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## The Common Good, Rights, and Catholic Social Thought: Prolegomena to Any Future Account of Common Goods

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# The Common Good, Rights, and Catholic Social Thought: Prolegomena to Any Future Account of Common Goods

## **Abstract**

The argument between Jacques Maritain and Charles de Koninck over the primacy of the common good is well known. Yet, even though Mary Keys has carefully arbitrated this debate, it still remains problematic for Alasdair MacIntyre, particularly because of the role rights play in both Maritain and Catholic Social Thought. I examine Keys' argument and, in addition, Deborah Wallace's account of MacIntyre's criticism of rights in Catholic social thought. I argue, in the end, that what Maritain, and in consequence Keys and Wallace, miss about the common good is its relationship to practical reasoning, and that MacIntyre highlights both that relationship and the role of the common good in human dignity.

## **Cover Page Footnote**

I thank Alasdair MacIntyre and two anonymous reviewers for comments on previous versions of this paper.

## **The Common Good, Rights, and Catholic Social Thought: Prolegomena to Any Future Account of Common Goods**

Jeffery Nicholas

The individual person, the family or intermediate groups are not able to achieve their full development by themselves for living a truly human life. Hence the necessity of political institutions, the purpose of which is to make available to persons the necessary material, cultural, moral, and spiritual goods. The goal of life in society is in fact the historical common good.<sup>1</sup>

Through over 100 years of Catholic social teaching (CST), the Church defends the flourishing of each and every human being—integral human development—by supporting the common good. The common good—and its conception—succeeds or fails on that measure alone viz., does it in fact support the flourishing of the individual person, family, and intermediate groups.

The reigning conception of the common good in CST derives from Jacques Maritain's political philosophy. Yet, Charles de Koninck attacked Maritain's account of the common good as, not simply non-Thomistic, but false. A number of thinkers have defended Maritain, including, most eloquently, Mary Keys. Keys argues that Maritain and the Church seek to secure the autonomy of the individual in their accounts of the common good, which tends to complement the more traditional reading of Thomas Aquinas that de Koninck defends. Deborah Wallace, further, joins this defense in her analysis of Alasdair MacIntyre's critique Maritain and CST. MacIntyre believes that Maritain has missed something essential about the primacy of the common good. He opens up two lacuna in the account offered by Maritain and the Church. The first gap is between the common good and practical reasoning. The second is that between the common good and the worth of the human person.

I shall support MacIntyre's account by arguing the following theses:

- First, Keys and Wallace too easily excuse the faults of Maritain's account because of the threat of totalitarianism, fascism, and communism
- Second, Keys and Wallace miss the importance of the common good for practical reasoning in their defenses of Maritain;
- Third, the use of rights language in the account of the common good, according to MacIntyre's reading, undermines practical reasoning and
- Fourth, undermines the worth of the individual.

Despite the number of theses, my aims in this paper are modest. The Maritain-de Koninck debate is relevant only insofar as it reveals something about the common good in CST and only insofar as the analyses of that debate miss both the relationship of common goods to practical reasoning and the relationship between common goods and human worth. More work will need to be done on this topic. Second, I suggest that the common good within CST fails on its own grounds—it is incapable of supporting a society for integral human development. Thus, the Church's account needs development, if MacIntyre's arguments prove true. Thus, I raise questions I hope to answer in a longer manuscript on the common good (tentatively, *I Want:*

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<sup>1</sup> *Compendium of the Social Doctrine of the Church*, 168. Hereinafter *Compendium*.

*We Want*). I also accept, for present purposes, Maritain's metaphysics of the human person as individuality and personality. In fact, my longer argument is that the common good is necessary for the development of personality, something that critical theorists and liberal theorists often do not recognize or heed. I will include, in the longer work, an Aristotelian-Hegelian account of recognition, something to which Maritain's own philosophy points. Further, my analysis is limited in scope. Other scholars have made significant contribution to the common good, most importantly, John Finnis who sees himself following in the footsteps of Maritain. That discussion too will wait for the longer manuscript because I only wish to open up the lacuna in this paper. Finally, my account is limited in one substantive truth: the role of love in the common good and the development of human personality. Love as a foundation for human society does not attend specifically to the two lacuna I wish to open up in this paper. Again, the fuller manuscript will develop an account of love, one that takes seriously Maritain's work.<sup>2</sup>

In Section 1, I overview Maritain's account of the common good and how John XXIII articulates this in CST. Because John XXIII's definition is repeated so often I focus on his account exclusively. That definition reveals the relationship between the official conception of the common good and rights. In Section 2, I examine Keys' analysis of the Maritain-de Koninck debate. This overview allows me to raise questions about the common good in relation to practical reasoning and the worth of the individual. Finally, I lay out MacIntyre's criticism of Maritain and CST. Throughout, I refer to the common good as common goods in recognition of the fact that human beings aim at a variety of common goods over a variety of levels: practical, political, and transcendental.

## **I. Accounts of the Common Good: Maritain and CST**

Kibujjo Kalumba argues that Maritain's account of the common good includes two elements. The common good contains those elements "necessary for the good life of society in general, with no specific regard for its individual members, and those ... specifically necessary for the good life of the person."<sup>3</sup> Maritain writes of the common good as:

not only: the collection of commodities and services—roads, ports, schools, etc, which 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, its glories, its living traditions and cultural treasures.... 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 parts.... 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.<sup>4</sup>

The first part of this list includes goods of a material, political, and cultural kind. These goods are necessary for social life in general. The goods necessary for the good life of the person include the moral and spiritual goods.

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<sup>2</sup> As well as that of Luc Ferry, Erich Fromm, bell hooks, and Max Scheler. I thank an anonymous reviewer for pointing out the role of love in Maritain.

<sup>3</sup> Kibujjo Kalumba "Maritain on 'the Common Good': Reflections on the Concept," 97-98.

<sup>4</sup> Jacques Maritain, *The Person and the Common Good*, 52. Hereinafter PCG.

These moral and spiritual goods involve a sociological integration. This integration rests on “rectitude of life.” As Maritain claims, “[t]he common good is something ethically good. Included in it, as an essential element, is the maximum possible development, here and now, of the persons making up the united multitude to the end of forming a people, organized not by force alone but by justice.”<sup>5</sup> I take the central feature of Maritain’s account to be his emphasis on “the maximum possible development, here and now” of the human person—integral human development. This emphasis reveals the necessity of and socio-historical nature of the common good for human development.

For Kalumba, these goods in particular are “communicable,”<sup>6</sup> as Maritain writes, because they “revert to each member.” “It is therefore common to the whole and to the parts.”<sup>7</sup> The common good “includes within itself, as principal value, the highest access, compatible with the good of the whole, of the persons to their life of person and liberty of expansion, as well as to the communication of generosity consequent on such expansion.”<sup>8</sup> Liberty is expansive because it leads to a love of others. Moreover, this liberty means that “the political task is essentially a task of civilization and culture” which realizes “the aspiration towards *liberty of expansion and autonomy*.”<sup>9</sup>

The foundation of Maritain’s account of the common good is the dignity of the human person. “This expression means nothing if it does not signify that by virtue of natural law, the human person has the right to be respected, is the subject of rights, possesses rights. There are things that are owed to man because of the very fact that he is man.”<sup>10</sup> The goods that Maritain lists—material, political, cultural, and moral and spiritual—are goods owed to each person so “each concrete person, not only in a privileged class, but throughout the whole mass, may truly reach that measure of independence which is proper to civilized life.”<sup>11</sup> The common good, then, is a set of conditions that allow the maximal development of each person; these conditions include (1) rights (2) to a set of goods, and (3) the sociological integration of the good, defined as justice.

While Joseph M. de Torre claims that to understand Maritain’s account of the common good, one needs to turn to its development within Catholic social thought,<sup>12</sup> J. Brian Benestad reports that Maritain taught the Church the language of rights (28).<sup>13</sup> In CST, St. John XXIII articulates the official conception of the common good.

John XXIII writes that the common good “embraces the sum total of those conditions of social living, whereby men are enabled more fully and more readily to achieve their own perfection.”<sup>14</sup> He modifies this definition in paragraph #74: “The common good embraces the sum total of all those conditions of social life which enable individuals, families, and organizations to achieve complete and effective fulfillment.” While other popes have written on the common good, I focus exclusively on this definition because it is the paradigmatic definition in CST. It is restated in *Gaudium et Spes* #26, *Pacem in Terris* #58, *Octogesima*

<sup>5</sup> PCG, 53-4; Confer Jacques Maritain, *The Rights of Man*, 44.

<sup>6</sup> Kalumba, “Common Good,” 98.

<sup>7</sup> *Rights of Man*, 8-9.

<sup>8</sup> PCG, 51.

<sup>9</sup> *Rights of Man*, 44, Maritain’s emphasis.

<sup>10</sup> *Rights of Man*, 65.

<sup>11</sup> *Rights of Man*, 65.

<sup>12</sup> Joseph M. de Torre, “Maritain’s ‘Integral Humanism’ and Catholic Social Teaching,” 202-203.

<sup>13</sup> J. Brian Benestad, “Rights, Virtue and the Common Good,” 28.

<sup>14</sup> *Mater et Magistra*, 65. Hereinafter MM.

*Adveniens* #46, and in the *Compendium of the Social Doctrine of the Church* #164.

John XXIII expands, not only the definition of the common good, but also the role of the state.

[The state] has also the duty to protect the rights of all its people, and particularly of its weaker members, the workers, women, and children .... it must do all in its power to promote the production of a sufficient supply of material goods, 'the use of which is necessary for the practice of virtue.'<sup>15</sup>

This passage proves salient in coming to an understanding of the common good in modern CST. It connects the common good with a set of rights. These rights, notably, are positive rights—rights to something that the state must provide. Such positive rights defend the weaker members of society from the more powerful ones, and might include the rights to a fair wage, health care, and life. Further, it identifies the common good with “the production of a sufficient supply of material goods.” These material goods, like positive rights, are meant to support the individual in the “practice of virtue.”<sup>16</sup>

For Maritain and John XXIII, then, the common good comprises a set of conditions. These conditions include material, political, cultural, and moral and spiritual goods. Notably, both insist that the common good is indivisible. “[I]t is and remains ‘common,’ because it is indivisible and because only together is it possible to attain it, increase it and safeguard its effectiveness, with regard also to the future.”<sup>17</sup> Central to this account of the common good are rights, particularly rights to material goods for the practice of virtue.

The official account of the common good in CST derives from the work of Maritain. It includes a variety of kinds of goods: material, political, cultural, and moral and spiritual. Maritain ties the dignity of the human person to rights, rights to the common goods he lists. Yet, I note that the account does not include a reference to practical reasoning nor does it include any discussion of how rights relate to practical reasoning except insofar as the practice of virtue requires practical reasoning. Of course, the full flourishing of the person includes the development of his or her practical reasoning. Yet, I think it fair to ask for a greater understanding of the relationship between rights, goods, and practical reasoning. The rest of this paper will make the case for this question.

## II. Keys’ Analysis of the Maritain-de Koninck Debate

The feud between Maritain and Charles de Koninck over the common good is well known among Catholic intellectuals. At issue were (and are) concerns about the nature of the common good and the relationship between the individual and society. Though many have examined this debate, Mary Keys provides the best analysis because (1) she recognizes Maritain’s mistakes, (2) while highlighting Maritain’s emphasis on autonomy, and (3) clarifying the main issues. Keys holds that the cause of the disagreement lies in the fact that Maritain is, first, not as clear in his language as he could be, second, that Maritain’s agreement can be found in dense footnotes, third, that Maritain does not stress enough that his understanding of “freedom of autonomy” includes a dependence on God, and, finally, because

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<sup>15</sup> MM, 20.

<sup>16</sup> Confer *Pacem in Terris*, 56 and 63.

<sup>17</sup> *Compendium*, 164.

de Koninck, for his part, does not distinguish as he should between personalists of different stripes. An analysis of her defense of Maritain will pave the way for a discussion of MacIntyre's critique of Maritain and CST by bringing out the relationship between the common good, rights, and individualism in their accounts.

The question dividing de Koninck from the "personalists" is that of the primacy of the common good. De Koninck argues that the personalists have elevated the personal good over the common good, whereas the common good should have primacy. As Thomas shows, the common good is the final cause of the perfection of the human person; that is, the individual human being achieves her own good because of her achieving of the common good. At issue here is, not only how we are to understand the writings of Thomas, but also the nature of the common good and manner of achieving the individual good. If the common good holds primacy, then the individual must pursue the common good in order to achieve her own personal good. If the reverse, then the primacy of the personal good entails a freedom of the individual in opposition to the community.

In her defense of Maritain, Keys notes that, emerging from the Second World War and faced with totalitarianism and fascism, Maritain emphasizes the freedom of the individual. He does so, not to deny the common good, but to defend against totalitarianism and fascism. The difference between Maritain and de Koninck is that Maritain "appears to be moved much more by the incommunicable than by the communicable aspects of personhood and its ends."<sup>18</sup> Keys favors Maritain because the threats of totalitarianism and fascism are real and because Maritain's position complements Thomas' objective position.

Keys frames this debate in light of how one understands human dignity:

What is the real or ontological basis of this dignity? ... we may say that for De Koninck it is the person's rational nature, foundation of the capacity to participate in and to adhere to freely, through knowledge and through love, an order (...) that is greater than the individual; whereas for Maritain it is above all personal freedom, understood as the spiritual capacity to act independently of and to transcend any given order.<sup>19</sup>

Maritain's argument rests on one line from Thomas: "the concept of part is opposed to that of person."<sup>20</sup> Significantly, Keys shows that Maritain knew that this passage in fact has little to do with the freedom of the individual.<sup>21</sup> Rather, he uses this passage to reveal what he takes is Thomas' real meaning viz., that persons relate individually to God. Thus, for Keys, Maritain, motivated by the historical experience of fascism and totalitarianism, stresses "the subjective and uniquely personal act to ascent to and participate in" a good.<sup>22</sup>

In contrast, de Koninck contends that persons subordinate their private good to the common good so that they achieve their "truest and most complete *personal* good."<sup>23</sup> A

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<sup>18</sup> Mary M. Keys, "Personal Dignity and the Common Good: A Twentieth-Century Thomistic Dialogue," 182.

<sup>19</sup> Keys, "Personal Dignity," 177.

<sup>20</sup> Keys, "Personal Dignity," 177, citing PCG, 56.

<sup>21</sup> For an analysis of the role of this passage in Maritain and CST see Nicholas, Jeffery "Local Communities and Globalization in *Caritas in Veritate*," *Solidarity: The Journal of Catholic Social Thought and Secular Ethics* 1(1): March 2011

<sup>22</sup> Keys, "Personal Dignity," 182.

<sup>23</sup> Keys, "Personal Dignity," 179, original emphasis.

person's love for the common good, which is, by definition, necessarily hers, is greater than her love for her personal good. "In other words, the human being is a 'part' of society in the sense that his or her fulfillment requires participating in or partaking of goods that transcend the purely private sphere of individuality."<sup>24</sup> De Koninck holds that we love the good of the whole more than the good of the part and that human beings are, in fact, parts of the whole of society. The individual achieves her good only through participating in the social whole.

Keys and Louis Dupré argue that Maritain would not disagree with the truth of de Koninck's understanding of Thomas. They point to footnote 7 of PCG. Maritain makes three key claims in this footnote. First, the person is created and loved for herself. Second, God is the "common good": "Each intellectual substance is made, first, for God, the separated common good."<sup>25</sup> Third, the supernatural order has priority over the created good.

While Maritain recognizes that God is the common good, the substance of the footnote is his argument that Thomas believes that human beings are ordered first to God and then to the created common good. Thus, he cites Ephesians 1:4 and ST I-II 113: 9ad2. Regarding this passage, Keys writes "[Maritain] reminds us of St. Thomas's daring assertion that .... 'the good of grace of one [single person] is greater than the good of nature of the whole universe.'"<sup>26</sup> Maritain uses this passage to defend his claim that in the transcendent order each person is willed for his or her own sake, "that is to find bliss in God ... before being willed and loved for the order and perfection of this world or of the universe of nature and creation."<sup>27</sup>

Keys illuminates this passage by focusing on freedom in our means to attain the end. Thomas, she shows, distinguishes the end in two ways: as thing itself (end-for-which) or the attainment of the thing (end-by-which). For Thomas, whereas the end-for-which is set, the ends-by-which are not. Whereas the object of our desires—God—is fixed, the means to that object are flexible. Keys claims that Maritain elucidates the "end-by-which" of the common good: freedom is the flexibility in the end-by-which. This freedom, moreover, is not "absolute autarchy, but .... 'independence with regard to creatures and dependence with regard to God.'"<sup>28</sup> Seen from this view, Maritain's position, does not contradict, but complements de Koninck's reading of the common good. Where de Koninck focuses on the end-for-which, Maritain focuses on the ends-by-which. Nonetheless, Keys contends that Maritain's definition of freedom occurs far too infrequently to prevent the reader from mistaking his "meaning for more common-and quite different-usages."<sup>29</sup>

Deborah Wallace's analysis supports Keys' interpretation. According to Wallace, Maritain rejected American bourgeois liberalism because it corrupts rights. Maritain believed that rights are based in Thomas' natural law theory.<sup>30</sup> Maritain interprets Thomas as arguing that persons are owed certain goods from the community because they are members of the community. The social nature of persons determines both what is due and what is owed. The role a person occupies "serves the common good." The duties a person owes are primary for the "understanding of just social relations;" duties are "active" while rights are passive because

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<sup>24</sup> Keys, "Personal Dignity," 179, original emphasis.

<sup>25</sup> PCG, 17n. 7. He reiterates this point on page 18.

<sup>26</sup> Keys, "Personal Dignity," 181; PCG, 18.

<sup>27</sup> PCG, 18.

<sup>28</sup> Keys, "Personal Dignity," 183.

<sup>29</sup> Keys, "Personal Dignity," 183.

<sup>30</sup> Maritain would have made this argument before Brian Tierney's conclusive work to the contrary.



their validity rests on the prior fulfillment of one's duties.<sup>31</sup> Wallace insists that Maritain did not adopt a view of the self as unencumbered but that the supernatural and natural ends of the human being determine the rights due to persons. Yet, she recognizes that Maritain "does not consider the full extent of a person's social bonds" before determining the nature of rights. "In other words, Maritain assigned rights to persons before identifying their social and historical context and the role they play in their communal setting."<sup>32</sup>

Thus, Wallace notes that Maritain assigned "primordial rights" to persons as derived "directly and necessarily from natural law."<sup>33</sup> These rights originate from our final, transcendent end in God "and our initial membership in a family but prior to our incorporation into civil society."<sup>34</sup> As such, they have primacy over the common good of temporal society. Thus, according to Wallace, such primordial rights "transcend social duties." Further, when conflict occurs between conscience and "familial or social obligations," the voice of conscience wins out.<sup>35</sup>

Wallace insists that, though Maritain's account of rights resembles Locke's, he did not go as far as Locke. Whereas Locke's account of rights rests on a pre-social conception of the person, Maritain's is a pre-political conception. Wallace notes the danger here: this distinction "seems to set up a false separation between one's social nature and one's political ties to the wider society."<sup>36</sup> Still, Wallace argues that Maritain's primordial rights are aimed at the common good because they "include families, workers and even the Catholic Church" whereas Locke's rights are "immunities, originating in the human will, which protect individuals from communal interference and death."<sup>37</sup>

Wallace's analysis merges with Keys' reflection on rights and individualism in recent CST. CST rests on an explicitly stated understanding of human beings as "by their very nature social creatures."<sup>38</sup> Keys cites a salient passage from *Centisimus Annus* #47: "The [common good] is not simply the sum total of particular interests; rather it involves an assessment and integration of those interests on the basis of a balanced hierarchy of values: ultimately, it demands a correct understanding of the dignity and rights of the person." Keys interprets this passage to support a rank ordering of goods.<sup>39</sup>

Central to the rank ordering and pursuit of goods is the principle of subsidiarity. Subsidiarity entails, not an instrumentality toward the common good, but "the proper order of communities and their ends, and of the [political, and ultimately the universal] common good as the highest temporal end of individuals and 'communities of a lower order.'"<sup>40</sup> Subsidiarity entails that "[i]ndividuals, families, and associations are to be given the necessary freedom and direction to make their own proper contributions to the common good." Citing Dupré, Keys notes that the popes are not naïve in their account. They argue that individuals must place virtue

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<sup>31</sup> Deborah Wallace, "Jacques Maritain and Alasdair MacIntyre: The Person, the Common Good and Human Rights," 130.

<sup>32</sup> *Ibid.*

<sup>33</sup> Wallace, "Jacques Maritain," 130, original emphasis.

<sup>34</sup> Wallace, "Jacques Maritain," 131.

<sup>35</sup> Confer PCG, 73-75.

<sup>36</sup> Wallace, "Jacques Maritain," 131.

<sup>37</sup> Wallace, "Jacques Maritain," 132.

<sup>38</sup> Keys, "Personal Dignity," 187.

<sup>39</sup> Keys is responding to Finnis' interpretation of Maritain and his account of the common good here. As stated earlier, I will address Finnis in the larger manuscript.

<sup>40</sup> Keys, "Personal Dignity," 188.

before autonomy if the world is ever to see a society that upholds rights and the dignity of the human being. Moreover, stressing rights, the popes emphasize two points. First, they remind political leaders that the common good concerns, not GNP, but the proper good of human beings. Second, they subordinate the political common good to the universal common good, just as Maritain did. The popes, then, mirroring Maritain, emphasize the autonomy of the individual to shore up the individual's ultimate end.

In the end, Keys provides the final analysis of the debate between Maritain and de Koninck and the reason to rely on rights language. "While De Koninck's reading and presentation are more faithful to Aquinas's [sic] position on this issue, Maritain departs from the letter of Thomas's work in order to uphold the spirit which informs it. Theoretical differences aside, the European experiences of communism and fascism made such a 'personalist' approach seem the only conscionable one."<sup>41</sup> On the whole, then, Keys believes that de Koninck and Maritain agree on the nature of the common good; though de Koninck's position is more faithful to Thomas, Maritain's position is necessary. It is necessary to prevent further experiences of communism and fascism. Future researchers must determine whether in fact Maritain's approach to the common good does stop communism and fascism. One way to think about this question and to think about the Maritain-de Koninck debate is through the lens of practical reasoning, for which I turn to MacIntyre.

### **III. MacIntyre's Criticism of Maritain and CST**

Maritain and the Church present a list of common goods of the material, political, cultural, and moral and spiritual classes. De Koninck charged that Maritain's account gave primacy to the personal good over the common good; yet, Keys has shown that Maritain in fact recognized that God is a common good and that the common good has primacy over the individual good. I have raised a few questions over these debates to point to the direction that Alasdair MacIntyre's critique takes. For MacIntyre, de Koninck's key insight is that human beings do not each have an individual good and a shared set of goods. Rather, human beings "achieve their own good in achieving the common goods that are theirs, for it is in achieving those common goods that they perfect themselves as human beings and so achieve their own individual goods."<sup>42</sup>

This understanding of de Koninck's position opens up two lacuna in the official account of the common good. On the one hand, the focus on rights undermines practical reasoning by divesting persons of reasons for action. On the other hand, the focus on rights undermines the constitutive nature of common goods for the worth of persons. If either or both of these points turn out true, then the official account of the common good cannot support integral human development because, on the one hand, persons need to be able to reason practically about the goods they pursue and, on the other hand, persons need to understand how their worth and personal good derive from pursuit of common goods.

In "Community, Law, and the Rhetoric of Rights," MacIntyre takes Maritain to task for his emphasis on rights and uses this emphasis as a jumping off point for criticizing current CST. Wallace summarizes trenchantly:

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<sup>41</sup> Keys, "Personal Dignity," 186.

<sup>42</sup> MacIntyre, Alasdair, "Common Goods, Modern States, Rights, and Maritain," 14. Unpublished Manuscript. I thank Alasdair MacIntyre for giving permission to cite from this paper, which he initially delivered at the Center for Contemporary Aristotelian Studies in Ethics and Politics at London Metropolitan University in 2011.

MacIntyre argues that the theory of universal human rights is wrong on at least three counts. First, it posits a false notion of the human person as an autonomous individual whose rights are grounded in an elusive dignity, which overlooks the teleological nature of the human being whose dignity is fundamentally a dynamic, socially embedded reality... Secondly, MacIntyre points out that the intense individualism, implied by universal rights, narrows the very nature of morality, which depends upon the traditions and social relations integral to a person's identity and worth .... Thirdly, MacIntyre observes that rights language tends to short-circuit and block genuine dialogue about moral standards.<sup>43</sup>

Consider these three points in relation to the Maritain-de Koninck debate. Concerning the autonomy of the individual, Keys argues that this autonomy is not dangerous because Maritain and the Church recognize and appreciate the communal nature of the person. Yet, the disagreement that Wallace highlights here concerns whether human dignity belongs to the individual as such or, as in MacIntyre's analysis, to the human being as socially embedded. Second, Keys does not address to what extent the focus on rights "narrows the very nature of morality." On this point, Keys, speaking for Maritain, and MacIntyre seem to be talking at cross-purposes: Maritain is focused on politics and MacIntyre on morality. Yet, from MacIntyre's Thomistic-Aristotelian point of view, that is exactly the problem: one cannot separate politics from morality in such a narrow way. More poignantly, one can ask of Maritain, what is the connection between the sociological integration of the classes of good—the conception of justice—and political rights? Finally, Maritain and MacIntyre simply disagree about whether rights promote or inhibit dialogue about moral standards.

To properly address these issues requires returning to Wallace's analysis of MacIntyre's alternative. If MacIntyre rejects universal norms as "a phenomenon emerging from isolated, community-deprived individuals who have lost their way in the moral life,"<sup>44</sup> his alternative is the local community. For MacIntyre, justice is spelled out in local communities with particular communal institutions. The standard of truth comes from the tradition within the community. This standard of truth, grounded in the tradition, regulates new ideas, holds people and institutions accountable, and allows sound judgment.

Wallace, then, claims that MacIntyre objects to rights language because he rejects "claims to universal truth as such." In contrast, she contends, Thomas' natural law theory maintains that all rational creatures know certain universal truths. Of course, Wallace notes, "Thomas would never have given universal moral truth claims the specificity they possess in the U. N. Declaration of Human Rights. However, Thomas' objection would *not* have been that morality is strictly a local affair, so that universal moral claims can only be abstract and meaningless."<sup>45</sup> As examples of such universal moral principles she points to the liberty of conscience and "the current global endorsement of a common set of human rights in the constitutions of 157 countries."<sup>46</sup>

Wallace's analysis provides a reference to discuss two points: the relationship between the common good and practical reasoning and the relationship between the common good and human worth.

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<sup>43</sup> Wallace, "Jacques Maritain," 133-134.

<sup>44</sup> Wallace, "Jacques Maritain," 133.

<sup>45</sup> Wallace, "Jacques Maritain," 135, original emphasis.

<sup>46</sup> Wallace, "Jacques Maritain," 138.

First, Wallace simply misunderstands, not only MacIntyre's view on truth, but also the principle concern of his essay. A search of the PDF of MacIntyre's "Community, Law, and the Idiom and Rhetoric of Rights" shows that MacIntyre does not use the term "truth" in the article. In his analysis of rights, MacIntyre focuses, not on their relationship to truth, but their relationship to practical reason, i.e., the third count Wallace lists above—moral dialogue. For MacIntyre's account of truth, one could look at *Three Rival Versions of Moral Enquiry* or "Epistemological Crises, Dramatic Narratives, and the Philosophy of Science."<sup>47</sup> In this article, MacIntyre argues that rights cannot provide a reason for judging or acting in this or that way or making this or that judgment. "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."<sup>48</sup> The conception of the good provides a standard independent of individual and group desires by which one can evaluate the reasons one uses in debate and the debate itself. Without the conception of the good, one lacks such an independent standard and, thus, deprives one's self of anything other than instrumental reasoning.

Interestingly enough, Wallace gives evidence for MacIntyre's claim. She points out that Maritain believes that we cannot have shared reasons for rights; yet, she does not see this lack of shared reasons as a problem. Wallace quotes Maritain: "[I]t would be quite useless to seek for a common rational justification of those practical conclusions and rights. That way lies the danger either of seeking to impose an arbitrary dogmatism, or of finding the way barred at once by irreconcilable divisions."<sup>49</sup> The lack of shared reasons is not a problem because, for Wallace and Maritain, we only need access to the truth. Again, Wallace believes nations agree surprisingly well on rights.

This issue of rights and reasonable dialogue returns me to the point raised above regarding whether rights inhibit or promote dialogue. Wallace fails to see that despite agreements on paper, the peoples of the world disagree quite a bit about what those "forms of behavior" mean on the everyday practical level. In fact, the three original lists of rights disagree: Locke defends rights to life, liberty, and property, while Thomas Jefferson claimed rights to life, liberty, and the pursuit of happiness, and the General Assembly demanded liberty, property, security, and resistance to oppression. In the US, people disagree over whether the right to free speech includes monetary donations to political entities, whether the right to life protects from the death penalty, and whether the right to education includes a college education. Maritain's argument collapses under historical reality.

MacIntyre, in contrast, is realistic about such moral disagreements. No society ever existed in which all members agreed on the good sans conflict. The transition to modernity, however, came from the "loss of a society partially governed, and imperfectly informed, by the ideal of such an order, and never in a conflict-free way and that the loss of even *that* in exchange for the impoverished moral orders of modernity raises the sharpest questions."<sup>50</sup> The "that" MacIntyre emphasizes is, not the existence of a conflict-free society, but the *ideal* of such a society. That is, the ideal that such a society could exist gave members of the community the ability to reason practically about the good, to have debates about the good, and to draw

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<sup>47</sup> Or the analyses in Christopher Lutz's *Tradition in the Ethics of Alasdair MacIntyre* or Nicholas, Jeffery. *Reason, Tradition, and the Good: MacIntyre's Tradition-Constituted Reason and Frankfurt School Critical Theory*, University of Notre Dame Press, June 2012.

<sup>48</sup> MacIntyre, Alasdair, "Community, Law, and the Idiom and Rhetoric of Rights", 99. Hereinafter "Rhetoric."

<sup>49</sup> Wallace, "Jacques Maritain," 132, citing Maritain "On the Philosophy of Human Rights," 72.

<sup>50</sup> MacIntyre, "Rhetoric," 102.

conclusions from what they did agree on. In modernity, however, people have abandoned the ideal—people believe, instead, that agreement on the good is so impossible as to be fiction. Thus Maritain’s claim that the attempt to agree on the foundations of rights would lead to either arbitrary dogmatism or irreconcilable divisions.

Both Wallace and MacIntyre show that Maritain’s account of rights rests on his understanding of natural law. Maritain believed “knowledge of the precepts of natural law ‘is not rational knowledge, but knowledge *through inclination*.”<sup>51</sup> In other words, Maritain believed that every human being, including those on the UN Commission, knew the precepts of natural law through some non-rational means. Maritain writes “[t]his is, in my opinion, the real meaning implied by St. Thomas, even though he did not use the very expression when treating of Natural Law.”<sup>52</sup> To support his claim, he cites a variety of passages from ST I-II 94 art. 2.

Consider the first passage Maritain cites: “Since, however, good has the nature of an end, and evil the nature of a contrary, hence it is that all those things to which man has a natural inclination, are naturally apprehended by reason as being good, and consequently as objects of pursuit, and their contraries as evil, and objects of avoidance” (I-II 94. Art. 2). This passage shows that Thomas relates the natural law to our inclinations. Yet, in contrast to Maritain, it does not suggest that knowledge of the natural law is non-rational. In fact, Thomas contends that these inclinations are “apprehended by reason as being good.” If by “rational” Maritain means only that this knowledge is not conceptual, then he is correct. Our inclinations are not concepts. For example, our inclination to produce children and have a family is an inclination we share with all animal creatures; yet, neither *homo sapiens* nor non-human animals begin with conceptual knowledge of this inclination. To claim that these inclinations are not rational knowledge is to contend that they are beyond reason—not accessible to our reasonable evaluation. Yet, As MacIntyre writes, “nothing in the relevant texts of Aquinas (especially *Summa Theologiae* Ia-IIae 94, art.2) suggests, let alone says that there is a non-rational apprehension of the precepts of the natural law of the kind described by Maritain.”<sup>53</sup> Rather, our human activity expresses a certain reasoning which is often not explicit, but that can be made explicit.<sup>54</sup>

The first lacuna I have opened up is that between the common good—especially as composed of rights—and practical reasoning. The second lacuna appears in the relationship between the common good and human worth.

On the one hand, Wallace, by distinguishing Maritain from Locke, argues that his emphasis on rights keeps the focus on the dignity of the human person despite metaphysical disagreements. On the other hand, Keys contends that the stress on individual autonomy must be placed within the context of Maritain’s and the Church’s metaphysics which highlight the social nature of the human person. Both Wallace and Keys, then, argue that Maritain and the Church have been misread; placing their accounts of the common good in the context of their metaphysics demonstrates that both support a conception of the person as social. Moreover, statements that subordinate society to the person “are meant to remind us that human persons are ordered to an ultimate good that transcends the political and even the entire natural order

<sup>51</sup> MacIntyre, *Common Goods*, 13. Cnf. Maritain, *Man and State*, 91-2; Maritain’s emphasis.

<sup>52</sup> PCG, 91n11.

<sup>53</sup> MacIntyre, “Common Goods,” 13.

<sup>54</sup> Confer, for more on this point, MacIntyre’s discussion of pre-linguistic reasoning in *Dependent Rational Animals*.

and gives to each one of them an immense dignity.”<sup>55</sup> Maritain defends the autonomy of the person as relating personally to God and shows that the worth of the individual is greater than that of the created universe. Therefore, he separates the worth of the individual from the determination of the common good.

MacIntyre argues differently. “Maritain errs in supposing that we can give any account, let alone a Thomistic account, of the nature and worth of human individuals prior to and independently of a characterization of their relationships to common goods.”<sup>56</sup> De Koninck shows that the dignity of the human being depends directly on the common good. “They achieve their own good in achieving the common goods that are theirs, for it is in achieving those common goods that they perfect themselves as human beings.”<sup>57</sup> This passage clarifies two truths. First, Maritain could accept what Ralph McInerny writes: “It is not the Catholic view that human persons relate to God one-to-one, so to speak, with God being my good in an exclusive sense. Indeed, to love God merely as my good would be a defective love, it would be to turn God into my private good, as if there were commensurability between my finite will and infinite goodness.”<sup>58</sup> Yet, in relegating the term “common good” to the created political good, Maritain makes it seem as though the worth of the individual is independent of the common good. Second, again because of the way he writes about the common good, Maritain makes it seem as though individual human beings can achieve their perfection outside of the common good.

To get to the point more clearly, one can ask the following question: Can one specify the individual’s transcendental good—which is a common good—without accounting for the individual’s created goods—material, political cultural, and moral? For MacIntyre, this question comprises the central contention between Maritain and de Koninck. Where Maritain answers yes, de Koninck and MacIntyre answer no. Significantly, Keys, Dupré, and Wallace do not address this question.<sup>59</sup> I contend that these authors do not raise this question because they are not concerned, as MacIntyre is, with practical reasoning. Maritain and the Church insist that rights comprise the common good in part. MacIntyre, however, insists that the relationships that rights define can occur only after we are related to the common good. Rights are, not tools for, but the results of practical reasoning. “Whenever an alleged universal human right is cited in justification of some action or policy, either it provides the wrong kind of justification or it attempts to justify what needs no justification.”<sup>60</sup> Under Maritain’s account, and arguably the Church’s, rights stand in for practical reasoning. Under MacIntyre’s account, rights undermine practical reasoning.

If individuals in a community are to flourish, then they must be able to identify a set of goals “the achievement of which would constitute the achievement of their common good.” These goals, in turn, are a set of premises for “shared political reasoning.” To identify these goals, however, means that the members of that community are already committed to, in their everyday practice, a “rough and ready” rank ordering of goods. This ordering of goods must further include an agreement on right methods for pursuing and ordering those goods. These agreements further entail a common understanding of law and justice “for it is only through relationships governed by the precepts of natural law and informed by justice that common

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<sup>55</sup> Keys, “Personal Dignity,” 189.

<sup>56</sup> MacIntyre, “Common Goods,” 14.

<sup>57</sup> *Ibid.*

<sup>58</sup> Ralph McInerny, “The Primacy of the Common Good,” 81.

<sup>59</sup> Nor do Benestad, de Torre, Kalumba, Maina, or McInerny.

<sup>60</sup> MacIntyre, “Common Goods,” 12.

goods can be achieved.”<sup>61</sup> In short, rights and a concept of justice depend on a developed concept of the good by which persons can evaluate their reasons for action and the law.

## Conclusion

Keys notes in her analysis that the pill which de Koninck, and now MacIntyre, offer concerning the worth of the human person is a hard one for modern people to swallow. In addition, she believes that Maritain’s less faithful reading of Thomas is, not only right, but needed because of the threats of totalitarianism and fascism. Thus, she, along with Dupré and Wallace, defend the account of the common good offered by Maritain and the Church. The stress on the personal assent to the final end complements the objective nature of the common good. Moreover, rights serve significant roles as universal moral principles and reminders to world leaders that the common good must serve individual persons.

MacIntyre is well aware of the threats of totalitarianism and fascism. In 1968, he abandoned Christianity and the Communist party because he saw them only as threats to the agency of human persons. His Thomistic-Aristotelian work developed since 1982 is an attempt to define a concept of agency to stand against the bureaucratic, economic, and state powers that threaten individuals. Given this shared desire to protect the agency of concrete, everyday persons, MacIntyre insists on a proper understanding of the common good. Rights threaten this agency. More importantly, agency requires a proper account of the common goods for practical reasoning. “The achievement of my good qua family member or qua citizen contributes to the achievement of my good qua human being, but the former are identified and achieved in concrete terms only through shared deliberation with other family members or citizens.”<sup>62</sup>

Questions remain. Aside from the caveats made in the introduction, the dominant challenge to my project is the following: if I reject Maritain’s reading of Thomas, do I not undo his work to protect the autonomy of the individual and, at the same time, undermine much of Catholic social teaching? How does one avoid a hegemonizing politics if politics is centered around a conception of the common good? The longer work I promise must answer this question. My thesis there will be that human beings develop their personality through determining the common good together. That will draw together work from the Thomistic-Aristotelian tradition, the Hegelian-Marxist tradition, and Catholic social thought, all of which point to a completely different understanding of the common good than presently available in CST.

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<sup>61</sup> MacIntyre, “Common Goods,” 11.

<sup>62</sup> MacIntyre, Personal correspondence, 20 October 2013.

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