succeeded and surpassed by the teachings of the Second Vatican Council on humanity in the world, which owe much to the work of the new Thomists, and perhaps above all to Jacques Maritain. In the realm of law and politics, we now take for granted many of the conclusions Maritain reached with bold originality. Ironically, the success of Maritain's conclusions has led to his own eclipse.88

While in many respects it can be difficult to really be sure if it was Maritain who first held many of these ideas, the one litmus test seems to be that of persecution. While they may have come from Taperelli or Pius XI, it was certainly not the Jesuit or the pope who took the heat for the boldness. It was rather Maritain who took the heat for Integral Humanism, and its radical embrace of personalism, universal human dignity, freedom, pluralism, etc… fearing he would be


88 Brennan, "Jacques Maritain," 139.
put on the Index for decades, particularly in the 1950s.\textsuperscript{89} It was Maritain who was accused of being a Jew because of his embrace of religious freedom. Schall says of Maritain that everything he wrote was controversial.\textsuperscript{90} It is easy to forget or overlook the fact that Maritain weathered the philosophical storms, making it much easier for those after him to push forward the ideas, stretching into what John Courtney Murray called the "growing end" of the tradition.

\textsuperscript{89} Piero Viotto chronicles the most difficult years for Maritain when the article by A. Messineo in \textit{La Civiltà Cattolica} brought to a head the possible condemnation of Maritain by the Vatican, and the years leading up to it which involved many journal articles condemn Maritain's humanism, many of which were written anonymously. See Piero Viotto, "E Maritain non fu condannato" in \textit{Il Nostro Tempo Settimanale} (July 13, 2012).

\textsuperscript{90} Schall explained that "Maritain knew his philosophizing cut against the grain all the way down, and that Maritain therefore asked, in genuine humility, that people given honest ear to his very different message. Everything on which Maritain wrote was controversial. His application of a revised but inevitably embattled Thomism, as a self-described 'man of the left,' could hardly avoid frequent fireworks." Brennan, "Jacques Maritain," 139. See Shall, \textit{Maritain, The Philosopher}, xii, xviii-xx.
CHAPTER FIVE:
MacIntyre's Narrative Quest

"[F]or the plain truth is: there are no such rights, and belief in them is one with belief in witches and in unicorns."\(^1\)

MacIntyre has become, through this famous pithy quote comparing rights to witches and unicorns, the poster child of those in opposition to rights.\(^2\) Among the numerous citations to this sentence in the prodigious literature on rights, some use it as a straw man of sorts, while others have engaged it in a more benign fashion, just to say that there are those against human rights. Few, however, have offered much argumentation beyond the one sentence quotation to fill in MacIntyre's argument.\(^3\) To the uninitiated, this seems to generally sum up MacIntyre's overall position on rights. The real story, however, is much richer and nuanced.

Before getting to MacIntyre's specific arguments about human rights, which will be discussed in detail in Chapter Six, it is important to layout his own philosophical biography to

\(^1\) MacIntyre, *After Virtue*, 69.

\(^2\) There is some irony in this, as those who know MacIntyre's work know that he is not generally pithy or concise. This will be evidenced further below by the long quotes necessary to make MacIntyre's points clearly.

provide the background and context for his manifold positions, getting beyond the superficial comparison of rights to witches and unicorns.4

MacIntyre has been incredibly prolific and his range of study expansive. One biographer describes his vast amount of work as dizzying as he engages such fields as philosophy, history of philosophy, psychology, biology, theology and sociology. There is one pattern in his career that has endured from the beginning, and that is of a man on a quest to find truth wherever it may be found. As recently as 2010, MacIntyre said of man that he is always "in via."5 While jokes have been made at his expense that he has changed his "philosophical positions as easily and with as little notice as one might change masks at a ball,"6 Thomas D'Andrea, in his biography on MacIntyre, points out the virtues the Scotsman has exercised in his quest for truth:

Changing one's mind in theoretical inquiries of any difficulty can often be a reflection of noteworthy intellectual virtues, such as love for truth more than one's own initially staked-out position, a broad-minded willingness to learn from alien perspectives, intellectual integrity in resisting ideological dichotomizations or polarizations, willingness to submit one's standpoint to fundamental challenge by engaging with rival theoretical standpoints on their own terms, and so on. And

4 This chapter will not be in any way an exhaustive look at MacIntyre's vast body of work. Rather, it will focus upon the elements that lend themselves to further discussion of MacIntyre's work on human rights.


5 Alasdair MacIntyre, "Philosophical Education Against Contemporary Culture," Lecture at Duquesne University, 2010, around minute 48. http://edtech.msl.duq.edu/mediasite/Play/eb70b4fc64dd4a2eaf1b74901edd8a05


6 D'Andrea, Tradition, Rationality, 397.
MacIntyre's academic career, as embodied in his published work, reflects these virtues and more.\(^7\)

MacIntyre's career has faced many twists and turns. While there are some pieces he picked up along the way that he carried with him to new intellectual vistas, his intellectual character is marked by this constant searching, leaving behind a string of interests and endeavors with which he eventually became disillusioned as he moved on to the next thing. As a result, "[a]nyone who attempts to represent MacIntyre's thought by means of some conjunction of succession of facile '-isms' is bound to go astray…".\(^8\)

MacIntyre, as a philosopher, has articulated in his work the idea of a "narrative quest."

This quest, as MacIntyre describes it, is a

task of unification, integration, and harmonization. … In pursuit of the best kind of life for ourselves, we are led to discover and contend with obstacles, temptations, difficulties – and we are led to increasing and sometimes surprising self-knowledge. In the course of this quest, new demands are placed on our minds and character, and so we discover the need for new qualities of both, that is, for new virtues.\(^9\)

MacIntyre's articulation of the quest, it can be conjectured, may be the result of his own search for meaning in his life and in his unflagging search for truth. Like an archeologist, MacIntyre has been digging for the truth wherever he thinks it may found. Sometimes what he thought was gold turned out to be merely "fools gold," while on other occasions, the stones he left unturned where of greater value than he knew. MacIntyre has been collecting ideas

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\(^7\) D'Andrea, * Tradition*, 397.

Ironically, MacIntyre has also been said to have "unteachable obstinacy!", as he quotes in the Prologue to the Third Edition to *After Virtue*, ix.

\(^8\) D'Andrea, * Tradition, Rationality*, 397.

throughout his career, leaving some behind while holding onto precious others. Those that he has held fast to can be seen piled high in his mature works.

This chapter will focus upon three stages of MacIntyre's quest, the total of which comprise the various intellectual stages of MacIntyre's work. These stages have all contributed to his mature work while shedding light on his manifold positions on rights. After a brief explanation of my particular use of MacIntyre's stages, Stage I – Marx – will consider MacIntyre's Marxist period, which made up most of his philosophical interest in the early years of his academic life as well as his time living in England. Stage II – Aristotle and *After Virtue* – will look at MacIntyre's transition away from Marxism toward Aristotelianism, his emigration to the United States, and his groundbreaking work of *After Virtue*. Stage III – Thomism and Tradition – will focus upon MacIntyre's move to Thomistic Aristotelianism, his conversion to Roman Catholicism, and the broadening of three themes – tradition, narrative and rationality, all of which build upon work from the previous two stages.

1. Tripartioned Career

MacIntyre, whose expansive body of work since his start as a graduate student in 1949, can be difficult to characterize or put into tidy philosophical boxes. In 1991, MacIntyre categorized his work into three distinct stages.

My life as an academic philosopher falls into three parts. The twenty-two years from 1949, when I became a graduate student of philosophy at Manchester University, until 1971 were a period, as it now appears retrospectively, of heterogeneous, badly organized, sometimes fragmented and often frustrating and messy enquiries, from which nonetheless in the end I learned a lot. From 1971, shortly after I emigrated to the United States, until 1977, was an interim period of sometimes painfully self-critical reflection… . From 1977 onwards I have been
engaged in a single project to which *After Virtue*, *Whose Justice? Which Rationality?*, and *Three Rival Versions of Moral Enquiry* are central.\(^\text{10}\)

While these stages are a starting point for understanding MacIntyre and the progression of his work, the twenty intervening years have brought more to the table, making a different sort of tri-partition possible.\(^\text{11}\)

Christopher Stephen Lutz divides MacIntyre's work up into four sections: 1) cultural inheritance; 2) organizing knowledge and experience; 3) epistemological crisis; and 4) traditional


\(^{11}\) Others have also broken up his work into three categories. D'Andrea explains his own partitioning: "MacIntyre's career can be divided roughly into three periods: a first in which he is groping for a systematic standpoint from which to address questions in ethics and the philosophy of the human sciences generally; a second, corresponding to the writing of *After Virtue*, which aims at a sketch of such a standpoint; and, a third which seeks to fill in that sketch and respond by accommodation or rejoinder to criticisms of its central tenets and historical claims." D'Andrea, *Tradition, Rationality*, xiv.


MacIntyre, speaking directly to Burns, points out that these categories are not quite accurate. "...there was indeed that time which Burns calls my 'middle period,' and his characterization of it as 'Aristotle without Marx' is partly right. What he misses is the fact that, even then, there were certain sets of truths in Marxism which I took and still take to have withstood every critique, so that any adequate ethics would have to be not just consistent with those truths, but such as to accord them their true importance." Alasdair MacIntyre, "Where We Were, Where We Are, Where We Need to Be," in *Virtue and Politics*, eds. Paul Blackledge and Kelvin Knight, 307-34 (Notre Dame: University of Notre Dame Press, 2011), 315.

Oddly, Burns is critical of those who disregard the role of Marx in MacIntyre's work, while making no mention of St. Thomas Aquinas's presence in the later MacIntyre's work. Burns, "Revolutionary Aristotelianism," 36-43.
development.\textsuperscript{12} This division does a remarkable job of showing how MacIntyre's biography follows carefully the argument made by MacIntyre as to why traditions succeed or fail when faced with challenges, as will be described later in this chapter. As interesting as these divisions are, for the present purposes of outlining MacIntyre's work on rights, Lutz's points are more of a map as to how MacIntyre got to his end point, but they don't deal adequately enough with the specific thinkers engaged by MacIntyre.

For the sake of getting to the philosophical underpinnings of MacIntyre's rights work, I will be breaking up MacIntyre's work into these stages, similar to his own tripartition, but organized around the major philosophical influences of each period: 1) Marx, 2) Aristotle and \textit{After Virtue}, and 3) Thomism and Tradition. These stages in MacIntyre's life were not necessarily clean breaks. As such, my goal will be to sketch the philosophical development of MacIntyre in each period and outline those pieces that have "traveled with him" so to speak, into the next stage of his philosophical journey,\textsuperscript{13} culminating in his mature position – while also highlighting elements that are important to his arguments on human rights.

2. Stage I - Marx (1946 - 1971)

The first stage of MacIntyre's quest starts with Karl Marx. For most thinkers in the United States, the philosophy of Marx conjures up class-warfare, mind-numbing diatribes on the proletariat, an anti-religious \textit{ethos}, and all the symbolic elements of the broken and corrupt

\textsuperscript{12} Lutz, \textit{Tradition in the Ethics}, 11.

Soviet juggernaut. MacIntyre's work, however, sheds a different light upon Marx's enterprise. Many across the pond in Great Britain have rightly been critical of American commentators on MacIntyre who leave his work on Marx out.  

MacIntyre's criticisms of rights find their root in Marxism, both because of Marx's critique of capitalism and liberalism, as well as his philosophy of history, which rejects universal principles that are unhinged from particular communities and cultures. These two ideas, which will be addressed in fuller detail below, frequently arise in MacIntyre's arguments against rights. Before addressing these, it is important to get something of a biographical sketch of MacIntyre's career because his intellectual formation and maturation were highly influenced by the events and persons he encountered in his life.

On January 12, 1929, Alasdair Chalmers MacIntyre was born in Glasgow, Scotland, into what has been called the edge of two different cultures. He inhabited both the old story-telling Gaelic culture as well as the modern liberal rationalism of post-WW1 Britain. He was at home both with the legends and myths of older generations as well as the more intellectually sterile theories from the world of his physician parents.

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"One irony of the literature on MacIntyre is that the dismissive attitude towards his early Marxism, which is to be expected from those conservative thinkers who have praised his more recent critique of liberalism is shared by many on the political Left. One reason for the distain shown to his work in these quarters can be traced to an understandable reaction on the part of man of his contemporaries in the New Left to MacIntyre's decision to publish some of his most important political essays of the 1960s in journals such as Encounter and Survey; whose relationship to the CIA's ideological role in the Cold War was even then something of an open secret." Blackledge and Davidson eds., Engagement With Marxism, xvi.
Long before I was old enough to study philosophy I had the philosophical good fortune to be educated in two antagonistic systems of belief and attitude. On the one hand, my early imagination was engrossed by a Gaelic oral culture of farmers and fishermen, poets and story tellers, a culture that was in large part already lost, but to which some of the older people I knew still belonged with part of themselves. What mattered in this culture were particular loyalties and ties to kinship and land. To be just was to play one's assigned role in the life of one's local community. … Its concepts were conveyed through its histories.

On the other hand, I was taught by the other older people that learning to speak or to read Gaelic was an idle, antiquarian pastime, a waste of time for someone whose education was designed to enable him to pass those examinations that are the threshold of bourgeois life in the modern world.

The Modern world was a culture of theories rather than stories. It also presented itself as the milieu of what purported to be 'morality' as such; its claims upon us were allegedly not those of some particular social group, but those of universal rational humanity. So, part of my mind was occupied by stories about Saint Columba, Brain Boru, and Ian Lom [sic], and part by inchoate theoretical ideas, which I did not as yet know derived from the liberalism of Kant and Mill.¹⁵

MacIntyre was conflicted by these two traditions, and at seventeen, he was introduced to a third tradition: Marxism. While studying Classics at the University of London during the 1940s, MacIntyre learned the importance of consistent thought, but never managed to silence one tradition over the other in his own mind. After finishing his undergraduate degree, he did a postgraduate degree in philosophy at Manchester University. He remained there as a lecturer between 1951 and 1957.¹⁶


¹⁶ MacIntyre, *Engagement With Marxism*, xx.
Despite the inner conflict of vying traditions, MacIntyre became committed to Marxism and joined the British Communist Party while still an undergraduate in London. His commitment did not, however, isolate him from other intellectual traditions. His intellectual voracity extended to the Greeks, Medievalists, and a wide array of other philosophers within the analytic tradition such as Ayer, Popper, Frege, and Wittgenstein, as well as the existentialism of Sartre, to name a few.

MacIntyre's years as a Marxist progressed through three stages: 1) "the original attempt to synthesize Marxism with Christianity," 2) "a wholly non-religious version of heterodox Trotskyism," and 3) "a final rejection of Marxism." As D'Andrea points out, "MacIntyre's interest in Marx and Marxism stemmed … from an early interest in rational myth: a rationally self-critical story about the whole – about nature, man's place in nature, the transformations of human nature through history, and the basis for social hope." This interest seemed to echo the themes he found so attractive in the Gaelic tradition of his youth, along with his own studies in Classics.

A look at MacIntyre's work during this period reveals the political nature of his career and his unavoidable involvement with the Cold War issues of the day. Article titles in this stage reveal his deep engagement with the politics of the time, such as: "Congo, Katanga and UNO,"

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17 Blackledge and Davison eds., "Introduction" in Alasdair MacIntyre's Engagement With Marxism, xx.

18 D'Andrea, Tradition, Rationality, 393.
"Trotsky in Exile," "How to Write About Stalin," "How to Write About Lenin - and How Not To," and "Irish Conflicts and British Illusions."\(^{19}\)

MacIntyre's work during this time is also marked by a continued effort to find a purer interpreter of Marx free from the violent Soviet distortions. His dissatisfaction was evidenced by the many changes in his political allegiances within Marxist groups. Before 1971 when, MacIntyre admits, the narrative of his life took a radical change by moving to the U.S., he continued his restless search: "I had had a number of disparate and sometimes conflicting sets of concerns and beliefs, and I was unable to move decisively towards any resolution either of the problems internal to each particular set of concerns or beliefs or of those which arose from the tensions between them."\(^{20}\) MacIntyre was conflicted, moving from one theory to the next to try to ease his own intellectual frustrations.

The first part of the struggle involved MacIntyre's effort to reconcile a set of themes most considered to be irreconcilable. In 1953, MacIntyre published *Marxism: An Interpretation*, which was a serious effort to find links between Marxist theory and Christian theology.\(^{21}\) Despite his

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\(^{19}\) All of these articles are found in *Alasdair MacIntyre's Engagement with Marxism*, eds. Paul Blackledge and Neil Davidson.


\(^{20}\) MacIntyre, "Cogito Interview," 75-84.

\(^{21}\) Blackledge and Davidson, eds., *Engagement with Marxism*, xxi.

"During this period in London, MacIntyre was both a member of the Communist Party of Great Britain (CPGB) and a communicant with the church of England (C of E). … joining the
effort, MacIntyre shortly thereafter gave up on Christianity because he "then believed that the only versions of Christianity in which it retained its theological and religious integrity, that of Kierkegaard, for example, or Karl Barth, were philosophically indefensible."\(^{22}\)

In addition to the changes in his theological beliefs, MacIntyre left the Communist Party "before the shocks of 1956: Khrushchev's revelations about Stalin, and the Red Army's crushing of the Hungarian uprising."\(^{23}\) Differentiating Stalinism from Marxism, MacIntyre moved on to different forms of Trotskyism in the early 1960s. "Throughout this period he attempted to maintain both a commitment to Leninist forms of revolutionary organization and links to those who abandoned the Communist Party in 1956 to create such vehicles for a New Left as the *New Reasoner*."\(^{24}\) But again, his efforts would be frustrated.

In 1966, with the publication of *A Short History of Ethics*, it was clear MacIntyre was distancing himself from his former alliances. In the book, "despite some tangential remarks as to the relationship between morality and desire, his own moral standpoint seemed disjoined from either any historical or materialist premises to which he had earlier been committed."\(^{25}\) He was adrift, still searching.

In 1968, after having already distanced himself intellectually from Marxism, MacIntyre broke off his Marxist political ties completely with his "resignation as an editor of *International CPGB* did not necessarily involve, as one might suppose, a break with Christianity." Blackledge and Davidson, *Engagement With Marxism*, xxii.

\(^{22}\) MacIntyre, "Cogito Interview," 267.

\(^{23}\) Knight, *MacIntyre Reader*, 2.

\(^{24}\) Ibid.

\(^{25}\) Blackledge and Davidson, eds., *Engagement With Marxism*, xliv.
"Socialism". \(^{26}\) "Whereas in 1953 I had, doubtless naively, supposed it possible to be in some significant way both a Christian and a Marxist, I was by 1968 able to be neither, while acknowledging in both standpoints a set of truths with which I did not know how to come to terms."\(^{27}\) It was here that MacIntyre came to what he would later call an "epistemic crisis," unable to reconcile vying traditions within the narrative of his own life.

Ultimately, MacIntyre walked away from his intellectual and political allegiances to Marxism for many different reasons. First, he saw in Marxism a different sort of religion, "with its own and parallel structures of enforced dogma, party ecclesiology, eschatology and so on."\(^{28}\) Additionally, he viewed Marxist politics, and eventually Trotskyism, as merely another form of utilitarianism that had become "just one competing worldview amongst many others."\(^{29}\) MacIntyre later explained that he found Marxism to be "not just an inadequate, but a largely inept, instrument for social analysis."\(^{30}\) However, D'Andrea explains that the fullest reason for MacIntyre's abandonment of Marx is that "Marxism is simply too historically optimistic: however thoroughgoing its criticism of capitalist and bourgeois institutions may be, it [Marxism] is committed to asserting that within the society constituted by those institutions, all the human

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\(^{26}\) Knight, *MacIntyre Reader*, 2.


\(^{29}\) Blackledge and Davidson, eds., *Engagement with Marxism*, xlv.

\(^{30}\) MacIntyre, "Interview with Borradori," 258.
and material preconditions of a better future are being accumulated.\textsuperscript{31} In practice, reality was not accommodating Marx's theory.\textsuperscript{32}

MacIntyre became a staunch critic of both sides of the Cold War, or what he considered the Scylla and Charybdis of Communism vs. Capitalism. "In Europe in 1956 two empires confronted one another in the Cold War, each with its own distorting and self-deceiving ideology, each with a moral as well as a political rhetoric well-designed to disguise and to mislead, each with its own internal conflicts."\textsuperscript{33}

Given the course of the Cold War, at first glance, it would be easy to assume that MacIntyre was a Marxist who abandoned the Soviet project once the course of history made it clear that it was no longer a winning team, with a chastened MacIntyre jumping ship into the victorious barque of the liberal west – shifting his allegiances along with the tides of the war.\textsuperscript{34} Nothing could be more mistaken, however, than this simplistic view of his position on Marx and liberalism. MacIntyre, commenting on why he did not take the liberal option upon his rejection of Marxism, said:

\begin{quote}
I might have become a left-wing social democrat. But, had I done so, I would have failed in two ways. First, I would have found myself supporting political organisations – in Britain, the Labour Party – whose leadership for the most part
\end{quote}

\textsuperscript{31} D'Andrea, \textit{Tradition, Rationality}, 286, and MacIntyre, \textit{After Virtue}, 262.

\textsuperscript{32} MacIntyre would later argue that Marx took a wrong turn and that, had his own philosophy taken a different path, Marxist theory could have led to where he intended to go from the start. Cf. "The Theses on Feuerbach: A Road Not Taken," in \textit{Artifacts, Representations and Social Practice}, eds. Carol C. Gould and Robert S. Cohen, 277-90 (Dordrecht: Kluwer, 1993). Reprinted in \textit{The MacIntyre Reader}, ed. Kelvin Knight, 223-34.

\textsuperscript{33} MacIntyre, "Where We Were," 312.

\textsuperscript{34} Blackledge and Davidson speculate that this is the reason why many of MacIntyre's new found admirers tend "to treat his early Marxism as either an aberration or a detour which had led to a dead end." \textit{Engagement with Marxism}, xviii.
sustained and strengthened the very policies which I took to be wrong and wrong-headed. My activities would have become self-defeating. Secondly, I would have failed to confront the deep malaise of the liberal individualist social order of advanced capitalistic modernity and so would have misunderstood the kind of revolutionary transformation that our society needs.35

In 1970, MacIntyre was offered a position at Brandeis University, which led him to move to the U.S. and marked a major change in his life. Following the ideological dissolution of the left, MacIntyre lost his natural milieu and sought solitude.36 Perreau-Saussine summarized the change:

Peu après son arrivée aux Etats-Unis, au début des années soixante-dix, il se sépare de sa seconde femme, comme s'il tenait à marquer une profonde rupture avec le passé. Au terme de son parcours politique, un peu malgré lui, il en vient à se réconcilier avec Locke, le théoricien par excellence de la tolérance et du libéralisme. Fidèle à la réflexion engagée par la première Nouvelle Gauche sur le lien social, à sa tentative de retrouver un véritable socialisme, MacIntyre était devenu révolutionnaire; mais le marxisme-léninisme, lui-aussi, semblait avoir perdu son objectif initial.37

MacIntyre's political engagement came to something of a dramatic halt around the time of his emigration to the United States, where his emphasis turned to philosophical theory

35 MacIntyre, "Where We Were," 330.
36 Perreau-Saussine, une biographie intellectuelle, last paragraphs of Part I. Adapted from: "A mesure que s'approche le terme des années soixante et que s'accentue la dissolution idéologique de la gauche, il perd son milieu naturel et se retrouve solitaire."
37 Ibid.

"Shortly after his arrival to the U.S., at the beginning of the seventies, he separated from his second wife, as if to mark a deep rupture with the past. At the end of his political course, in spite of himself, he became reconciled with Locke as the best theoretician of tolerance and liberalism. Loyal to the reflection engaged by the first New Left on the social link and its attempt to rediscover a true socialism, MacIntyre had become a revolutionary, but the Marxism-Leninism, it seemed to him, had also lost its initial objective." (Translation mine.)

Interestingly, Perreau-Saussine includes here a detail not found in English commentaries on MacIntyre – that he made an effort to reconcile himself with Locke. While clearly this stage didn't last, it too is an interesting twist in MacIntyre's career.
detached mostly from the issues that had occupied him previously related to communism and Cold War polemics. Although not apolitical, MacIntyre's focus moved away from party politics.

It is here that the first Stage of MacIntyre's work ends and he enters into a new stage upon moving to the United States. I will now consider some of the major threads, or interlocking pieces that MacIntyre took from Marx, pieces that make up the foundation for MacIntyre's later work.

3. Interlocking Pieces From Marx

Though distancing himself from the use of Marx by the Bolsheviks, Leninists, Stalinists, Maoists, and later Trotsky, MacIntyre did not let these distorted instantiations of Marxism dissuade him from keeping what he considered the important elements offered by Marx.38

In a 1994 interview, MacIntyre is very frank about which pieces of Marxism have traveled with him on his continued narrative quest:

There are two points in which I remain very much at one with the Marxist tradition of thought. The first of these is in general wanting to understand reasoning, especially practical reasoning, as giving expression to forms of social practice. It seems to me that in general philosophers when they discuss practical reasoning tend to treat the object of their study as abstract and disembodied, instead of beginning from forms of practice, and understanding how one of the crucial differences between different forms of practices is in the type of practical reasoning which is involved.

Secondly, I think that Marxists have much that was relevant to say about the nature and function of the nation-state, and the Marxist critique of the function of the nation-state as a form of government is one which I accept, though in fact I

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38 "It is primarily the 'prophetic' Marx of National Economy and Philosophy that he thinks is most to be learned from – the Marx concerned with what should be in society, not the Marx of the what-is-and-must-be of The German Ideology and beyond." D'Andrea, Tradition, Rationality, 92.
have to think that the Marxist critique is insufficiently radical. What I agree with the Marxists about is that the nation-state is never, and cannot ever be, an embodiment of the common good and that any form of government which was an embodiment of the common good would therefore be in crucial respects different from the nation-state.\(^{39}\)

These two elements, practices and practical reasoning as well as criticism of the nation-state because of its lack of common good, are foundational for later works, but are motivated by another enduring element in MacIntyre's work: his conviction that Marx's critique of capitalism and liberalism was correct. MacIntyre's own anti-liberal, anti-capitalist commitments are the engine for the elements he embraces, such as practices, praxis and theory, Marx's philosophy of history and narrative, and finally, revolution.

4. Anti-Liberalism, Anti-Capitalism

It is important to note what MacIntyre was reacting against as he embraced Marxism. Part of its appeal for MacIntyre was fueled by his disdain for liberalism. "My critique of liberalism is one of the few things that has gone unchanged in my overall view throughout my life. Ever since I understood liberalism, I have wanted nothing to do with it – and that was when I was seventeen years old."\(^{40}\)

Despite his ultimate rejection of Marxism, it offered him a turning point in his own thinking. MacIntyre says:

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\(^{40}\) MacIntyre, *Kinesis*, 43.

This position is one that MacIntyre has maintained throughout his career. Even his turn to Thomism, which will be discussed below in Stage III, can be read as yet another avenue for rejecting liberalism.
It was in thinking about Marxism that I began the work of resolving the conflicts in which I was trapped. Even if Marxist characterizations of advanced capitalism are inadequate, the Marxist understanding of liberalism as ideological, as a deceiving and self-deceiving mask for certain social interests, remains compelling. Liberalism in the name of freedom imposes a certain kind of unacknowledged domination, and one which in the long run tends to dissolve traditional human ties and to impoverish social and cultural relationships. Liberalism, while imposing through state power regimes that declare everyone free to pursue whatever they take to be their own good, deprives most people of the possibility of understanding their lives as a quest for the discovery and achievement of the good, especially by the way in which it attempts to discredit those traditional forms of human community within which this project has to be embodied.\textsuperscript{41}

As D'Andrea explains, MacIntyre's criticism of liberalism was "not some party political animus which he acquired at some state in his youth,"\textsuperscript{42} but because of an "abiding admiration for the values of the common life and for unity".\textsuperscript{43} Once again, MacIntyre's early formation in vying traditions comes to light. As a young man, he was able to appreciate

the unity of the self in and through its various projects, plans, values, and commitments across time; the unity of that same self in its distinct spheres of activity – familial, social, professional, and other-worldly – and of course, the unity of that self with the others selves in its social world, in co-operative pursuit of a good that is in large part common and shareable.\textsuperscript{44}

Liberalism, with its emphasis upon the individual, was contrary to that which MacIntyre saw as most important for a community.\textsuperscript{45} Insofar as it cannot engage with unity, liberalism denudes the nation-state of any sort of agreed upon common good, other than that each individual can see his

\begin{flushright}
\textsuperscript{41} MacIntyre, "Interview with Borradori," 258. \\
\textsuperscript{42} D'Andrea, \textit{Tradition, Rationality}, 398. \\
\textsuperscript{43} Ibid. \\
\textsuperscript{44} Ibid. \\
\textsuperscript{45} Despite his high regard for community, MacIntyre has repeatedly rejected any association with communitarians. See Alasdair MacIntyre, "I'm Not a Communitarian, But...," in \textit{The Responsive Community} 1, no. 3 (Summer 1991): 91-2.
\end{flushright}
own "good." "Society is viewed as constituted out of pre-existent individuals each with their own and very disparate ends/ultimate purposes. The common good of the social order is regarded as something procedural rather than substantive; promoting and contributing to the common good is no longer viewed as the object of each person's true desire."  

Lacking direction, vision, or an imaginative ideal of what man and his role in community should look like, MacIntyre viewed liberalism as impoverished and impoverishing to the individual and the community/society/nation-state. "So deep is the impoverishment," Gordon Graham explains, "that liberal individualism goes as far as to make a positive virtue out" of the isolated view of moral and political life. 

"[I]t represents individual autonomy and the politics of public choice as the consummation of humankind's search for freedom and enlightenment. But in fact, or so MacIntyre contends, the reality is that such autonomy amounts to a moral vacuum, a condition in which the legislative sovereignty of individual moral agents means that the crucial distinction between 'good' and 'believed to be' disappears."  

MacIntyre contents that without a true basis for "the good," moral "criticisms of perceived injustice are merely quixotic expressions of personal dissatisfaction."  

Beyond the shortcomings of liberalism, MacIntyre embraced Marx's criticism of capitalism. MacIntyre's main objection to capitalism was that it alienated the worker from his  

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own work, where the worker becomes focused on wages and not any sort of real connection to the "fruit of his hands." Consequently, the vice of acquisition – pleonexia – is turned into a virtue that enslaves the worker as a hungry consumer for the novel, or simply more, going well beyond what is genuinely needed.50

In 1960, MacIntyre wrote a criticism of capitalism that provides the reader with a sense of just how "stuck" individuals are in the capitalistic system. In "Freedom and Revolution," MacIntyre was able to summarize his position through the images of "the grooves, the ladders, and the espresso bars." The grooves, he explained, are those elements of life that are pre-ordained under capitalism with very limited choices for such things as one's career moves, and spouse selection. "Capitalist production pushes you along the groove of work; capitalist consumption holds you in the advertisers' groove. The stick of work and the carrot of television,

50 Alienation is a major theme in Marx, but will not be discussed at length here because it is not directly relevant to MacIntyre's rights work.

"Drawing on both Marx and Lukacs, 'Marxist Mask' argues that alienation should be understood in a fourfold way. In the first instance, and prior to a revolutionary transformation of society, man is alienated from himself: instead of his own genuine ends, he pursues ends which have been imposed upon him by external social forces. Secondly, in an alienated condition the order of means and ends is inverted: man works and works in a servile way in order merely to survive, instead of surviving in order to work creatively. Thirdly, in a society of alienation, socio-economic forces are reified and endowed with exaggerated power, autonomy, and permanence: this generates conceptual confusions on the level of theory and blind alleys for inquiry into the good and best life. Finally, the alienated life lacks unity: it is parcelled out into a set of rival and competing spheres, each sphere governed by its own separate set of norms and each sphere claiming a sovereignty which, because of the very divided nature of the self over which it would rule, it cannot possess." D'Andrea, Tradition, Rationality, 111. See also Alasdair MacIntyre, "Structures and Their Threats to Moral Agency," in Philosophy, 74 (1999): 311-29.
these mark out how so-called consumer capitalism has additional techniques for limiting and holding the worker down. Old age puts you back in the final groove of pension needed.\textsuperscript{51}

After the grooves are the ladders, which in effect are the only forms of escape from the grooves. "On the ladders you compete for higher rewards. In the commercial world you compete in offering your skill or your savings in the service of capitalist enterprise. At least in the grooves you were with your fellows, on the ladders you are against them."\textsuperscript{52}

Finally, MacIntyre explains the "espresso bars." "There are those not yet captured for grooves and ladders, adolescents clutching Modern Jazz Quartet L.P.'s, coffee bar bohemians who sense the phony everywhere (and rightly) except in themselves (wrongly)."\textsuperscript{53}

By MacIntyre's account, from liberalism, man finds himself denuded of any understanding of the good, the true and the beautiful, and enslaved in his own autonomy and ambitions – independent of his given community or nation-state. And capitalism strips man of any sources of authentic fulfillment through his work while trapping him as a consumer.

For MacIntyre, the solution to this condition of misery is found in recognizing the historical connection of man to community and human nature and in realizing that practice and theory are mutually influential upon each other, both of which we will turn to next.


\textsuperscript{52} MacIntyre, "Freedom and Revolution," 130.

\textit{LP} stands for a \textit{long-playing} phonograph record.

\textsuperscript{53} MacIntyre, "Freedom and Revolution," 130-31.
5. Historicizing Man

Another key piece MacIntyre took from Marx was the recognition that every man has a context. The effort to denude him of this by universal laws, principles or politics, would result in a futile mess, because history and context could not be avoided. "[I]t was Marxism which convinced me that every morality including that of modern liberalism, however universal its claims, is the morality of some particular social group, embodied and lived out in the life and history of that group. Indeed, a morality has no existence except in its actual and possible social embodiments, and what it amounts to is what it does or can amount to in its socially embodied forms." Marx was able to historicize man, placing him into a context to allow for deeper understanding of the tradition within which every man exists. "Marx refused to follow either Hobbes's naturalization of the war of all against all, or Diderot's utopian counter-position of the state of nature against contemporary social structures." These universalizing notions, among others, that remove man from his history, culture, ethos, family, telos, do little to aid man to find authentic human nature.

54 MacIntyre, "Interview with Borradori," 258.
55 Blackledge and Davidson, eds., Engagement with Marxism, xxv.
56 "To know what someone is doing is to know what ends he is pursuing, what possibilities he is realizing. Human history is a series of developing purposes, in which through the exercise of reason in the overcoming of conflicts freedom is attained. To understand a particular episode is to place it within the context of that history." D'Andrea, Tradition, Rationality, 101.

"Explanations of human actions which omits their agents' purposes and omits the social context and conventions surrounding those actions thus fails. Intention, purpose or goals, and social conventions are internal to the meaning of human actions, and in this way such actions differ from mechanical activities". D'Andrea, Tradition, Rationality, 102.
6. Practice and Theory

Marx's close linking of theory and practice is also a major theme in MacIntyre's work.57 The application of practice and theory in Marx and MacIntyre, however, isn't merely to expand practices or culture, but plays a larger role. "The young Karl Marx learnt from the philosopher Hegel that it is human activity, the power of setting oneself purposes and carrying them out rationally, which makes men different from all other beings in the universe"58, MacIntyre explains. "But of course, what men set out to achieve and what they want, are often very different from what they actually achieve and what they get."59 It becomes important, therefore, to have a practice and theory that lead to the desired ends. And in MacIntyre and Marx's case, the point is revolution – to change society to allow man to be most truly himself – something which cannot happen under capitalism because a man's work is no longer a practice. In 1945, MacIntyre explained:

Finally, it is only by means of reference to theory that we can remind ourselves, as we ought to, of how great the possibilities in front of us are. The whole point of revolutionary struggle is lost if we think, for example, simply in terms of a series of defensive actions against employers' attacks. Every event in the struggle is a stage toward a society in which we will have destroyed class antagonism and removed all the waste and frustration in human life which is caused by capitalism. Socialists before Marx saw how urgent and desirable this was; Marxist theory teaches us how to bring it about. And a first step is to grasp once and for all that just as theory without action is dead, so action without theory is blind.60

57 The separation of theory and action is something the Scotsman is critical of in others – attributing it mainly to Kantianism. See Knight and Blackledge, eds., Virtue and Politics, 102.


59 MacIntyre, "What is Marxist Theory For?" 96.

60 Ibid., 103.
MacIntyre, recognizing that merely because someone wants something doesn't mean that is what he will get, saw that theory and practice need to be aligned so the desired ends can be achieved. Such an achievement includes a basic understanding of human nature.

"The power of MacIntyre's Marxism … was rooted in his ability to grasp that any moral claim, if it is to be universalised in the modern world, must be rooted both in a historically conceived theory of human nature and in a concrete understanding of human history."61 The ends to be achieved cannot be removed from a locality, a historical context and an understanding of real people. These are the only elements that can be universalized, not general maxims that can be applied to every given situation, as one finds in liberalism. "[A]s Engels pointed out," MacIntyre explains, "mechanical explanations are unhistorical. A machine runs or breaks down; it has no historical development. To explain a particular human action is to place it in relation to the circumstance out of which it arose and the goal which the agent sought."62

Without this grounding of human nature, the moral essentials tethering man to "the good" are severed. As a result,

[t]he liberal sees himself as choosing his values. The Marxist sees himself as discovering them. He discovers them as he rediscovers fundamental human desire; this is a discovery he can only make in company with others. The idea of human solidarity, expressed in the working-class movement, only has a point

61 Blackledge and Davidson, eds., *Engagement With Marxism*, xlix.


"The insight that human activity is intelligible and explicable only in a social and only in a historical context is lost sight of, not only in a dream of a general mechanistic theory of human behaviour, but also in the various intellectual adaptations to the breakdown of that dream." MacIntyre, "Breaking the Chains of Reason," 147-48.
because of the fact of human solidarity which comes to light in the discovery of what we want. So the Marxist never speaks morally just for himself. He speaks in the name of a whole historical development, in the name of a human nature which is violated by exploitation and is accompanying evils. The man who cuts himself off from other people says at first 'I want' and then just 'want'. His 'I ought' is the most tremulous of moral utterances. For it represents nothing but his own choice.\(^{63}\)

MacIntyre rejects this pre-fabricated "new society" into which men find themselves, and offers that the only liberation available is through revolution. "We cannot hope for a liberation by means of the form of a democracy of representative institutions. For, first of all, in fact all representative institutions are biased in favour of the status quo."\(^{64}\) The only avenue out is to escape what man is under liberalism and capitalism – to escape the grooves and ladders imposed upon man by the democratic nation-state. Education of workers, awareness of the "shackles" and operating as a group, instead of living within the delusion that the individual can escape, MacIntyre explains, are all part and parcel of achieving true freedom. "The philosophers have continued to interpret the world differently; the point remains, to change it."\(^{65}\) And it was clear to MacIntyre, despite its positive elements, Marxism couldn't foot the bill.


\(^{64}\) MacIntyre, "Freedom and Revolution," 131.

\(^{65}\) MacIntyre, "Breaking the Chains of Reason," 166.


While MacIntyre may have been espousing some sort of large-scale revolutionary change during his Marxist days, his idea of revolution would become more modest over time.
7. Stage II Aristotle and *After Virtue* (1971 - 1984)

This stage of MacIntyre's career, although shorter in years than the other two, was probably the most significant because of the publication of his very original book *After Virtue*. It is a book which has stirred, and continues to stir much debate with MacIntyre's radical conclusion that modern academic philosophy simply does not work to answer two fundamental questions, 1) the theoretical question of 'What is the best way for man to live?'; and 2) the practical question of 'How does the 'plain person' live out 'the best way to live' in daily life?'. MacIntyre's ultimate argument is that 'Aristotle got it right.'

*After Virtue* presents fresh criticisms of modernity from an Aristotelian point of view, while still espousing and building upon many notions seen in MacIntyre's Marxist period: anti-liberalism, practices and theory, historizing man. As will be discussed below, this current stage builds upon these while extending the discussion to include virtue, narrative and tradition.

After taking the dramatic step of emigrating to the United States in 1971, Alasdair MacIntyre found himself still searching to make sense of many philosophical pieces from throughout the history of philosophy – some of which he had retained as useful and others which he had rejected. MacIntyre found himself, to use his own term, in the middle of an "epistemic crisis." As early as the 1970s I had begun to formulate positions that would enable me to understand somewhat better not only what it was that has to be rejected in the moral, social and economic theory and practice of liberalism and individualism, but also how to evaluate in a more...
searching way the claims of Christian orthodoxy and the critique of Marxism.”

Removed from the political drama of Britain, MacIntyre had new insights about what was at the root of his intellectual struggle. "I came to recognize that the competing moral idioms in which contemporary ideological claims, whether liberal or conservative, are framed – the praise of Victorian values, various theories of natural rights, Kantian universalism, contractarianism, utilitarianism, – were the result of fragmentation of practical and evaluative discourse.”

His continued dissatisfaction with Marxism and the other philosophical paths he had taken led him to a simple conclusion: the system is broken. This became the starting point for what would become After Virtue. Although not published until 1981, MacIntyre came to the realization that "[w]hat needed to be recovered, in order both to understand this and to correct it, was some reconstructed version of Aristotle's view of social and moral theory and practice.”

The broken system, as MacIntyre came to understand it, was mainly the product of modernity, starting with Enlightenment philosophy, that was made up of a mish-mash of remnants from earlier philosophical traditions into a confusing jumble that confidently sold itself as neutral with regard to historical, theological, or ideological allegiances. The sterile legalism

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68 MacIntyre, Marxism and Christianity, xxv-xxvii.

69 Ibid.

70 MacIntyre wrote the preface to Servais Pinckaers', Morality: The Catholic View, trans. Michael Sherwin (South Bend, Indiana: St. Augustine Press, 2003), which provides a detailed look at the implosion of ethics and philosophical thought MacIntyre is describing.

D'Andrea also gives credit to Polanyi for MacIntyre's explanation about the failure of virtue in society. Karl Polanyi, The Great Transformation (New York: Ferrar and Rhinehart, 1944).

71 MacIntyre, Marxism and Christianity, xxv-xxvii.
and rule following of Kant became a system of morality, replacing virtue as a source of ethics.\textsuperscript{72} "The good" went up for grabs as the notions of teleology and human nature were dismissed, transforming "the good" into merely what one's subjective inclinations or emotions deemed it to be. These innovations grew into the liberal package that MacIntyre so despised.\textsuperscript{73}

As a result of these insights, MacIntyre's work took a more direct attack upon modernity itself, building upon his previous anti-liberal/anti-capitalist arguments. MacIntyre explains:

The conclusion which I reached and which is embodied in this book – although Marxism itself is only a marginal preoccupation – is that Marxism's moral defects and failures arise from the extent to which it, like liberal individualism, embodies the ethos of the distinctively modern and modernizing world, and that nothing less than a rejection of a large part of that ethos will provide us with a rationally and morally defensible standpoint from which to judge and to act – and in terms of which to evaluate various rival and heterogeneous moral schemes which compete for our allegiance.\textsuperscript{74}

Here MacIntyre makes it clear that it is the ethos that is corrupt, necessitating some way of extracting oneself from it to get back on track. In the preface to \textit{After Virtue}, MacIntyre explains

\textsuperscript{72} MacIntyre has a short article that deals with the source of the breakdown of the virtues in the 12th and 13th centuries. "Being virtuous may on occasion be the cause of being socially and politically defeated, an insight whose classical statement is by Machiavelli." Alasdair MacIntyre, "After Virtue and Marxism: A Reply to Wartofsky," in \textit{Inquiry} 27 (1984): 251-54, 252.

The polis for Aristotle was a matter of life or death. Anyone who lived outside of it was either a beast or a god. Aristotle, \textit{Politics}, in \textit{The Basic Works of Aristotle}, ed. Richard McKeon (New York: Random House, 1941), Book I, 1253a27.

\textsuperscript{73} MacIntyre, \textit{After Virtue}, Third edition of 2007 continues MacIntyre's critique of liberalism, xiv-xv.

\textsuperscript{74} Ibid., xviii.

"MacIntyre feels that Marx remained too dependent on utilitarianism and individualism, and made the mistake of placing his hopes in a 'socialist Robinson Crusoe.'" Perreau-Saussine, "The Moral Critique of Stalinism" in \textit{Virtue and Politics}, eds. Blackledge and Knight, 134-51, 149.
that "[t]his book emerged from extended reflection upon the inadequacies of my own earlier work in moral philosophy and from a growing dissatisfaction with the conception of 'moral philosophy' as an independent and isolable area of enquiry." MacIntyre's source of his struggle: the broken system, and the source for a solution: Aristotle. MacIntyre explains:

My own conclusion is very clear. It is that on the one hand we still, in spite of the efforts of three centuries of moral philosophy and one of sociology, lack any coherent rationally defensible statement of a liberal individualist point of view; and that, on the other hand, the Aristotelian tradition can be restated in a way that restores intelligibility and rationality to our moral and social attitudes and commitments.

Aristotle's linking of theory and practice connected to the study of human nature gave MacIntyre what he needed to flesh out further both the problems with modernity and find an alternative to them. "For I wanted to identify the failure of modern moral philosophy, whether Kantian or utilitarian or contractarian, to achieve the statement and justification of principles inescapable for any rational person – and so to provide a basis for rational moral agreement…"

Aristotle was a natural choice in many ways for MacIntyre: he was already familiar with him through his degree in Classics; Aristotle offered an understanding of theory and practice that MacIntyre already understood and revered; and Aristotle wrote at a time before "the system was broken." As such, Aristotle wasn't just another interlocutor in philosophical debates, but had the

75 MacIntyre, *After Virtue*, xvii.
76 "… I want to regard [Aristotle] not just as an individual theorist, but as the representative of a long tradition, as someone who articulates what a number of predecessors and successors also articulate with varying degrees of success." MacIntyre, *After Virtue*, 146.
77 Ibid., 259.
right pieces in place to understand man, history, community, virtue, teleology, and the common good. "Aristotelianism as I understand it is not one more theory", MacIntyre explained. It sidesteps the academic debates and the current ethos that sees "the good" as something that is merely a subjective choice of an individual, without any reference to human nature and what is ultimately good for man. Moreover, Aristotle's emphasis upon virtue, the common good, the *polis* and friendship were familiar echoes of MacIntyre's youthful formation in Gaelic culture, history and tradition, and also helped him to understand just what it was that he rejected in both capitalist individualism and Soviet command economies.

The modes of social practice in some relatively small-scale and local communities – examples range from some kinds of ancient city and some kinds of medieval commune to some kinds of modern co-operative farming and fishing enterprises – in which social relationships are informed by a shared allegiance to the goods internal to communal practices, so that the uses of power and wealth are subordinate to the achievement of those goods, making possible a form of life in which participants pursue their own goods rationally and critically, rather than having continually to struggle, with great or lesser success, against being reduced to the status of instruments of this or that type of capital formation.

As seen above in the first stage, MacIntyre believes that it is the drive for wages that leads to the instrumentalization of man, separating him from that which he authentically desires. This new emphasis upon smaller communities searching for and bound by the common good also had a dramatic affect upon the way MacIntyre thought about revolution. The MacIntyre of *After Virtue* rejects the form of revolutionary politics found in Marx as wrong-headed and merely another form of power-play. He does, however, remain committed to the idea

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80 MacIntyre, *Engagement with Marxism*, 423.
of revolution insofar as it expresses the desire for radical change – a political change that cannot be brought about from inside a given system, but must come from outside through education and local community.\footnote{It is for this reason that MacIntyre is frequently referred to as a "Revolutionary Aristotelian," viz. in the work of Kelvin Knight.} MacIntyre revolutionary effort in \textit{After Virtue} takes a pessimistic approach to the West, believing it to be already lost and hopelessly corrupted. It is at the level of the local community where people must find a way to buttress institutions, such as school, parishes, cultural centers, in an effort to keep the western denigration at bay.

### 8. Virtue and Practices

A clear innovation of this stage for MacIntyre was his use of virtue with regard to living the good life. MacIntyre saw the richness in Aristotle's theory that did not frame ethics exclusively around rules and laws. "[H]e adopts the Aristotelian approach of identifying morality with virtues, or good dispositional qualities, that may be cultivated by persons."\footnote{Kelvin Knight, "Revolutionary Aristotelianism," in \textit{Virtue and Politics}, eds. Paul Blackledge and Kelvin Knight, 20-34 (Notre Dame: Notre Dame University Press, 2011), 21.} As such, law and morality are not separate realms, as found in modernity.\footnote{"The bond of a moral community for Aristotle is not, as for a modern, the rule of law; it is the antecedent bond of a common set of loves or desires, and the friendship resulting from an acknowledgement of these shared valuings." D'Andrea, \textit{ Tradition, Rationality}, 257.} MacIntyre has noted that:

> In Aristotle's view, … the best life is the life of virtue, civic virtue crowned by the highest of the intellectual virtues, theoretical contemplation. Moral training and subordination to conventional rules of behaviour."

\footnote{MacIntyre, \textit{After Virtue}, 152.}
education consist in the education of the passions and desires so that fundamental conflict in the self is eliminated and the objective hierarchy of those goods which are the object of the self's desires is respected.  

Through Aristotle's use of the virtues, an individual cultivates ethical habits that help him to know and do the good, instead of needing to consult a law, or as Kant would have it, act expressly against one's will in order to perform the best action.

Before defining MacIntyre's notion of virtue, his use of practice must first be explained. While Marx made it clear that practice, viz. the activity of man, was a crucial element insofar as it was linked to theory for the fulfillment of men's desires, MacIntyre in *After Virtue*, takes and transforms the notion of Marxist practice. In *After Virtue*, he starts to explain his position with a caveat: "...I shall be using the world 'practice' in a specially defined way which does not completely agree with current ordinary usage, including my own previous use of that word."  

As defined by MacIntyre, a practice is:

> any coherent and complex form of socially established cooperative activity through which goods internal to that form of activity are realized in the course of trying to achieve those standards of excellence which are appropriate to, and partially definitive of, that form of activity, with the result that human powers to achieve excellence, and human conceptions of the ends and goods involved, are systematically extended.  

That is to say, a practice is some form of work where participation in it leads an individual to growth in virtue because of the demands of the effort. For example, in learning to play the violin, the pupil is subjected to the rigors of the instrument, which cannot be mastered without such virtues as patience, perseverance, discipline, and humility, to name a few. Additionally,  

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86 Ibid.
there are other virtues that are engaged when one plays in a symphony with others, such as reliability and patience. The musician learns both from the demands of the musical score and the instrument, but also from the social engagement involved with being a performing musician.

Practices, insofar as individuals are engaged in them, serve both the purpose of enriching the character of the individual, but also adding to the common good, as few practices can be performed in complete isolation. "Practices for MacIntyre," then, "are spontaneous social constellations which make up the warp and woof of human society: they are socially established and socially co-operative activities which may serve immediate and pragmatic human needs… or, beyond meeting immediate biological needs, they many minister to other intrinsic human needs having to do with the cultivation of our shared nature". 87 Practices are the fabric of community and culture.

Although practices involve technical skill, they are not limited to it. MacIntyre explains the difference between the internal and external goods associated with practices that go beyond mere ability. "It is characteristic of what I have called external goods that when achieved they are always some individual's property and possession. … External goods are therefore characteristically objects of competition in which there must be losers as well as winners." 88 For example, there can only be one first chair violinist in a symphony, and there can only be so many violins in a given orchestra. Internal goods, on the other hand, "are indeed the outcome of competition to excel, but it is characteristic of them that their achievement is a good for the

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87 D'Andrea, Tradition, Rationality, 408.
88 MacIntyre, After Virtue, 190.
whole community who participate in the practice."^{89} It is a shared good, both insofar as the individual involved in the practice grows in virtue, but in the other ways that the goodness of the practice is diffused through a community, e.g., the delight of the audience in listening to a beautiful symphony.

Having explained the key pieces, MacIntyre's definition of virtue is now comprehensible: "A virtue is an acquired human quality the possession and exercise of which tends to enable us to achieve those goods which are internal to practices and the lack of which effectively prevents us from achieving any such good."^{90} Virtues, then, are the abilities or powers to engage in and strive for mastery of a practice. The practice itself provides the standard of excellence.^{91} For example, it is clear to even the untrained ear whether or not a violinist is doing justice to a piece of music. While nuances may be missed for those advanced in the practice of playing the violin, the errors of a beginner are unmistakable.

Another key factor in understanding practice is that as individuals engage with and achieve some level of mastery of practices, their efforts inform, transform, and lead the practice into new directions. The practice in its active form affects and influences the theory – instead of just the theory affecting the practice. Almost like a living organism, the two are in relationship with each other, which nestles the practice into a context and a history, or a narrative.

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^{89} Ibid.

"Practices then might flourish in societies with very different codes; what they could not do is flourish in societies in which the virtues were not valued…." MacIntyre, *After Virtue*, 193.

^{90} Ibid., 191.

^{91} See Lutz, *Tradition in Ethics*, 41.
An additional feature of MacIntyre's use of practice is his inclusion of rationality behind a given practice. MacIntyre's "basing of reason in practices also, of course, differentiates [him] from what he calls 'the Enlightenment project' of justifying morality with universal reason." Knight explains that for MacIntyre, "[e]very practice has a particular form of reasoning internal to it, enabling practitioners to pursue 'internal goods' that can 'be had only by engaging in some particular kind of practice.' This idea of practical rationality differentiates MacIntyre's concept of practice from both conservative conceptions of practices as subrational and Foucauldian conceptions of practices as discourses of power.

Here again, MacIntyre is following Aristotle's lead that there must be rationality to practices because of their teleology, especially when concerning the field of ethics, or "what man ought to do." "But," MacIntyre explains, "he says quite enough to show us how, from an Aristotelian standpoint, reason cannot be the servant of the passions. For the education of the passions into conformity with pursuit of what theoretical reasoning identifies as the telos and practical reasoning as the right action to do in each particular time and place is what ethics is about."

This notion of an intrinsic rationality behind the practice of ethics explains how "...for Kant, one can be both good and stupid; but for Aristotle stupidity of a certain kind precludes goodness. Moreover genuine practical intelligence in turn requires knowledge of the good,

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92 Knight, "Revolutionary Aristotelianism," 21-22.
93 MacIntyre, After Virtue, 188.
94 Knight, "Revolutionary Aristotelianism," 21
95 MacIntyre, After Virtue, 162.

For more on Aristotle's practical reasoning, see After Virtue, 161-63.
indeed itself requires goodness of a kind in its possessor… .”

With Kant, the ethical person is merely following rules and/or performing the action that seems to be the most difficult for one's own will. This allows for a certain type of stupidity because it does not engage the mind beyond rote memorization. While for Aristotle, to do the good involves knowing what the goal is as well as a thoughtful consideration of how to achieve such an end through the virtues. One's rationality is by default engaged in a way not engaged by Kant's moral model. MacIntyre's distinction allows for an erudite intellectual to be "stupid" while a humble peasant is not.

Finally, MacIntyre offers a contrasting view of liberal individualism versus a society that places virtue at the center of its ethical life.

For liberal individualism a community is simply an arena in which individuals each pursue their own self-chosen conception of the good life, and political institutions exist to provide that degree of order which makes such self-determined activity possible. Government and law are, or ought to be, neutral between rival conceptions of the good life for man, and hence, although it is the task of government to promote law-abidingness, it is on the liberal view no part of the legitimate function of government to inculcate any one moral outlook.

By contrast, on the particular ancient and medieval view which I have sketched political community not only requires the exercise of the virtues for its own

96 Ibid., 155.

"The Aristotelian tradition of philosophy is that which justifies the life of practice and characterizes itself in terms of higher-level reflection upon the reasoning generated by traditional practices. This contrasts with both Enlightenment philosophy, which attempted to transcend practice and tradition, and Nietzscheanism, which shared the Enlightenment aim of liberating people from practice and tradition but denied epistemological certainty to any means of so doing." Knight, "Revolutionary Aristotelianism," 24.

97 Elsewhere, MacIntyre says: "The development of a capacity for sound practical reasoning which will guide one both to judge truly and to act rightly is, in his view, inseparable from an education in the exercise of the moral virtues. Hence the misdirected or the defectively educated are incapable of learning how to exercise sound practical reasoning." MacIntyre, Whose Justice, 176-77.
sustenance, but it is one of the tasks of parental authority to make children grow up so as to be virtuous adults.\footnote{98 MacIntyre, \textit{After Virtue}, 195.}

These opposing views clearly lead to very different types of citizenry. As we shall see below, it is the virtues which provide the structure of justice, the excelling in practices, the intellectual capacity, without which no tradition – and perhaps no culture nor civilization – can survive. It is for this reason that MacIntyre has taken such a pessimistic view of the West.

9. From Practices to Narrative Quest

Another relevant innovation MacIntyre introduces in this stage is that of the narrative quest, which looks to the timeless question of "What is the meaning of my life?" MacIntyre, whose youth was filled with tales of heroic men, sees the notion of narrative as a crucial element to understanding one's own life, especially playing a role in something bigger than oneself. The narrative quest emerges as one pursues the goods internal to practices, and may be thought of as a vocation.\footnote{99 Knight, "Revolutionary Aristotelianism," 22.} MacIntyre explains further:

The narrative therefore in which human life is embodied has a form in which the subject – which may be one or more individual persons, or, for example the people of Israel, or the citizens of Rome – is set a task in the completion of which lies their peculiar appropriation of the human good; the way towards the completion of that task is barred by a variety of inward and outward evils. The virtues are those qualities which enable the evils to be overcome, the task to be accomplished, the journey to be completed.\footnote{100 MacIntyre, \textit{After Virtue}, 175-76.}
One's vocation is not sought in isolation, but "[t]he narrative of any one life is part of an interlocking set of narratives."\textsuperscript{101} It becomes clear when basic questions about "what is the good for me?" and "what is the good for man?" are engaged. "But now it is important to emphasize that it is the systematic asking of these two questions and the attempt to answer them in deed as well as in word which provide the moral life with its unity. The unity of a human life is the unity of a narrative quest."\textsuperscript{102}

MacIntyre makes mention throughout \textit{After Virtue} of the numerous obstacles to the unity of the given life found within modernity. The myth that man operates with radical autonomy apart from a community, the compartmentalization of daily life where one person plays many different and even contrasting roles, and the smudging of the meaning of the good to be associated merely with emotions and/or desires all work against efforts to see one's life as a unified whole.

MacIntyre, who sees a tremendous value to storytelling, explains the importance of stories in the notion of quest. For him, one learns how to live through the stories of one's culture, how to behave, how to be rooted in one's community, history, traditions, culture. A deep understanding of such stories provides a basis for knowing one's role in a community as well as how one ought to act. Again, MacIntyre's youthful formation from the Gaelic culture of tales, adventures and epics comes through.\textsuperscript{103}

\textsuperscript{101} Ibid., 218.
\textsuperscript{102} Ibid., 218-19.
\textsuperscript{103} MacIntyre's emphasis upon story-telling is not mere lip-service. His works can be difficult to get through because of the numerous examples, anecdotes and stories he relays.
A central thesis then begins to emerge: man is in his actions and practice, as well as in his fictions, essentially a story-telling animal. He is not essentially, but becomes through his story, a teller of stories that aspire to truth. But the key question for men is not about their own authorship; I can only answer the question "What am I to do?" if I can answer the prior question "Of what story or stories do I find myself apart?" We enter human society, that is, with one or more imputed characters – roles into which we have been drafted – and we have to learn what they are in order to be able to understand how others respond to us and how our responses to them are apt to be construed. It is through hearing stories about wicked stepmothers, lost children, good but misguided kings, wolves that suckle twin boys, youngest sons who receive no inheritance but must make their own way in the world and eldest sons who waste their inheritance on riotous living and go into exile to live with the swine, that children learn or mis-learn both what a child and what a parent is, what a cast of characters may be in the drama into which they have been born and what the ways of the world are. Deprive children of stories and you leave them unscripted, anxious stutterers in their actions as in their words.\textsuperscript{104}

MacIntyre links up his notion of the narrative quest to the medieval understanding of it, citing two key features of every quest: "The first is that without some at least partly determinate conception of the final telos there could not be any beginning to a quest. Some conception of the good for man is required."\textsuperscript{105} The epic tale of \textit{The Lord of the Rings} would have been very short indeed if Frodo Baggins had decided that returning the ring wasn't necessary and he would continue to enjoy his own good by drinking his afternoon tea in the Shire. And "secondly it is clear the medieval conception of a quest is not at all that of a search for something already adequately characterized, as miners search for gold or geologists for oil."\textsuperscript{106} The notion of a quest is much more inchoate and vague, requiring a type of trust as events unfold. "It is in the course of

\textsuperscript{104} MacIntyre, \textit{After Virtue}, 216.
\textsuperscript{105} Ibid., 219.
\textsuperscript{106} Ibid.
the quest and only through encountering and coping with the various particular harms, dangers, temptations and distractions which provide any quest with its episodes and incidents that the goal of the quest is finally to be understood. A quest is always an education both as to the character of that which is sought and in self-knowledge."\(^{107}\)

Here MacIntyre is hitting upon something timeless within human nature – to find authentic meaning in one's life. This articulation comes in dramatic contrast to the cookie-cutter lives carved out by the vagaries of liberalism, embodied in MacIntyre's characterization of the grooves and ladders of liberalism that provide little lateral movement for finding a narrative quest, much less knowing that such a thing exists.\(^{108}\)

10. Living and Dead Traditions

While MacIntyre spoke of tradition – in terms of a philosophical tradition – during his Marxist Stage, he introduces a richer notion of tradition within the context of Aristotle in the latter chapters of After Virtue. Aristotle's own theory of knowledge, that "once his work had been done, [his predecessors work] could be discarded without loss",\(^{109}\) excludes MacIntyre's own

\(^{107}\) Ibid.

\(^{108}\) MacIntyre in After Virtue articulates the type of 'experts' found in liberalism, the manager, the psychologist, the bureaucrat, who are locked into their own sort of grooves of banality and mediocrity. See MacIntyre, After Virtue, Chapter 3.

\(^{109}\) MacIntyre, After Virtue, 146.

"Aristotle's importance therefore can only be specified in terms of a kind of tradition whose existence he himself did not and could not have acknowledged." Ibid., 147.

"Nonetheless it is Aristotle whose account of the virtues decisively constitutes the classical tradition as a tradition of moral thought, firmly establishing a good deal that his poetic predecessors had only been able to assert or suggest and making the classical tradition a rational tradition, without surrendering to Plato's pessimism about the social world." Ibid.
understanding of the notion of tradition of thought. MacIntyre's richer notion includes the important element of history:

For it is central to the conception of such a tradition that the past is never something merely to be discarded, but rather that the present is intelligible only as a commentary upon and response to the past in which the past, if necessary and if possible, is corrected and transcended, yet corrected and transcended in a way that leaves the present open to being in turn corrected and transcended by some yet more adequate future point of view.\(^{110}\)

A tradition then, similar to practices discussed above, draws upon its history but is also transformed when confronted with new things. "A living tradition then is an historically extended, socially embodied argument, and an argument precisely in part about the good which constitute that tradition."\(^{111}\)

Traditions, MacIntyre makes clear, also die out – decaying, disintegrating and disappearing. MacIntyre asks: "What then sustains and strengthens traditions? What weakens and destroys them?\(^{112}\) Answering his own questions, MacIntyre writes of the decay of a tradition:

The answer in key part is: the exercise or the lack of exercise of the relevant virtues. The virtues find their point and purpose not only in sustaining those relationships necessary if the variety of goods internal to practices are to be achieved and not only in sustaining the form of an individual life to which that individual may seek out his or her good as the good of his or her whole life, but also in sustaining those traditions which provide both practices and individual lives with their necessary historical context. Lack of justice, lack of truthfulness, lack of courage, lack of relevant intellectual virtues – these corrupt traditions, just as they do those institutions and practices which derive their life from the traditions of which they are the contemporary embodiments."\(^{113}\)

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10\(^{110}\) MacIntyre, *After Virtue*, 146.
11\(^{111}\) Ibid., 222-23
12\(^{112}\) Ibid.
13\(^{113}\) Ibid., 223
On the other hand, "when a tradition is in good order, when progress is taking place, there is always a certain cumulative element to a tradition."¹¹⁴ Traditions cannot exist in a vacuum of so-called neutrality, mindless of the past.¹¹⁵

MacIntyre will expand upon the idea of tradition even further in the next stage, but the pessimism he espouses for the West is not unfounded insofar as he understands virtue, practices, and tradition.

For I too not only take it that Marxism is exhausted as a political tradition, a claim borne out by the almost indefinitely numerous and conflicting range of political allegiances which now carry Marxist banners – this does not at all imply that Marxism is not still one of the richest sources of ideas about modern society – but I believe that this exhaustion is shared by every other political tradition within our culture.¹¹⁶

11. Stage III Thomism and Tradition (1984 - )

In the previous stage, it is clear that MacIntyre argued that 'Aristotle got it right.' With this stage, MacIntyre approach could be summed up as 'Thomas got it righter.' MacIntyre explains:

When I wrote After Virtue, I was already an Aristotelian, but not yet a Thomist, something made plain in my account of Aquinas at the end of chapter 13. I became a Thomist after writing After Virtue in part because I became convinced that Aquinas was in some respects a better Aristotelian than Aristotle, that not only was he an excellent interpreter of Aristotle's texts, but that he had been able to extend and deepen both Aristotle's metaphysical and his moral enquiries.¹¹⁷

¹¹⁴ Ibid., 146-47.
¹¹⁵ MacIntyre has even conceded that liberalism is a tradition, despite its efforts to be morally neutral and universal, detached from any sort of deeper history.
¹¹⁶ MacIntyre, After Virtue, 262.
¹¹⁷ MacIntyre, After Virtue, x.
As a result, he says: "I was 55 years old when I discovered that I had become a Thomistic Aristotelian."\(^{118}\)

This stage then, is something of an extension of the previous stage. What started with *After Virtue* was expanded further into a trilogy of books including *Whose Justice? Which Rationality?*\(^{119}\) and *Three Rival Versions of Moral Inquiry*.\(^{120}\) The significant difference in this stage is that now MacIntyre sees himself as both a Roman Catholic and a Thomist, or as he calls himself, a Thomistic Aristotelian, and therefore operating under a different tradition.\(^{121}\) Another innovation in this stage is MacIntyre's mature definitions of tradition, and tradition constituted and constitutive rationality, all of which, as we shall see in the final chapter, will be central to his final position on human rights.\(^{122}\)

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\(^{118}\) MacIntyre, "On Having Survived."


\(^{121}\) MacIntyre describes how his first encounter with Thomism intrigued him, but he decided not to engage with it further, assuming that it, like every other compelling philosophy had an equally compelling counter argument against it. MacIntyre, "On Having Survived," minute 1.45.

"MacIntyre’s conversion to Catholicism in his fifties, he tells me, occurred as a result of being convinced of Thomism while attempting to disabuse his students of its authenticity." Alasdair MacIntyre, "MacIntyre on Money," in *Prospect Magazine*, October 2010. http://www.prospectmagazine.co.uk/2010/10/aldair-macintyre-on-money/

"I believe what I am taught to believe by God, through the Church. And, when God speaks, there is nothing to do but to obey or disobey. I don't know in what other way one could be a Roman Catholic." MacIntyre, *Kenesis*, 43-44.

\(^{122}\) *After Virtue* was written as a secular book. The other two in the trilogy espouse MacIntyre's Thomism 'With the publication of *Whose Justice? Which Rationality?*, however, MacIntyre identified himself as a Thomistic philosopher, and in *Three Rival Versions of Moral Enquiry* he began to defend what he takes to be the authentic project of *Aeterni Patris*, Pope Leo
12. Conversion

The seeds of conversion to Catholicism were planted early for MacIntyre. Although he doesn't explain it in detail, it seems clear that he did not have a St. Paul experience of being knocked off his horse. Instead, it was a slow process culminating over many years of thought. Of it, MacIntyre later wrote:

I set out to rethink the problems of ethics in a systematic way, taking seriously for the first time the possibility that the history both of modern morality and of modern moral philosophy could only be written adequately from an Aristotelian point of view. In the same period, after 1971, I had occasion to rethink the problems of rational theology, taking seriously the possibility that the history of modern secularization can only be written adequately from the standpoint of Christian theism, rather than vice versa. It was not until quite some time after I had completed *After Virtue* that these two lines of enquiry finally coincided in a realization that it is from the standpoint of a Thomistic Aristotelianism which is also able to learn from modern philosophy – especially from Frege, Husserl, Wittgenstein and their critics – that the problems of philosophy, and more particularly of moral philosophy, can best be articulated.\(^{123}\)

Finally, the pieces came together – particularly the pieces MacIntyre had previously viewed as incompatible. Perreau-Saussine wrote:

En 1983, il se convertit au catholicisme, suivant ainsi l'exemple d'autres philosophes britanniques: Peter Geach, Elizabeth Anscombe, Michael Dummett, en particulier. Le thomisme est la doctrine qui, au terme de son parcours, l'autorise à tenir ensemble les deux éléments jusque là contradictoires: d'une part, le zèle de Barth (qui oppose la raison à la foi), et d'autre part le rationalisme néo-hégélien du christianisme marxiste (qui confond l'une et l'autre).\(^{124}\)

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\(^{123}\) MacIntyre, "Cogito Interview," 268.

\(^{124}\) "In 1983, he converted to Catholicism following the example of other British philosophers: Peter Geach, Elizabeth Anscombe, Michael Dummett, in particular. It was Thomism that was the doctrine at the end of his search that held together two elements that until then seemed to be contradictory: one part was the zeal of Barth (who opposed reason to arrive at
While it may have taken MacIntyre a long time to get to Thomism, D'Andrea points out the importance of how he got there.\textsuperscript{125}

But of course, even from the perspective of Aristotelians, and especially Thomistic Aristotelians, the great interest in MacIntyre's oeuvre ought to lie in precisely \textit{how} he arrived at where he did not begin, his journey so cast in a new light on the philosophical merits of Thomism, – particularly for those for whom it is a largely alien and unfamiliar tradition. And on MacIntyre's allegiance to Thomism, as the outcome of a long logical development in his own thought, there is something else worth noting: a significant reason for MacIntyre's strong commendation of Thomism is for those procedural achievements embodied in Aquinas's thought, whether sympathetic or unsympathetic. Procedural achievements, that is, such as: Aquinas's overall method of inquiry; his understanding and his efforts at seeking a unifying framework of understanding across the various sciences and academic disciplines; his commitments to the unity of theory and practice; his related belief that the inquiries, efforts, and theoretical problems of the learned should be continuous with those of the plain or unlearned, and finally, and with respect to religious belief, his commitment to the unification of philosophical with theological inquiry.\textsuperscript{126}

Here again, many of the themes that started with Marx are realized in Thomism: theory and practice, unity of thought, the plain person. Additionally, MacIntyre as a Thomist returns to his original inquiry of theology, although this time from a much different point of view than his early Calvinist and Church of England upbringing.

Moreover, not included in D'Andrea's list, but certainly still relevant, are MacIntyre's original criticisms of liberalism and attachment to Marx's critique of capitalism: "Critics of my thought who have wanted to characterize my hostility toward liberalism as an expression of my faith) and the other part was the neo-hegelian rationalism of Christian Marxists (who confounded one with the other)." (Translation mine.) Perreau-Saussine, \textit{Une biographie Intellectuelle}, 25.

\textsuperscript{125} "A senior figure among North American Thomists once quipped about MacIntyre that: 'It took him a long time to arrive where I started.'" D'Andrea, \textit{Tradition, Rationality}, 402.

\textsuperscript{126} D'Andrea, \textit{Tradition, Rationality}, 402.
fidelity to Catholicism, or what George Weigel has called Neo-neo-Thomism, fail to take into account the essential point. One of the reasons that I abandoned Marxism and embraced Thomism was that I discovered that Thomism provides a better understanding than Marxism on the defects of liberalism."\(^{127}\) Despite abandoning Marx, "MacIntyre's contemporary position vis-à-vis Marxism is thus not a discordant element in his development of the Thomist tradition," Rowland explains. "Essentially, it is the elements within Marx's works dealing with the relationship between work-related practices and 'self-formation', as well as the Marxist criticisms of the inherently ideological nature of Liberal economic and political philosophy, that attracted MacIntyre's interest."\(^{128}\)

\(^{127}\) Alasdair MacIntyre, "Después de Tras la Virtud," in *Atlántida* 1, no. 4 (1990): 87-95, 87.

Also mentioned in Perreau-Saussine: "D'abord attiré par la théologie de Karl Barth, il finit disciple de Thomas d'Aquin. Comme marxiste, barthien, wittgensteinien, aristotélicien, thomiste, MacIntyre place au cœur de sa réflexion ce que le libéralisme tient aux marges de la politique: l'âme, la communauté et la vérité. Une constante se dégage ainsi, sous le chaos apparent. La critique du libéralisme est à la fois la basse continue et la cause finale de son œuvre." Perreau-Saussine, *une biographie intellectuelle*, 3.

"Initially attracted by the theology of Karl Barth, he finished a disciple of Thomas Aquinas. As a Marxist, Barthian, Wittensteinian, Aristotelian, Thomist, MacIntyre places at the heart of his reflection that which liberalism holds at the margins of politics: the soul, the community and truth. One constant thus emerges under the apparent chaos. The critique of liberalism is at the same time a low continuous one and the final cause of his work." (Translation mine.)

\(^{128}\) Rowland, *Culture and the Thomist*, 68.

In the introduction to the Third Edition of *After Virtue* published in 2007, MacIntyre makes clear that he still ascribes to Marx's criticism of capitalism. See *After Virtue*, xvi.
13. Tradition and Rationality

Above, in the explanation of the tripartite division, I mentioned Lutz's unique division of MacIntyre's work. These biographical divisions, upon closer scrutiny, resemble very much MacIntyre's work on tradition. Lutz's four sections are: 1) cultural inheritance; 2) organizing knowledge and experience; 3) epistemological crisis; and 4) traditional development. In the previous stage of MacIntyre's work, we discussed what keeps a tradition alive. These four stages – minus an explanation of the virtues that are the lifeblood to any tradition – are part of the lifecycle of a living tradition. It is hard to know if MacIntyre has based his mature position of tradition upon his biographical reflections, but there is certainly some uncanny overlap. MacIntyre, it seems, has used his experience, his own narrative quest, as the foil for understanding traditions.

To summarize from the biographical pieces above, MacIntyre's first phase was the cultural inheritance he received from rivaling traditions – Gaelic storytelling and liberalism. The next phase of organization and experience were the many years he spent as an academic in England – sifting through competing arguments. The third phase, the epistemic crisis – the encounter of irreconcilable elements in one's tradition(s) happened to MacIntyre around the time of his emigration to the United States. Finally, the fourth phase, traditional development started with the work of After Virtue where he was able to make sense of the epistemic loose ends through the

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129 Lutz, Tradition in the Ethics, 11.

"What I am calling MacIntyre's period of 'cultural inheritance' predates MacIntyre's graduate studies. His period of "organizing knowledge and experience" belongs to the first ten years of his academic career. What I call his "epistemological crisis" begins in the late 1950s, his effort beginning in 1971, to come to terms with that crisis yields the period of "traditional development" that began in 1977." Lutz, Tradition in Ethics, 11.
perspective of a new tradition, which culminated in his later work as a Thomistic Aristotelian.\footnote{Interestingly, MacIntyre's fourth phase, "traditional development" coincided with his life in two ways – one as he developed his own understanding of a new tradition, and the other, as he developed his own notion of "tradition."}

MacIntyre's biography also makes it clear that the development of a tradition can apply to an individual as well as a larger community, linking it as well with an individual's narrative quest.

While a concise definition of a tradition is "an argument extended through time,"\footnote{MacIntyre, Whose Justice, 12.} this certainly doesn't grasp the richness of what MacIntyre means by tradition. MacIntyre's mature position on the lifecycle of a tradition is made of the four pieces mentioned above: 1) The cultural inheritance; 2) organizing knowledge and experience, 3) epistemological crisis; and 4) traditional development. In a certain respect, these four stages also mimic the scientific theory: 1) look to evidence from past, 2) look for new evidence and possible theories, 3) new evidence arises that is against your theory,\footnote{[E]ven though MacIntyre discusses tradition extensively, he never defines the term (so far as I have been able to determine) nor does he situate his account of tradition in the context of other recent discussions. Moreover, as we would expect, MacIntyre's understanding of tradition evolves over the near decade that elapses between the first edition of After Virtue and the publication of his Gifford Lectures. In each of the three major books that have defined MacIntyre's mature philosophical program, we find a somewhat different account of what a tradition is. Especially in his later works, MacIntyre moves between a wider concept of tradition as an overall social and moral orientation, and a more limited concept of a tradition as a focused scientific or moral inquiry." Jean Porter, "Tradition in the Recent Work of Alasdair MacIntyre" in Alasdair MacIntyre, ed. Mark C. Murphy, 38-39.} 4) revise theory making it stronger or abandon altogether.

Some have criticized MacIntyre for not providing a clear and explicit definition of tradition, speaking of it more loosely through examples, stories, and historical context.

"MacIntyre nowhere fully characterizes tradition in general, preferring to let the idea emerge from the examples that he presents. Unfortunately this does not result in a unitary conception." Julia Annas, "MacIntyre on Traditions," in Philosophy and Public Affairs 18 (1989): 388-404, 389-90.
This is no accidental overlap, but again shows the general applicability of MacIntyre's theory of practice and how practices become traditions.

Practices, MacIntyre makes clear, are not some souvenir unique to given culture, but have universal application, though they are instantiated in particular ways and can even be thwarted by certain regimes or negative situations.

Practices, as I understand them, are a universal feature of human cultures, although in some they may be radically marginalized and their significance deeply obscured. What this may prevent and does prevent in the cultures distinctive of modernity is the development of an Aristotelian understanding of the significance of practices in terms of the whole life of an individual and the lives of communities. Because only in an Aristotelian perspective can that significance be rightly understood, the potentiality that all plain persons have for the developing out of their experience of practices an Aristotelian understanding of themselves can be frustrated. And the dominant cultures of modernity are apt so to frustrate it, except among those who live on the margins.¹³³

Healthy practices are the life blood to healthy traditions and healthy communities, which is why he places so much emphasis upon them.

In *Three Rival Versions of Morality*, MacIntyre explains the healthy response of tradition when faced with obstacles.

Perhaps, given MacIntyre's emphasis upon the elements that make up narrative and tradition, he doesn't feel compelled to give a strict definition of tradition because the notion is best illuminated by storytelling.

¹³² MacIntyre describes the epistemic crisis elsewhere: "What they took to be evidence pointing unambiguously in some one direction now turns out to have been equally susceptible of rival interpretations. Such a discovery is often paralyzing, and were we all of us all of the time to have to reckon with the multiplicity of possible interpretations open to us, social life as we know it would scarcely continue." Alasdair MacIntyre, "Epistemological Crises, Dramatic Narrative, and the Philosophy of Science," in *Alasdair MacIntyre: The Task of Philosophy: Selected Essays Vol. I* (Cambridge: Cambridge University Press, 2006): 3-23, 3.

It will have some contingent historical starting point in some situation in which some set of established beliefs and belief-presupposing practice, perhaps relatively recently established, perhaps long standing, were put in question, sometimes by being challenged from some alternative point of view, sometimes because of an incoherence identified in the beliefs, sometimes because of a discovered resourcelessness in the face of some theoretical or practical problem, sometimes by some combination of these. So the beliefs will be further articulated, amended, modified, and added to in order that, in a newer, revised form, they may provide some answer to the questions thus raised and in that form transcend the limitations of their earlier version.  

Rather than viewing obstacles as a negative event, MacIntyre makes it clear that obstacles are both an opportunity for growth in virtue insofar as how one responds to the obstacles, but also how a given tradition continues to remain healthy. Traditions "if they are not to decline but rather to increase in rationality, must maintain a permanent willingness to engage in dialectic with their rivals, and they must continually expose their constituent beliefs and justificatory framework to criticism and refutation."  

MacIntyre's inclusion of rationality into practices, means that he also views rationality has having its own tradition – that rationality is constitutive of tradition. Moreover, "insofar as rationality is a practice, real improvement in rationality is possible, and some forms of rationality may be better than others in assessing the truth and falsity of our judgments about the world." As such, MacIntyre argues, "rationality is not universal, but tradition constituted". What he  

134 MacIntyre, Three Rival Versions, 116.  
135 D'Andrea, Tradition, Rationality, 335.  

A mark of "a mature tradition of rational enquiry is that it possesses the resources to furnish accounts of a range of conditions in which incoherence would become inescapable and to explain how these conditions would come about."  
136 Lutz, Tradition in Ethics, 43.  
137 "Like the moral life, rationality itself is a practice. So, again like the moral life, there are various forms of rationality." Ibid., 43.
means by this is that "everyone learns to think and to judge within a particular culture. That
culture provides the categories that its members use to organize their knowledge and
experience." There are then, no neutral forms of rationality, or to put it another way – "there is
no tradition-independent judging…" as MacIntyre's thought has made clear in previous stages.

Drawing upon other themes already discussed, Lutz explains further:

MacIntyre did not make philosophical progress by discovering any set of
universal rational principles, rather, he worked his way toward a more coherent
and more adequate ethical theory through a critical engagement with the peculiar
substantive rationalities of several different traditions in which he was enmeshed.
This was necessary because these different traditions had constituted his
rationality in an incoherent manner.

Only by separating the traditions and looking at them within their own context, terms, history,
argumentation, was MacIntyre able to make sense of their conclusions, as well as strengths and
weaknesses. "It was possible for [MacIntyre] to progress toward more coherent rationality

138 Ibid., 10.

"Aristotle gave us excellent reasons for believing that both rational enquiry in politics and
ethics and rationality in action require membership in a community which shares allegiance to
some tolerably specific overall conception of the ultimate human good. Such a community
initially may possess only a bare outline of such a conception, in which much has so far been left
implicit, but that it should move to a more and more explicit and detailed understanding of that
good is indeed a central task of such enquiry. For it is only in light of such a shared
understanding that different types of activity and institution, each with its own subordinate good
or set of goods, can be adequately ordered in terms of that ultimate good. What such a shared
understanding provides is precisely the kind of standard independent of, not only individuals
desires, preferences, and will, but also of the interests of particular groups within the community,
by appeal to which rational debate on practical questions can be carried on." Alasdair MacIntyre,

139 Lutz, *Tradition in Ethics*, 43.

140 Ibid., 28.
however, because the same traditions that are the bearers of rationalities are not the ultimate
measures of rationality.\footnote{141}

Returning again to the obstacles facing tradition, MacIntyre makes it clear that these are
important opportunities for growth. "What the Enlightenment made us for the most part blind to
and what we now need to recover," MacIntyre contends, "is a conception of rational enquiry as
embodied in a tradition, a conception according to which the standards of rational justification
themselves emerge from and are part of a history in which they are vindicated by the way in
which they transcend the limitations of and provide remedies for the defects of their predecessors
within the history of that same tradition."\footnote{142}

14. Conclusion

Thomas D'Andrea explains that MacIntyre's career can be viewed as three periods:

\footnote{141} Ibid., 28-29.

"His tradition-constituted and tradition-constitutive approach to rationality bids us, on the
model of progress in theory adequacy in the natural science, to take stock of the historical
situatedness of both personal inquiry and of intellectual tradition; it identifies this stock-taking as
both the means and the necessary prerequisite for the progress of human reason. A given
tradition, then, is only as worthy of rational allegiance as the narrative power it exhibits in telling
a rationally persuasive story about the partial achievements, but over-shadowing failures and

\footnote{142} MacIntyre, \textit{Three Rival Versions}, 7.

MacIntyre has been accused of being a relativist with his theory of tradition, and tradition
constitutive rationality. For his defense, see Alasdair MacIntyre, "Moral Pluralism Without
http://secure.pdcnet.org/wcp20/content/wcp20_1999_0001_0001_0008

Lutz, \textit{Tradition in Ethics}, 106. See also Chapter Three.

Micah Lott, "Reasonably Traditional: Self-Contradiction and Self-Reference in Alasdair
[A] first in which he is groping for a systematic standpoint from which to address questions in ethics and the philosophy of the human sciences generally; a second, corresponding to the writing of After Virtue, which aims at a sketch of such a standpoint; and, a third which seeks to fill in that sketch and respond by accommodation or rejoinder to criticisms of its central tenets and historical claims.\(^\text{143}\)

In the midst of his search for his own narrative, MacIntyre realized something important about philosophy – that it can and does mimic the individual quest for truth.

MacIntyre's narrative quest, so clearly linked to his rejection of liberalism, extends into his engagement with natural/human rights. It is to this that we will now turn to in the next chapter.

\(^{143}\) D'Andrea, Tradition, Rationality, xiv.
CHAPTER SIX:
MacIntyre's Arguments Against Human Rights

MacIntyre's thoughts on human rights have not been immune to the intellectual changes marking his career and his own narrative quest. Human rights, viewed as the fruit of liberalism, naturally came to be something MacIntyre targeted throughout much of his career.

This chapter will consider the many arguments MacIntyre has made against human rights, delving much deeper into his work on the subject than his argument comparing them to witches and unicorns. It will wade through the three stages outlined in the previous chapter, Marx, Aristotle and After Virtue, and Thomism and Tradition, and how his changing philosophical convictions affected his view on human rights.

As will be made clear below, MacIntyre's criticism of rights started slowly in the Marxist stage, became more robust during the After Virtue stage, and finally in his third stage – that of Tradition – MacIntyre made his strongest and most forceful arguments against rights, including his own understanding of their historical development.

1. Stage I – Marx

MacIntyre's arguments against rights did not hold any place of primacy in his writing during this stage of his career. However, as seen in the previous chapter, much of the groundwork for his rejection of rights was laid during this time because of MacIntyre's adherence to Marx's rejection of capitalism, liberalism and rights language.
Karl Marx's own reject of rights was crystallized in his work *On the Jewish Question*. In it, Marx explains how rights, as embodied in the American experiment and the French Revolution, separates the individual from the community and ultimately lead to egotism. He explained:

None of the so-called rights of man, therefore, go beyond egoistic man, beyond man as a member of civil society – that is, an individual withdrawn into himself, into the confines of his private interests and private caprice, and separated from the community. In the rights of man, he is far from being conceived as a species-being; on the contrary, species-like itself, society, appears as a framework external to the individuals, as a restriction of their original independence. The sole bond holding them together is natural necessity, need and private interest, the preservation of their property and their egoistic selves.¹

As Marx explains, rights enforce the notion of radical individualism, thereby giving the impression that society is external to the individual, and therefore a restriction upon the individual's freedom and autonomy. Rights are in place merely to preserve property, private interest, and any other demands of the self-absorbed.

Additionally, as was discussed in the last chapter, Marx made it clear that man could only find himself and his desires within the context of the community. To separate oneself from the community through the pursuit of individual rights – and what Marx considered the egotism that accompanied them – was a further step toward alienation of oneself. Marx makes explicit how rights, within the context of the two above-mentioned revolutions, aren't a source for further freedom but merely for degradation.

It is puzzling enough that a people which is just beginning to liberate itself, to tear down all the barriers between its various sections, and to establish a political community, that such a people solemnly proclaims (*Declaration of 1791*) the rights of egoistic man separated from his fellow men and from the community,

¹ Karl Marx, *On The Jewish Question* [by Bruno Bauer, 1843], *Deutsch-Französische Jahrbücher*, February, 1844. [http://www.marxists.org/archive/marx/works/1844/jewish-question/index.htm](http://www.marxists.org/archive/marx/works/1844/jewish-question/index.htm)
and that indeed it repeats this proclamation at a moment when only the most heroic devotion can save the nation, and is therefore imperatively called for, at a moment when the sacrifice of all the interest of civil society must be the order of the day, and egoism must be punished as a crime. (Declaration of the Rights of Man, etc., of 1793) This fact becomes still more puzzling when we see that the political emancipators go so far as to reduce citizenship, and the political community, to a mere means for maintaining these so-called rights of man, that, therefore, the citoyen is declared to be the servant of egotistic homme, that the sphere in which man acts as a communal being is degraded to a level below the sphere in which he acts as a partial being, and that, finally, it is not man as citoyen, but man as private individual [bourgeois] who is considered to be the essential and true man.²

In Marx's view, rights are indeed a source of alienation and bondage heralded under the banner of freedom.

In one of the few direct references to human rights during this stage, MacIntyre's application of Marxism provides another reason for rejecting them: their universality. Rights are disconnected from history, a particular society, a particular culture, and are instead the embodiment of a generic universal that is seemingly applicable to every cultural, historical and religious situation. Again, as was seen in the previous chapter, MacIntyre argues that historical man placed within the context of community is necessary for self-realization. The sterility of universal general principles does not serve man, but alienates him.

Human rights are inalienable and eternal; only it is compatible with their possession that men should suffer poverty and exploitation. Man in the Bible has a cosmic history; Man in the eighteenth century has a rational nature whose history is the slow emergence of Reason in Enlightenment or as often a history in which Reason passes again into darkness; it is only with Hegel that Man begins to possess and with Marx that Man achieves a real history.³

² Marx, On The Jewish Question.

"Marx had specifically rejected the notion of natural human rights as a fiction created to rationalize the autonomy and moral isolation of the individual". Christopher Stephen Lutz, Reading After Virtue (New York: Continuum, 2012), 24.

³ Alasdair MacIntyre, "Notes from the Moral Wilderness II," in New Reasoner 8 (Spring
Rights, therefore, because of their "universality" in the form of the "inalienable and eternal," MacIntyre argues, offer only poverty and exploitation as man is denuded of history, context, and culture.

MacIntyre says little more beyond this foundational argument against human rights. In the next stage, he goes much further in voicing his opposition to them.

2. Stage II – Aristotle and After Virtue (1971 - 1983)

Though rejecting much of Marxism during this period, MacIntyre's criticisms of rights gained steam during the second stage of his career. His arguments become more substantial with less reliance upon Marx's original points on rights, but continue to implicitly espouse the Marxist underpinnings that rejected liberalism. New to this stage are the overarching questions MacIntyre tries to deal with in After Virtue about how man ought to live a good life. Modernity's response, for MacIntyre, comes up short.

Again, MacIntyre's career at this point was focused upon what he saw as the fragmentation of ethical traditions, resulting in modernity's somewhat incomprehensible cobbling together of elements from many different traditions. Ethics was no longer engaged in responding to the question of how man ought to live, but narrowed in on issues of law and rule following. MacIntyre contrasted the modern point of view with the ethics of Aristotle, which offered a system that took into account living the good life through a fuller vision of man and human nature that included teleology, natural law, and the ethical cornerstone of virtue.

MacIntyre wrote three main texts during this stage where he makes his arguments against rights, including "The Right to Die Garrulously," \(^4\) (1978), *After Virtue* (1981) and "Are There Any Natural Rights?" (1983).\(^5\) The first two works are very similar in argumentation, however, *After Virtue* puts a finer point upon the arguments, especially given that it was within that context where MacIntyre makes clear his overarching thesis against modern moral philosophy.

As such, within these two texts, three major arguments emerge in varying degrees: 1) rights are rationally unsupportable because their existence cannot be proven or at least no proof of their existence has been given so far; 2) rights are largely a response to the breakdown of communities under modernism and a solution to the problems that arise when natural teleology is abandoned; and 3) rights are not universal but emerge from a specific context and are therefore reflective of a certain ethos.

In the last lecture, "Are There Any Natural Rights?", MacIntyre builds upon these arguments by trying to address all the main arguments presented by rights protagonists. In so doing, he looks back to the historic origins of rights language and the intentions of the


"MacIntyre concedes in this essay that rights can certainly be said to exist inasmuch as they are the product of positive law or of promises. But there is another legitimate form of rights justification, and here he returns us again to the notion of social practices. Rights can and do exist, he argues, in the context of practices: practices, that is, in their socially established, rule-governed activities in pursuit of specifiable goods internal to those activities. The game of chess is an example of such a practice: in chess, for instance, white has the 'right' to move first." D'Andrea, *Tradition, Rationality*, 79.

Enlightenment thinkers who promoted human rights. This lecture serves as a bridge from the arguments made in "The Right to Die Garrulously" and After Virtue to the more trenchant arguments he makes later which take on even greater historical argumentation.

In his 1978 article, "The Right to Die Garrulously," MacIntyre presents two arguments against rights. The article was written to connect the issue of rights to a recurrent topic in his work about "the peculiarity of attitudes toward death in secular modern society." MacIntyre asks:

"Do individuals have a right in certain circumstances – for example, extreme and unrelievable pain or the occurrence of such brain damage that there can be no possibility of recovery except as an idiot – to be deprived of further life-support or to have their life taken, provided that at the relevant time they do consent or have consented to this?" While MacIntyre takes the answer to be "no," what he is really getting at is: Is there a basic natural human right possessed by individuals who are facing death and dying in the above scenario? Sidestepping arguments about suicide or healthcare as such, MacIntyre is focusing upon the question of the possession of such a right. And the answer of "no," that one does not have such a right, "is because there are no such rights," he concludes. "The ground for asserting this is the second best of all possible grounds for making universal negative existential assertions: nobody has ever given us the slightest reason for believing that there are." Moreover,

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6 D'Andrea, Tradition, Rationality, 77.
Some of parts of his argument will be reiterated – almost word for word – in After Virtue.
7 MacIntyre, "The Right to Die," 75.
8 Ibid., 75-76.
9 Ibid.
as MacIntyre argues, historically the word right denoting the modern usage did not exist until the seventeenth century.

Moreover, rights relatively late appearance on the philosophical radar doesn't help the claim that they are self-evident. As MacIntyre says, any claims to "their self-evidence are philosophically untenable, and the appeal by philosophers to their 'intuitions' is but a stratagem to conceal the arbitrariness and groundlessness behind universal human rights talk."\(^{10}\) MacIntyre adds, "one of the things that we learn from the history of philosophy is that the occurrence of the word 'intuition' in philosophy is usually a sign that something has gone badly wrong."\(^{11}\)

As such, MacIntyre concludes:

[T]here are no valid claims to rights... Such rights are at one with unicorns, witches and Meinong's glass mountain. Jeremy Bentham said the last word about them, philosophically if not chronologically, when he declared that 'natural rights' are 'nonsense' and 'impresscriptable, inalienable natural rights' 'nonsense on stilts'.\(^ {12}\)

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"The point of the essay is to show how the existence claims made on behalf of universal human rights hold no water; the twist in the essay is the claim that a certain right – the right to die in a certain fashion, namely garrulously – can be ascribed to persons inhabiting a certain kind of social order, but a social order conspicuously different from that of cosmopolitan modernity." D'Andrea, *Tradition, Rationality*, 77. MacIntyre, "The Right to Die," 81.

\(^{10}\) D'Andrea, *Tradition, Rationality*, 78-79.

\(^{11}\) MacIntyre, "The Right to Die," 76.

MacIntyre suggests that the U.N.'s use of rights may not have much of a compelling argument for rights. "In the United Nations declaration on human rights of 1949 what has since become the normal UN practice of not giving good reasons for any assertions whatsoever is followed with great rigor." MacIntyre, "The Right to Die," 76, and *After Virtue*, 69.

\(^{12}\) MacIntyre, "The Right to Die," 76.
Here, MacIntyre is clearly making the first of his arguments against rights in this stage, viz. that they do not exist. The particulars of this argument will emerge again, almost word for word, with more strength in *After Virtue*.

MacIntyre's bravado in saying that rights do not exist – in the face of so much 'rights talk' – goes beyond seemingly empty logical assertions, but considers rights to be a modern response to the break down in community and family. As the article notes, modernity has truncated the ties of family, community, neighborhood, tribe, and with it a dispelling of the mores associated with caring for those in need. In a traditional society where these elements are in tact, the exigency of caring for a dying person would be quite natural "because he or she is a member of my family, my community, my tribe. What if he or she is not? Then I must treat this stranger as a member of my family, my community, my tribe, as my neighbor." And when such customs of family, tribe and community break down, the only option left is "to show respect and care for the suffering or dying stranger because he is a human being. But if his claim to consideration arises only from his being a man, then it must be because some set of rights attaches to being a human being. And in this case everybody must have rights." This is how MacIntyre sees the modern argument for rights arising – since the traditional bonds and roles associated with family and community are all but gone, there must be some other way to appeal to aiding a soul in need,

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13 This topic remains one of great interest for MacIntyre, seen especially in his 1999 book *Dependent Rational Animals: Why Human Beings Need the Virtues* (Chicago: Open Court Publishing, 1999), Chapter 10.

14 MacIntyre, "The Right to Die," 82-83.

15 Ibid., 83.

whether in death, or any other situation where care is required. Therefore, "the appeal to such rights has seemed to give us a ground, a sufficient reason, for treating with respect and care those whom we could find no good reason for treating with respect and care in the context of our ordinary social relationships."\(^{16}\)

However, despite the best of intentions, MacIntyre explains, one of the downfalls of "rights claims derived from a consideration of abstract humanity tend largely to involve the identification of negative rights to non-interference; they far more rarely have anything to do with motivating us to positive care and concern for persons in need."\(^{17}\) MacIntyre explains that rights, in effect, don't do what they are suppose to – care for others – and instead focus upon how others ought not to interfere in "our business," which echoes Marx's point that rights lead to egotism. MacIntyre goes on to explain that rights, therefore, as a principle are inadequate to provide the care necessary for the dying and anyone in need because such care is best performed by real people in real situations, in real families, communities, etc… Only in such real circumstances can the individual's best interests be protected, rather than allowing the temptations of utility or efficacy to trump individual needs when difficult decisions must be made.

These arguments are just the first of many that fit into the larger context of MacIntyre's continued effort to show the shortcomings of liberalism.

\(^{16}\) MacIntyre, "The Right to Die," 82.

\(^{17}\) D'Andrea, Tradition, Rationality, 78-79.
In 1981, with the publication of *After Virtue*, MacIntyre's arguments against rights continued along the same vein as those found in "The Right to Die Garrulously," but take on further nuance.

In *After Virtue*, MacIntyre again lists the civilizations that had no word for 'rights' until relatively recently, including such works as the Bible and the languages of Hebrew, Greek, Arabic and Japanese. As a result, MacIntyre explains, "it does not of course follow that there are no natural or human rights, it only follows that no one could have known that there were. And this at least raises certain questions." 18 Questions connected to the self-evidence of rights. However, MacIntyre continues, "[b]ut we do not need to be distracted into answering them, for the truth is plain: there are no such rights, and belief in them is one with belief in witches and in unicorns." 19 Again, MacIntyre's arguments here reiterate those made in the last article (although he leaves out Bentham's amusing comment about them being "nonsense on stilts"). He then

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18 MacIntyre, *After Virtue*, 69.

MacIntyre repeats, almost verbatim, the same arguments he made in "The Right to Die Garrulously."

19 Ibid.

Again, MacIntyre repeats, almost verbatim, the same arguments he made in "The Right to Die Garrulously."

"The best reason for asserting so bluntly that there are no such rights is indeed of precisely the same type as the best reason which we possess for asserting that there are no witches and the best reason which we possess for asserting that there are no unicorns: every attempt to give good reasons for believing that there are such rights has failed. The eighteenth-century philosophical defenders of natural rights sometimes suggest that the assertions which state that men possess them are self-evident truths; but we know that there are no self-evident truths. Twentieth-century moral philosophers have sometimes appealed to their and our intuitions; but one of the things that we ought to have learned from the history of moral philosophy is that the introduction of the world 'intuition' by a moral philosopher is always a signal that something has gone badly wrong with an argument." MacIntyre, *After Virtue*, 69.
reiterates that rights have gained popularity in contemporary political and moral parlance because they fill the void left by modernity. What is new to MacIntyre's argument in *After Virtue* and a key for understanding most of his anti-rights arguments going forward, is that rights are moral fictions that have been concocted as a result of the loss of older traditions, such as Aristotelianism, and the subsequent fragmentation of moral philosophy. Rights are supposed to be a universal and self-evident source of justice. They cannot, however, in MacIntyre's view, stand up to the arguments against them because of their origin as a band-aid, making up for lost ethical pieces. As MacIntyre makes clear throughout *After Virtue*, as he rails again against liberalism, without natural philosophy and teleology and some common notion of the good, modernity has produced a series of moral fictions in an effort to provide individuals reasons for action without any reference to practical reason.20

Constructing his argument about rights as a moral fiction, MacIntyre first engages the deficiencies brought about by the utilitarianism of Bentham and Mill, reducing moral choices to options of pleasure and pain. This reduction has lead to what MacIntyre calls emotivism. "Emotivism is the doctrine that all evaluative judgments and more specifically all moral judgments are *nothing* but expressions of preference, expressions of attitude or feeling, insofar as

20 "Utilitarianism is a fiction, because "the greatest happiness of the greatest number" has no precise meaning. The Kantian project, even as developed in Alan Gewirth's *Reason and Morality* (1978), is a moral fiction because that project depends on a notion of "natural rights" that is itself a moral fiction. … Intuitionism is a moral fiction, because it amounts to subjectivism.

"The problem with these theories is they are *ex post facto* apologetics for presupposed conclusions." Lutz, *Reading After Virtue*, 96.
they are moral or evaluative in character."\textsuperscript{21} Emotivism is emblematic of the specifically modern self which lacks a criteria for rationality and instead believes "[e]verything may be criticized from whatever standpoint the self has adopted, including the self's choice of standpoint to adopt."\textsuperscript{22} It is based upon the claim that every sort of rationality for a principled moral philosophy has failed to provide an objective morality for all to agree upon, so subjective feelings and desires have trumped rationality when it comes to decision-making. Moreover, under the emotivist point of view, the ethical compass resides solely within each individual and takes on any shade of rationalization for action, limited only by one's imagination. As such, anything goes, which means that what some people consider to be "okay" may in fact infringe upon others – which is where rights come in, because they protect modern individuals from the overreach of harmful desires of others. "The concept of rights," MacIntyre explains, "was generated to serve one set of purposes as part of the social invention of the autonomous moral agent … elaborated in a situation in which substitute artifacts for the concepts of an older and more traditional morality were required."\textsuperscript{23} The result of this, similar to what happens when many traditions compete against each other discussed earlier, is moral incommensurability. There is no clear indication of what is authentically right, which in turn fuels the emotivism that says nothing is right except my own concept of what is right. As such, MacIntyre calls rights a "moral fiction" because they are created/invoked/used to justify some sort of ethical boundary not supplied by liberalism.

\textsuperscript{21} MacIntyre, \textit{After Virtue}, 11. For more on emotivism, see MacIntyre, \textit{After Virtue}, 11-22 and Chapter Three.
\textsuperscript{22} Ibid., 31.
\textsuperscript{23} Ibid., 70.
MacIntyre returns to a Marxist tenant to make a further argument against rights. "A central characteristic of moral fictions which comes clearly into view when we juxtapose the concept of utility to that of rights is now identifiable: they purport to provide us with an objective and impersonal criterion, but they do not." MacIntyre argued from his earliest days as a Marxist that there are no objective and impersonal moral criteria, but only those that arise from a culture, context, and community. Emotivism, as an underpinning of the moral fiction of rights, leads to greater subjectivism in their use, and does indeed make rights a product of a particular culture.

Rights too, he argues, are merely a reflection of a certain type of culture and context. One reason why claims about goods necessary for rational agency are so different from claims to the possession of rights is that the latter in fact presuppose, as the former do not, the existence of a socially established set of rules. Such sets of rules only come into existence at particular historical periods under particular social circumstances. They are in no way universal features of the human condition.

Later in After Virtue, MacIntyre compares the concept of rights from Enlightenment thinkers, which is supposed to be universal and objective, to those of Polynesian taboos. Taboos were cultural norms that at some point held particular meaning, but over time the historic reason for their use was lost while the people continued to follow the practices merely because they were prohibited. MacIntyre asks, "Why should we think about our modern uses of good, right, and obligatory in any different way from that in which we think about late eighteenth-century Polynesian uses of taboo?" Rights, in MacIntyre's view, like taboos, have become unmoored from their original meaning and now simply mean "moral trump."

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24 Ibid.
25 Ibid., 67.
26 Ibid., 113.
MacIntyre will fill out these arguments on moral fictions in greater detail in later works, but his connecting emotivism and the moral fiction of rights is an innovation unique to *After Virtue*. As will be seen, this argument will also be important for his historical explanation of the development of rights.

To further illustrate his arguments against the universality of rights, MacIntyre finds one of the strongest arguments for rights in the work of Alan Gewirth. MacIntyre wants to show that Gewirth's contemporary Kantian argument also falls into the trap of being a moral fiction. Gewirth sees that man's desire to possess freedom and well-being, including all the attending needs, must result in a corresponding *right* to satisfy these desires, and since these desires are universal, therefore rights to them are universally applicable to all men. D'Andrea explains: "What MacIntyre sensibly questions is how *need* as such, even need for what is a genuine good for the agent, can ever entail a right as such, when this entailment is alleged to obtain *a priori* and independent of any specific social context with its specific history." MacIntyre argues again that "[r]ights claims by human agents … are only intelligible and justifiable within particular pre-existent social orders with pre-existent social practices which establish rules concerning obligations and entitlements." Therefore, without reference to context, culture and community, rights claims are arbitrary moral fictions. MacIntyre makes his point clear with a

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27 "MacIntyre is simply taking Gewirth's account to be one of the clearest, most advanced, and most rigorous of these, and judging that its failure strongly implies the failure of less impressive attempts in kind." D'Andrea, *Tradition, Rationality*, 243.

Gewirth also gets mention in MacIntyre's "Are There Any Natural Rights," 12-13.


29 Ibid.
simple comparison. Rights claims are "like presenting a check for payment in a social order which lacked the institution of money."\textsuperscript{30}

As mentioned above, commentators on MacIntyre's theory of rights tend to only grasp onto the witches and unicorns comparison, missing the broader context of MacIntyre's focus upon the anemic cultural and communal capital of modernity.

The notion of rights as a moral fiction is extended to the third work to be considered in this stage: MacIntyre's 1983 lecture entitled "Are There Any Natural Rights?" The article is generally about the absolute moral decree against slavery, upon which MacIntyre presumes all in his contemporary audience can agree. He asks the question of how could "a condemnation of slavery be rationally justified without appeal to some theology? And the answer that I shall give" MacIntyre explains, "is that it could be so justified only if some claim that each and every individual human being possesses a natural right to be treated in ways that are incompatible with enslaving him or her could be shown to be well-founded."\textsuperscript{31} After a lengthy discussion, MacIntyre concludes, however, that there is not an absolute philosophical or theological foundation for that which seems so clear-cut, viz. the condemnation of slavery.

The overriding argument MacIntyre makes within the context of this article is that the notion of human rights is not philosophically strong enough to provide a defense for the prohibition of slavery because natural rights have either lost their contextual underpinnings to make such an argument or because in their current articulated form, they simply cannot exist. MacIntyre, in his effort to show how all arguments made by protagonists of rights fail, spends

\textsuperscript{30} MacIntyre, \textit{After Virtue}, 67.

\textsuperscript{31} MacIntyre, "Are There Any," 3.
the majority of his time drawing out three arguments against human rights: 1) human rights arose out of a unique context and culture and are not universal, 2) they are not self-evident, and 3) they do not exist.\footnote{MacIntyre does argue against one of the two principles suggested by John Rawls: that of equal distribution of basic liberties. However, the veil of ignorance required by Rawls in order for his system and equal distribution to work falls into the error of Kantianism because it presupposes an \textit{a priori} rationality, which MacIntyre patently rejects.} While the major arguments MacIntyre made previously resurface, they have been repackaged into more of an historical context, looking to Hobbes, Locke, Jefferson and Robespierre and their articulations of rights.

The first argument MacIntyre uses in "Are There Any Natural Rights" is that rights originated from a specific time and culture and are not universal or independent of context. Here again, MacIntyre repeats, following his Marxist roots, that the notion of a contextless humanity arose only with the myth of autonomy and radical individualism found within modernity. MacIntyre says:

So the central difficulty about the claim that there are natural rights – and here I am addressing \textit{all} the main theories of natural rights – does \textit{not} derive simply from the late arrival on the linguistic scene of the idiom capable of expressing claims about such rights. That late arrival is important only because it reinforces what \textit{is} the central difficulty: a conception of a class of rights whose validity, whose degree and kind of overridingness and whose place in our whole scheme of values and norms is to be characterized independently of any socially established framework of institutions and practices. It is unsurprising that the human individuals who are said to possess these rights are also to be characterized in terms that owe nothing to any socially established framework: these rights are to belong to human individuals as such.\footnote{MacIntyre, "Are there Any," 13.}

This denuding of humanity of religion, nature, society, culture and history was the distinct purpose of the Enlightenment, particularly following Kant's denuded rules of practical reason. It was, as MacIntyre explains, "an important historical achievement to be able to frame a
conception of individuals both stripped of all social status and yet bearers of rights; and that achievement was the culmination of a process in which what was originally a complex medieval account of God, nature, man and society had stage by stage been dismantled. Such a triumph, in MacIntyre's view, was not something to be celebrated, but has only lead to a great moral and political muddle. In this long quote, MacIntyre, addressing for the first time the historical use of *ius* in his work, exposes the changes rights brought to communities and the individuals that make up society:

"The conception of God as divine sovereign legislator, whose laws confer natural rights, still as crucial to Locke's version of the theory as it was to the various medieval versions, has almost but not quite disappeared altogether in the deisms of Jefferson and Robespierre; for although God is still taken to be the author of the universe in which human beings possess natural rights, that there are such rights is, as I noticed earlier, to be apprehended by unaided, secular human reason independently of any claims about God or the divine will." Ibid, 13.

"There were first of all those reasons which derived from appeals to the law of God or to the character of nature theologically or metaphysically understood; but in that long history which runs from Aquinas's and Scotus's use of *jus naturale* through Hobbes and Locke to Jefferson and Robespierre, the theory of natural rights had ... found it necessary to discard those possible grounds of justification." Ibid., 18.
read the history like this, it is difficult to resist the conclusion that natural rights are part of the flotsam left behind by the shipwreck of a world-view which I only hesitate to call medieval because it is still so powerful in our thinking as late as Locke.\footnote{Ibid., 14.}

The universalization of rights and the autonomization of the individual over the goods of society and its communal relationships were in fact a response to a specific cultural and time. MacIntyre goes on to lay out the first of his historical explanations about the origins of rights, which led to the distortions of rights within society.

It is above all the fact that the conceptual framework which in later medieval Occamist or early modern Hobbesian theories of natural rights links human actualities and capacities, desires and needs to claims about natural rights – a framework which requires a highly specific account both of nature and of God – has been discarded. So claims about natural rights have lost their only possibility of derivation; they have instead to function as first principles, as axioms, and the eighteenth-century claim that they are self-evident is the epistemological counterpart of this recognition.\footnote{Ibid., 14-15.}

Here MacIntyre explains the particular political and cultural context which gave life to the notion of universal rights. However, once the particularities were removed, the structure that supported rights toppled. It was those particularities, MacIntyre explains, that were underpinning rights that allowed them to serve within the notion of justice. Without these and with the introduction that they are universal and self-evident, they are no longer effective in producing the justice they were intended to bring about.

\footnote{Ibid., 14.} \footnote{Ibid., 14-15.}

This is an interesting paragraph because here MacIntyre seems to be conceding at first glance that if natural rights were rooted back into a particular notion of nature and understanding of God, they could have a possible derivation. Perhaps something of a clue in his changing thoughts, as we will see in further chapters?
Again, MacIntyre returns to the difficulties of the universality of human rights. Historically, rights and *ius* were found embedded in a context of an institution, a practice, or some form of positive law. He concludes that there are no "natural rights possessed independently of specific institutional arrangements"\(^{37}\) and the modern effort to cut the roots of rights from their context has been ineffective.

MacIntyre's next argument, not unrelated to the question of universality, narrows in upon the question of self-evidence of rights. While Enlightenment thinkers proclaimed the self-evidence of human rights, there seemed to be a gap in their own thinking, particularly when it came to slavery. While Jefferson and Robespierre were hailing the Rights of Man, they clearly did not see the rights of slaves to be self-evident. They are not the only ones who selectively apply self-evident rights to one group of individuals over another. "Just because natural rights are philosophical fictions, political appeals to natural rights are always systematically misleading,"\(^{38}\) MacIntyre explains. "How and why such fictions are used to mislead is a matter for contingent political enquiry; but just because *as a whole* they embody standards which could not be systematically recognized in any political community, their invocation is always going to be as a matter of fact selective and *ad hoc*."\(^{39}\) MacIntyre recounts historically many instantiations of rights that excluded this or that minority group from the "self-evident" element of the rights afforded to other members of a society.\(^{40}\) "A certain lack of principle will appear in their use as it

\(^{37}\) Ibid., 12.

\(^{38}\) Ibid, 19.

\(^{39}\) Ibid.

\(^{40}\) "The founders of the United Sates had declared it to be true that *every* human individual has a right to life, liberty and the pursuit of happiness. And most of them had
has from the beginning," MacIntyre adds, "and so in the theatre of the absurd, the United
Nations, human rights are the idiom alike of the good, the bad and the ugly."41 If rights were, in
fact, self-evident, cases of overlooking the rights of one group while espousing the universal
rights of others would not occur.42

Aside from particular usage, MacIntyre wades deeper into his argument against self-
evidentness. What may be self-evident to one is not necessarily self-evident to all, further
strengthening his case against the universality of rights. He explains:

A given statement asserted in a given context may indeed be evident; but it
always is so in virtue of certain other statements of belief in which we are
committed, which provide the background against which it appears luminously
true. And the statements expressing those background commitments do not
themselves possess the same quality of evidentness. So the simplest truths of
mathematics are indeed, just as Locke claimed, evidently true, but they are so in
virtue of certain other very far from evidently true beliefs. Hence in an important
way they are not what Locke claimed for them, self-evident truths. And if this is
the case with mathematics, it is if anything even more plausible to hold that for

understood slavery to be an evil. Nonetheless they had not been able to bring themselves to
condemn slavery outright and so appeared to hold both that all human beings have certain natural
rights, and that slavery is not morally prohibited." Ibid., 4.

"… so the American revolutionaries invoked the right to consent by the governed in favor
of a revolution not initially favored – almost certainly by a majority of the colonists, and quite
certainly by a majority of persons, if the Indians are counted in: so Robespierre did not invoke
for the black revolutionaries of Haiti the rights of man that he invoked for Frenchmen…” Ibid.,
19.

41 Ibid.

42 MacIntyre is using self-evident here in a different way than St. Thomas. Although he
does not discuss it outright, it can be teased from the text that he means by self-evident
something that is obvious to all persons, regardless of history, culture, and further contextual
elements is it is used by Thomas Jefferson in The Declaration of Independence: "We hold these
truths to be self-evident …" This coincides with his own understanding of tradition constituted
rationality in that some things are self-evident in one historical context but not another. This is
departure from the Thomistic understanding of self-evidentness insofar as it does not require that
the predicate be included the subject of a proposition.
similar reasons, although there are contexts in which statements of moral truth can be evident, they too are never in a Lockean sense, self-evident.\textsuperscript{43}

So what may be self-evident within one culture or context, is not necessarily so for another and rights are not immune to this reality.

The third major argument made against rights in this article is that ultimately rights simply do not exist under their current definition.\textsuperscript{44} MacIntyre looks to rights as used by Jefferson and Robespierre in the American and French Revolutions, citing characteristics of their use that are dramatically different from contemporary use. Jefferson and Robespierre, when speaking of rights, used them in a negative form, i.e. that rights in the eighteenth-century emphasized non-interference, as opposed to what MacIntyre refers to as non-negative rights that have cropped up more recently, e.g., in the U.N. Dec. with a positive right to employment, or the positive right to healthcare. Negative rights are effective because they pivot upon where the burden of proof is when ascertaining who has what right. MacIntyre explains: "The great virtue of this form of argument is that it places the burden of proof on the opponents of natural rights.

\textsuperscript{43} Ibid., 15.

\textsuperscript{44} MacIntyre did not abandon his earlier arguments against the existence of rights: "… although according to the theory of natural rights, such rights, being possessed by every individual human being as such, must have been so possessed by human beings ever since specifically human beings came into existence, and that is to say long before the history of civilization began, not only did nobody appear to take notice of the fact that human beings possessed them until some time late in the European middle ages, but the linguistic idiom for ascribing them only became available at that time." Ibid., 11.

MacIntyre adds, "T.H. Huxley, a thinker not generally notable for his admiration of the Judaeo-Christian tradition, once praised the morality contained in the Bible because it contained no damned nonsense about rights.

"… Huxley was of course quite correct. There is no expression correctly translated by our expression 'a right' in biblical Hebrew or classical or New Testament Greek, or classical or early medieval Latin or old or medieval Irish or in Japanese before the nineteenth century." Ibid., 12.
The claim that I have a natural right to do X stands, unless and until someone provides a sound argument to show that someone else has a right to stop me or prevent me doing X."\textsuperscript{45} The problem with this argument, MacIntyre explains, is that it "presupposes the applicability of the idiom of natural rights, and hence cannot be used to establish it."\textsuperscript{46} Additionally, "the argument requires, as the theory of natural rights must require if its conclusion is to have practical content, that natural rights have a certain unspecified overriding character."\textsuperscript{47} But, MacIntyre concludes, "nothing in the negative argument goes any way towards establishing the overriding character."\textsuperscript{48} Both counts for MacIntyre make the claim even to negative rights untenable.

Having considered the main arguments made by rights supporters, MacIntyre concludes in much the same way as he did in \textit{After Virtue}: that the only possible position to hold is that rights are a fiction.


In this stage, MacIntyre's criticisms of rights take on greater energy and broader argumentation. While \textit{After Virtue} usually gets the most attention for being anti-rights (because MacIntyre is also anti-witch and anti-unicorn), it is during this stage that the bulk of MacIntyre's

\textsuperscript{45} Ibid., 16.

"And just as Robespierre used this form of argument to defend universal adult male suffrage, so Jefferson employed it in his \textit{Notes to the Virginia Delegates}, when he argued in effect that the king of England cannot establish rationally any right to control the lives of the American colonists and that the failure to do this vindicates the right of the colonists to govern themselves." MacIntyre, "Are There Any," 16-17.

\textsuperscript{46} Ibid., 17.

\textsuperscript{47} Ibid.

\textsuperscript{48} Ibid.
arguments against rights are actually made, and made with much stronger and expanded argumentation than seen previously. Additionally, MacIntyre's shift to Thomistic Aristotelianism is revealed within his arguments against rights. Not only is he making Marxist criticisms against liberalism, but he is more actively engaging Aristotelianism and Thomism into his work.

MacIntyre, through his voracious appetite for research, keeps adding to his own body of work more evidence about the fragmentation of ethical systems. His discussion of rights continues to benefit from his new insights and arguments.


In 1990, MacIntyre published *Three Rival Versions of Moral Inquiry*, which was based upon the Gifford Lectures he gave in 1988 at the University of Edinburgh, Scotland. In the lecture series MacIntyre compares three different traditions: the Encyclopaedic, the Genealogical, and Tradition. As MacIntyre explains, "In these lectures I discuss three very different and mutually antagonistic conceptions of moral enquiry, each stemming from a seminal late nineteenth-century test: the Ninth Edition of the *Encyclopaedia Britannica*, Nietzsche's *Zur Genealogie der Moral* and the encyclical letter of Pope Leo XIII *Aeterni Patris*."50 The contrast of these three philosophies of moral enquiry is quite illustrative of MacIntyre's own continued thesis that modern moral philosophy is broken, that traditions are incommensurable, and his indefatigable research.

49 MacIntyre, "Community, Law and Idiom," 96-110.
Chapters III and VII of *Three Rival Versions*, "Too Many Thomisms" and "In the Aftermath of Defeated Tradition," look more carefully at the Thomist and Aristotelian traditions. Though rights get scant attention, the roots that led to them are discussed. Moreover, the chapters offer an important explanation of rights in relationship to Thomism and Jacques Maritain, which will be discussed below.

In *Three Rival Versions*, MacIntyre outlines in broad strokes the history of philosophy and how the splintering of the Thomistic/Aristotelian Tradition led to academic and intellectual disunity.\(^{51}\) MacIntyre explains that

Thomistic commentary became a marginal activity in an increasingly fragmented and intellectual eclectic set of debates and conversations. Enquiry moved in a number of different and competing directions, and although from time to time in the next three hundred years something in the way of a system was thrown up by this or that individual, the conception of enquiry was long-term cooperative activity in the construction of a systematic overall understanding of theory and practice no longer dominated.\(^{52}\)

The intellectual splintering, seen particularly in the work of nominalism, lead to the emergence:

of quite new theories of natural rights, for which there is no room within either an Aristotelian or a Thomistic framework. Such theories exemplify the way in which the multiplication and growing diversity of standpoints within moral philosophy are partially rooted in the changing form of the conflicts of the political and social world.\(^{53}\)

The splintering of ideas, then, was not limited to the moral realm, MacIntyre explains. In the fourteenth century, it is clear that the use of rights was facilitated and proliferated by the

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\(^{51}\) It is interesting to note the many ways MacIntyre revisits much the same information, but finds new ways to reorder it and/or contextualize it has his own research continues.

\(^{52}\) MacIntyre, *Three Rival Versions*, 150.

\(^{53}\) Ibid., 163.
conflicts among diverse types of states and authorities claiming sovereignty over the other.\textsuperscript{54} “By the very early fourteenth century \textit{ius} has become understood by some at least as a \textit{facultas} whereby every creature is entitled to exert its abilities in certain ways. Human right thus understood are characteristically claimed \textit{against} someone else.”\textsuperscript{55} This explanation reiterates the negative argument made by MacIntyre above in "Are There Any Natural Rights?" that rights started as an effort to thwart the encroachment and imposition of one state/sovereignty upon another.

Next, MacIntyre moves to the historical context of how rights came to be used by the Church, seeing the pivotal stage to be after the publication of Pope Leo XIII's 1879 encyclical \textit{Aeterni Patris}. In an argument different than Moyn's work explained in Chapter One, MacIntyre argues that the change took place through a distorted understanding of Thomas Aquinas. Thomism at the time the encyclical was written had been enjoying a revival for roughly thirty years and Leo's work promoted it further still. However, according to MacIntyre, the regnant interpretation of Thomas by the influential Joseph Kleutgen splintered Thomism into many Thomisms. Kleutgen conflated elements of Suarez with Aquinas on epistemic questions that had no place in Thomas and built more misinterpretations into his work to account for the initial ones. "So by this creative multiplication of misinterpretations," MacIntyre explains, "Aquinas was presented as the author of one more system confronting the questions of Cartesian and post-

\textsuperscript{54} “… the conflicts between rival jurisdictions and rival forms of rule, within the church, between church and state, between city-states and emperor, between monarchical nation-states and between orders within states, not only multiply but produce their own theoretical apologetics, this earlier appeal to justice is displaced by the primacy given to appeals to rights.” MacIntyre, \textit{Three Rival Versions}, 164.

\textsuperscript{55} Ibid., 164.
Cartesian epistemology, advancing, so Kleutgen contended, sounder answers than either Descartes or Kant.\(^{56}\) Although these misinterpretations are not found in *Aeterni Patris*, many responded to the encyclical by following Kleutgen "in making epistemological concerns central to their Thomism. And in so doing," MacIntyre adds, "they doomed Thomism to the fate of all philosophies which give priority to epistemological questions: the indefinite multiplication of agreement. There were just too many alternative ways to begin."\(^{57}\)

"Thus there were generated in turn a number of systematic Thomisms," MacIntyre continues, "each in contention *both* with whatever particular erroneous tendencies in modern secular philosophical thought that particular Thomism aspired to confront and overcome *and* with its Thomistic rivals." MacIntyre argues that Maritain's own work on rights was not immune to misinterpretations, but was in fact the result of following Kleutgen's missteps. "And so Maritain at a later date would formulate what he mistakenly took to be a Thomistic defense of the doctrine of human rights enshrined in the United Nations Declaration of Human Rights, a quixotic attempt to present Thomism as offering a rival and superior account of the same moral subject matter as do other modern nontheological doctrines of universal rights alleged to attach to individual persons."\(^{58}\) MacIntyre continues:

> What Maritain wished to affirm was a modern version of Aquinas's thesis that every human being has within him or herself a natural knowledge of divine law and hence of what every human being owes to every other human being. The plain prephilosophical person is always a person of sufficient moral capacities. But what Maritain failed to reckon with adequately was the fact that in many cultures and notably in that of modernity plain persons are misled into giving

\(^{56}\) MacIntyre, *Three Rival Versions*, 75.

\(^{57}\) Ibid.

\(^{58}\) Ibid., 76.
moral expression to those capacities through assent to false philosophical theories. So it has been since the eighteenth century with assent to a conception of rights alien to and absent from Aquinas's thought. For on Aquinas's view the rights which are normative for human relationships are derived from and warranted only by divine law, apprehended by those without the resources afforded by God's self-revelation as the natural law. Law is primary, rights are secondary. But for Enlightenment and post-Enlightenment modernity, human rights provide a standard prior to all law.  

As MacIntyre has argued previously, the underpinnings of rights/ius used by Aquinas was connected to and derived from divine law and God's will. The Enlightenment reversed the order of law to rights, putting rights in the place of primacy with the law as secondary. MacIntyre called Maritain's interpretive misstep an "uncharacteristic lapse" because generally speaking, much is owed to Maritain for his contributions to Thomism.  

59 Ibid.  

60 In several places in his work MacIntyre voices a deep respect for Maritain. "We owe in part to him [Maritain] as we do also to Maréchal and outstandingly to Rousselot, the development of a kind of understanding of Aquinas which was necessarily unavailable to the Thomists of Kleutgen's generation, and the work which resulted in that understanding would never have been undertaken but for Aeterni Patris." Ibid., 76-77.  


"Two ideas are central to that exposition. The first is that the precepts of the natural law are those rules of reason which a human being obeys, characteristically without explicitly formulating them, when that human being is functioning normally. Natural law, says Maritain, "is the ideal formula of development of a given being." (Maritain, Man and the State, 88.) When we are functioning normally, we find ourselves inclined in certain directions and toward certain ends. The precepts of the natural law tell us what are or would be deviations from those directions.  

"The second central idea – like the first, it is primarily Aquinas's and only secondarily Maritain's – is that human beings are essentially sociable, that I achieve whatever I achieve as an individual by being and acting as an individual who is bound to others through a variety of familial, social, and political relationships expressed in joint activity aimed at achieving our common good," etc… MacIntyre, "Theories of Natural Law," 108-09.
It is in this work that it becomes evident that MacIntyre rejects Maritain's effort to link human rights to natural law, but what is also evident is that he is admitting of their existence in a historical context, albeit under very specific conditions, subordinate to the rule of law. This point, unfortunately, is not expanded upon further in other of MacIntyre's works.

*Three Rival Versions*, despite offering little by way of argumentation against rights, makes important contributions to understanding MacIntyre's historical view of the origin of rights and particularly their use in the Church and by Maritain.

In 1991, MacIntyre wrote "Community, Law, and Idiom and Rhetoric of Rights," which could be the pinnacle of his rights work, making his oft-cited arguments of *After Virtue* pale in comparison the richer arguments of this article. The article focuses upon the question of how

Elsewhere, MacIntyre points out a significant contribution made by Maritain for all Thomists. "Les Degrés du Savoir says a first rather than a last word for Thomists. It's principal achievement lies not so much in its own arguments and theses—interesting and valuable as some of these are—as in its project of providing, within a framework constructed from materials provided by Aquinas, an account of each of the sciences that attempts to do justice both to their unity and to their diversity. As such, it provides a program for philosophical enquiry, one that remains relevant for contemporary Thomists." Alasdair MacIntyre, *God, Philosophy, Universities: A Selective History of the Catholic Philosophical Tradition* (Lanham, MD: Rowman and Littlefield Publishers, Inc., 2009), 154-57.

"So the central difficulty about the claim that there are natural rights – and here I am addressing all the main theories of natural rights – does not derive simply from the late arrival on the linguistic scene of the idiom capable of expressing claims abut such rights." MacIntyre, "Are there Any," 13.

The article draws from arguments made previously against rights. This long quote below is the same argument MacIntyre made in "Are There Any Natural Rights," as explained above.

"What was thereby generated was a conception of right which can be contrasted with older conception of 'jus' in four salient respects. First, because claims to rights seemed to be no longer derivable from a conception of the virtue of justice grounded in a teleological order and, more specifically, an order at once created and commanded by God, they had to find some other mode of rational justification; at the same time, the task of rational justification itself had to be
standards can be arrived for defining new individual and communal rights and for finding an independent standard when the rights of one clash with the rights of another. He explains:

Ever since the Declaration of Independence and that of the Rights of Man, rival catalogues of rights have been canvassed by different individuals and groups: rights not to be interfered with in action and utterance, rights to due process, rights to equal treatment, rights to preferential treatment, rights to be afforded enabling resources of various kinds, rights to be acknowledged and respected in various ways. This multiplication of claims to rights is scarcely surprising when it is recognized that the absence of any shared form of rational justification for claims to rights is accompanied by an absence of any shared criterion for identifying what particular rights there are and what the content of each particular right is.  

As we have seen elsewhere, for MacIntyre, the use of human rights ushered in a truncated understanding of justice. Rights have become a last resort to societies that no longer share a sense of the common good or a belief in an ultimate human good. Debates centered around rights are a form of self-deception because they give the appearance of rational debate, but in fact, are merely "nothing more than a clash of desire, preferences and wills" rather than in true justice. Such are the pitfalls of individual moral life.

MacIntyre, "Community, Law and Idiom," 103-04.

Ibid., 97.

Aristotle's argument for rationality within a community.
Justice, MacIntyre explains, has three layers upon which it depends on rationality, nested like Russian dolls. "[W]hat justice requires," he explains, "depends therefore upon prior rational agreement as to the nature of justice, and rational enquiry into the nature of justice depends in turn upon prior agreement on the nature of the good, and more fundamentally still upon those background beliefs in terms of which good is defined and understood." Without a shared understanding of an ultimate human good, members of society when faced with ethical issues no longer have a common standard of judgment, but appeal instead to the rights of autonomous individuals which hold a place of primacy over any goods offered by a community. Without a common standard of the good, even if principled arguments are made for the good, they are viewed as merely appeals to one's desires, preferences or will. As a result, "a new need would arise for norms whose central purpose would be protective: to defend each person from becoming merely an instrument for the achievement of someone else's desires, preferences and will." And rights have become exactly that – a way of protecting people from abuse by others given that there is no common language of the good to which all people should strive – or through which justice can be meted out. In such a system, justice then, can "no longer be understood exclusively or even primarily as a matter of sustaining and repairing the breaches in an order in which allocations were in respect of contributions to a good, in shared allegiance to which social cooperation found its warrant." Justice, then, becomes merely a defense against the wills of others, instead of a redress of injustices committed against society's understanding of

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66 MacIntyre, "Community, Law and Idiom," 100.
67 Ibid., 100-01.
68 Ibid., 101.
the good. Dessert and needs are no longer addressed; rights, in the form of a lowest common denominator, become the last and only resort to protect the individual from diverse whims of preference and desire.

The final result that MacIntyre attributes to contemporary society, is that because there cannot be a consensus on who has what rights, all arguments boil down to partisanship, leaving issues like abortion in something of stalemate, where the rights of the woman are at odds with those of her child. The trump card comes as a result of whomever is in power and is not based upon some fundamental principle of the good.

The antidote to this situation, as outlined by MacIntyre, is "to replace the idiom and rhetoric of rights by one of law, justice, and a community ordered teleologically to a substantive conception of the ultimate human good… ."\textsuperscript{69} Again, MacIntyre calls for a return to Aristotle or Thomas and an abandonment of the non-teleological ideals of the Enlightenment.\textsuperscript{70}

"My central thesis," MacIntyre explains, "is that both the conception of rights characteristically invoked by those engaged in this type of conflict over rights, and the rhetorical procedures used to advance claims to rights embodying this conception are such that to invoke

\begin{thebibliography}{99}
\bibitem{69} Ibid., 109.
\bibitem{70} MacIntyre offers a Thomistic solution of natural law and community building as an alternative to the difficult situation presented by rights rhetoric. See MacIntyre, "Community, Law and Idiom," 106-10.
\end{thebibliography}
them or employ them is already to have entangled oneself in error." Addressing both the United Nations and the Catholic bishops, he adds:

The dominant contemporary idiom and rhetoric of rights cannot serve genuinely rational purposes, and we ought not to conduct our moral and political arguments in terms derived from that idiom and rhetoric. In so saying, I formulate a position at odds not only with Liberal proponents of the United Nation's Declaration of Human Rights, but also with utterances of, for example the National Conference of Catholic Bishops. My quarrel in this latter case is not, or not necessarily, with the substance of what the bishops have intended to assert on a variety of moral and political matters; but in so far as the form of their assertions has involved an appeal, or has appeared to involve an appeal, to a dubious idiom and rhetoric of rights, I believe that the bishops, quite inadvertently may have injured their own case. So it is, for example, in those sterile debates over abortion where the issue has been posed in terms that produce an apparent conflict between claims about the rights of the unborn and claims about the rights of women to be free in making their choices.

MacIntyre recognizes that the bishops are making a good-will effort in striving for justice, but have harmed their chances at achieving it from the start by using the rhetoric of rights.

It is here where Macintyre finally gives a full account of his understanding of the provenance of rights and how the Church, having rejected natural rights for centuries, was really the source of their modern provenance. Building upon some general comments he made previously on the subject in "Are There Any Natural Rights" and Three Rival Versions where he pins the blame upon nominalism emanating from Ockham, MacIntyre wades deeper into the

71 MacIntyre, "Community, Law and Idiom," 96.
72 Ibid., 96-97.
73 "Alasdair MacIntyre, who seems to have been influenced by Villey on this point, admits that rights language began to develop at the end of the medieval period. MacIntyre, After Virtue, 68-70, and Jean Porter, "From Natural Law to Human Rights," in Journal of Law and Religion 14, no. 1 (1999 - 2000): 77-96, 79.
contemporary battle over the source and meaning of rights. In this article MacIntyre sources the contemporary understanding of rights to Duns Scotus, William of Ockham and the fourteenth century Franciscan dispute over poverty, which is a new explanation for MacIntyre, one which hasn't received much attention in other arguments about the provenance of rights.\footnote{MacIntyre agrees decidedly with theorists who argue that while the word \textit{ius} was present in St. Thomas, Aquinas himself did not use \textit{jus} in a way recognizable as modern or post-modern definition of human rights MacIntyre gives credit to his argument to Richard Tuck. "My account follows closely and it largely indebted to that by Richard Tuck in \textit{Natural Right Theories}, (Cambridge: Cambridge University Press, 1979), 18-23…. For Aquinas, see \textit{Summa Theologiae Ia-IIae} 94,5; for Duns Scotus see \textit{Questiones in librum Sententiarum} 15,2)." MacIntyre, "Community, Law and Idiom," 102-03.}

This position is similar to Villey and Tuck and their effort to show that a modern notion of rights was not extant in Roman law or early or mid-medieval thought, as outlined in the Introduction, but includes his own unique contributions.\footnote{"There is no expression in any ancient or medieval language correctly translated by our expression 'a right' until near the close of the middle ages." MacIntyre, \textit{After Virtue}, 69.}

The poverty dispute which embroiled the Franciscans, as explained by MacIntyre, was over how to define the use and ownership – or \textit{dominium} - of material goods by those who were to own nothing. \"[D]ominium\ being understood as conferring upon those who possessed it exclusive control and disposal over whatever it might be, even against the claims of those in

\footnote{MacIntyre gives much credit to Tuck for his own theory of the historical development of rights. However, as seen above, delving into the history of philosophy is nothing new for MacIntyre, having written \textit{Short History}, as well as his clear dexterity in applying historical context to most of his theories, it is clear that MacIntyre's reliance upon Tuck is not one of total dependency but dovetails with his own explorations. See also \textit{Short History}, explanation of individualism, sourcing to Luther, ideas are not new but dovetail with previous work. See D'Andrea, \textit{Tradition, Rationality}, 30-31, and Alasdair MacIntyre, \textit{Short History} (London and New York: Routledge & Kegan Paul. 1967); 2nd ed. (Notre Dame, University of Notre Dame Press, 1998), 121-22.}
desperate need", Duns Scotus argued "that dominium was contrary to the jus naturale". Pope John XXII, controverting the Franciscans and Scotus in particular in the bull Quia vir reprobus, wrote that though he "accepted from them this understanding of dominium," he "declared it to be what God had endowed human beings with as an invariant attribute of their nature, not something arising out of particular social relationships." The unanticipated result of the papal bull was:

a conception of a right attached to individuals as such, independent of the place and status of such individuals in a community, let alone their contribution to its common good, was introduced, a conception which thereafter, beginning with William of Ockham's rejoinder to John XXII, became increasingly central to political and legal thought and practice. The end result was that "'jus' and 'jura' were thenceforward used to name such rights." The effect this had was that "linguistic innovation combined with social change to provide just the kind of moral and legal concept required for the emergence of the distinctively modern concept of 'a right'," MacIntyre argues. "Its emergence was thus an unintended outcome of the inability of Christian theologians to settle through rational debate disputed issues concerning the nature of Christian community and the places of both voluntary poverty and various forms of property in the life of that community."
It was this intellectual puzzle, what to do with those who are to own nothing, that lead to a reinvention of the notion of rights, MacIntyre argues. He adds:

It is cause for salutary, if ironic, reflection that it was the failure of John XXII, the same pope who canonized Aquinas, to draw not only upon Aquinas's specific thoughts about *jus naturale* and *dominium*, but more generally upon Aquinas's philosophical and theological account of the virtues and of practical rationality, in his response to the rebellious Franciscans, which at a key moment played a crucial part in displacing that earlier scheme of moral and political thought, whose supreme expression was found in Aquinas's writings.\(^\text{82}\)

MacIntyre outlines four points of difference between the understanding of the notion of rights before the poverty dispute and after. "First, because claims to rights seemed to be no longer derivable from a conception of the virtue of justice grounded in a teleological order and, more specifically, an order at once created and commanded by God, they had to find some other mode of rational justification."\(^\text{83}\) In the mean time, as all rational justification became contestable, new standards had to be found. Rights ultimately rested upon the rational justification of self-evidence, but as MacIntyre has argued previously, such a foundation is untenable.

The second change was that around the time of the Enlightenment, rights went from being called natural rights to human rights since John XXII's proclamation made them something attached to the individual *qua* individual and not an individual in relationship to a community. "The peculiarly modern concept of the individual and the peculiarly modern concept of a right

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\(^{82}\) Ibid.

\(^{83}\) Ibid.
are indeed counterpart conceptions, which emerge together. But to what rights is the individual as such entitled? Here once again contestation prevails.ª84

Third, the newer form of rights "are taken to provide standards by which to judge the adequacy or otherwise of systems of positive law and of a variety of social institutions, from a standpoint external to, and independent of, allegiance to that law or those institutions.ª85 A citizen is no longer a member of a community, steeped in its mores, customs, laws, etc, but is ever outside of the establishment as something of an outlying critic by virtue of one's radical autonomy. "The virtues of familial loyalty and of patriotism are thereby put in question.ª86

And fourth, "rights so understood impose constraints upon what goals may legitimately be pursued, and how. The acknowledgment of their authority is to be required equally of and by all persons.ª87 MacIntyre explains that this has the effect of treating all individuals the same, "no matter how much those individuals may differ among themselves not only as to goals, but also as to other fundamental beliefs and forms of practice.ª88 "Hence," he adds, "the justification of rights in a modern culture must be, and be seen to be, wholly independent of religious or theological beliefs of any kind.ª89 As a result, rights "are therefore admirably suited to the purposes of individuals or groups who believe themselves restricted or restrained in any way by

ª84 Ibid., 104.
ª85 Ibid.
ª86 Ibid., 104-05.
ª87 Ibid., 104.
ª88 Ibid., 104-05.
ª89 Ibid.
religious institutions or authorities. Later, along the same lines of this point, MacIntyre points out that rights generally and characteristically:

are used to present continually renewed challenges to what is taken by those who present them to be the institutional status quo, challenges designed to dissolve the bonds, and undermine the authority, of all institutions intermediate between the individual on the one hand and the government and the justice system on the other: such institutions as families, schools, and churches.\(^\text{91}\)

These four points taken together offer greater insight into the moral decay caused by rights in a way that hadn't been so thoroughly articulated by MacIntyre in previous works. These points and the article as a whole do, however, clearly fit into his continued effort to show what he considers to be the true face of liberalism provided in fresh historical and philosophical arguments.

Finally, in 1994, MacIntyre wrote "Theses on Feuerbach: The Road Not Taken." This work is certainly not a very weighty article when it comes to rights, and is somewhat anticlimatic after the force of the previous article, but it makes clear that MacIntyre continues to view them as a negative fruit of liberalism.

The article, written from the perspective of the post-communist world after the fall of the Soviet Union remains critical of capitalism and its affects upon society. MacIntyre focuses upon the missed opportunity that could have come from Marx's own Thesis on Feuerbach, had Marx, as MacIntyre explains, not traded his incomplete philosophical arguments in for Realpolitik.

MacIntyre speculates in the article of how history could have been changed had Marx stayed the

\(^{90}\) Ibid., 104.

\(^{91}\) Ibid.
course and filled out a number of specific philosophical works. The important piece for MacIntyre's work on rights is this paragraph:

The individual from the standpoint of civil society is to be distinguished from and contrasted with the set of social relationships into which she or he has chosen to enter. Those relationships, often understood as contractual, are on the one hand a means to the attainment of each individual's ends and on the other a system so constructed that by entering it each individual becomes a means for the attainment by other individuals of their ends. Among the needs generated by such a system therefore, is one for the protection of individuals from being so used by others as a means that their pursuit of their own ends becomes frustrating rather than fulfilling. Hence appeals to moral and legal norms affording such protection have an important function within civil society. The central conceptions informing thought within civil society about human relationships are therefore those of utility, of contract and of individual rights.  

This is certainly a recapitulation of arguments made above, especially the broader arguments MacIntyre made in *After Virtue*.

This article is the last place where MacIntyre makes any sort of argument against rights, bringing to a close this stage of his rights work.

**4. Conclusion**

This chapter is evidence of the tireless research characteristic of MacIntyre. Clearly unsatisfied with his initial arguments against rights that were based upon Marx's rejection of them, MacIntyre continued to deal with the issue of rights, working and refining his arguments. What started with a few general principles grew and became more refined and historically rich. His rights arguments were also enriched by the general philosophical stages through which he passed. From early arguments asserting their non-existence to more detailed arguments

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92 MacIntyre, "Theses on Feuerbach," 277.
considering their historical context both in France and the United States, and then on to the tradition reaching back to the medieval period, where he recognized the way rights used to look, ordered within society as a question of justice, secondary to the primacy of the rule of law. Perhaps, finally satisfied with the work of "Community, Law, and the Idiom and Rhetoric of Rights," he finally gave up on the project? Chapter Eight will consider this possibility and others as it looks to two more significant stages in MacIntyre's work on rights after this point. Before getting to that, however, the next chapter will look at those critical of MacIntyre's human rights arguments.
CHAPTER SEVEN:

MacIntyre's Critics

Given the popularity of MacIntyre's work, with over eighty reviews of After Virtue by 1984, there are numerous sources of criticism for his thought. Few directly address his human rights position, but those that do generally address his remarks on rights in After Virtue.¹ There are, however, some critics who look deeper into MacIntyre's rights work.²


For example, John Tasioulas in "Human Rights, Universality and the Values of Personhood: Retracing Griffin's Steps," gives this one sentence argument for MacIntyre's dismal of rights: "The latter [MacIntyre], for example, contends that there are no human rights of the same kind as that for asserting that there are no witches or unicorns, viz. 'every attempt to give good reasons for believing that there are such rights has failed' (MacIntyre, After Virtue, 69.)." European Journal of Philosophy 10, no. 1 (2002): 79-100, 81.

² There seem to be a number of critics who simply mischaracterize MacIntyre's explanations. Similar to commentators upon Shakespeare, critics of MacIntyre sometimes say more about themselves than they do about MacIntyre.

Upendra Baxi claims that MacIntyre's rejection of rights can be summed up as "human rights weariness – a kind of fatigue with rights languages and logic, marked by an ethical disposition that contests the very notion of human rights as a moral language and rhetoric." Bowring, "Misunderstanding MacIntyre," 207.

Perhaps the oddest characterization of MacIntyre's position is by Marie-Benedicte Dembour, who "simply classes MacIntyre, with herself, as a 'human rights nihilist or discourse scholar' (Dembour [Who Believes in Human Rights? Reflections on the European Convention, Cambridge] 2006, 258). Her own view is that human rights, far from being inherent or inalienable are 'a system of persuasion', a 'kind of rhetoric', an 'expression of the will to power – even to domination – of those making the [human rights] truth-claims over those who are being addressed by them'." Bowring, "Misunderstanding MacIntyre," 207.
This chapter will look at a panoply of criticisms of MacIntyre's rights works from the very superficial to the more in depth, covering a range of topics that can be boiled down into six general themes: 1) witches and unicorns; 2) lack of evidence for belief in rights; 3) theology – too much and too little; 4) emotionalism; 5) universals and historical particulars; and 6) Catholic social thought. Some of these issues directly touch upon MacIntyre's rights work specifically, while others will be much broader themes within his work that have a specific bearing upon his rights arguments. Included in the discussion of each of these criticisms will be MacIntyre's responses, where available.

1. Witches and Unicorns

While many have used MacIntyre's witches and unicorn analogy as something of a straw man, there are critics from a range of philosophical perspectives who treat it as a proper argument.

The first of these is Alan Gewirth. As seen above, Gewirth was singled out by MacIntyre in *After Virtue* for his own work endorsing rights. He responded with criticisms of MacIntyre's arguments on several fronts, the first criticism of which addresses the glaring witches and unicorns issue. Gewirth is one of several critics who argue that MacIntyre is imprecise in comparing rights to witches and unicorns because of their differing ontological status. He argues

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3 "I choose Gewirth's book because it is not only one of the most recent of such attempts, but also because it deals carefully and scrupulously with objections and criticisms that have been made of earlier writers. Moreover Gewirth adopts what is at once a clear and strict view of what reason is: in order to be admitted as a principle of practical reason, a principle must be analytic; and in order for a conclusion to follow from premises of practical reason, it must be demonstrably entailed by those premises." MacIntyre, *After Virtue*, 66.
that MacIntyre is mistaken when he tries to claim that rights and witches and unicorns are fictional characters in precisely the same way. He explains: "In the cases of witches and unicorns, there is no way of providing empirical correlates for statements of their existence: no empirical attempt to establish that there are such entities has been or can be successful."

However, with human rights, Gewirth continues, "despite their normative character, it is possible to provide empirical correlates for their existence, where 'existence' has the secondary meaning of social recognition and legal enforcement." Gewirth sees the number of human rights violations found worldwide to prove his point. Because rights can be given empirical correlates, he continues, they "have quite a different ontological status from that of witches and unicorns: the former are not 'fictions' in any way comparable to the fictional character of the latter."

Michael Freeman also argues that MacIntyre makes an ontological error about witches. "MacIntyre's mistake is to think of 'human rights' as a 'thing' that we could 'have' as we have arms and legs." But, for Freeman, he doesn't see rights as things but just claims or entitlements. "Thus, this 'defeats MacIntyre's objection that belief in human rights is superstitious, for there is nothing superstitious in thinking what human beings may be entitled to."

Amy Gutman, contributing to the argument, also maintains that the witches and unicorns as an argument doesn't work. "The best reason given for believing in witches," she argues, "is

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5 Ibid.
8 Ibid.
that the existence of witches explains (supposedly) observed physical phenomena. Belief in
witches therefore directly competes with belief in physics, and looses out in the competition.”

However, Gutman explains:

The best reason for taking rights seriously is of a different order: believing in
rights is one way of regulating and constraining our behavior toward one another
in a desirable manner. This reason does not compete with physics; it does not
require us to believe that rights "exist" in any sense that is incompatible with the
"laws of nature" as established by modern science.  

The issue these critics have is largely based upon MacIntyre's language of comparison.
By using "in precisely the same way," when comparing rights to witches and unicorns MacIntyre
opened himself up to these criticisms.

While there is some validity to these arguments, the larger point of MacIntyre's analogy
seems to be lost. His point in using witches and unicorns was to highlight their absurdity and

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9 Amy Gutman, "Communitarian Critics of Liberalism" in Philosophy and Public Affairs
10 Ibid.
11 Perhaps MacIntyre's mistake was to not to compare rights to Santa Claus instead of
witches and unicorns? The jolly man in red may have proven to avoid many of the above
criticisms and mimic his other arguments made against rights. The Santa analogy would address
Gutman's criticism that witches are fictions because they engage the laws of physics and not
behavior. Santa however, can go a long way in "regulating and constraining" behavior instead.
("You better watch out. You better not cry. I'm tell you why. Santa Claus is coming to town.
Etc…” Additionally, it is clear that while Santa Claus does not exist, there are millions of people
who do in fact believe in him (although they may not have yet reached the age of reason).
Finally, along with human rights, Santa's popularity has swelled with the break down in society,
making him the focal point of a holiday whose origins have very little to do with him.
emphasize bigger issues. If he had meant for his witches and unicorn analogy to be at the heart of his arguments, it seems he would have taken further steps to make the comparison instead of leaving it in its raw form.

Jon Gunnemann, when dealing with arguments made in *After Virtue*, pulls several points from the witches and unicorn analogy:

MacIntyre is making three claims here: 1) that moral language and social structure must cohere, 2) that the coherence must be teleological in the sense that a society must have shared ends which virtues and practices realize, and 3) that the notions of autonomous individuals and rights are substitutes for the real thing, fictions of a catastrophically disordered society.

Gunnemann's clearly sees that MacIntyre's effort is part of a larger project. While Gunnemann agrees with MacIntyre that rights are fictions, he believes their fictional nature doesn't need to mean that they are not beneficial nor that they should be dismissed. He argues that rights may be a fiction, or inventions, but they serve an important purpose and have resolved more problems than they created. "[S]ome inventions are invaluable for coming to terms with important moral problems, problems that without the inventions, pose apparently intractable challenges to action."

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12 Bowring points out, "that is surely not MacIntyre's objection, which concerns the pretended universality of human rights, when their inception can be specified in both space and time." Bowring, "Misunderstanding MacIntyre," 206-07.


14 Ibid., 160-61.
2. No Good Reasons to Believe

In *After Virtue*, MacIntyre claims that "every attempt to give good reasons for believing that there are such [human] rights has failed." Gewirth again, and others have criticized him on this point for not being open to arguments for rights that they find compelling.

Gewirth, starting his argument, says that MacIntyre's comment that all good reasons have failed "is a very sweeping statement, and it is not accompanied by the extensive historical evidence that would be needed to give it adequate support." Gewirth believes his own argument for rights to be compelling and therefore concludes that MacIntyre was mistaken in his claim that all attempts to substantiate rights have failed. Aside from his own arguments, Gewirth adds that disagreement about the self-evidence of rights should not be enough to dismiss them. "MacIntyre himself would not accept the parallel contention that the fact of widespread disagreement among philosophers of the nature and content of the virtues proves that rational justification is not possible in this sphere." Gewirth concludes that "the relevant consideration is not a search for unanimity but rather a careful examination of specific arguments."

Thomas Williams is also critical of "MacIntyre's sweeping affirmation 'that every attempt to give good reasons for believing that there are such rights has failed' is a subjective opinion, not a statement of fact. Good reasons are reasons that convince, and MacIntyre is not

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17 Ibid., 746.
18 Ibid., 747.
19 Ibid.
Williams seems to be arguing along the same lines as Gewirth, viz. that some will be convinced while others will not. Unfortunately, this argument seems to end in a stalemate, reduced to the subjective response of those engaged with it.

This raises a bigger of issue of MacIntyre's own articulation of practical rationality that is a symptom of liberalism. Without an agreed upon understanding of the good, most arguments either convince or fail to convince based on the listener. "It follows that on any substantively Aristotelian or Thomistic view rational agreement on moral rules always presupposes rational agreement on the nature of the human good." Without such an agreement on the good, it is difficult to find common ground when facing issues of practical rationality.

20 Williams, *Who is My Neighbor*, 54.


"Any political society therefore, which possesses a shared stock of adequately determinate and rationally defensible moral rules, publicly recognized to be the rules to which characteristically and generally unproblematic appeals may be made, will therefore, implicitly or explicitly, be committed to an adequately determinate and rationally justifiable conception of the human good. And insofar as the rational justification of particular moral stances is a feature of its public life, that conception will have had to be made explicit in a way and to a degree which will render general allegiance to that particular conception itself a matter of public concern." MacIntyre, "Privatization of the Good," 345.

Nicholas Wolterstorff says that MacIntyre makes a straw man out of the argument that rights lead to radical individualism. Man is naturally a social animal so natural rights are embedded in it is the notion of social. Nicholas Wolterstorff, *Justice: Rights and Wrongs* (Princeton, Princeton University Press, 2008). Here again, the argument returns to a symptom of liberalism.
3. Theology – Too Much and Not Enough

When it comes to MacIntyre's rights, arguments have been made that his work is too theological, while others have said he doesn't follow the Church carefully enough. Kristen Shrader-Frechette, one of the most extensive critiques of MacIntyre's rights, makes both of these points. For critics who make the former case, the argument is generally that MacIntyre has allowed too much religion or theology to corrupt his philosophy. Thomas Nagle has remarked that MacIntyre's "religion is driving his philosophy." Shrader-Frechette makes the same point.

And in rejecting any rights claims not justified through theology or revelation, MacIntyre has placed himself in the peculiar position of allowing religion to drive his philosophy even though the religion he invokes appears at odds, in part, with the positions of the religious authorities he claims to accept. Moreover, in rejecting human-rights claims and instead embracing an appeal to religious authority, MacIntyre has left his position philosophically vulnerable…

"A second problem," she explains, "is that MacIntyre seems to ignore the fact that appeals to religious authority have been used in the past to justify acts such as conducting the Inquisition and the Crusades." His appeal to earlier philosophies that are linked to Church authority therefore must be "a romantic regression to the medieval era."

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25 Ibid., 15.

26 Ibid., 16.
Behind these arguments, Thomas Hibbs explains, is the "pejorative assessment that religions can have only an irrational influence on philosophy."\textsuperscript{27}

Martha Nussbaum is also critical of what she calls MacIntyre's Kierkegaardian leap of faith because of his transition from Aristotle to Aquinas.\textsuperscript{28} Her arguments, however, are also based on misguided assumptions. "First," as Hibbs explains, "what she takes to be a text in apologetics is, if we are to trust the recent scholarship on the issue, actually a contribution to the Dominican, pastoral genre of the \textit{cura animarum}."\textsuperscript{29} Like Shrader-Frechette, Nussbaum also goes after the Church's authority, making "a necessary opposition between reason and authority" and "overlooks the crucial role of, and the pervasive concern with, authority in the philosophic pedagogy of antiquity."\textsuperscript{30}

Finally, Deal Hudson, who has more sympathy with MacIntyre's Thomism than the others mentioned, has made the case that MacIntyre has a "romantic tendency to smudge the boundaries of theology and philosophy."\textsuperscript{31}

MacIntyre, in response to such criticisms, on the one hand, believes "there is a role for philosophical analysis which is not directly dependent upon theological claims."\textsuperscript{32} But on the other, it appears that he agrees with Nietzsche "that there is no philosophical position which is

\textsuperscript{27} Nagel, "Agreeing in Principle," 747.


\textsuperscript{29} Hibbs, "MacIntyre, Tradition," 220.

\textsuperscript{30} Ibid.


\textsuperscript{32} Rowland, \textit{Culture in the Thomist}, 126.
neutral in its stance towards the question of the existence of God. This is seen when two competing methodologies are embedded in a false dilemma, MacIntyre explains. "Either reason is thus impersonal, universal, and disinterested or it is the unwitting representative of particular interests, masking their drive to power by its false pretensions to neutrality and disinterestedness." However, there is a third option:

[T]he possibility that reason can only move towards being genuinely universal and impersonal insofar as it is neither neutral nor disinterested, that membership in a particular type of moral community, one from which fundamental dissent has to be excluded, is a condition for genuinely rational enquiry and more especially for moral and theological.

Again, MacIntyre is emphasizing that there is no neutral viewpoint to make philosophical judgments. However, aside from this conviction, MacIntyre sees a delineation between philosophy and theology, although they can work in tandem.

It is, of course, true that Christianity in crucially important ways both corrects and enriches any secular morality. In so doing it transforms our understanding of what is required of us. But what is required is always more, never less, than secular morality at its best requires. For whatever understanding of the human good that we possess, including that afforded by philosophical enquiry, is also God-given. We therefore need, as Augustine taught us, to pass through and beyond Platonism or any other philosophy, recognizing nonetheless, as Augustine did, what we have

33 Ibid.


Here MacIntyre is referring to natural theology, which is based upon reason and ordinary experience and not revealed theology or revealed religion, which includes scripture and sacred doctrine.

For arguments elsewhere, see Alasdair MacIntyre, "How Can We Learn What *Veritatis Splendor* Has to Teach?" in *The Thomist* 58 (April 1994): 171-95; and MacIntyre, "Philosophy Recalled to Its Tasks: A Thomistic Reading of Fides et Ratio," 182-83.
learned and perhaps had to learn from philosophical enquiry. And Aquinas embodies this recognition in his theology.\(^{35}\)

Schrader-Frechette makes another attempt to debunk MacIntyre's rights from a different angle by pointing out that his position on rights is rather rogue in light of the tradition to which he ascribes:

Pope Leo XIII, on whom MacIntyre claims to have based his account of Thomism, argues that human nature endows humans with liberty, that liberty confers human dignity, and that this dignity confers human or natural rights. Other popes (such as John Paul II and John XXIII) claim that human rights follow from the dignity and equality of people. None of them accepts MacIntyre's view that natural or human rights are mere emotion or rhetoric. Indeed, they say human rights are essential to, and the test of, the common good. For all these reasons, MacIntyre's rejection of human rights seems at odds with parts of his own avowed tradition.\(^{36}\)

While it is clear that the modern Church has embraced rights, that was not always the case. MacIntyre isn't necessarily straying as far as Shrader-Frechette would like to argue given that there were centuries when rights were stridently opposed by the Church. Moreover, MacIntyre does allow for challenges to traditions, explaining that this is how they grow by facing new obstacles.


Shrader-Frechette seems unfamiliar with authentic roots of the Church's position on human rights, as defined by Maritain and popes starting with Pope Pius XI. "... for leaders in MacIntyre's own tradition, although God gives rights, humans can know and ground these rights through reason, conscience and human nature. And if so, then provided one believes in human nature or even in human liberty or dignity, it seems possible to ground human-rights claims in a nontheistic way." "MacIntyre on Human Rights," 11. While they can be known, according to Maritain, they are certainly grounded upon natural law, which are rooted in theological elements. This reveals, yet again, how difficult it can be to access the particular usage of Maritain's human rights work.
4. Emotionalism

Disputes with rights theorists, MacIntyre has lamented, can have a shrillness because they "are undecidable – and those adhering to contextless, ungrounded rights implicitly recognize this."\(^{37}\) "Their rhetoric of protest," he explains, "has a shrillness to it because they realize there are no rational standards by appeal to which they can convince their opponents, so they voice indignation in defence of their rationally ungrounded preferences in the hope that it will be non-rationally persuasive."\(^ {38}\) This, again, MacIntyre sees as the unavoidable fruit of liberalism, as evidenced from as far back as his Marxist stage. Emotions rather than reason drive the arguments. One example of this 'shrillness' can be seen in Shrader-Frachette's work:

MacIntyre's own words also appear to pave the way for religious fanatics to deny rights claims, and on grounds that need not be rationally defensible. They seem to leave room for Muslim fundamentalists to stone to death women who do not wear the veil, and for Christian fundamentalists to kill abortion doctors.\(^ {39}\)

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\(^ {37}\) D'Andrea, *Tradition, Rationality*, 244.

\(^ {38}\) Ibid.

\(^ {39}\) Shrader-Frechette, "MacIntyre on Human Rights," 17.

This was written in response to MacIntyre's claim that "To replace the rhetorical and idiom of rights by one of law, justice, and a community ordered teleologically to a substantive conception of the ultimate human good will be inescapably to incur incomprehension and hostility." MacIntyre, "Community, Law and Idiom," 108-09. Perhaps Shrader-Frechette has made MacIntyre's point for him?

And elsewhere in her article: "A second problem is that MacIntyre seems to ignore the fact that appeals to religious authority have been used in the past to justify acts such as conducting the Inquisition or the Crusades. … MacIntyre seems to be engaged in a romantic regression to the medieval era, a regression that includes no second-order ethical analysis of his position. To paraphrase Gutmann, he wants us all to return to live in Salem but not to believe in witches." Shrader-Frechette, "MacIntyre on Human Rights," 15-16.

"MacIntyre's own tradition arguably has been slow to recognize the equality and humanity of women and gays." Ibid.16.
Numerous contemporary books on human rights introduce their subject with particularly harrowing examples of human rights violations.\textsuperscript{40} The premise, spoken and unspoken, is that education about human rights will end such atrocities. Such a conviction was also exhibited by the drafters of the U.N. Dec. who were motivated in large measure by the atrocities committed by the Nazis.\textsuperscript{41} Human rights, in these emotional appeals, appear to be some sort of band-aid for justice – that if only people recognized human rights and the intrinsic dignity of the human person, then tyrants and the horrors against humanity would disappear.

One criticism of MacIntyre that I have yet to see in print is of his use of emotionalism against rights. Richard Rorty's rights theory presents a good foil of what such a criticism might look like. Rorty "has condemned as outmoded and irrelevant, and potentially even counter-productive, the philosophical obsession with the justification of human rights in our present...


One book cover was so horrific, featuring a harrowing photo of a Nazi pointing a gun at a mother holding a child at close range, that I covered it with stickers so my two small children couldn't see it (not to mention their mother).

Instead, he argues, that philosophers cannot do the work of promoting rights, but should leave it in the hands of those who shape culture. Rights promotion then, should "primarily involve sentimental education and manipulation, as well as securing the levels of wealth, literacy and leisure that enable people’s sentiments to be worked on in a human rights friendly way." Such efforts, Rorty explains, "are jobs for journalists, novelists, social critics and political activists recounting sad and poignant tales of the suffering of hitherto marginalized groups and for politicians, economists and other agents of pragmatic social and economic reform." Elsewhere his position is summarized as: "A better hope for the further progress in the human rights culture lies in sentimental stories, friendship, intermarriage, and the way we raise our young: in the continued progress of sentimental education."

Addressing the issue of emotions from an unusual angle, Linda Hunt in Inventing Human Rights, looks at the rise of the middle class in her search for the source of human rights. She argues that with the expanse of the printing press and the availability of more to read, particularly novels, western Europeans came to both understand their autonomy and discover empathy for others. Human rights then, in her explanation, are the fruit of the "emotionalization of culture."

Rorty's work is building upon the emotionalism project. He says that "[t]he human rights culture owes more to the progress of sentimental education, made possible by leisure and

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43 Ibid.
44 Ibid.
security [through the rise of the middle class], than to any progress of moral knowledge.\textsuperscript{47} "Knowledge-seekers stand on the sidelines," Rorty explains, "while those able to manipulate feelings and power do the real work of expanding narrow conceptions of the properly human."\textsuperscript{48}

Rorty's unique vantage point, in effect, is an encapsulation of MacIntyre's point about rights being the fruit of emotionalism and moral fictions based upon their non-existence. Rorty, by giving up the effort to find philosophical underpinnings for the rights culture, can't offer much by way of dispute when it comes to MacIntyre's arguments. It could even be said that Rorty and MacIntyre agree with each other – that rights don't exist, at least when looking for philosophical proof – though their responses to the argument couldn't be more diametrically opposed. MacIntyre, as we have seen, wants to get rid of them, while Rorty wants to perpetuate their use despite the lack of philosophical justification by cultivating a broader emotional response to their abuse through more photos of atrocities, more stories of misery and woe.

Not only are these efforts feeding into MacIntyre's notion of moral fictions, but they represent what MacIntyre views as a failure in moral philosophy, an appeal to sentiment. "And it is the virtue and not just the capacity for sentiment that is needed. Sentiment, unguided by reason, become sentimentality and sentimentality is a sign of moral failure."\textsuperscript{49}

5. Universal Axioms and Historical Particulars

MacIntyre has made the importance of history and context explicit in his work since his earliest days as a Marxist. As we have seen, his rights work emphasizes this point given his

\textsuperscript{47} Shute and Hurley, eds., "Introduction," 12.
\textsuperscript{48} Ibid.
\textsuperscript{49} MacIntyre, \textit{Dependent Rational Animals}, 124.
explanation that rights are in fact the result of a specific time, place, culture and not universal. Many have found room to criticize him on this point from manifold points of view.

The first among these is Gewirth. He makes his own case for universal rights, which MacIntyre criticized in *After Virtue*, based upon the notion "that anyone who holds that the prerequisites for his exercise of rational agency are necessary goods is logically committed to holding also that he has a right to these goods." That is, because all men require necessary goods, therefore it logically follows that all men have a right to those goods. Gewirth explains his method:

In my argument I use what I call a *dialectical necessary method*. The method is *dialectical* in that it begins from statements made or accepted by an agent and it examines what they logically imply. The method is dialectically *necessary* in that the statements logically must be made or accepted by every agent because they derive from the generic features of purposive action.

He believes two main theses follow from it. "The first is that every agent logically must claim or accept that he has rights to freedom and well-being because they are the necessary conditions of his action and successful action in general." And second, "that each agent logically must admit that all other agents have the same rights he claims for himself, so that in this way the existence of universal and equal moral rights, and hence of human rights, must be accepted within the whole context of action or practice."

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52 Ibid.
53 Ibid., 742-43.
"From these two theses, there follows a supreme moral principle that every agent logically must accept," Gewirth continues. Revealing his Kantian roots, he explains, "I call it the Principle of Generic Consistency (PGC), and its main precept, addressed to every actual or prospective agent, is: Act in accord with the generic rights of your recipients as well as of yourself."  

MacIntyre remains unconvinced by any of the arguments made by Gewirth through their exchange in print. "Gewirth has illicitly smuggled into his argument a conception which does not in any way belong, as it must do if his case is to succeed, to the minimal characterization of a rational agent."  

Bill Bowring is a unique critic of MacIntyre because he is a Marxist who embraces rights. He believes that MacIntyre's Aristotelianism can be reconciled with rights if one looks at rights within the historical context of struggle. Human rights, Bowring explains, "are the product of, and constantly reanimated by human struggle." It is within the historical context of the scandal of struggle and the violation of rights that underpins human rights, according to Bowring. "[I]t is my case that human rights are real, and provide a ground for judgment and for action, to the extent that they are understood in their historical context, and as, and to the extent to which, they embody and define the content of real human struggles."

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54 Ibid., 743.
56 MacIntyre, After Virtue, 67-68.
57 Bowring, "Misunderstanding MacIntyre," 205.
58 Ibid., 213.
As MacIntyre has moved toward Thomism, Bowring claims, he more and more misunderstand himself. "MacIntyre has allowed himself to view rights as only and always 'admirably suited to the purposes of individuals or groups who believe themselves restricted or retained in any way by religious institutions or authorities," 59 but as such, Bowring believes MacIntyre is overlooking the link between history and rights that can be made through Aristotle.

MacIntyre, as simply an Aristotelian, offered something that Bowring thinks can be reconciled with the use of rights. 60 The "Aristotelian MacIntyre is, for me, plainly arguing for a substantive and embodied rather than a procedural and deracinated understanding of ethics, one that is socially embodied and located in history. This understanding, I contend, is equally applicable to human rights as I wish to present them." 61 That is, Bowring, evoking the Marxist rhetoric of social change class warfare and effort, thinks MacIntyre is missing the main point of rights: that they are revealed in great struggle, and therefore he misunderstands himself. 62

For reasons that will be come clear in the next chapter, I will reserve MacIntyre's response to Bowring until then.

59 Ibid., 209.
60 MacIntyre's Thomism does not work for Bowring's ends the way Aristotelianism can. "… the concept of the universality of human rights on a foundation of natural law has no moral content. It cannot assist either in the critique of ideology or indeed actuality; nor can it provide the bridge which can indicate the actions we ought to take." Ibid., 212.
61 Ibid., 209.
62 Ibid., 206.
6. Thomism and Universals

Still engaging universals, Deborah Wallace is critical of MacIntyre's rejection of
universal moral philosophy.\(^{63}\) MacIntyre, she points out, repeatedly speaks of how any sort of
ethical system is the outgrowth of a particular history and culture. However, Aquinas would
dispute this radical particularity given that he allows for universal principles within the natural
law. She explains:

"The least Thomistic element of MacIntyre's objections to rights language
involves his attack on claims to universal truth as such. Yet Thomas' natural law
maintains that there are universal truths that are naturally known by all rational
creatures. Thomas did not shy away from universal absolutes; rather his natural
law theory argues that truth exists beyond one's particular social context, and that
moral absolutes are not strictly bound to historical communities. Thomas believed
that transhistorical and transcultural truths exist and make possible an objective
order by which justice is measured."\(^{64}\)

Hibbs, however, explains how on this point MacIntyre is more of a Thomist than meets
the eye because he repeatedly engages universal precepts. "MacIntyre notes that the 'Ten
Commandments are exceptionless precepts, enjoining and forbidding certain types of action
independently of circumstance"\(^{65}\) and that according to Augustine and Aquinas, justice is
achieved only when 'our love is directed toward… the life of Jesus Christ."\(^{66}\)

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\(^{64}\) Ibid.," 135.

"MacIntyre, however, is right to point out that Thomas would never have given universal
moral truth claims the specificity they possess in the U.N. Universal Declaration of Human
Rights." Ibid., 135.

\(^{65}\) MacIntyre, Whose Justice, 150.

\(^{66}\) Ibid., 154 and Hibbs, "MacIntyre, Tradition," 220, note 39.
MacIntyre could hardly be a Thomist without some sort of adherence to the first principles that are knowable to all. What differentiates him is his understanding of how these first principles come to be known. It is here where the particulars of history and a context of culture are crucial for coming to understand the precepts of natural law. "I have to learn about my good," MacIntyre explains, "and about the common good from family and friends, but also from others within my own community, from the members of other communities, and from strangers; from those much older than I and from those much younger." First principles are not, for MacIntyre, equally available to all men. This, he believes is a modern viewpoint, not a Thomistic one. Hibbs notes:

Thomas's distinction between principles that are per se nota to all and those that are so only to the wise, his classification of intellectus, the faculty that grasps the necessity of first principles, as an intellectual virtue that develops through experience and training: his insistence that intellectus does not operate in isolation from sense experience: his distinction between the most general precepts and intermediate precepts, the latter of which can be eroded through bad education— all this supports MacIntyre's reading.

As such, philosophy for MacIntyre is a "journey toward the discovery of first principles," rather than a systematic knowing available to all men like the modern conception.

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68 Hibbs, "MacIntyre, Tradition," 214.
Hibbs wonders "whether [MacIntyre's] self-proclaimed 'particularism' is as thoroughgoing as he professes it to be." Ibid., 216. Indeed, perhaps he overstates his case?
69 MacIntyre, Whose Justice, 175.
"As MacIntyre sees it, the strength of Thomas's work does not consist in a systematic and preemptory resolution of perennial questions, but in its power to engage, criticize, assimilate, and extend the positions of various, and often apparently variant, authorities." Hibbs, "MacIntyre, Tradition," 214.
"MacIntyre resists a Cartesian interpretation of first principles in Aquinas. He acknowledges that "rational justification within a perfected science is indeed a matter of
A good example of MacIntyre's point is the Ten Commandments. These were given in a certain time and place, viz. by God to the Israelites, which are not applicable only to Israel but to all people.

It is only because, prior to and independently of revelation and of the gift of faith, we do have a conception of the human good adequate to provide direction for our actions and a knowledge of the corresponding precepts of the natural law that we can be held accountable by God for not directing ourselves towards our good and for disobeying those precepts. And this is one of the respects in which, as Aquinas puts it in a passage quoted by Carr (Summa Theologiae Ia, 1, art. 8, ad 2; Carr p. 10), "Grace does not destroy nature, but perfects it." What we learn from the revelation of God's commands, both on Sinai and in the Sermon on the Mount, extends and reinforces but never abrogates the precepts that God promulgated as the natural law. So there is no possible place for anything that could be characterized as a teleological suspension of the ethical.  

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70 While it may appear that MacIntyre is not engaging Thomas's position with regard to the per se nota status of first principles, MacIntyre explains his reading of St. Thomas about their knowability: "It is a Cartesian error, fostered by a misunderstanding of Euclidean geometry, to suppose that first by an initial act of apprehension we can comprehend the full meaning of the premises of a deductive system and then only secondly proceed to enquire what follows from them. In fact it is only insofar as we understand what follows from those premises that we understand the premises themselves. If and as we begin from the premises, our initial apprehension will characteristically be partial and incomplete, increasing as we understand what it is that these premises do and do not entail.

"So in the construction of any demonstrative science we both argue from what we take, often rightly, to be subordinate truths to first principles (Commentary on Ethics [I, lect. Xxii]), as well as from the first principle to subordinate truths (Commentary on Boethius' De Trinitate qu. VI, 1 ad 3). And in this work of coming to understand which premises it is that state what is the case per se, in such a way as to function as first principles, we continually deepen our apprehension of the content of those first principles and correct those misapprehensions into which everyone tends to fall." MacIntyre, Whose Justice? 174-75.

71 MacIntyre, "Once More on Kierkegaard," 351.
"There is, then," Hibbs concludes, "a deeper congruence between MacIntyre's view of tradition-constituted inquiry and his depiction of Thomas's project than many have acknowledged."\(^{72}\)

7. Catholic Social Thought

And finally, there are critics who are in one form or another students of the school of Maritain, especially those following the work of Wojtyla/John Paul II. They bristle at MacIntyre's rejection of the existence of rights because of the place of primacy rights hold in contemporary Catholic social teaching.

Thomas Williams' extensive and well-researched book on the topic is emblematic of this perspective.\(^{73}\) A first point of argumentation is that because of natural law all people have duties and such duties imply corresponding rights, which in fact, is one of Maritain's arguments.\(^{74}\)

Natural law and rights are tightly linked. Williams explains:

[A] denial of rights is self-defeating, since it implicitly carries with it the denial of natural law, something neither MacIntyre nor anyone else in the classical tradition would be prepared to do. MacIntyre, like other writers considered here, accepts the existence of universal natural duties, which in turn form the core of natural law. A natural duty differs from an acquired duty in that it does not come about as a result of anything man does but only from what he is. All people have duties or obligations toward God, toward other people, and toward themselves.\(^{75}\)

Given that such duties exist, Williams continues, there must be the corresponding right to enable the requisite duties to be performed. The duty implies the right.

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\(^{72}\) Hibbs, "MacIntyre, Tradition," 218.


\(^{74}\) See Chapter Two, Part I.

\(^{75}\) Williams, *Who is My Neighbor*, 59-60.
There seem to be two things going on in this argument. The first is that Williams is making an argument posed by Maritain, that rights can be linked to natural law. Williams says explicitly "The denial of natural rights necessarily entails the denial of natural duties and the denial of the entire natural law."\(^7\) The problem, of course, is historic. The link between rights and natural law is not an old one. Did the popes who rejected the language of rights reject natural law, too? Certainly not. Perhaps, as Maritain would argue, they simply didn't yet know the truth of it. However, this argument wouldn't hold water for MacIntyre who doesn't see the connection between natural law and human rights. He would maintain that it is the end of natural law that has procured the use of human rights rather than a tandem effort.

Which brings us to the second issue. The argument seems to mimic that made by Gewirth. While Gewirth maintained that because all rational agents have necessary needs, they have a right to the goods necessary to fulfill those needs. This argument says that because man has necessary duties, he has rights necessary to meet those duties.

I conjecture that MacIntyre would respond similarly to Williams and others that argue this point: merely because one has a duty does not mean that one has a corresponding right to that duty. Adding rights to a necessary duty smuggles into duties something that was not previously there, as he has responded to Gewirth.\(^7\)

\(^7\) Ibid., 60-61.

Wallace gives a good example of this argument. "Generally, Maritain regarded human rights as correlative with moral obligations. Both rights and duties are rooted in the dignity of the person who is a spiritual whole made for God. For instance, if parents are 'morally bound' to provide for their children. It then follows that they have a right to work in order to fulfill this duty." Wallace, "Jacques Maritain and Alasdair MacIntyre," 131.

\(^7\) Murphy makes yet a third argument similar to Williams and Gewirth: "In recent work, however, he is perfectly happy to talk about natural law; and natural law requires the recognition
Another issue for students of Maritain is they believe MacIntyre is only rejecting the Enlightenment, secular styled types of rights and overlooking the elements Maritain added back into the Church's working definition of rights that included the common good, rejection of radical autonomy, and God.

As MacIntyre sees things, the world 'rights,' as well as the concept underlying the word, sprang from a specific mentality corresponding to a "distinctively modern moral scheme." This scheme conceives of man as an autonomous moral agent, unrestrained by "the externalities of divine law, natural teleology or hierarchical authority." By "rights" MacIntyre understand essentially the rights proclaimed by eighteenth-century thinkers.78

Here Williams is pointing out the distinction between the type of rights MacIntyre is referring to and another type of rights used within Catholic social though, influenced by Maritain. However, MacIntyre has made it clear that rights, no matter what the form, all have the same pedigree. As Wallace explains, "for MacIntyre, rights language cannot be extricated from the liberal framework where it took root."79 Moreover, MacIntyre was critical of the U.S. Conference of Catholic Bishops for their use of the idiom of rights to deal with social injustices.

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78 Williams, *Who is My Neighbor*, 63-64.

Moreover, MacIntyre has clarified that he sees little distinction between various rights theories. "So the central difficulty about the claim that there are natural rights – and here I am addressing all the main theories of natural rights – does not derive simply from the late arrival on the linguistic scene of the idiom capable of expressing claims about such rights." MacIntyre, "Are there Any," 13.

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He made it clear from the start, that despite any good will, they were heading in the wrong
direction because of the innate limitations within rights rhetoric.\textsuperscript{80}

8. Conclusion

It is interesting that while all parties engaged in the criticisms of MacIntyre's rights are
clearly interested in helping the most vulnerable of society, most of them neglect MacIntyre's
broader and richer themes that look to bring order to society to heal the wounds wrought by
liberalism. Shrader-Frechette is emblematic of this. Her arguments against MacIntyre center
around the fact that there is no mention of rights in \textit{Dependant Rational Animals} – a book
highlighting the general lapse in moral philosophy to deal with the common reality of human
vulnerability.\textsuperscript{81} "Although the book focuses on human fragility, it does not appeal to human
rights, one of the ways that powerless people historically have sought protection."\textsuperscript{82} She
concludes that MacIntyre's arguments against rights "offers little protection to vulnerable people

\textsuperscript{80} MacIntyre, "Community, Law and Idiom," 96-97.

It seems that MacIntyre could be equally critical of rhetoric of "the tyranny of relativism"
used both by Benedict XVI and now Pope Francis. Without an objective notion of the good,
obviated by liberalism, relativism will remain a pernicious element within the moral ecology.
See Pope Francis, "Audience with the Diplomatic Corps Accredited to the Holy See," Address,

\textsuperscript{81} This is not a new topic for MacIntyre, but a recurrent theme in his work that has been
described elsewhere as an "ethic of care." "Rebellion, philosophic and political, impels the work
of Alasdair MacIntyre. Neither of the left nor the right, he treads a borderline path between
conservatism and radicalism in holding to a socialist Thomistic Aristotelianism underpinned by a
deliberative 'ethic of care' that is implacably opposed to modernity and the advanced capitalistic
nation-state." Keith Breen, "Alasdair MacIntyre and the Hope for a Politics of Virtuous

\textsuperscript{82} Shrader-Frechette, "MacIntyre on Human Rights," 1.
who, in MacIntyre's scheme, are unable to appeal to human rights for protections."\textsuperscript{83} Shrader-Frechette skips over the elements within MacIntyre's work that emphasize an "ethic of care" where those nearest and dearest should be the first to take care of those in need instead of the long arms of the state reaching in first. There is little recognition of MacIntyre's argument that it is only because of the break down of traditional society that we are faced with the question of rights. Her criticisms and others generally miss the broader context of MacIntyre's arguments against rights, viz. his criticisms of modernity and liberalism view rights as something of a symptom of the problem, not \textit{the} problem.

\textsuperscript{83} Ibid.
CHAPTER EIGHT:
MacIntyre Reinvented

While it may appear that this is the end of the story of MacIntyre on human rights, the ever in via Scotsman keeps things interesting. This chapter will feature additional changes in MacIntyre's thought seen in two further stages. Stage IV will look at what can be called MacIntyre's Silent Stage. After years of making it clear that he was against human rights, something interesting developed in MacIntyre's work at the beginning of the twenty-first-century. He went silent on rights altogether as a topic, seemingly shifting his focusing instead upon choice. Stage V will feature something different yet again, where MacIntyre takes a new tack on rights, seeming to embrace them under certain conditions. The chapter will then discuss possible reasons for these two dramatic new stages after years of arguing against rights.


After the arrival of the new millennium, any critical mention of rights was white washed from MacIntyre's work. With this silencing of rights, one wonders if there is perhaps another shift in MacIntyre's work in other areas beyond rights. Had he finally changed his mind about liberalism? Capitalism? However, there is no indication in his texts that MacIntyre position changed on any of the philosophical underpinnings he used in his critique of rights. Quite the contrary. In the preface to the Third Edition of After Virtue published in 2007, MacIntyre makes it explicit that he still believes Marx's critique of capitalism is correct. And elsewhere, he
continues to rail against modernity and liberalism for the sterility they perpetuate in moral philosophy.¹

The second development of this stage is the interesting addition of rhetoric of choice. While not exactly interchangeable with his arguments against rights, choice as used by MacIntyre reflects many similar facets of his critique of modern life that he used with his arguments against rights.² The point is illuminated by the issue of abortion: those who advocate for abortion use the rhetoric of rights and choice interchangeably. Rights and choice, while expressing distinct ideas and carrying unique functions rhetorically, are similar in the way they

¹ See After Virtue, xvi.

² MacIntyre's consistent opposition to liberalism is also seen here: "That liberalism is an ideological disguise for the realities of modern state power and that the modern state and the international market economy with which it is so closely allied are oppressive powers should not be allowed to obscure two truths. The first is that both individuals and local communities have to deal constructively in their everyday lives with the state as coercive law-maker and regulator, as imposer of burdens and provider of services, as possessor of resources. A second truth is that there are some particular duties to one's local community that can only be performed through the agencies of the state and there are some goods that can only be achieved through participating in and perhaps reforming the work of such agencies. And students need to learn not only that this is so, but that the policies of such interventions in the interest of concrete and immediate aims, usually those that have to do with the interests of one's own local community, need to be understood in a very different perspective from that afforded by the politics of the modern state and of its instruments, the political parties." Alasdair MacIntyre, "Dialogue With Dunne on Education," in The Journal of the Philosophy of Education Society of Great Britain 3, no. 1 (2002): 113-14.

² MacIntyre's choice arguments are found in: Dependent Rational Animals, Chapter 9; Alasdair MacIntyre, "A Culture of Death," at The Notre Dame Center for Ethics and Culture, Culture of Death Conference, http://ethicscenter.nd.edu/video/fall-conference-videos/a-culture-of-death-videos, October 13, 2000. (Here MacIntyre also returns to a recurrent theme of how Western culture deals with death.); "Theories of Natural Law in the Culture of Advanced Modernity"; "Philosophy Recalled to Its Tasks: A Thomistic Reading of Fides et Ratio"; and "Catholic Universities: Dangers, Hopes, Choices."

Minor elements of MacIntyre's choice argument appeared in his 1994 article "How Can We Learn What Veritatis Splendor Has to Teach?" 182-83.
reveal the deficiencies of liberalism as seen in radical autonomy of the individual, the dissolution of the notion of the good, the break down of the family bonds and communal relationships and the focus upon the economic vice of avarice.

Additionally, a look back to MacIntyre's own analysis of the historical origins of rights where he sources them to nominalism offers a more cohesive connection between rights and choice. Rights have generally focused upon the radical autonomy and individualism found in liberalism, with an emphasis upon the freedom of the individual to find his own good, whether in the negative – to not be infringed upon by others, or in the positive – a right for something. Choice offers a similar effect insofar as it is the tool for expressing one's own personal freedom through the determinations of the will – something nominalism, starting with Ockham heralded. Both choice and rights reflect again the radical autonomy of the free will found in the individual that was first promulgated by nominalism and later is ultimate expression under liberalism where the will carves out its own definition of the good and society.3

MacIntyre lays his arguments about the rhetoric of choice out best in his 2000 lecture, "A Culture of Death,"4 although pieces of it had been made previously in 1999 with Dependant Rational Animals.5 In the lecture, MacIntyre addresses what he believes is a fundamental change


4 MacIntyre does make a passing reference to rights in this lecture, but there is no analysis and it is generally within the context of referencing and/or recycling older arguments from After Virtue.

5 See MacIntyre, Dependent Rational Animals, Chapter 7.
in the understanding of the word 'choice.' "In thinking about choice, and other concepts connected with choice, there has been a change."\(^6\) Previously choice within a society included "shared conceptions of the order of good [and] shared standards of which actions were to be judged." Choices, then, "were revelatory of character"\(^7\) because they reflected how a person made decisions within a pre-given code of conduct. "We've moved from this to one which increasingly individuals understand themselves as not merely invited to but having no alternative to choosing what is good or bad," MacIntyre explains. "It is a burden on us of how to define those relationships we choose to engage in."\(^8\)

"Choice," then, MacIntyre continues, "becomes that which underlies belief. Now supplied instead by explicit or implicit choices of individuals, moral and metaphysical beliefs are treated as an expression of choice by others, choice reveals not character but identity."\(^9\) Our beliefs are packaged into the choices we have made. As a result, MacIntyre contends that any disagreement among choices people have made refers not to an impersonal standard but is a negative reflection upon the individual who has chosen such a choice. Criticism, dissent and disagreement, therefore become a threat. "[C]onsequently, when individuals are opened up to arguments that appear to undermined what they have chosen, they respond by retreating into solidarity with those with whom they agree."\(^10\) As such, MacIntyre explains, "this alters in a very important way the

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\(^6\) MacIntyre, "Culture of Death," Minute 7 and thereafter.  
\(^7\) Ibid.  
\(^8\) Ibid.  
\(^9\) Ibid.  
\(^10\) Ibid.
character of public debate.\textsuperscript{11} Without a shared standard of the good but only alternative courses of action, debate is no longer genuinely possible, while people surround themselves with likeminded individuals who won't challenge their choices.

MacIntyre lays out what he believes are the three influences that have led to this change in choice. First, the predominant moral levers of modernity, viz. utilitarian values vs. imposing upon the rights of others, require a balance. Such a balancing act includes the metaphor of weighing utility against rights, which implies scales. Eventually, individuals see that because a standard notion of the good is no longer extant, there are in fact no real scales just individual arbitrary choices.

Second, choice is "not only something that underpins our evaluative judgments but also our relationships."\textsuperscript{12} Given the transformation in the way familial relationships are looked at under modernity "[p]eople have had to reinvent and redefine for themselves the role of parents, the role of siblings. … They have to choose what the relationship is to be."\textsuperscript{13} The indeterminateness of the family is so dramatic that "there is no alternative to doing this in very large part."\textsuperscript{14}

And third, in relation to our economic lives, the choices we make as consumers, members of labor force, and investors are valued because the preferences of individuals are in the end sovereign in the market, but assumed in everyday transactions. There again, "the individual is led

\textsuperscript{11} Ibid.  
\textsuperscript{12} Ibid.  
\textsuperscript{13} MacIntyre, "Culture of Death," Minute 10.  
\textsuperscript{14} Ibid.
to understand her or himself as someone whose choices make the social world." This is a reiteration of MacIntyre's original embrace of Marx's criticism of capitalism, where man becomes defined by choices he makes within the market place among the many choices while under the impression that acquisition of more material goods is a good and not the vice of avarice.

2. Liberty of Choice

Of these three explanations, MacIntyre focuses heavily on the first two, "liberty of choice" or choosing one's own good, and the "choice of relationships," while neglecting the economic piece. He delves deeper into the notion of the "liberty of choice" in several other works. "The exercise of individual choice thus understood [as one who must choose his own good], that is, not choice as governed by principles but choice as prior to and determining our principles, is often identified in the contemporary world with the exercise of liberty." As such, liberty has become linked to what is good for me, and any competing claim to what liberty might mean is seen as a threat. The understanding of natural law that the good is something to be discovered outside of oneself is just such an example. MacIntyre explains further:

[A] Thomistic understanding of natural law commits those who possess it to asserting that human nature is such that rational practical principles are antecedent to and govern choice in rational well-functioning human beings, and that therefore those principles have to be discovered, not chosen, any defense of a Thomistic understanding of natural law is very easily construed as a threat to liberty.

15 Ibid., Minute 16.
16 MacIntyre has covered this at great length elsewhere. See Chapter 5 above.
17 MacIntyre, "Advanced Modernity," 111-12.
18 Ibid.
MacIntyre explains that through the lens of Thomism, the problem of the liberty of choice can be seen clearly because there is no common good or independent standard to guide decision making, leaving the decision maker open to every passion and whim.

Individuals who have not or not yet developed an adequate conception of the good, … can be expected to find themselves confronted by the competing claims of a variety of passions and appetites, claims that lacking an adequate conception of the good, they do not and cannot as yet know how to order. If they then try to decide between those competing claims without joining in action and inquiry with others, in a way that would require them to attend practically to the injunctions of the natural law – that is, if they try to decide between those competing claims from the standpoint of an isolated nonsocial individual for whom there can be no such thing as the common good – then they will find themselves with no resources for decisions, beyond their own individual choices.  

Decisions are unhinged from any sort of authentic ordering principle and rely upon emotionalism to bring some sort of framework from which to make decisions about what is good for me.

3. Choice of Relationships

Not unrelated to choosing the good, contemporary Western culture requires that individuals choose their relationships and the extent of the roles they play in their everyday lives. This "choice of relationships" within modern moral and political philosophy views "the individual as a singular who joins together with others only by choice." 

MacIntyre in "Catholic Universities: Dangers, Hopes, Choices" explains how the lost virtues of a liberal arts education also contribute to the distorted notion of liberty. "So the liberal arts and sciences not only introduce us to new experiences and activities, teaching us to value them for their own sake, they also prepare us for making intelligent choices. Until student have understood what the various liberal arts and science have to teach, they lack resources for recognizing in many types of situation what the alternatives are between which they have to choose, what goods are at stake in the choice of one alternative rather than another, what it is..."
understood as unconditional relationships have increasingly assumed a conditional and
temporary character. They have become roles and relationships that many individuals feel free to
assume and discard at will.\textsuperscript{21} Moreover, these chosen relationships have to be based upon
something. In \textit{Dependent Rational Animals}, MacIntyre explains most relationships are a \textit{modus
vivendi} of sorts so the goods of individuals do not clash. He explains:

\begin{quote}
Consider that according to which goodness is a matter of the satisfaction of
desire: what is good, as I judge it, is what is good for me, what is good for me is
to satisfy my preferences and what is best for me is to maximize my preference-
satisfaction. So I begin by identifying my individual good and enquiring what
means I should adopt, if I am to achieve it. I then discover that, if I do not
cooperate with others in a way that takes account of other attempts to achieve
their individual goods, the resulting conflicts will be such as to make it impossible
for me to achieve my own good in anything but in the shortest run and often
enough not even then. So I and others find a certain kind of "cooperation of
common good" that is a means to and defined in terms of our individual goods.\textsuperscript{22}
\end{quote}

It is, then, to the advantage of the individual that he abides by the rules of society in order
to maximize his own preference-satisfaction instead of the feeling the constraints of his
preferences wrought by societal chaos. Beyond this secure bargaining, the other relationships
that I enter into are strictly up to me. MacIntyre explains that the consequences of the willy-nilly
approach to family are unsurprising. "Any determinate conception of the family has become
contestable and commitment to the family has been increasingly undermined. 'Politics' has

\begin{flushright}
\textsuperscript{20} Lutz, \textit{Tradition in Ethics}, 34.
\textsuperscript{21} MacIntyre, "Fides et Ratio," 195.
\textsuperscript{22} MacIntyre, \textit{Dependent Rational Animals}, 113-14.
\end{flushright}
become the name not of a dimension of the normal life of every member of a political society, but of an optional activity to engage in it.”

What is also interesting to note is that choice, while an result of modernity, has aided the further unraveling of the family and community because each unique interpretation of each of these bears the consequences of further disorder, further dissolution of the bonds that ought to be there in an ordered society. MacIntyre explains: "Yet it is this shared contemporary conception of choice that has played a key part in displacing the older understanding of the determinateness of the order of things and of the relationship of individuals, families, and political communities to that order.”

MacIntyre's choice arguments are insightful and intriguing. While they move in a different direction from rights, they return to the heart of the issue, which is to give another take on MacIntyre's career-long critique of liberalism. Nothing has changed in his overall view; he simply exchanged one rhetoric for another. But why?


In 2008, something remarkable happens. MacIntyre in his response to criticisms made by Bowring discussed at the end of chapter Six diverges far from his earlier arguments. His comments are so different from his previous arguments on rights that one wonders if the piece

24 Ibid.
was really written by MacIntyre.\textsuperscript{25} For seemingly the first time MacIntyre uses rights in a positive fashion, admitting their existence in certain cases and presenting nuances for their use.\textsuperscript{26}

MacIntyre, responding to Bowring's article, starts off his explanation in a familiar fashion – concluding that rights from the French and American revolutions are fictions: "It matters that eighteenth century claims, whether American or French, that there are rights that attach to individuals as such and that ascriptions of such rights can function as first and evident premises in our practical reasoning, are mistaken, that rights thus conceived are fictions."\textsuperscript{27} And then he says the unexpected:

We need to reach conclusions about what rights human beings have or should have, but these are to be derived from quite other types of premise, from premises about the common good and about what both justice and generosity, virtues that are directed towards the common good, require in this or that particular situation.

What justice as a virtue, both of individuals and as institutionally embodied, contributes to human flourishing is a regard for need, for dessert, and for merit, and a recognition of the types of wrong that may be inflicted by a disregard for any of these, and a measure for the adequacy of remedies for such wrongs.\textsuperscript{28}

Here MacIntyre admits that there are human rights. Rather than denying their existence, he speaks of them in the positive. He does, however, make a distinction

\textsuperscript{25} I am not the only one surprised by MacIntyre's comments. Kelvin Knight and Paul Blackledge in the Editorial Introduction of Analyse \& Kritik summarizes the exchange between Bowring and MacIntyre as such: "Bill Bowring argues that the bases of many rights in popular struggles for social justice affords ground for the critique of capitalism, and this is an argument to which MacIntyre accedes with an alacrity that some may find surprising." Kelvin Knight, "Editorial" in Revolutionary Aristotelianism: Ethics, Resistance and Utopia, special issue of Analyse \& Kritik 30 (2008), 2.


\textsuperscript{27} MacIntyre, "What More Needs to Be Said," 272.

\textsuperscript{28} Ibid.
between rights he believes still are fictions and other rights, that are derived from the common good, justice, generosity and the virtues.

Next he moves on to explains why he still considers some rights to be fictions, falling under the definition laid out by Marx which do not reflect an authentic sense of justice:

The institutionalization of some of those rights ascribed by the American and French revolutionaries accords with the requirements of justice thus understood, but the institutionalization of others is incompatible with the achievement of justice.29

The two revolutions bore different sorts of rights theories, he explains; some were good, some were not.

Marx's critique of those rights, quoted by Bowring, although framed in very different terms from mine, is highly relevant: "... the right of men to liberty is based not on the association of man with man ... It is the right ... of the restricted individual, withdrawn into himself...."30

It was about this characteristic of such rights that I was speaking when I remarked how appeals to such rights are used "to dissolve the bonds, and undermine the authority, of all institutions intermediate between the individual on the one hand and the government and the justice system on the other, such institutions as families, schools and churches."31

Here MacIntyre seems to be qualifying his own comments previously about rights by saying that it was a particular kind of right he was critical of – those that reflect that which Marx rejected, a type of egotism instead of lending themselves to a real sort of justice.

29 Ibid.
30 Ibid.
31 Ibid., 272.

MacIntyre, "Community, Law, Idiom," 105.
With this new description of rights, were one unfamiliar with his earlier work against rights, MacIntyre could easily appear to be a follower of or influenced by Maritain. This new articulation includes elements Maritain added back into his notion of rights: the common good, justice, generosity, the virtues, as MacIntyre lists them, although there are others.

Unfortunately, what MacIntyre writes in this response to Bowring is short and rather vague, so a full understanding of what he might mean is difficult to grasp, but it is clear that he is admitting of a type of rights that he never acknowledged before.

5. Why the Change?

So what, if anything, has changed that accounts for both stages? Again, the brevity of MacIntyre's comments makes conjecture difficult, but perhaps looking at his whole enterprise will help lend some light on the topic. One thing that is clear is that MacIntyre is still an opponent of liberalism based upon his own comments about the French and American Revolutions and comments made elsewhere during this time.\(^\text{32}\)

There are a number of possibilities that could explain why MacIntyre seemed to have abandoned his fight against rights since the new millennium. One might be that he just grew tired of the topic or it was merely a passing phase. MacIntyre has gone through many stages that he later gave up on, or stages that peaked his interest – such as his medical ethics articles during the

\(^{32}\) "I should also make it clear that, although After Virtue was written in part out of a recognition of those moral inadequacies of Marxism which its twentieth-century history had disclosed, I was and remain deeply indebted to Marx's critique of the economic, social, and cultural order of capitalism and to the development of that critique by later Marxists." MacIntyre, After Virtue, Third Edition, xvi.

1970s. MacIntyre, the son of a physician, seemed to have exhausted the topic. But it seems odd that something he was so clearly outspoken about for over two decades and to which he dedicated entire articles related to his favorite nemesis – liberalism – would suddenly be dropped as a topic. It is possible that there is some other reason why MacIntyre abandoned his battle against rights that never made it to print, or even a combination of reasons. But what is clear is that rights talk is absent in his work from 1999 on forward and then he gave a very different sort of explanation of them in 2008. Even if MacIntyre's response to Bowring was a momentary lapse

33 These article were all written about the same time, focusing upon medical ethics. It seemed to be a short-lived phase in MacIntyre's career.


"What Has Ethics to Learn from Medical Ethics?" *Annual Proceedings of the Center for Philosophic Exchange* 2, no. 4 (Summer 1978): 37-47.

"Medicine Aimed at the Care of Patients Rather Than What...?" in Changing Values in Medicine, eds. Eric J. Cassell and Mark Siegler, 83-96 (Frederick, Maryland: University Publications of America, 1979).

in MacIntyre's own thinking, that doesn't explain the lack of mention of rights for nearly a
decade.

Perhaps he reconsidered his prohibition against all rights theories and, influenced by
Maritain or John Paul II, found a modified rights argument to be more compelling? Here too,
there is no direct evidence of this in his work.\textsuperscript{34}

The best explanation yet seems to be that the tension he recognized between his own
position and that of the Church's was uncomfortable enough for him to realize that he needed to
abandon rights if he wanted to be true to his own intellectual narrative quest. I would like to
hypothesize that MacIntyre stopped talking about rights because he adopted the Catholic
tradition – a tradition, as we have seen, that has fully embraced the rhetoric of rights.\textsuperscript{35}

MacIntyre, through the embrace of Catholicism, defers to the way in which the contemporary
Church speaks of justice – through human rights – that is a new language for the Church largely
based upon the work of Maritain. Ironically, that which MacIntyre rejected, viz. liberalism,
because of tradition, he later embraced because of a different tradition, the tradition of Church

\textsuperscript{34} Lutz has suggested that the work of Maritain is a viable alternative to secular rights
theories. "Perhaps the problem of accounting for the existence of natural rights changes if one
says that they are God-given rights. Then they could be said to proceed from divine positive law
or from the natural law in us that Thomas Aquinas took to be the source of all normative human
inclinations and the basis of all good human customs. Or they may simply be said to proceed
from the dignity of the human person who is made in the image and likeness of God. Jacques
Maritain took up this theology of creation to connect the language of natural rights to the
theological tradition of the Catholic Church, and some find his arguments compelling." Lutz,
\textit{Reading After Virtue}, 98-99.

\textsuperscript{35} For an interesting look at the Catholic social thought through MacIntyre's "tradition"
len, see Johan Verstraeten "Re-Thinking Catholic Social Thought as Tradition" in \textit{Catholic
Social Thought: Twilight or Renaissance} eds. J.S. Boswell, F.P. McHugh, J. Verstraeten, 59-77
found in Catholic social thought. In order to substantiate this claim, it seems important to look again at MacIntyre's use of tradition.

As seen above, MacIntyre believes it is only from within a tradition that one can make qualified judgments about other traditions. As such, adherence to a tradition is indispensable for philosophical growth, work, and reflection. MacIntyre explains:

To understand some particular philosophical position requires being able to locate it within such a tradition, always in relation to its successors…. So the best theory, that to which we owe our rational allegiance, in moral philosophy as elsewhere, is always the best theory to be developed so far within the particular tradition in which we find ourselves at work.³⁶

The next important piece to my claim is MacIntyre's allegiance to the Catholic tradition in particular. There are two chapters in *God, Philosophy, Universities* which deal with *Aeterni Patris* and *Fides et Ratio*.³⁷ Therein, MacIntyre details why Pope Leo XIII requested a return to Thomist philosophy but how in contemporary academia the Catholic intellectual tradition is no longer limited to Thomism, but includes the likes of phenomenology, existentialism and analytic philosophy. The tradition has grown and can no longer be contained within Thomist categories. MacIntyre, moving on to *Fides et Ratio*, makes it clear he is not simply a cheerleader for Leo XIII and Thomism, but is able to see the Catholic tradition more broadly. He says:

One of the tasks of Catholic philosophers now, therefore, has to be that of following the injunction of John Paul II in *Fides et Ratio* to do philosophy in such

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³⁶ MacIntyre, "Interview with Borradori," 262


a way as to address the deeper human concerns that underline its basic problems, without sacrificing rigor or depth.\textsuperscript{38}

After listing an expansive list of Catholic philosophers, he continues.

This list of names is a catalog of deep-cutting disagreements, some of them seemingly irresolvable. What it makes clear is that the summons to participate in the project of Catholic philosophical enquiry is a summons to situate oneself in an ongoing set of conflicts, conflicts that we inherited from an extended history. That history is the history of a tradition. Our present philosophical problems and our present philosophical resources are what they are only because of what they have become in the course of enquiries by and debates among our predecessors, and they are only fully intelligible when they are understood as issuing from that history.\textsuperscript{39}

MacIntyre lays out a program of work for Catholic philosophers. What is important for present purposes is not the work of philosophers, but MacIntyre's repeated emphasis upon the Catholic tradition. Clearly, this is something he takes very seriously. Moreover, MacIntyre clearly speaks of himself within the tradition, as one might expect, not as an outsider looking in.

The philosophical resources we have for constructing such an account are the resources provided by the history of the Catholic philosophical tradition, which is to say that such an account would have to emerge from the dialogues internal to that tradition, from those debates and disagreements within that tradition that, as we have learned from \textit{Fides et Ratio}, are constitutive of it.\textsuperscript{40}

Again, MacIntyre is underlining the importance of working within a tradition and not trying to take a "view from no where," which is consistent with his critique of encyclopedists in \textit{Three Rival Versions of Moral Enquiry}. "What such a tradition of enquiry lacked was the possibility of

\begin{itemize}
\item \textsuperscript{38} MacIntyre, \textit{God, Philosophy, Universities}, 176.
\item \textsuperscript{39} Ibid., 169.
\item \textsuperscript{40} Ibid., 178. Emphasis mine.
\end{itemize}

MacIntyre's own commitment as a Catholic at this stage in his life is undeniable: "I believe what I am taught to believe by God, through the Church. And, when God speaks, there is nothing to do but to obey or disobey. I don't know in what other way one could be a Roman Catholic." MacIntyre, \textit{Kenesis}, 43-44.
even recognizing "that commitment to some particular theoretical or doctrinal standpoint may be
a prerequisite for – rather than a barrier to – an ability to characterize data in a way which will enable enquiry to proceed."\textsuperscript{41}

This hypothesis also offers an explanation of MacIntyre's Silent Stage. Perhaps he was reworking his own thoughts, the lack of criticisms of rights during 2000-2007 was not a Straussian "secret writing" but a selective non-writing, a holding one's tongue, or in this case one's pen.

Ultimately, MacIntyre's allegiance to the Catholic tradition dovetails into his notion of narrative. "Central to MacIntyre's retrieval of the Aristotelian heritage is the notion of the narrative quality of the moral life. What the concept 'narrative' brings to moral analysis is the notion of the human person's life as an ordered, intelligible unity."\textsuperscript{42} It is one thing to say it – another to do it, but perhaps this is what MacIntyre is doing – trying to bring an ordered sense of unity to his own life by living out his own theories and staying true to one tradition, despi
tes its weaknesses?

If my theory is correct, it raises many questions about how his new position on rights relates to his other philosophical commitments. However, it seems he has chosen a new way to engage old problems, such as the good and liberalism.\textsuperscript{43} MacIntyre, it seems, is engaging the

\textsuperscript{41} MacIntyre, \textit{Three Rival Versions}, 59-60.


\textsuperscript{43} MacIntyre's understanding of tradition resembles a family. Rather than trying to avoid Christmas dinner because all of the relatives aren't on speaking terms, it is important for a family to stick together through thick and thin. The Stephen Stills song, "Love the One Your With" also comes to mind.
problem from inside the Catholic tradition, instead of trying to change it from the outside, and hence the scuttling of human rights, following what Pope Benedict put forth in his 2009 encyclical *Caritas in veritate*:

The link between *Populorum Progressio* and the Second Vatican Council does not mean that Paul VI's social magisterium marked a break with that of previous Popes, because the Council constitutes a deeper exploration of this magisterium within the continuity of the Church's life. In this sense, clarity is not served by certain abstract subdivisions of the Church's social doctrine, which apply categories to Papal social teaching that are extraneous to it. It is not a case of two typologies of social doctrine, one pre-conciliar and one post-conciliar, differing from one another: on the contrary, there is a single teaching, consistent and at the same time ever new [org. emphasis] It is one thing to draw attention to the particular characteristics of one Encyclical or another, or the teaching of one Pope or another, but quite another to lose sight of the coherence of the overall doctrinal corpus.  

Here, Pope Benedict is emphasizing the coherence of the Catholic tradition. I believe, it is within this that MacIntyre is trying to work.

6. Conclusion

While questions remain about MacIntyre's ultimate position on rights, what is clear is that he has changed his focus moving away from them and in the direction of "choice." My contention has been that it is MacIntyre's allegiance to tradition as a source of rationality, viz. the

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"When in 1979 in the encyclical *Aeterni Patris* Leo XIII contrasted the moral and political philosophy of Aquinas with that of the secular liberalism of the late nineteenth century, he directed our attention to an area of conflict whose importance has not diminished in the succeeding century. Nowhere is this conflict more evident or persistent than in the radical disagreement between Aquinas and the moral philosophy of modern liberalism over the question of the relationship between how the human good is to be conceived and achieved and how those rules, obedience to which is required for morally right action, are to be formulated, understood and justified." MacIntyre, "Privatization of the Good," 344.

Catholic tradition, has lead him to drop criticisms of rights. Perhaps another explanation is possible, however until MacIntyre writes further on this issue, we will be left to conjecture.
CONCLUSION:

Final Thoughts

This dissertation, while addressing what seemed to be the simple and superficial work of Maritain and MacIntyre on human rights, has uncovered very deep philosophical roots – Thomism, natural law theory and elements of liberalism for Maritain, and anti-liberal Marxism, Aristotelianism, and Thomism in MacIntyre. It has also stumbled upon unexpected links between the lives of these two highly influential thinkers of the twentieth and twenty-first century.

There is, however, after surveying the landscape of these two great intellects, still more to consider. In this conclusion, I would like to conjecture about what MacIntyre might say about Maritain's rights and what unresolved issues remain given that MacIntyre has changed his mind about rights, or at the very least, gone silent on the topic. Finally, I would like to consider the role of biography within the work of Maritain and MacIntyre.

1. MacIntyre on Maritain

It should be noted that in several places MacIntyre voices a deep respect for Maritain, particularly in his work *God, Philosophy, Universities*.¹ Therein, he points out a significant contribution made by Maritain for all Thomists.

*Les Degrés du Savoir* says a first rather than a last word for Thomists. It's principal achievement lies not so much in its own arguments and theses—interesting and valuable as some of these are—as in its project of providing, within a framework constructed from materials provided by Aquinas, an account

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¹ MacIntyre, *God, Philosophy, Universities*, 154-57.
of each of the sciences that attempts to do justice both to their unity and to their
diversity. As such, it provides a program for philosophical enquiry, one that
remains relevant for contemporary Thomists.²

Despite MacIntyre's regard for Maritain, having surveyed his criticisms of human rights,
one can conclude that MacIntyre would have had more to say about Maritain's use of rights than
the brief mention made about him in Three Rival Versions, which we saw in Chapter Six.³ For
starters, the most obvious criticism is in "Community, Law and Idiom," where MacIntyre speaks
of the Catholic bishops:

My quarrel in this latter case is not, or not necessarily, with the substance of what
the bishops have intended to assert on a variety of moral and political matters; but
in so far as the form of their assertions has involved an appeal, or has appeared to
involve an appeal, to a dubious idiom and rhetoric of rights, I believe that the
bishops, quite inadvertently may have injured their own case. So it is, for
example, in those sterile debates over abortion where the issue has been posed in
terms that produce an apparent conflict between claims about the rights of the
unborn and claims about the rights of women to be free in making their choices.⁴

This 'dubious idiom' was brought to the bishops, by and large, by Maritain's efforts. As
we saw in Part I, Maritain's influence has been significant in the bishops' use of rights. MacIntyre
has offered, also in "Community, Law and Idiom," an extended explanation of what an
alternative moral vision would look like by returning to a natural law vision of justice within
society. While this could be integrated back into Catholic social teaching – resurrecting it from
earlier days – it seems it would have to be implemented more on a local level instead of on the
level of universality for it to be properly integrated – esp. given the present moral ecology.

² Ibid., 154.
³ See Chapter Six, Stage III.
⁴ MacIntyre, "Community, Law, and Idiom," 96-97.
Maritain's support of the U.N. Dec. as well as even his own arrival at rights because of the atrocities of the Nazis, present problematic issues for MacIntyre. The Church's and Maritain's adoption of rights were in response to totalitarianism; rights seemed to promise a way out of these crises. I believe MacIntyre would be critical of their effort for several reasons: 1) it was on a grand and universal scale, not necessarily tailored to the specific needs of each locality. The Church and Maritain, faced with modern issues, responded in a modern and scientific way – but perhaps the solutions are better found within given communities, localities, populations, which is what the Church had been able to do with a more defuse leadership in earlier ages; 2) Maritain in his embrace of rights, though he was specific in his definition, his embrace of the U.N. Dec. of human rights and the generic usage "human rights" has given a mixed message of what rights should be, viz., linked intimately with natural law and the common good. The approval of secular human rights (and at the U.N.!!) is not the route to take to avoid dehumanization. The liberal ideas have only continued to erode key elements of society, such as the family, communities, customs and cultural traditions.

To the first issue, that of the universal Church negotiating global problems, I believe Maritain would say that no options were left – the old Christendom was over and a way to the new Christendom had to be found. Trying to retain the older Thomistic tradition would only lead

5 MacIntyre has made no secret of his disdain for the United Nations. For example:

"Just because natural rights are philosophical fictions, political appeals to natural rights are always systematically misleading. How and why such fictions are used to mislead is a matter for contingent political enquiry; but just because as a whole they embody standards which could not be systematically recognized in any political community, their invocation is always going to be as a matter of fact selective and ad hoc. ... A certain lack of principle will appear in their use as it has from the beginning ... and so in the theatre of the absurd, the United Nations, human rights are the idiom alike of the good, the bad and the ugly." MacIntyre, "Are there Any," 19.
to fascism. And although there is more work to do, rights have been extremely effective against their original enemy, the Soviet Union as well as in many countries in Latin America.⁶

Although MacIntyre, ultimately may not find Maritain's or even later popes political assessments satisfying to his own deep insights into the weakness of rights rhetoric, he has certainly found a way to live with his own intellectual commitment to tradition, viz. that of the Catholic Church and Thomism, by finding alternate ways to make similar claims, as in the case of choice as well as help to generally buttress rights, those that reflect Maritain's own authentic meaning, by emphasizing justice, the common good and natural law.

2. Role of Biography

I would like to finish by looking at Maritain and MacIntyre's work on rights from a very MacIntyrean point of view – through their own narratives and their respective biographies. History, location, relationships, and politics have all played major roles in their intellectual lives.

What has become evident throughout this work is that these two thinkers have, come what may, been committed to fighting for truth. Maritain has been described as a viator in the medieval sense, that is, "a pilgrim visiting and searching out many shrines,"⁷ while we also saw that MacIntyre is ever in via.⁸

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⁷ Thomas Molnar, "Jacques Maritain: Protean Figure of the Century," in *Modern Age* 40 (Summer 1998): 281-86.
⁸ See Chapter Five.
It is clear that MacIntyre and Maritain traveled far and through many common terrains to come to their current positions on rights (MacIntyre's may change yet). Both have been spoken of as "boundary dwellers," a phrase coined by Kelvin Knight for MacIntyre, both living through the end of one social era and at the beginning of a new one. "He was born on a fault line, at a frontier of two centuries. It is always at these moments of rupture, of vertigo, of convulsions that such uncertain destinies are discovered." Although this was said of Maritain, it could just as easily apply to MacIntyre. Traversing through Marxism, anti-modernism, World Wars, a Cold War, family life, emigration to the United States, and ultimately conversions to Catholicism and Thomism. MacIntyre came from a position of rejection or denial of rights to a softened position where he admits of some qualified types of rights. Maritain too had a change in his position on rights. His, started with a rejection of rights because of their association with modernity, only later to embrace them because of his belief that they could be transformed through personalism and Thomism as a way to bring a new Christian order to democracies after the unspeakable destruction of World War II.

Additionally, they both had great respect for the innovations of St. Thomas and his integration of seemingly disparate philosophical positions. This admiration can be seen in their own respective work as they both tackled new philosophical vistas brought about by dramatic

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10 Both émigrés from Europe, which had an impact upon their work though seemingly opposite affects upon their political careers. Maritain started his career with more of a focus upon metaphysics and later became much more involved politically with the advent of the Second World War, ultimately serving even as the French Ambassador to the Holy See. MacIntyre, on the other hand was very political in his early years, only later to become somewhat apolitical as his own dissatisfaction with the "rules of the game" increased.
changes in the world in which they lived. And they both have been rejected by members of the left and the right for their unique blends of ideas that don't fit into tidy political boxes. Maritain was viewed as a man of the left and then of the right, while MacIntyre holds fast to some Marxists tenants while also a Thomist.

While a biographical sketch may seem merely historical and not philosophical, biography has much to bear on these philosophers, as evidenced above in Maritain's turn toward rights because of WWII. One cannot say with any certainty that without WWII Maritain would have come to an embrace of rights, but there is strong evidence to say that the atrocities of that war nudged him into taking them on. Without biography, key pieces of their lives and philosophical arguments and allegiances would be missed. Their intellects cannot be abstracted from who they

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11 A paradigm case of what MacIntyre has in mind here is Aquinas's creative transformation of both Aristotelianism and medieval Augustinianism, traditions which Aquinas had more or less simultaneously assimilated. Aquinas took these two traditions, each facing on their own terms significant and intractable difficulties, and by drawing for each tradition on the conceptual resources of the other, he was able to save both from explanatory partiality and one-sidedness and consequently sterility, all the while preserving a core element and therefore continuity within each." D'Andrea, *Tradition, Rationality*, 330.

"Two different characterizations of Aquinas as a philosopher have been presented to far: he first as someone who understood philosophical activity as that of a craft and indeed of the chief of crafts, the second as someone who carried forward two hitherto independent traditions of thought, merging them into one in such a way as to provide a direction for still further development of a new unified tradition." MacIntyre, *Three Rival Versions*, 127.

In the Forward to the 1968 edition of *Integral Humanism*, Maritain says of the work: "I make no claim to engage St. Thomas himself in debates in which the majority of the problems present themselves in a new manner. I engage only myself, although I am conscious of having drawn my inspiration and my principles from living sources of his doctrine and spirit." Maritain, *Integral Humanism*, 151.

"Nous ne prétendons pas engager saint Thomas lui-même dans des débats où la plupart de problèmes se présentent d’une façon nouvelle. Nous n'engageons que nous, encore que nous ayons conscience d'avoir puisé notre inspiration et nos principes aux sources vives de sa doctrine et de son esprit." Maritain, *Humanisme Intégral*, 294.
are and how they have been shaped by wars, travels, moves, marriages, colleagues, triumphs and disappointments, etc… After all, who can imagine Jacques without Raissa? What would his work look like without exile in the U.S.?12 And what would MacIntyre's work look like without the Cold War? Without the constant thorn in his side of liberalism? 

Through their different searches, both men have entered into the tradition of Catholic social thought. J. Verstraeten describes, a la MacIntyre, their chosen intellectual home: "Being a narrative and reflective tradition, Catholic social thought can thus be described as 'an historically extended, socially embodied argument.'" He adds, "It is a continuous learning process of interpretation and re-interpretation of the meaning of the human person as a social being and of the shared understanding within the Catholic community about social, economic and political goods and their distribution."14 While there are basic principles, such as human dignity, solidarity and justice, "the real point is that we need to distinguish between the formal affirmation of vision and principles and the evolution of their meaning which is subject to

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12 For example: "The Second World War had made him stronger in his condemnation of the past, more fervent in his hope for tomorrow." Amato, *Mounier and Maritain*, 152.

"… in siding with France, Maritain and Mounier found themselves defending, in great part, the very liberal bourgeois civilization which they had previously condemned. Also implicit within their defense of France were new-found sympathies for both bourgeois England and America, as well as collectivist Russia. In sum, the war caused Mounier and Maritain to rethink their view of Europe and the world, and the results of this rethinking … lead Maritain in the direction of American liberalism …" Amato, *Mounier and Maritain*, 155.

For further details about Maritain's involvement with cultural and/or world events that influenced his thinking to one degree or another, see Amato, *Mounier and Maritain*, 150-51.

13 MacIntyre, *After Virtue*, 222.

14 Verstraeten, "Re-Thinking Catholic Social Thought," 64.
change though process of continuous reinterpretation." As such, the tradition is not static, but living. And as "a living tradition it goes beyond fidelity to the past and opens out to the future."

From Maritain, we come to understand the core of the Catholic social teaching, recognizing the fingerprint of his humanism within it, while from MacIntyre, we come to understand the depths and importance of tradition. And from both, we learn what it means to adhere to it as a source of truth and the gospel of Christ, come what may.

And with this, this dissertation comes to a close. As MacIntyre is ever wont to say: "More work is to be done…"

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15 Ibid., 64-65.
16 Ibid.
17 This is MacIntyre's preferred way to end an article, book, or lecture. For a few examples, see Dependent Rational Animals, "A Culture of Death" lecture 2000, "How Can We Learn What Veritatis Splendor Has to Teach?" and "Philosophy Recalled to its Task."
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