

STUDY MATERIALS: Political Philosophy

John Hittinger, Ph.D.

Terms of Use. Catholic Thinkers media is copyrighted material. However, we have made it free with the expectation that it will be shared and used by many. If you share what you see here, please acknowledge your source, and send people our way to find more. You or your organization may not benefit financially from use of our media without written consent. Please [continue reading](#) for full terms of use, and contact us with questions or requests: info@catholicthinkers.org

Contents

1. [Man is Social and Political by Nature](#)
 2. [The "Pre-political" and the Problem of Rule](#)
 3. [The Citizen and the Regime](#)
 4. [Typology of Regimes](#)
 5. [Democracy and the Mixed Regime](#)
 6. [Tyranny, Totalitarianism and Structural Pluralism](#)
 7. [Natural Law and the Roots of Authority](#)
 8. [Justice and Rights](#)
 9. [Education and Politics](#)
 10. [Church and State](#)
 11. [Politics, Realism and Power](#)
 12. [War, Peace and the Problem of World Government](#)
- [Final Review](#)

Lesson 1: Man is Social and Political by Nature

1.1 Introduction to Political Philosophy as a complement to ethics

Aristotle envisioned political philosophy to be the culmination of the study of ethics; this he indicates at the very outset of the ethics and at its very close. At the outset Aristotle

refers to politics as the architectonic science, not ethics. Further he says that while securing the good for an individual is a tall achievement, securing the good for the city is "divine." At the end of the ethics Aristotle talks about the need for legislation to bring about the education of character. Clearly, ethics and politics belong together as a unified account of human affairs, or of the human good. It is troubling that the two books have been read apart by so many. I recall Mortimer Adler praising the Ethics to the skies, while vilifying the Politics as the work of an elitist. One wonders how well he had read the Ethics.

1.2 Aristotle; Aquinas; Maritain; Simon

Aristotle, the master of all who know, excels in the area of politics as he does in so many areas of inquiry. In this area also, Aristotle, the Philosopher, wrote "the book." Although his writings on the topic are sparse, St. Thomas left a rich legacy for political philosophy.[1] Some of the great themes of Aristotelian political philosophy were transmitted and developed by Aquinas, such as the social and political nature of man, the importance of the common good, the role of virtue. In addition, Thomas developed the classic formulations of natural law philosophy by which human reason could appeal to a standard higher than positive human law. Finally, mention must be made of the development of Catholic social teaching which owes much to the theology of Aquinas. [2] This rich legacy has been appropriated and transformed by two of the chief Thomist philosophers of the Twentieth Century, Jacques Maritain (1882-1973) and Yves R. Simon (1903-1961). These two French philosophers, who spent much time in the United States, developed a very persuasive and influential philosophy of democratic government. Their work helped to shift the axis of Catholic social and political thought away from tradition and monarchy to support for liberal democratic regimes.[3]

Because the development and exposition of the political thought of Thomas Aquinas has been virtually identified with the work of these two authors, it is important to examine the use that they make of Aquinas in their justification of democracy. We propose in this course to understand the Aristotelean account of politics, Aquinas's developments, and intersperse this with the case that Maritain and Simon make for liberal democracy and the warrants they claim for it in the legacy of St. Thomas.

The great achievement of Maritain and Simon was to provide a Thomistic defense of liberal democracy in the face of a crisis rooted in the mutual antagonism of the Catholic Church and western liberal democracy dating back to the French Revolution and conditioned by the dramatic rise of totalitarian states of the right and left. As French expatriots living in the United States, both men were deeply disturbed by the trauma and treachery of Vichy. They came to believe that western liberal democracy contained the principles of right order and that it must be defended against the onslaught of totalitarian regimes. Both were devout Catholics and committed to the philosophy of St. Thomas; yet both were sharply criticized by conservatives and fellow Catholics.

The regime they sought to defend includes popular elections; commitment to freedom, i.e. civic rights and structural pluralism; a commitment to social justice, i.e. the equal dignity of all and respect for the working class. In addition, they had to come to terms

with the modern technological and economic infrastructures. And yet both were not simple apologists for western liberal democracy. They sought that elusive goal of much contemporary religious political thought, the third way between liberal individualism and totalitarianism. Their defense of liberal democracy is a qualified one; it is qualified by their roots in the philosophy of St. Thomas and the ideal of a new Christendom. Their philosophy of democratic government combines freedom and authority, natural law and natural rights, and equality and excellence.[4]

1.3 Outline of Aristotle's *Politics*

There is much scholarly debate about the writing and ordering of Aristotle's writings on politics. We shall follow the standard division into Eight books as follows:

Chart 1.1: Outline of the Eight Books of Aristotle's *Politics*

1. The Household and Pre-Political Rule
2. Aspects of the Best or Ideal Regime
3. Citizenship and Political Regimes
4. Actual Constitutions and Their Varieties
5. The Problem of Faction and Revolution
6. Building Political Stability
7. The Best Regime and Education
8. Education

1.4 Great Theme: Man Is Social and Political by Nature. Three Arguments

In Book I, Chapter 1 of the *Politics* Aristotle lays out the subject of this study - it is the polis, or political society. There is debate how to translate this term. It is emphatically not "the State." It is literally the city. It is often translated "city state." Perhaps Maritain's term "body politic" or simple "political association" is best. Here is how Aristotle describes a polis: The polis is an association. All Associations aim or are instituted for some good. Thus polis aims at some good. Which or what good(s)? The polis is distinctive because it aims at the highest or most inclusive good for humans in community. The polis is the most sovereign and inclusive association because it aims at the most sovereign and inclusive good. Note that "sovereign" primarily means highest or best, and not simply the most "powerful." The polis is the completion of the other associations, and this is why it is best - it perfects them as a final cause. The term "inclusive" means comprehensive, by way of embracing other associations. The political association affects the tone and order of other associations. And the first confusion to clarify according to Aristotle is that of reducing political association to some other type of

association thereby missing the distinctive good of the political as such. It was a common mistake then, as it is now. The polis is an irreducible human association and good, being neither the association of the family, the association of business partners, or the association of master and servant. Thus the political statesman is not a king, not a householder, not a master. Difference of rule brings out difference of political and pre-political things -- family and economics primarily. What is at stake in this issue? If economics is the norm, then despotic rule may well be just. Question of rule is at stake, and ultimately freedom. Also, the question of the good life; the forms household rule are based on what is necessary for mere life. Is this the highest good? We shall see. Aristotle must protect the integrity of the political good, and by the same token to protect the integrity of the pre-political (such as family and economics) from the political.

Aristotle calls his method in Book I an "analytic method." He does not mean by this an analysis of political terminology nor does he mean a reductive method to mere parts or quantitative analysis. He rather means to proceed by analyzing whole complex into its parts or elements and thereby to see those parts in terms of growth to a final end. It is thoroughly teleological. Thus in this Book I he takes the polis and views it from the perspective of parts - family, village, and human individual and these parts in relation to the whole. We are discovering the "material cause" - in Book III we will look at the formal and final cause of the political as such. The outcome of the analysis is a deeper understanding of the great thesis of Aristotle (and Plato) - that men are social and political by nature. It is the great antithesis to modern individualism which begins with the isolated individual in dissociated by nature; or the atomism of the individuals pitted against each other in conflict and with no loyalties or attachments formed by nature. Thus it is important to grasp Aristotle's beginning point, arche, not so much for the detail of his philosophy of economics and family (which is incomplete and deficient in many respects) as for the overall dynamic of human nature in its social context.

BOOK I, CHAPTER 2 begins with a description of the "household." It exists for the sake of life. Thus he says that two relationships developed for the sake of human life. First, male/female - for the sake of REPRODUCTION, or generation of human life. Aristotle observes the great desire throughout living things for generation which indicates a "desire to leave behind same nature as themselves" or an image of themselves. Thus implicit in the male/female bond is a second relation - parent/child - more of which on Lecture 2. Let us focus on Aristotle, the proofs for the great thesis that man is social and political by nature. Sexual attraction is in some way the basis for the naturalness of political society, although politics is not in its way an "erotic" endeavor, but to the contrary a work of spiritedness and reason. But there is a second relationship which Aristotle observes to be part of the "household" -- master/slave - which comes into being for the PRESERVATION of human life. It takes foresight (mind) and strength (body) to provide for oneself and stay alive and healthy. What is this shocking reference to slavery? Let us hold off for now and wait for Lecture 2- it will come up again soon enough. Let's just remember that we do have something Aristotle did not doesn't have - great technology -without which many more us would be assigned to great drudgery (and some still are). Aristotle is clear that most slavery is unjust . But see now the natural concern of the human being for the preservation of his life and the combination

of shrewdness and labor demanded by it. These activities are not political. So why dwell on these pre-political relationships? To show the natural development, and differentiation within nature, of politics. For the pre-political associations result from natural concerns - the reproduction and preservation of life. The HOUSEHOLD results from two relations named above and it is an association aiming at the satisfaction of daily, recurrent needs. Through the household we deal with the necessities of life. It has an obvious basis in human nature, and the neediness of our nature. The POLIS perfects or completes this natural association into a household: the polis is instituted for the good life after growing out of households and villages in their quest for mere life. In this way the polis is a perfect and final association, and the aim of the others. It finishes or completes what other relationships or associations have started and cannot finish or complete. Aristotle elaborates this argument in three forms.

Let's view a chart for the three arguments and then briefly elaborate.

Chart 1.2: Arguments for Political Nature of Man

(1) Polis completes and fulfills natural associations

The final cause is a natural cause - in fact it is most natural

Family and villages are not enough, not complete. Functions generated by the family are incapable of being fulfilled by the family, hence politics arises to complete and perfect them.

A. Reproduction of life, bringing into being another human being, requires EDUCATION (good life).

B. Preservation of life requires division of labor, commerce and also trade and war - all facilitated by polis. Requires JUSTICE.

(2) Human nature is political

A. Man is neither beast nor god: without the polis man is either higher or lower than man. Usually he is a bad man, with a passion for war.

B. Man has speech by nature and speech has a political function; speech does more than signify pleasure and pain as in other animals - human speech signifies what is advantageous and good or what is disadvantageous and bad. Also it can signify what is just and unjust. Such articulation of good/bad and just/unjust makes a political association, an arrangement by which goods and burdens are distributed

(3) The polis is "prior" to the individual (combines 1 and 2)

The part cannot function without the whole. man cannot fully function as man without polis - i.e. man cannot practice full virtue without polis.

The family and village grow out of natural impulse, but they are lack justice, the greatest of human goods. Thus political founder is the *greatest* of benefactors; because justice is the highest good. Justice helps us to be our best.

Argument 1: The Polis completes and fulfills natural associations as the final cause. The final cause is a natural cause - in fact it is most natural or indeed the "cause of causes." The idea here is that family and villages are not enough, not complete, for full human flourishing (note the ethical language here). Only in polis do we find self-sufficiency, that is the completeness of life to live a truly human or excellent life. We could say that the functions generated by the family are incapable of being fulfilled by the family, hence political society arises to complete them. For example, male and female function for the reproduction of life, bringing into being another human being. But this requires more than the mere biological act but the human development or culture of the child; this requires EDUCATION for good life. But is a family sufficient to develop the full intellectual, poetic, and moral capacity of the child. Certainly not in most cases. Unless one's parents are poet, artist, public speaker, physicist, and philosopher. Second, the preservation of life requires greater social and economic complexity such as division of labor, and commerce. Indeed, these raise the possibility of trade and war. Yet it is precisely these activities which raise the political issues - what is justice and how can we achieve a just arrangement for labor and in fact distribution of burdens and benefits, and how are we to defend ourselves or shall we expand and rule others. Justice as we shall see is brought to be and facilitated by the polis. The argument then is on this line - if the family and household are by nature, then so is the polis which comes into being to complete what they aim at.

The second argument proceeds as follows: Human nature is political when understood for what human beings are. First, Man is neither a beast nor a god: without the polis man is either higher or lower than man. Usually he is a bad man, with a passion for war. Now we see why the village is not enough - the VILLAGE results from an association of households, thus aims at more than daily needs and wants. Aristotle does not say much about it. But this is significant - the association is based on kinship, something like a tribe ruled by a king/father. The reference to Homer is of utmost importance in showing the insufficiency of the village: who gives the law in the village? A man by arbitrary decree -- the cyclops - each of them ruleth over his wife and children. Thus Homer forms the imagination of Aristotle. The man without a polis is clanless, lawless, heartless; Cyclops - even with tribes they are dangerous. The village really ignores political justice, essential to which is impersonal and impartial law. The tribe is unpredictable and open to arbitrary rule -think of James Jones or the Wild West or primitive tribes. It takes more than a village! It takes a political society. Our founders used a variation of this classic argument in the Declaration of Independence. How is it a self evident truth that all men are created equal? A self evident truth is one that is affirmed upon understanding the meaning of the terms. What is it to be human? It is to be neither beast nor god. So how are we equal. We are equally below the gods and above the beast. So as Lincoln inferred, it is not just to treat other humans a cattle or

mere property. So too, should any mortal human refrain from claiming the wisdom or power of God and seek to live in cooperation with other human beings.

In addition we may see that human nature, situated between gods and beasts, is defined by the use of speech and reason, LOGOS. Man has speech by nature and the function of speech is political. Speech does more than signify pleasure and pain as in other animals. It can signify what is advantageous and good or what is disadvantageous and bad. Also it can signify what is just and unjust. Such articulation of good/bad and just/unjust makes a human political association, that is, an arrangement by which goods and burdens are distributed. Political common good is constituted by distributive justice.

The third argument brings together the first two arguments. The polis is prior to the individual and the pre-political associations in the order of final causality, the most basic cause of nature. They are related as part to whole. The part cannot function without the whole. Man cannot fully function as man without the polis - i.e. man cannot practice full virtue without the polis. Also in the pre-political association man is still a part in some significant way. The family and village grow out of natural impulse, but they are not enough, as we have seen. They lack justice, the greatest of human goods. Thus the political founder is the "greatest of benefactors;" because justice is the highest good. Justice helps us to be our best. The polis saves us from unholy savagery (the fate of an isolated man or the result of arbitrary rule). So he repeats again that man is a beast or a god, without the polis.

So here is the grand conclusion - man is social and political by nature. We could say that the material and final causes of the polis are accounted for and found to be "by nature." But of course the city does not come about by nature. It takes construction by a founder, a legislator. The "Efficient cause" is human art. But this is not to say that the city is "artificial" in the way that Hobbes would later construe it. The formal cause of the city is a principle of justice embodied in a "constitution" or arrangement of offices with a purpose in view. By this common sense of justice, embodied laws, does a political regime find its bearing. This appears to many to be conventional, but insofar as it aims at the final cause, it approximates nature. Compare with language: material, efficient, final causes are natural (sound, impulse, truth); the formal cause - grammatical arrangement is by convention - but this does not rule out all the natural factors. So we can perhaps say that Man's nature is to employ convention (art and reason) to attain his natural good.

1.5 Maritain on sociability: By Deficiency and by Perfection

Maritain has a very useful account of the proposition that man is social and political by nature. He traces our natural sociability back to two root causes. First human beings are needy; so by way of deficiency and dependency human beings must rely upon other human beings to attain their full stature. But also human beings are excellent; so by way of perfection or generosity human beings seek to be with and work with others. See Maritain, Jacques. *The Person and the Common Good*. Translated by John J. Fitzgerald. Notre Dame: University of Notre Dame Press, 1966, pp, 47-48 and Maritain,

Jacques. *The Rights of Man and Natural Law*. Translated by Doris C. Anson. New York: Scribners, 1943, chap. 1.

Chart 1.3: Maritain on the Two-Fold Root Human Sociability

1. By way of deficiency or need
2. By way of perfection or generosity of being

1.6 Plato's *Republic*: Three Cities in Speech

Plato also has an account that confirms Aristotle and Plato (or rather, Plato is the ultimate source for Aristotle and Maritain). In the *Republic* Socrates and his friends build a city in speech in order to discover the nature of justice. The root of human sociability lies in neediness or the lack of self-sufficiency. In this plain or basic city men work out a division of labor so as to make work more efficient and supply for their basic needs. Already the seeds of politics are sown in the division of labor and the question of end or purpose for life. Glaucon objects to this simple city as one "fit for pigs." There is no relish and no beauty. Human nature surmounts beyond the strictly necessary and the merely utilitarian. Does this entail a feverish city based upon appetite alone, unlimited desires and acquisition. Even in this case a further sign of political life breaks in - the need for guardians, warriors, to acquire and then defend the land for expansive desire. But the education of guardians reveals another dimension to human nature - the spirited capacity, and beyond it the rational capacity. Suffice it to say the spirited capacity functions like Maritain's sociability by way of generosity. As Walter Berns once said, anger is a generous emotion if properly formed. It attaches the citizen to a particular city and serves as the basis for service and sacrifice.

1.7 Hobbes as Counter Point

For a counterpoint to the basic axiom of ancient philosophy, that man is social and political by nature, one must read Thomas Hobbes. Certainly *Leviathan*, especially the chapters 1-14 culminating in the claim that the state of nature is a state of war. In addition, one must read *De Cive*; in this work Hobbes explains all higher capacities of social service, friendship, and education itself as rooted in selfishness or desire for glory and domination.

READINGS

Aristotle's *Politics* I.1-2

WRITING ASSIGNMENT (3 page paper on one of the following)

1. Select one of Aristotle's arguments concerning man's social/political nature: outline it and discuss its worth.
2. In what sense is man "a part rather than a whole," in what sense is he not a mere part of the whole.

Notes:

1. The chief writings are the unfinished *Commentary on Aristotle's Politics*, the treatise *On Kingship*, portions of theological writings pertaining explicitly to politics and law, and remarks scattered throughout works related to matters of metaphysics, ethics, etc. For judicious selections of key texts see your textbook Saint Thomas Aquinas, *On Law, Morality and Politics* Edited, with introduction by William P. Baumgarth and Richard J. Regan (Indianapolis: Hackett: 1988); also useful is Saint Thomas Aquinas, *On Politics and Ethics* Edited, with introduction Paul E. Sigmund (New York: Norton, 1988).
2. See Janko Zagar, "Aquinas and the Social Teaching of the Catholic Church," *The Thomist* 38 (October 1974): 826-855.
3. See Paul Sigmund, "Maritain on Politics," *Understanding Maritain* edited by Deal Hudson and Mancini (Macon, Ga, 1987): 153-155; Idem, *Natural Law in Political Thought* (Cambridge, Mass: Winthrop Press, 1971). Heinrich Rommen, *The State in Catholic Thought* (St. Louis: Herder, 1947).
4. The success of this achievement I have evaluated in the following articles and reviews: "Approaches to Democratic Equality" in *Freedom in the Modern World*, ed. Michael Torre, (American Maritain/Notre Dame Press, 1989), 237-252; "Jacques Maritain and Yves R. Simon's Use of Thomas Aquinas in Their Defense of Liberal Democracy." In *Thomas Aquinas and His Legacy*, ed. David M. Gallagher, 28, 149-172. Washington, D.C.: The Catholic University of America Press, 1994. review of *Natural Law and the Rights of Man*, by Jacques Maritain, *Crisis* 5 (July/August 1987): 51-52; review of *Theology of Freedom*, by John Cooper, *Crisis* 4 (December 1986): 32-33; "Maritain and the Intellectuals," *This World* 5 (Spring 1983): 164-168; and "Maritain and America," *This World* 3 (Fall 1982): 113-123. I have taken leads from Leo Strauss, review of *Philosophy of Democratic Government*, by Yves Simon in *What is Political Philosophy* (New York: Free Press, 1959), 306-311 and Ernest Fortin, "The New Rights Theory and the Natural Law," *Review of Politics* 44 (October 1982): 590-612; See also Brian Benested, "Rights, Virtue and the Common Good," *Crisis* 1 (December 1983): 28-32.

Lesson 2: The "Pre-political" and the Problem of Rule

2.1 Household - Three Types of Rule Relationships Focus on Slave; Woman; Child

Recall theme of Bk I stated at the outset - household rule is not the same as political rule, a polis is essentially different from a household, large or otherwise. This is basically because household ministers to life, its generation and preservation, whereas the polis is for the good life. It is a question of necessity and freedom, public and private. Now we can set up four relationships which are not fully, nor exactly political relationships: i.

master/slave - despotic rule; ii. husband/wife - "political rule,"; iii. parent/child - kingly rule; iv. relation of property (life) to politics (good life)

All relationships of rule, all relationships, are irreducible one to another. The household is not the same as a polis, and vice versa. Political rule must emerge and differentiate itself from forms of household rule. The statesman is not a father, not a despot, not a husband. What then is he? Let's study each in detail. The following chart has put the key characteristics of each:

Chart 2.1: Pre-Political Forms of Rule

Master-Slave

Basis: Rational Planning; No deliberation; Bodily strength

Mode: Directive; Harsh; No resistance

Purpose: Common good in physical necessities, but serving as instrument for purposeful activity of master

Type: Despotic Rule

Male-Female

Basis: Strong deliberation; Abstract; Weak deliberation; Tie to body, natural cycle

Mode: Equal; as one permanently in office; Persuasive

Purpose: Common good

Type: Political Rule

Parent-Child

Basis: Mature reason and resolve; Immature reason and resolve

Mode: Substitutional; Guiding, educative; also employing punishment; natural affection (Aims at its own disappearance)

Purpose: Good of child

Type: Kingly or Royal Rule

Master/slave - (see texts of Aquinas and discussion by Simon in *Phil of Dem Gov*: p59 I.96.4 slavery in innocence; p72 st I.81.3ad2 despotic and political and p74 st I.96.4 mastership)

What is a slave? See Pol I.4

Chart 2.2: DEFINITION OF A SLAVE Politics I. 4

"Anybody who by his nature is not his own man, but another's is by nature a slave"

"Anybody who, being a man, is an article of property, is another man's"

The slave does not work for his own good but for the good of another; hence we talk of exploitation and alienation. The slave does initiate action, but is passive, an instrument of the owner. There is a lack of autonomy or deliberation and choice. In some ways the slave is but property of the owner. Finally the slave has nothing of his own and hence cannot resist the absolute rule of the master. So the mode is absolute because it brooks no resistance, or must resort to violence if need be. This is how reason must rule the body. Although the rule is for the sake of the ruler - if there is a true natural slave - it would be for the good of both, although clearly the good of the owner predominates. Are there any such beings by nature? IS slavery natural or only conventional? Aristotle is difficult here; there are passages where he suggests that there is no such relationship by nature (see chap. 5). Only if two humans differ as much as soul and body; or if they differ as god and man (pointing to statues of gods). I read these conditional statements to imply, no there is no such differentiation by nature. As we read in the previous chapters, man is neither beast nor god. Hence slavery is not a natural relationship, but one based upon war, conventions and forged in the fire of necessity. Against slavery is also the proposed paradox that a slave must have virtue if he is to function well as a living instrument; but virtue implies thought and choice; hence the slave is not so by nature. Finally, Aristotle points out that children of slaves are thoughtful and excellent, and children of the ruling class are not always so. Again the implication here is that slavery is not by nature and certainly not based upon ethnic or natural differences. So what are the political issues behind Aristotle's analysis? First we learn that the body brings along with it many necessities and the need for labor to sustain it. Reason must rule the body despotically as in medicine or surgery. It is to the benefit of body and soul that nature has established rule of the better part. The good life requires some amount of freedom from labor and drudgery. In the ancient economy, slavery allowed a division of labor for some to claim freedom. It is not just by nature. But it is one of the goals of modern economy to overcome the crushing weight of physical necessity; and technology has extended the realm of freedom for many. Can we eliminate all necessity or all instrumentality from human affairs? Obviously not. But the doctrine of human rights and the ideal of social justice demand the abolition of slavery and the extension of opportunities for freedom to all. Freedom is one of the great "signs of the times," according to Vatican II. But we must discern authentic freedom from spurious claims and maintain an appreciation for the limits for human freedom. Indeed, John Paul II has warned us of a freedom which turns to slavery, new forms of slavery are made possible when a person degrades himself and becomes a slave to their body and their passion. So Aristotle himself warns that one may become slavish in a way of life whereby reason is abandoned.

Husband/wife - (see POL I.12 and Simon p60 ST I.92.1.ad2 man woman in innocence)

This relationship is constituted among free and members for a common good; the difference in rule stems from function and excellence. According to Aristotle the husband rules a one permanently in office, thus initiates common action, with the consent and possible resistance of the wife. He also demarks various spheres of influence, assigning the domestic to the woman. Obviously this is a most controversial part of Aristotle's teaching. But it must be observed that he does not equate women to slaves or children. He claims a natural basis for this rule on the function of reason; he claims that men have a more decisive reason and women a weaker rational power. Again whatever we are to make of this claim, Aristotle is honestly dealing with the question of the body and the limits of politics. The household is devoted to the generation and preservation of life. The biological necessities of the generation of life places greater burdens upon the mother; and by the same token, the preservation of life, the defense from physical harm up to and including war, places greater burdens upon the man. Again perhaps modern technology has equalized this factor. How much does a full equality as sameness for women demand release from childbearing responsibilities? That is do contraceptives and abortion condition such political claims? And also has technology equalized men and women in terms of service in the Armed Forces? Yves Simon points to the need for new forms of discipline and service as we become more liberated from nature (PDG 9-10, 18). In any case, it is important to note that Aristotle designates the relationship of husband and wife as political - i.e. it requires discussion and consent.

Parent/child - (See Simon's brilliant discussion of paternal authority in PDG: 7-18)

The rule of father (and mother) over the children is based upon natural excellence. The parent is superior to the child in reason and virtue; the parent must look out for the good of the child, preserve and develop the child, and substitute his or her good sense and strong resolve for that of the child. It is a benign rule for the good of child. It is based upon a natural affection and care. But such rule aims at its own disappearance. The child gains autonomy as he or she matures. Some remain defective; some adults never grow up. Hence the temptation of the government to rule paternalistically. The issue of paternalism in government remains on many levels. Colonialism is a form of paternal rule; so are some attempts at humanitarian intervention. To the degree that there is great deficiency among the people, then the question of paternal rule emerges as a possibility and as a duty. Unfortunately, as Simon points out, so much colonial rule involved exploitation, not rule for the good of the ruled; and it established no dynamic for its own disappearance. And the aristocratic claim for paternal rule over the many (see p. 14) is undermined by the aristocrat's own detachment from the suffering of the many and their own selfish pursuits; it is a romantic argument to think of a lofty pursuit of public good on the part of most aristocrats, historically considered.

2.2 Yves R Simon: Why Authority at All? The Argument from Plenitude -- UNITED ACTION (See PDG: 19-35 especially p35 ST I.103.3 on unity)

Simon argues that authority has an essential function and that it is not simply the result of deficiency or paternal substitution. United action he shows requires united judgment.

But united judgment can come either from unanimity or from authority. But unanimity is very difficult to achieve in practical affairs because practice involves contingent matters, particular circumstances. Science is of the universal and it can command universal assent (although not always - see Simon on Practical Judgment). Ethics and politics demand prudence. But practical truth requires both true reasoning and right desire. So practical judgment is determined by "obscure forces of appetite" and not sheer rational communication. The point is that practical agreement is very hard to come by. And even on the hypothesis of men and women of good will and right desire, there is still a problem for arriving at common judgment. And if there are many possible means to a given end, that is even with plenitude, authority is quite essential. Freedom requires authority because of the need for common action and determination of the means of action in the midst of greater possibility. The point here is that political authority will surge up beyond the deficiencies found in master/slave, and parent/child relationships. Rule is not reducible to household and necessities of life. It is also a function of the fullness of human achievement and mastery.

2.3 Money Making as a Problem

2.3.1 Look at Bk I, cc. 8-9. Now in Book I we are concerned with something pre-political, namely, the generation and preservation of life. After considering the variety of human relations which arise from nature and the purposes of life, we must turn to the material basis of the household, and hence the material basis of the political. This material basis may be generally termed "property." We refer to the materials and instruments that service to life. We talk about the necessities of life, and we have in mind especially food, shelter, and clothing. Humans must acquire these necessities and use them. So we turn to the acquisition of property.

2.3.2 Aristotle divides acquisition of property into two basic forms - the natural and the artificial; they correspond to chapters 8 and 9. Marx discovered nothing new when he saw a correlation between means of production and social-political forms. Aristotle saw it; who would deny it? "Different modes of subsistence give rise to different ways of life." It is apparent enough in all animal life - the solitary carnivore, the herding herbivores.

2.3.3 The natural modes of acquisition Aristotle divides into three; keeping in mind especially the need for food. The three types are: a. The Nomad - lives pasturing herds, indolent and mobile, the least political; b. The Hunter - live by pursuit and capture. Interesting point is the inclusion of the pirate or brigand as a hunter, indeed, he goes on to mention war as a natural mode of acquisition; c. The Farmer - mode of most people. Lives by plants in the land and has greater stability - Is farmer or hunter the most political?

2.3.4 Whatever, these modes are called *natural* because they yield "true wealth" i.e. that which satisfies basic necessities of food, shelter, clothing. The amount of such property is not unlimited. The fixed bound is what is sufficient for living and living well. Wealth is instrumental.

2.3.5 The artificial activity of money making may be termed commerce. In itself Aristotle does not consider it bad. Rather he warns of a weakness in the activity - namely it tends to the unlimited. The art becomes an end in itself and the instrumental nature of wealth is obscured. Exchange has a natural beginning. Genesis:

A. distinction of use value and exchange value or primary and secondary

B. a natural inequality - people have more or less than suffices for their need, thus they must barter, exchange with others. This is seen especially when there is differentiation of households. still limited by use and satisfaction of needs.

C. currency arises out of further differentiation - foreign/ political distance and time of exchange necessitates a common measure - conventional in form

D. currency opens up a new possibility - exchange for profit alone. this is the art of money making proper. the stock of money becomes an end in itself and thus unlimited by any other end or purpose. wealth is simply a fund of currency (quantity of coin) 1257b9

The new possibility for money making is:

1. unlimited because an end in itself;
2. unnatural - Midas could not live on his gold;
3. a bad way of life - acquire money without any limit or pause - that is it
 - a. fails to see distinction between mere life and good life
 - b. seeks excess in pleasure of body, i.e. lust, gluttony, which originate in generation and preservation
 - c. turns to greed - all is subjected to one aim of acquisition

E. final step is usury - money breeds money by interest charged.

2.3.6 Point - acquisition of property is a limited activity. It is limited first, by natural use and secondly by the good life. Economics arises out of needs of body and is open to political determination. Natural use - household management with political determination by way of judgment of what is justice and noble.

2.4 Conclusion: Household as Oriented toward Action; Freedom; Virtue

The political is based on the pre-political - there are natural processes which generate the polis and the polis must respect these things. Yet the pre-political shows an openness to being formed by the political. In fact, the natural does not sprout into a polis without reason and art. Men must found or institute the polis. The polis is a work of reason persuading necessity. Trade, war, piety, and education must be taken in hand

and become a matter of legislation. Generation and preservation begin something which cannot be perfected in the household. We may sum up the contribution of the political with the term "the good life." Just what the good life may be we recall from the Ethics. Insofar as political convention approaches the good life, so the more is it a good regime. When we look at the political we are faced with many different conventions and different opinions about what is just.

READINGS

1. Aristotle's Politics I.3-13
2. Philosophy of Democratic Government, chap 1: 1-35

B. WRITING ASSIGNMENT (3 page paper on one of the following)

1. What is distinctive about political rule as distinct from forms of household rule?
2. In what sense is the husband and wife relationship like "political" rule?
3. What is Aristotle's position on slavery?
4. Evaluate Simon's argument that authority is an essential function of government.

Lesson 3: The Citizen and the Regime

3.1 On Politics and Polis

So many of our political terms derive from Greek political experience and political philosophy; but the Latin forms have also made a contribution. It is interesting to look at the Greek terms.

Chart 3.1: Basic Terms

polis - city state

polites - citizen

politeuma - citizen body

politeia - constitution, regime

politikos - statesman, politician

Politics is defined in terms of the opportunities afforded by the polis, the city, or "city state." The citizen is a member of the polis or city. The body politic or citizen body is made up of those citizens. The constitution or regime is the ordering of the city. And the statesman or politician is the leader of the city

3.2 On Citizen and Constitution

Aristotle approaches the question of the distinctiveness of politics through the practical issue as to who is responsible for the act of a city? The leader? The people? The citizens? We need to perform a different type of analysis now than that analysis of the compound to the household and its relations. The proper parts of the city are the citizens. So who is a citizen. Aristotle's answer is truly classic and it serves as a point reference for all time. The citizen is a participant in the affairs of the city.

Chart 3.2: The Citizen Defined

One who shares in deliberative and judicial functions of city
(such as assembly and court);

the citizen helps in rule;

a citizen holds "office";

so the citizen is determined by the constitution.

The question of the citizen takes us to the more fundamental question of regime. Who should be a citizen or should rule? The constitution is the formal arrangement by which citizenship or rule is determined.

Chart 3.3a: The Regime or Constitution (Politeia) - ARISTOTLE

"organization of offices in a city, by which their method of distribution is fixed, the sovereign authority determined, and the nature of the end to be pursued by the association and all its members is prescribed." Book IV, chap. 1

- i. distribution of offices - justice
- ii. authority - for the common good
- iii. end to be pursued - idea of good life

The constitution brings into play a concept of justice (how should offices be distributed?) and it brings into play also a notion of good or ultimate purpose (for what end or purpose does the association exist? Or what is human flourishing?). The notion of a constitution or a regime also presupposes some notion of a common good which ultimately justifies the function of authority, as we have seen above. There are a number of points on which we must elaborate

3.3 Simon on Need for RULER to Will Formally Common Good

The volition of common good requires authority or sovereignty as Aristotle calls it. While it is true that virtue entails a respect for a volition of the common good, Simon makes a distinction between the material and the formal willing of common good. He uses an interesting passage from the Summa to make the distinction (p37 ST I-II 19.10). Virtue must will some aspect of the common good, but not necessarily the whole of the common good. That is authority is needed for care for the good of the city as a whole (See Republic on wisdom and rule). Authority is necessary to direct "homesteads" or private persons materially to the common good; and to direct functions or special goods to the whole of the common good. The proper unity of the body politic requires that there be multiplicity of persons and associations each of which intend the common good formally, but who must materially intend the good of their association or enterprise (see pp.39-41 ST I-II.19.10). Authority wills the common good materially. The common good goes beyond a sum of private goods, but involves a "communion in desire and action." Community stems from (1) collective causality (2) communion in immanent actions and (3) communion causing communications. Political rule especially must attend to the latter.

3.4 Maritain on the Body Politic

Maritain helps us to come to the proper understanding of the distinctively political in chapter one of Man and the State. It is worth following the various distinctions that he makes between the people, the state and the body politic:

Political Society, required by nature and achieved by reason, is the most perfect of temporal societies. It is a concretely and wholly human reality, tending to a concretely and wholly human good - the common good. It is a work of reason, born out of the obscure efforts of reason disengaged from instinct, and implying essentially a rational order; but it is no more Pure Reason than man himself. The body politic has flesh and blood, instincts, passions, reflexes, unconscious psychological structures and dynamism - all of these subjected, if necessary by legal coercion, to the command of an Idea and rational decisions. Justice is a primary condition for the existence of the body politic, but friendship is its very life-giving form. It tends toward a really human and freely achieved communion. It lives on the devotion of the human persons and their gift of themselves. They are ready to commit their own existence, their possessions and their honor for its sake. The civic sense is made up of this sense of devotion and mutual love as well as of the sense of justice and law.

The entire man - though not by reason of his entire self and of all that he is and has - is part of the political society; and thus all his community activities, as well as his personal activities, are of consequence to the political whole. As we have pointed out, a **national community** of a higher human degree spontaneously takes shape by virtue of the very existence of the body politic, and in turn becomes part of the substance of the latter. Nothing matters more, in the order of material causality, to the life and preservation of the body politic than the accumulated energy and historical continuity of that national community it has itself caused to exist. This means chiefly a heritage of accepted and

unquestionable structures, fixed incomes and deep-rooted common feelings which bring into social life itself something of the determined physical data of nature, and of the vital unconscious strength proper to vegetative organisms. It is, further, common inherited experience and the moral and intellectual instincts which constitute a kind of empirical, practical wisdom, much deeper and denser and much nearer the hidden complex dynamism of human life than any artificial construction of reason.

Not only is the national community, as well as all communities of the nation, thus comprised in the superior unity of the body politic. But the body politic also contains in its superior unity the **family units**, whose essential rights and freedoms are anterior to itself, and a multiplicity of other particular societies which proceed from the free initiative of citizens and should be as autonomous as possible. Such is the element of pluralism inherent in every truly political society. Family, economic, cultural, educational, religious life matter as much as does political life to the very existence and prosperity of the body politic. Every kind of law, from the spontaneous, unformulated group regulations to customary law and to law in the full sense of the term, contributes to the vital order of political society. Since in political society authority comes from below, through the people, it is normal that the whole dynamism of authority in the body politic should be made up of particular and partial authorities rising in tiers above one another, up to the top authority of the State.

3.5 Strauss on Regime

Strauss had well articulated the basic concept of the meaning of politeia. It is worth considering at length:

Chart 3.3b: The Regime or Constitution (Politeia) - STRAUSS

When speaking of politeia, the classics thought of the way of life of a community as essentially determined by its "form of government." We shall translate politeia by "regime," taking regime in the broad sense in which we sometimes take it when speaking, e.g. of the Ancien Regime of France. The thought connecting "way of society" and "form of government" can provisionally be stated as follows: The character, or tone, of a society depends on what the society regards as most respectable or most worthy of admiration. But by regarding certain habits or attitudes as more respectable, a society admits the superiority, the superior dignity, of those human beings who most perfectly embody the habitas or attitudes in question. That is to say, every society regards a specific human type (or a specific mixture of human types) as authoritative.

Leo Strauss *Natural Right and History*; pp 136-137

Here is the quote at length from Leo Strauss *Natural Right and History*; pp 136-137:

Politeia is ordinarily translated by "constitution." But when using the term "constitution" in political context, modern men almost inevitably mean a legal phenomenon, something like the fundamental law of the land, and not something

like the constitution of the body or of the soul. Yet politeia is not a legal phenomenon. The classics used politeia in contradistinction to "laws." The politeia is more fundamental than any laws; it is the source of all laws. The politeia is rather the factual distribution of power within the community than what constitutional law stipulates in regard to political power. The politeia may be defined by laws, but it need not be. The laws regarding a politeia may be deceptive, unintentionally and even intentionally, as to the true character of the politeia. No law, and hence no constitution, can be the fundamental political fact, because all laws depend on human beings. Laws have to be adopted, preserved, and administered by men. The human beings making up a political community may be "arranged" in greatly different ways in regard to the control of communal affairs. It is primarily the factual "arrangement" of human beings in regard to political power that is meant by politeia.

The American Constitution is not the same thing as the American way of life. Politeia means the way of life of a society rather than its constitution. Yet it is no accident that the unsatisfactory translation "constitution" is generally preferred to the translation "way of life of a society." When speaking of the constitution, we think of government; we do not necessarily think of government when speaking of the way of life of a community. When speaking of politeia, the classics thought of the way of life of a community as essentially determined by its "form of government." We shall translate politeia by "regime," taking regime in the broad sense in which we sometimes take it when speaking, e.g., of the Ancien Regime of France. The thought connecting "way of society" and "form of government" can provisionally be stated as follows: The character, or tone, of a society depends on what the society regards as most respectable or most worthy of admiration. But by regarding certain habits or attitudes as more respectable, a society admits the superiority, the superior dignity, of those human beings who most perfectly embody the habits or attitudes in question. That is to say, every society regards a specific human type (or a specific mixture of human types) as authoritative. *When the authoritative type is the common man, everything has to justify itself before the tribunal of the common man; everything which cannot be justified before that tribunal becomes, at best, merely tolerated, if not despised or suspect. And even those who do not recognize that tribunal are, willy-nilly, molded by its verdicts. What is true of the society ruled by the common man applies also to societies ruled by the priest, the wealthy merchant, the war lord, the gentleman, and so on. In order to be truly authoritative, the human beings who embody the admired habits or attitudes must have the decisive say within the community in broad daylight: they must form the regime. When the classics were chiefly concerned with the different regimes, and especially with the best regime, they implied that the paramount social phenomenon, or that social phenomenon than which only the natural phenomena are more fundamental, is the regime.*

3.6 The Contentious Question as to Who Should Rule and for What Purpose

The political question concerning who should rule leads to the heart of political contention, which will be the concern of our next lesson. But let's just say that "pluralism" of justice is nothing new; it is at the heart of politics. What is justice? Who should rule? For what purpose? The diverse answers to these questions leads to the diverse regimes. Most regimes will inevitably mix the various principles and parties of politics.

3.7 Good Man and Good Citizen

As a brief conclusion, we must see what Aristotle says about the good man and the good citizen. Aristotle generates a certain quandary. The Good man is not always the same as a good citizen. The good man simply is universal and absolute; but the good citizen is relative to regime. This is so because each association has a different purposes - a good oligarch will not be a good citizen in a democracy, nor would the common man be a good citizen in an aristocracy. It would be unfortunate to absolutize the democratic citizen and the democratic regime. We would lose a more exacting and full notion of goodness. In addition, Aristotle points out that each association contains different functions and ways of pairing the ruler/ruled. So the good citizen is relative to the regime. But the good man stands a possibility beyond partisan determination.

READINGS

1. Aristotle's Politics III.1-6; IV.1
2. Man and the State, chap 1: 1-19
3. Philosophy of Democratic Government, chap 1, end: 36-71

WRITING ASSIGNMENT (3 page paper on one of the following)

1. What is a political regime?
2. Is the good man the same as the good citizen? Explore Aristotle's distinction.

Lesson 4: Typology of Regimes

4.1 Good v. Bad Based upon Common v. Partial Good

Aristotle divides the regimes into six types; three are good and three are bad. The good regime takes care of a common good and not a private or partial good. The bad regimes are more partisan and self or class interested. In turn, the regimes are divided by who rules - one few or many. This leads to the famous typology of six regimes:

Chart 4.1: Types of Regimes According to Aristotle

- 1a. Rule by one - for the Common Good: **Monarchy**
- 1b. Rule by one - for a Partial / Private Good: **Tyranny / Despotism**, rule of master over slaves
- 2a. Rule by few - for the Common Good: **Aristocracy**, rule by the best
- 2b. Rule by few - for a Partial / Private Good: **Oligarchy**, rule by few (wealthy)
- 3a. Rule by many - for the Common Good: **Polity**, mixed regime, having characteristics of all
- 3b. Rule by many - for a Partial / Private Good: **Democracy**, rule by the people (poor)

4.2 What Is Common Good - Maritain

The notion of the common good is therefore essential to evaluating political regimes. Maritain's reflections are helpful here:

Chart 4.2: The Regime or Constitution (Politeia) - MARITAIN

The common good is not only the collection of public commodities and services which the organization of common life presupposes a sound fiscal condition, a strong military force; the body of just laws, good customs, and wise institutions which provides the political society with its structure; the heritage of its great historical remembrances, its symbols and its glories, its living traditions and cultural treasures. The common good also includes the sociological integration of all the civic conscience, political virtues and sense of law and freedom, of all the activity, material prosperity and spiritual riches, of unconsciously operating hereditary wisdom, of moral rectitude, justice, friendship, happiness, virtue and heroism in the individual lives of the members of the body politic. To the extent to which all these things are, in a certain measure, communicable and revert to each member, helping him to perfect his life and liberty as a person, they all constitute the good human life of the multitude.

Jacques Maritain, *Man and the State*, pp. 10-11.

4.3 Contention between the Claims to Rule

A regime is the form or scheme which organizes political society with respect to its offices, especially the sovereign. In other words, it is about WHO deliberates and judges and in light of WHAT purpose. Purpose includes: i. an idea of the good life, i.e. an ethics, the individual good ii. an idea of justice, the political good determining who

should rule? There are various claims to rule and for the end of political society; the three basic claims are - VIRTUE, WEALTH, NUMBERS.

Chart 4.3: The Three Claims to Rule

1. Virtue
2. Wealth
3. Numbers

Each claim gives rise to different regimes - aristocracy, rule of the few, best; democracy, rule of the many, who are frequently poor; oligarchy, rule of the few, wealthy; the rule of the best and most powerful man - kingship (tyranny). Each claim has some truth to it, but remains partial. Hence, it must be checked, and balanced by the others. Each claim has its basis in its contribution to the whole. None can be absolutized (c. 13) or else kingship can be invoked, if not tyranny. But the best regime for most is the mixed regime, or polity, which is a prudential mix of all the claims. We must reflect upon each of the three main claims, the strengths and weaknesses.

CLAIM 1. THE CLAIM OF VIRTUE

The claim of virtue is most justified (see c 13, p. 132, 211). First, the point of the polis is the good life, not just mere life. Virtue most contributes to the good life and well being (chap. 9). Second, who would ask for rule by the frivolous, the vicious, or the inexperienced? e.g. we exclude the criminal, the insane, the child from voting rights, let alone political office itself. Third, what do we have in mind for the term virtue? Leo Strauss states the ancient perspective acknowledges that "those with willingness to prefer common interest to their private interest and to the objects of their passions, and those who can discern what is noble and right in the given situation and do it for that reason." Strauss, Leo. *What Is Political Philosophy*. New York: Free Press, 1959, p. 86). Simon has some marvelous formulations about the strong claim for virtue, which is made on account of the "few."

The stubborn assertion of the principle of universal suffrage is the more remarkable, since it is made in the face of weighty objections. *Good government is the work of excellent wisdom; it demands unusual virtue, intelligence, some education, a great deal of experience, and many other qualifications which cannot be expected to be possessed by any great number of men.* Universal suffrage, by giving all a share in the control of the government, makes it mandatory for every man to become a statesman. No wonder if most find themselves in no position to discharge the responsibility laid upon them. The effect is the prevalence, in all parts of society, of the dispositions which are known to characterize the tyrannical ruler - frivolity, arbitrariness, the blindness of passion. PDG 78

Although moral goodness and badness admit of innumerable degrees, the division of men into the morally good and the morally bad makes sense. It may be difficult to say who is a good man, just as it happens to be hard to say who is a good musician; but, just as it is possible to define the good musician and often to recognize him, so *it is possible to define and often to recognize the good man, i.e. the man who is good not (or not only) as a flute-player or as a shoemaker, etc., but, absolutely speaking, as a man. The definition of the good man is frightfully exacting, for goodness implies achievement, accomplishment, completeness, totality, integrality, plenitude; goodness demands much - in a way, it demands all - but evil consists in privation and is completely brought into existence by any privation.* Thus health implies the good functioning of all organs, but the malfunctioning of one organ suffices to cause disease and death. One single vice causes a man to be bad; a man is not good unless he possesses all the virtues. The answer of experience is unmistakable: the least that can be said is that we have no experience of a world in which the ethically good outnumber the ethically bad. PDG 80-81

Why is the claim restricted to a few? First the "statistical" argument as Simon calls it -- experience reveals that the occurrence of such virtue is rare; the very terms, *outstanding ability, unusual achievement* suggests that it is not so frequent. More common is to find people led by passion and self interest; or at least not fully developed in the requisite virtue. Is there not a natural inequality that can never be covered over - the inequality of intelligence and achievement? Second is the "sociological" argument -- virtue requires training and education; education requires leisure and a certain freedom from necessity; leisure and freedom requires a certain kind of wealth (not necessarily that of the businessman) such wealth is had by few. Here we have the claim of virtue translated into political aristocracy, a distinct social class which allows virtue to be bred and developed (see Simon p. 94). It is a compelling idea but often obscured by a romanticism. The Romantic argument is that the aristocratic class pursues lofty purposes and easily renders disinterested service. Again, Simon devastates such a notion:

In social mythology the cheerful picture of the virtuous people is balanced by the description of the propertied class as an elite dedicated to lofty pursuits - above all, to the disinterested service of society. In this connection, also, the catastrophes of the twentieth century have proved instructive. They have taught us a great deal about the weak points of the upper class: *the lack of realism, the hedonistic isolation from common suffering and common anxiety, the lack of a sense of history and the meaning of the present, frivolity and conceit, a readiness to make alliances with the worst elements of the rabble.* Germany was delivered to Hitler by Franz von Papen - this will not be effaced from the pages of history. Most shocking of all was the realization that *men describable as virtuous could become the accomplices of atrocious crimes in such a cloud of confusion that nobody knew - not even those involved - whether they were victims of monstrous illusions or had actually surrendered to evil.* Together with a few progressive myths, this essentially conservative myth of the upper class has been disposed of by horrid experience. PDG 93

The basic problem with the argument for the claim of virtue is that the claim of virtue cannot be made absolute: -- the claim of virtue cannot be identified with the claims of the virtuous. (See Harry Jaffa). The core of political justice is equality. Political rule is over equals and peers. Politics does have a democratic bent, according to Aristotle. At least insofar as we have civil rights. If the claim of virtue is made absolute then why not a king? Rule by outstanding man. Then political rule properly disappears. There is also the danger that power breeds arrogance and an isolation from the people as a whole. Men of virtue should at least consider popular consent. Again see Simon on the detachment of the elites (95,98, 215-221). Finally, an argument can be made which breaks the link of virtue with the few. The many as a group can muster together virtue (and wisdom?). Here is a central political question/problem - can virtue be combined with numbers? In a democracy - universal education serves as an ideal so we have rule by enlightened people, or as Strauss says in "What is Liberal Education," we must form a "mass aristocracy" by way of education. A daunting challenge. Tocqueville believes that only intermediaire associations can perform such a task and in political doctrine at least "self interest properly understood" is a simulacrum of virtue.

CLAIM 2. THE CLAIM OF THE MANY

Who are the many? The hoi polloi. The many are the poor; it is a term of deprivation, i.e. those who have no claim but their sheer numbers, the strength of number (see Simon 97-102) . They have no distinction due to virtue, wealth, or expertise. But they can fight for their freedom. *Why should the many rule?* First, statistical mediocrity is a blessing in disguise. The many are less apt to show great wickedness and vice (Tocqueville comments that democracy doesn't really know what vice is, compared to aristocratic depravity!) Aristotle argues that the many are like diluted water - not superb, not vile (p. 142, 1285b 20). In the second place there is a social argument (see Simon p. 84)- the many as a group can be virtuous and wise. Thus together as an assembly the many exhibit virtue and wisdom, so they should be brought in on deliberative functions; Aristotle gives this analogy - a feast with many contributors (see III.11). A pot luck dinner can be very fine. Also think of criticism of art with many perspectives; after a show many friends can discuss and discover many things, without waiting for an expert like Roger Ebert. Also consider the weakness of the claim for the few virtuous mentioned above. The experts do not have the only say -- those who use the product have a say - does the shoe pinch? Only the wearer can say. Hence, at least the many need to check the power of the experts by way of consent. Aristotle mentions examining holders of office at the end of their tenure. Simon says:

And yet it is true that in a group describable as the upper part of society a comparatively high rate of excellence is found. Society endeavored to place able persons in leading positions; it does not always fail; in so far as its effort is not frustrated, the frequency of merit is greater in the upper class than elsewhere. Society is entitled to expect particular service of this section of its membership where the ratio of excellence is particularly high. By giving each citizen equal power in the decisive act of selecting the governing personnel, democracy seems to deprive excellence of the weight that it should possess in order for society to be properly served by its best members. Regardless of their good

will and desire to serve, men of skill and men of wisdom are restricted by the equalitarian law which, on election day, holds their ballot equal to that of any person not legally declared insane or criminal. PDG 93-94

Simon formulates and rejects the romantic argument for the many; in this claim the poor, the masses, are inherently just and virtuous and the few are inherently unjust and wicked. Such a claim of course is the height of folly and justifies terror and revolution. This is an old idea going back at least to Rousseau, that father of romanticism - glorify the noble savage and the simple peasant while denouncing the corruptions of civilization and technology. Also in Marx we find it - the proletariat is inherently just by being so deprived, capitalists are wicked and corrupt; even Hitler used this perverse argument -- German people, Volk, are nobles; rich Jews are evil.

Can the claim of the many be absolutized? No of course not (see Simon 88, 96, 219). The tyranny of the majority is greatly to be feared. Study Tocqueville on this issue. Shall we have numbers determine what is true and right (take a poll!)? Such is a recipe for mediocrity or worse. The ancients feared the danger of mob passion - a "herd of beasts" (p. 124). The people can be brutalized, corrupted and moved by hatred, enthusiasm, fear etc. Strength alone is the claim of a tyrant (By Zeus, the sovereign declares it). What of minority rights? - ostracism - violence (purge?) So there must be *checks on their claim*. After all how much wisdom and virtue can really be expected from the masses? i.e. even at their best? Should many rule over all matters and go beyond electing and examining magistrates? Then the execution of law would be impossible and deliberation hampered. In fact, how much unity does the many have? Would they not end up in faction and anarchy? Aristotle thought the many would be self-devouring and non-productive. There cannot be a regime consisting of people without means. Expropriation of wealth can be unjust (c. 10). And finally, if the point of regime is the good life, must we banish outstanding men, as ancient democracies often did?

CLAIM 3. THE CLAIM OF WEALTH

The wealthy make a fundamental and major contribution to existence of society - necessities, jobs, taxes ("could a state be composed of men without means?" (see III.12) The wealthy have something at stake - and may therefore be more prudent. Thus some have argued that property qualifications are not a complete sham. For property owners may be more reliable in contracts and money making takes certain excellence (III.13) Finally, money is a condition for other achievements, such as education and leisure. (p. 50) But against the claim of wealth we must consider the following points. The claim of wealth is very divisive - why disenfranchise the many who become potential enemies (p. 125)? Justice is based upon a notion of the common good- not just private gain. Their contribution is very limited and partial - there is more to a polis than wealth (c. 9) -i.e. good life and justice. Politics is for the good life, not mere life. Wealth is a private interest and should not overtake public, common good. Can the wealthy really show prudence and discern the true justice and common good; can they judge impartially? What is beauty or wealth to choosing a good flute players?

CONCLUSION

At the end of the day the various claims to rule are **Incommensurables - The good statesman must balance the claims - an act requiring great moderation and prudence**. This balance becomes the major political problem - immoderate claims breed extremes and divide the polis. Such instability asks for civil war, violence and loss of freedom. The claims should be balanced in the form of a mixed regime, POLITY, as we shall argue in the next lesson. As Jaffa observes because the claims are somewhat incommensurate -- like apples and oranges -- no simple formula can be given - only prudence can judge such things, i.e. how to mix the claims for this people and now. There will always be a certain disproportion **-(between necessity and freedom), (or life and good life)**. Jaffa further observes that the former (necessity and mere life) should not overcome the latter (freedom and the good life); the latter should not undermine former. Politics must mix quantity - wealth and strength (free birth -- numbers) with quality - virtue. Hence the brutal and fine sides of politics. If "quantity" (numbers and money, the many and the rich) gets upper hand - then there results a brutality; yet if "quality" gets overrated (claims of virtue) then we get foolishness and misguided highmindedness. The great task is to "refine" the claims of wealth/numbers with appeal to virtue. Appeal to the best possible. Politics is the art of the possible.

READINGS

1. Aristotle's Politics III.7-13; IV.4
2. Philosophy of Democratic Government, chap 2: 72-103

WRITING ASSIGNMENT (3 page paper on one of the following)

1. Read Jefferson's Letter to Adams on "Aristocracy." (see supplement) Evaluate the principle of his argument; discuss the practice in the US.
2. Discuss the claims of the "few" and the "many" concerning who should rule.

Lesson 5: Democracy and the Mixed Regime

5.1 Terminology and Reality of Democracy, Oligarchy and Mixed Regime

When Aristotle considers democracy to be a bad regime, he is not in fact "anti-democratic" in the modern sense of the term. He has mind the partial extreme form of

rule by the many at the expense of any other claim. What we call democracy he would call "polity" or mixed regime. Aristotle's notion of mixed regime can be found in Politics IV.9 and V.8,9.

The middle books (IV - VI) of the Politics are practical. Book III was about the general legitimacy of the claims to rule. Books VII - VIII are about the best regime and the fine and noble things. In between we find the practical books are about actual regimes, and further how to restrain the brutality of politics. That is, they address themselves to the problems of civil war and tyranny. Thus, Aristotle states his project as follows: we must study what is the best possible regime given certain conditions and what regime is best for the general run of people. One does not give Olympic training to an overweight businessman as Jaffa remarks, but some exercise is appropriate. Political stability comes through a moderation of claims to rule. Extremism brings about civil war, undermines political life, and brings about tyranny. Let us begin with the moderation of faction: stability.

Most regimes are oligarchies or democracies - why is this, and what does this mean? The diversity of regimes is based on the diversity of parts within a regime. Regimes vary as much as one can vary the form or arrangement of rule among the parts. Which part predominates and rules? This makes for a regime. "There must therefore be a many constitutions (regimes) as there are modes of arranging the distribution of office according to the superiorities and the differences of the parts of the polis" (p. 161). The parts include as "superiorities" - wealth, good birth, merit, and as differences among the many or the common folk - farmers, traders, mechanics, and artisans. There are also warriors, perhaps to be included as superiority. There are lawyers and rulers too. Now these parts can be combined in many different ways. Some people can be more than one - farmer-warrior; trader-rich; etc. The variation will greatly show variation in regime as a way of life - democracy of farmers, or mechanics; oligarchs of money, of birth, of merit; warrior regimes like Sparta etc. We move from politics into what is now covered by "sociology". But the refinements are traced to and controlled by the political and the ethical (on the soul in action). How to mix parts as we said above is for the practical wisdom of statesman, 1291 b 1 (p. 166). Aristotle is helping statesman mix and weave the parts most justly.

A truism begins our analysis - one cannot be rich and poor at the same time. And wealth is a very important factor, one of the major causes of faction and revolution, as we see in Bk V, and by considering history. This split of rich and poor and their mutual opposition and antagonism gives rise to the two most common regimes - oligarchy - rule by rich, for rich; democracy - rule by poor, for the poor. Now these regimes reflect a fundamental purpose or way of life - the oligarchs live for life for wealth (avarice); the democrats take liberty to mean license - do as you please (p. 234), thus encourage an intemperate life, a life of the body as much as the oligarchs.

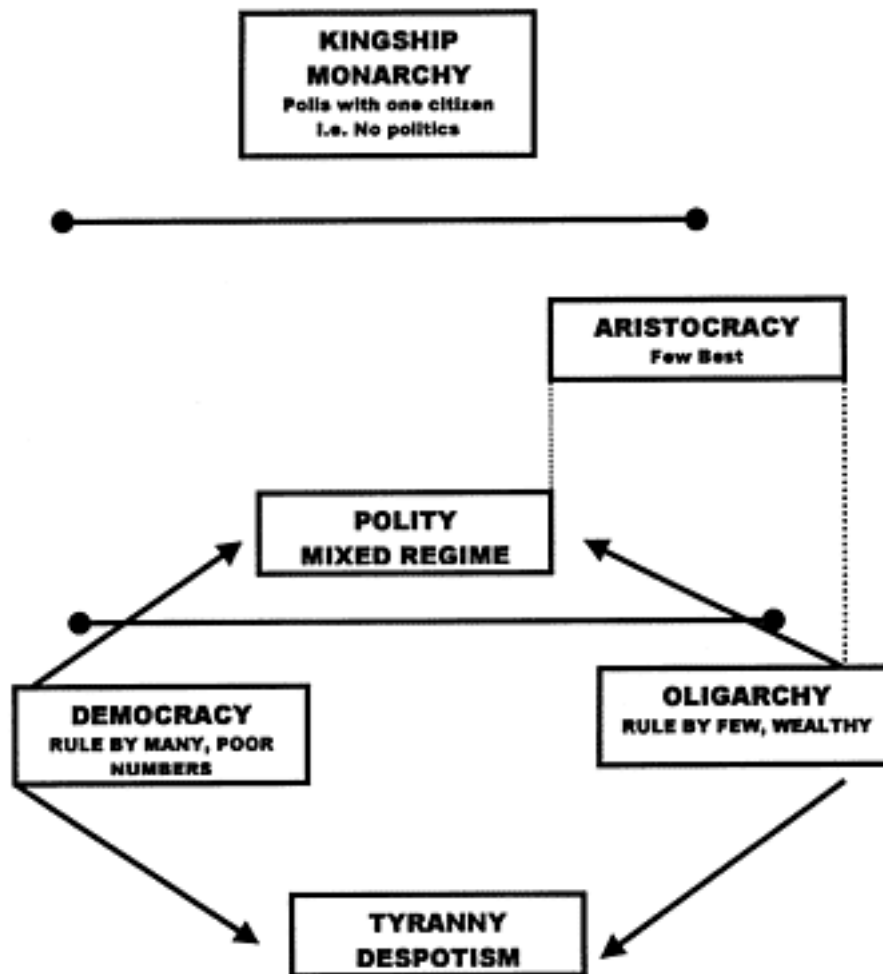
Aristotle recommends a middle class, those with a moderate and adequate amount of property. The middle class is a mean between two extremes and serves as a natural basis for polity or mixed regime. Compare those of the middle class with those who

stand in excess or defect with respect to wealth, strength, nobility, connections. Extremes become unreasonable, while the mean is reasonable. Aristotle says the middle class is more virtuous because excessive power, money leads to serious crime, violence (such as Mafia, white collar crime). But a defect of power, wealth leads to petty crime. Next, the middle class is more open to political virtue - rule and be ruled in turn; whereas excess of wealth or power leads one to be spoiled and undisciplined, hence they always want to rule and never follow lead of another; they must always act as a master; but the defect leads to an attitude that is mean and poor spirited, degraded, and thus unable to rule, and a slavish mentality. Finally the middle class can encourage friendship and cooperation. Graduations of have/have not, establishes more similarity (rich of poor, poor of rich). Politics needs such friendship and unanimity - rule of equals and peers. Compare the extremes - those with excess show contempt of their lowers, and in turn become the object of envy and hate; while those in a deficit are full of envy of the higher and covet their goods. The conclusion is that the extremes tend to crime, master/slave relation, faction or sharp division of rich and poor. These factors upset political stability, and ultimately do away with political freedom as well. That is, they tend to tyranny. Middle class can temper the extremism. We must next turn to the dynamic whereby the oligarchy and democracy verge down toward tyranny or up toward polity.

As a side note -- Aristotle does not dwell on the ethical basis of democracy and oligarchy, i.e. lives dedicated to the pursuit of wealth or the pursuit of pleasure. He would leave that to the ethics. He does dwell on their political justice. As we shall see in lesson eight, justice is based on the idea of equality - but equality has two meanings - there is simple numerical equality 1 to 1; and there is proportionate equality, 2 to 4 as 6 to 12. The formal alone is not enough - one must consider the person and matter - equal in what respect? Thus the Oligarch and Democrat take one side of justice and push it to an extreme. Their idea of justice is correct as far as it goes - but it is partial and cannot go all the way without incurring in justice. (See Bk. III.9 politics) (and also V.1)

5.2 Dynamic of Regimes O-D T-P

Chart 5.1: The Dynamic Arrangement of Political Regimes



Instability in Political Life. Extremism is the result when the partial idea of justice is pushed too far and the limited claim to rule is unbalanced. Here we find the brutal side of politics - civil war and tyranny - with the destruction of political life. Simply put, good politics must strive for moderation and the mean between two extremes - this is a polity or mixed regime. On the ground of moderation, the fine side of politics may flourish. One must keep a sense of proportion (p. 232, 331).

The dynamic of politics is that oligarchy and democracy tend towards tyranny and the destruction of stability and freedom, that is towards the factional violence and silence of civil war. Consider this chart. Can the two basic regimes be elevated to moderation and protection of freedom and stability by way of mixture? Or must they descend towards tyranny?

a. TYRANNY -

At a certain point the wealthy or the poor become arbitrary in rule, overturn all law and become tyrannical. Politics is lost. How does this happen in a democracy? Demagogues

rise up and encourage people to overturn law and the people as a whole act as a tyrant through popular decree (168). Such is "extreme democracy." How does it happen in an oligarchy? A small circle becomes a clique or dynasty takes over and rules absolutely, disregarding law. Or each faction may provoke a CIVIL WAR - called revolution by Barker. Any faction that charges things or causes great disturbances, this includes both popular uprising, coup de etat, power grabbing by faction. Faction destroys common good and often leads to violence. Aristotle lays out general causes or principles of sedition - it ultimately stems from a passion for equality (a) - equals are treated unequally, thus inferiors want to be treated equally or (b) - unequals treated equally, thus superiors want to be treated unequally. The great question is treated equally or unequally about what? Aristotle observes revolution often comes from questions of honor and wealth, that is, seeking profit or honor and avoiding loss and dishonor. These are the motivating factors. Note - honor and wealth create discord and faction because they cannot be easily shared. Wealth cannot be had in common - it is appropriated as thine or mine ultimately. Like the body, it is private. See Augustine on this issue (On Free Choice of the Will, or Dante Purgatory, cantos on envy). And if scarcity prevails - then there must be struggle and war. So too with honor. Everybody cannot be honored; if one is honored, then he is above the others. Thus honor is somewhat exclusive and "scarce," if you will, like wealth. CF. Hobbes wants to eliminate honor from political competition and yet protect wealth, but increase it for all. But moderns seek to overcome scarcity of wealth and eliminate honor, and thereby achieve political stability. Aristotle has a keen historical sense - the occasions of sedition are many - could be quite trifling - but the stakes, as noted above, are never so trifling. He finds insolence, fear, superiority, contempt, disproportionate growth all as causes for civil war. Specific causes are work in Oligarchy and Democracy. Thus in Democracies we find the work of demagogue's immoderate action which then will stir up people against rich, notables (2) provoke rich, notables through false accusations, excessive burdens, confiscations - and thereby provoke a reaction. In Oligarchy, the immoderate action of clique or dynasty with palace coups - personal rivalries, or excluded wealthy, cause dissension or may provoke popular uprising due to the corruption of few and abuse of many.

The great task is that of stabilizing regimes, which involves moving towards polity. Here are Aristotle's basic principles for stability - the stronger element should be for regime but as many elements as possible should be blended in. Again this calls for prudence of statesman. It calls for proportion again, and is not set in a formula. (IV. 12). As Jaffa so well explains, we need to combine quality (free birth, good birth, wealth, virtue) and quantity (numbers). If the strength of the superiority (quality) balances out lack of numbers (quantity), then oligarchy should be the basis. If it doesn't balance - then Democracy should be the basis for the regime. Try for best, given circumstances. Once center is found, then one must strive to include others and show respect for the opposed principle. See Simon on mixed regime (pp 105-108). Thus the polity fuses O and D and it will at its best look like both and neither (177). It is a mean between two extremes - more just and stable. Practical rules of thumb are - democrats should spare rich, oligarchs should help the poor. Also seek to combine complementary rules, or take the mean of rules, or mix up rules for votes, for office qualification etc. See Aristotle IV.7 e.g. fine rich, but pay poor for attending court.

A very important factor of course is the need for law and decency (V.8-9). Law makes for moderation and fairness. Other recommendations are be careful about honor and money; avoid deceits and rivalries and disproportion. Consider, yes, term limits - so that tyrants cannot emerge. Adjust for inflation/deflation of sizes of populations and representation. Watch social customs that contradict regime principle. Keep private gain away from office (see B. Franklin on this and compare with Aristotle p. 228). Spare the opposing group and be careful about oaths (p. 233). Ultimately a stable and free regime needs those men who have the qualities for a good statesman (Aristotle p. 231): loyalty to the regime; a natural capacity; and most of all good character. Aristotle elaborates on many practical devices. But the most practical and important of all for maintaining political stability is education (V.9), p. 233. The citizens need good habits and good teaching. The citizens need at least a citizen virtue whereby the regime is perpetuated. See Lincoln's very important speech, the Lyceum Speech, on this very issue. Thus in Lesson 9 we shall return to this very important issue of education and the political regime.

5.3 Aquinas on Best Regime

Aquinas also argues that the mixed regime is the best form of government overall. In this remarkable selection from the Summa (I-II 105, a. 1) he combines Aristotle and the Bible to make his case. Although Aquinas does favor monarchy, he acknowledges in this passage the need to balance its claim with that of the few and the many.

5.4 Federalist as Mixing of Elements; Tocqueville

On the issue of the mixed regime and the balancing of opposed principles it is useful to study the US Constitution and the Federalist papers. The regime is said to be a Republic not a democracy (Fed 10) precisely because representation acknowledges the principle of excellence. The division of powers and the bi-cameral legislature also provide a certain type of mixing. Tocqueville also comments on the need to balance the sheer weight of numbers and to counter the pull of mediocrity. Without attention to these matters he fears that modern democracy will transform themselves into a soft tyranny.

READINGS

1. Aristotle's Politics IV.2-10; V.1-6, 8-9
2. Aquinas 114-118 (ST I-II q 105 a 1)
3. Man and the State, chap 5: 108-114
4. Philosophy of Democratic Government, chap 2, mid 102-108

WRITING ASSIGNMENT (3 page paper on one of the following)

1. Discuss the concept of a "mixed regime." Is the United States a "mixed regime." Elaborate.

2. Discuss Maritain's notion that Christianity is the deeper source for the inspiration of democracy.

Lesson 6: Tyranny, Totalitarianism and Structural Pluralism

6.1 Kingship and Law

Kingship is a distinct type of regime with a legitimate claim to being a good regime according to Aristotle. We may call it **CLAIM 4. THE CLAIM OF KINGSHIP**. In favor of monarchy are the following arguments: Extend the claim of virtue - what if there is an individual of outstanding virtue, (wealth, strength) so as to be a great benefactor to all? That is, he rules for the common good with the consent of all - such is a king and who could argue against it if virtue or wealth or strength is the only consideration? Or consider the reverse, what if people are so rude, uneducated, and poor, that a virtuous man stands out as the best to rule? Justice would demand that he be king. Why banish virtue? And is it folly to do so? Second, there is an advantage of personal rule - rule demands initiative and discretion. Law is much too limited and rigid to deal with all the contingencies of a situation. Perhaps we need a strong leader to get the job done (p. 142). Third, a single person is not subject to faction and paralysis in deliberation and execution. In time of war, we give president special powers. Thus monarchy is most conducive to order and peace (Aquinas therefore recommends it for this reason). But against the claim of the monarch are the following points 1. Personal rule is too open to abuse since it rests on the arbitrary will of one person. He is subject to passion (not if truly virtuous?). So it is best to check personal rule with law - and establish a constitutional kingship at least. 2. Politics really disappears - there is one citizen, the king! We have reduced the political life to the household - to the rule of father over children? Or husband over wife? Or master over slave? If politics disappears, then ostracism can make sense. 3. Rule of one is really not possible - there will always be advisors and friends (p. 147) so we head back to aristocracy or democracy - one needs more than two eyes, two hands, ears, etc. toward many assembled? Finally, 4., there is the problem of succession - 223/144 - a great theme for Shakespeare. After the King comes what -- stability/civil war - freedom/tyranny. So Aristotle considers **THE RULE OF LAW** as a counter to monarchy as such because 1. law is neutral and impartial, primarily because it is not passionate but rather with it "we bid God and reason" to rule. (147) People are always partial to their own case, hence we must watch personal rule and be wary of it. A king, like any man, would tend to seek good for his friends and harm for his enemies and rouse up favor seeking and spite. Law allows for equality and rotation of rule, hence political life as such. Nevertheless, law is limited by being too

general - it cannot supply prudence and application to individual cases; further it does not interpret itself. There will be a need for a supreme court of some kind. This need for interpretation reminds us of a founding, a constitution and that prelegal fact of regime, pointed out by Strauss in Lesson 4. Thus law is biased toward regime. This returns us to beginning point - what is best regime and who should rule? (p. 200). see III.10, 11.

Conclusion and transition. The King stands as a reminder to all three claims - none is absolute, for they could all be outdone or carried to an extreme by a king and overtaken by arbitrary rule. We are fortunate if the absolute ruler is a man of great virtue. But politics is gone even if he can provide for us and encourage some virtue. But what if the brutal rather than the fine side of these claims wind out? Then we have tyranny and despotism. Tyranny marks the real limit or destruction of the polis and a decent human life. The three competing claims show the need for a stable and prudential mix in the form of POLITY as we argued in lesson five. The claim of kingship also shows the need for FREEDOM and political participation. These are two marks, stability and freedom, of a good healthy political regime. They are conditions for the good life and virtue - or for the fine side of politics. Stability and freedom temper the brutality of politics - civil war and repression. Let's now take up the issue of repression.

6.2. Tyranny

Immoderate or extreme action leads to tyranny - which is the arbitrary rule of the bad for selfish or partial goods. This means that extreme or unmixed Democracy or Oligarchy leads to Tyranny. Recall the principles of justice - equality and inequality - that is equals should be treated equally and the unequal treated unequally. On these extremes see Aristotle's *Politics* 1309b22; 1318 a 25, b 29; 1292 a 15 (232, 261, 168). Tyranny actually is a blend of the worst of Oligarchy/Democracy (whereas polity or mixed regime the blends best from each) 1311a8; 1310b 4 . The political problem with tyranny is that it means the loss of political life into household rule. This is the problem noted by Aristotle at the outset of the politics. It is a form of arbitrary rule - and indeed the destruction of law signals onset of arbitrary rule -- as we have seen democracy sends out the signal through the phenomena of mob rule and demagogue rule; Oligarchy gives the indication of the onset of tyranny through the clique rule. Now household rule is not political rule because of its inequality and its manner of rule; and yet there is a big difference between king and tyrant. The king models his rule on paternal rule over child; it is based on merit, and it is for the good of ruled. On the other hand, tyranny is modeled on the despotic rule over slaves; it is actually though a rule of the worst (although possibly of the strong); and it is for the good of ruler (1313a30). In a way it is worse than slavery, because Aristotle envisions the possibility of slavery being for the good of the ruler and ruled. With tyranny it is sheer exploitation.

Aristotle is keen observer of political technique. Hence he sets the devices by which a tyrant may achieve his version of political stability (absence of faction and revolution). It is of course a cure far worse than the disease as our founding fathers well noted. Here are the techniques or devices of repression as noted by Aristotle. People under Tyranny are slaves; the tyrant attacks the inner spirit of political life. He breeds mutual distrust

and destroys friendship. Aristotle says in the Ethics, "With friends one is better able to think and to act." So it is to the tyrant's hold on power to isolate people, and make them strangers and enemies. He must also therefore undermine associations and make them incapable of action (no power to initiate or resist, like a slave.) In other words the citizen under a tyrant is no citizen in the authentic meaning of the term. The tyrant is one who thrives on ignorance, passivity, and the absence or lack of means to act or communicate, like private property. Most of all the tyrant must break their spirit through fear and terror, humiliation - individuals and groups, and finally through dependence and submission. So what is Aristotle saying to the tyrant -- here is how to keep power, a proto-type of Machiavelli? Not at all; Aristotle is addressing the free men of Athens to recognize the very conditions for freedom. Freedom requires the existence of an assembly and associations intermediate between the isolated individual and the power of the state such as family, business, clubs, unions, guilds, etc. In a word: freedom requires friendship from such groups because nodes of power arise which check arbitrary rule. Freedom also requires the capacity to initiate action. This entails that one is free to acquire information and be educated. It also means that citizens are free to develop ability and habit of action (responsibility). And finally, it requires the possession of the means to act - e.g. private property. Thirdly, a free city must respect the honor or dignity of its citizens. So they must be secure and free from terror. The citizens must have a public sphere in which they are honored. Modern tyranny still uses many of the devices of the ancient tyrannies and we can see the relevance of the requirements or conditions for freedom. But today there are some significant differences between authoritarian/totalitarian regimes. We find the significant difference in extent of repression - is it primarily political, but also economic and social and religious. There is also a difference today in the means of control: the tyrant destroys the possibility of conversation and persuasion through coercion and beyond to violence and terror. The new elements in communist or fascist tyranny also include the use of ideology and technology.

Chart 6.1: The Three Ruling Devices of Tyranny

- A. breeds mutual distrust; destroys friendship
 - 1. isolates people, makes them strangers, enemies
 - 2. undermines associations
- B. makes them incapable of action (no power to initiate like a slave)s
 - 1. ignorance
 - 2. passivity lack of means, such as private property
- C. breaks their spirit
 - 1. fear and terror

2. humiliation - individuals and groups
3. dependence and submission

6.3. Concept of Pluralism

- a. Maritain

6.4. Subsidiarity

6.5. Property

In BOOK II, c. 5 Aristotle sets out a defense of private property and a critique of communism or the scheme for a community of property. His quarrel with his teacher Plato is that he violates the cardinal rule of politics -- do not reduce the polis to the household. So he makes a critique of Plato's community of wives, children, property as we find in the Republic. This proposal makes the polis one big happy household. But in fact, we need plurality and diversity to have a polis. That inner economic and social diversity and structural plurality help the city to fulfill its function as a self-sufficient community and to be a perfection of the more homogeneous family and village. Moreover, the human needs sense of one's own. Aristotle's common sense formulation is this -- private ownership and common use. Why private ownership? One has better care for what is one's own, and communal things are often neglected. This is true of property as we all know; and it is true of children as well -- Aristotle quips "it would be better to be a real cousin than a son in Plato's Republic." Common ownership waters down attachment and it weakens natural piety, that is respect for one's parents. Private ownership is also to be preferred because many virtues depend on private property - liberality, friendship, and justice itself. Thus communism is based on a false premise. Although it wears an attractive face and argues benevolence (p. 50) - for example that great fraternity will arise, and evils of selfishness will disappear. But evil is not simply a result of social structure, rather it is human wickedness. Moreover, communists still bicker, if not more (communes?) Aristotle says the political flaws of this schema are many including leveling of notes into one, that is the absence of a proper pluralism. So why common use? This is the virtuous way to use property as a good citizen. But common use must be bred through education - custom and law. It is a question of disposition and virtue, not coercion. So the city must through education and custom and law develop friendship, temperance, and liberality - these restrain desire. Communism ultimately denies the body part of human nature and fails to appreciate the importance of the love of one's own. Communism cannot suffer the tension of the love of one's own and love of the good simply - the very heart of the human condition. So communism is both anti-Eros and anti-thumos. The nature of Eros is more private than public; and the public spiritedness also requires attachment to one's own family and friends.

READINGS

1. Aristotle's Politics III.14-17; V.10-1; II.5

2. Philosophy of Democratic Government, chap 2, end: 108-143
3. Man and the State, chap 1, end: 20-27

WRITING ASSIGNMENT (3 page paper on one of the following)

1. Discuss the concept of the rule of law and its role in protecting freedom.
2. Discuss the techniques used by the tyrant in maintaining power.
3. Discuss the pros and cons of kingship as a political regime.

Lesson 7: Natural Law and the Roots of Authority

7.1 Law above Will

The danger with any political party or political movement is that the temptation to power leads one to identify the right with might; that is, the very legitimacy and authority of the law is attributed to the power of the law maker. Socrates encountered this opinion in Thrasymachus early in the Republic. Justice is identified simply with law; and law is attributed to the stronger party who makes such laws as will serve the interest of those in power. Socrates reasons that there must be something above power or force which gives a content to the notion of justice. There is such a thing as natural right. The notion of natural right in turn suggests that there is a higher law or a natural law by which the positive law of the city is to be measured and judged. Thomas Aquinas sets the most famous variation of this approach to a higher law. It is an approach later used by Martin Luther King, Jr. as in his letter from a Birmingham Jail.

7.2 Thomas on Natural Law

Thomas goes through a series of articles aimed at arriving at a more rigorous definition of law. The definition is as follows:

Chart 7.1: Definition of Law

"Law is an ordinance of reason for the common good, decreed by the authorities in charge of the community." (St. Thomas Aquinas, STh I-II, 90, 4)

Thomas then distinguishes various types of law. Natural law is the participation of a rational creature in the divine law.

Chart 7.2: Natural Law Defined

The natural law is a participation in the wisdom and goodness of God by the human person, formed in the image of the Creator. The natural law expresses the dignity of the person and forms the basis of human rights and fundamental duties.

The natural law is a key to understanding the foundation of political authority. Positive law ultimately derives its authority from the foundation of what is right by nature. Dorothy Sayers has constructed a useful chart for seeing the connections:

Chart 7.3: Sayers on Types of Law

Finally we must understand how the fundamental principles of moral law are derived and how they can be a touchstone for the legislator. If the purpose of the polis is that of human flourishing then the law maker must know what are the elements of human flourishing. Thomas identifies the fundamental goods of human flourishing from the various inclinations of the human being and the intelligible good which is achieved through such activity.

Chart 7.4: Aquinas on Content of Natural Law ST I-II q94.a2

"The rational creature is provident for itself and others; it has a share of eternal reason, whereby it has a natural inclination to its proper act and end; and this participation of the eternal law in rational creatures is called the natural law... The first principle in the practical reason is founded on the nature of the good; hence this is the first precept of law: good is to be done and promoted and evil is to be avoided. All other precepts of the natural law are based upon this; so that all the things which practical reason naturally apprehends as man's good belong to the precepts of natural law under the form of things to be done or avoided; all those things to which man has a natural inclination are naturally apprehended by reason as being good, and objects of pursuit, and their contraries as evil, and objects of avoidance." Thomas Aquinas 1224-1274

Know/Love

Good: God

Institution: Churches

Negative: Do not blaspheme

Positive: Honor and love God

Curiosity

Good: Truth

Institution: Schools

Negative: Shun ignorance; do not lie, bear false witness

Positive: Educate and perfect the mind; develop arts and sciences

Association

Good: Friendship

Institution: Government; Intermediate Associations

Negative: No force or fraud in dealing with others

Positive: Patriotism, loyalty, charity, fairness

Procreation

Good: Children

Institution: Marriage & Family

Negative: Prohibition of premarital sex / homosexuality, divorce, contraception

Positive: Fidelity, Care and Education of children, Honor father and mother, Respect for the body

Preservation of Life

Good: Life, Health

Institution: Hospital; Medical profession

Negative: Do not kill, do not steal

Positive: Always care, preserve health and life

The political relevance of this teaching of natural law as a higher law can be readily appreciated in the American experience. Our founders appealed to "Nature and nature's God" as the foundation for the rights which government ought to secure. Martin Luther King Jr.'s Letter from a Birmingham Jail contains references to Aquinas and Augustine. The positive or human laws in the South maintaining racial segregation he rightly judged to be unjust laws. So too our present abortion laws must be judged unjust because of the gross violation of the fundamental tenets of natural law. Now Orestes Brownson expressed very well this need for a higher law after the American Civil War.

7.3 Brownson on Democratic Principle

Brownson stated the defects of the "democratic principle." (See "The Democratic Principle" Quarterly Review 1873) Such a principle declares that the will of the people is the sole foundation for political authority. But what will shape or restrain the will of the people? Brownson feared the philosophy of democratic government which would brook no restraint upon majority will. It is a doctrine of right makes right. There is no authority above the people -- not God, not nature, not Nature's God. Utility, not justice, shall then be the final rule of government. This doctrine he says is repugnant to liberty, as well as true human flourishing. Brownson recommended various political devices to protect freedom -- such as constitutionalism, rule by law, as well as some form of "concurrent majority." But most of all he looked to the sentiments, convictions, manners, customs and habits of the people. The people must acknowledge a moral law which guides and forms their conscience. Without moral order, and divine sanction, Brownson thought that the teaching of the democratic principle would corrupt a free people.

7.4 Simon and Famous Account of Authority with Stage Coach

YVES R. SIMON ON DEMOCRATIC AUTHORITY -- Simon embraces and develops what he calls the Transmission Theory of Authority; authority does indeed reside "in the people" but its meaning and significance must be carefully determined. It is of great significance according to Simon to articulate a theory of political authority. What is the origin and ultimate meaning of temporal power? This became one of the three main doctrinal issues between the Church and the modern state. The Popes condemned a theory that claimed men were bound only to laws to which they consented, as if there were no higher law, no divine law above them. Secondly it is important to interpret the sheer fact of obedience to civil law and understand its "moral weight." Finally we must come to a deeper understanding of the role of consent in political order.

As usual Simon goes to Aquinas for some key texts (ST I.II 90.3 Whether Any Person Can Make the Law; and ST I.II 97.3 AD 3 Whether Custom Can Obtain Force of Law; see pp 15, 79 of your Thomas text).

Simon explains the texts in light of very creative image. According to a "Coach driver" theory there is no authority other than popular will. Government is but a pure instrument of prior decisions of the people. This seems to comport with apparent account of democratic practices -- that representatives as hired servants; they must yield to public opinion and lobby respects autonomy. But this cannot be a sound philosophy for it leads to masked anarchy, majority tyranny. This theory mistakes the final cause for efficient cause. That is, political rule and authority must serve the common good. It does not mean that the law must be derived from popular will. It is this doctrine that is condemned by the church. We do after all need authority because of the very nature of the common good. But the other extreme doctrine is also false -- that political authority goes from God directly to the ruler after the fashion of "Divine right." This sets up a separate authority, perhaps as a Reaction to cab driver theory.

Chart 7.5: On Three Theories of Authority, Yves R. Simon

Coach driver -- no authority, pure instrument of prior decisions of the people

Divine right -- separate authority, not accountable to the people

Transmission -- authority derives from whole multitude in its pursuit of a political common good

So what is a correct and sound theory of the origin of authority? The Transmission theory locates authority in the whole multitude, i.e., authority resides in civil community not distinct persons. It is a function of the common good standard that such authority resides in the people or multitude, by way of final cause. Thus when there happens the designation of rulers this is accompanied by transmission of power. The ruler is a "vicar" of the people Thomas says. So as Pope is Vicar of Christ, the ruler is a vicar of the people, to rule under God for their good. Cajetan argued that the Pope cannot be deposed by people, but the ruler can be. Further, Bellarmine said that because no particular man is to rule by divine decree, therefore, the multitude has the authority. Finally Suarez concluded that democracy is the most natural form of government. It requires no institution, whereas other forms do. (See PDG 175-176) Aristotle likewise says that politics has a democratic bias insofar as the equality of human beings is reflected in the claim for equal citizenship.

Government by consent of governed has various levels of meaning. First, politics is act of reason and will, not force. Second, the people have a hand in the designation of governing personnel. Third, leaders receive power from people: (the transmission theory discussed above). Fourth, the people have a periodic exercise of consent: direct or representative. Fifth, the people retain the character of deliberative assembly. And finally persuasion is better than coercion. All of these are salutary dimensions of popular government and do not entail the undermining of moral order or divine law and natural law; in fact, they require them. It is the final meaning, that the people are bound only by consent is the great error as it is a recipe for anarchy.

7.5 Problem of Sovereignty in Maritain

JACQUES MARITAIN ON DEMOCRATIC AUTHORITY -- Maritain is concerned that the modern notion of Sovereignty is a false concept masking a dangerous philosophy of government. What is sovereignty? For Aristotle it was a highest power which determined the ends of the polis and comprehended them in its superior purpose. But it was a function of sheer will or power. But not so the modern notion of sovereignty. It now means there is a Power over and separate from the people, which is not bound by international law. Such a power is "Absolutely supreme with internal relation" or internal politics and this leads to centralism, not pluralism, tyranny not freedom. It is also a power which is without accountability. But Maritain asks do not the people have a right to supervise and control the state (MS: 53)? He too draws on the transmission theory of Cajetan and Bellarmine. The ruler is Vicar of people, but not of God; it cannot be divided by any superior essential property (MS: 50). But the People have a right to full autonomy or self-government and the Prince is not a peak above peak. The Prince is but a part representing the whole (MS: 36) for the sake of the common good. The prince

rules by way of Vicarious participation, the medieval idea of representation (MS: 35). So Maritain claims that the People have the right to command by essence and the Rulers are vicars or who participate in people's right. They are thereby Accountable to people. Even the king is not separate; hence not absolute. Maritain thus is a republican, a supporter of Popular government. In such a regime the control over state is inscribed into the constitutional fabric; there must be periodic elections, because using Aristotle's argument for the many, does not a patient, while not being an expert in medicine, discharge a doctor when he is dissatisfied with his treatment? With greater reason the people -- in whose basic right to govern themselves those who wield authority participate -- are governed by their government, and the people control their government; they are the final judge of its stewardship (MS: 65). In addition, a republican government will respect Free speech, lobby and pressure groups, and ultimately respect the principle of structural pluralism discussed above in recognizing the standing of Intermediate groups like family, Church, school, and business.

Authority is a right to command that derives from the very nature of political community -- i.e. it is for the sake of common good. It has a popular origin in the sense that authority derives from will or consensus of people and from their basic right to govern themselves (MS: 127). Such a right is inherent (not instrumental); such right is permanent (not divested). Maritain claims that "The realization of this basic verity has been the conquest of democratic philosophy. In this connection, whatever the political regime may be, monarchical, aristocratic, or democratic, democratic philosophy appears as the only true political philosophy," (MS: 129). He is against political "absolutism," as Aristotle opposed tyranny, and perhaps kingship itself. He embraces a concept of Representation. "It is on the notion of representation or vicariousness, by virtue of which the very right of the people to rule themselves is exercised by the officials whom the people have chosen, that all the theory of power in democratic society rests," (MS: 130). Representatives are sent, missioned or commissioned by people; hence made by the people images of and deputies for the people. The "majesty" of civil order represents the people, "the whole multitude and its common will to live together." It can be a sign of collective heritage, hopes etc. So Maritain concludes that this democratic philosophy be given appropriate expression in body politic: that authority arises from base to summit; power is exercised within fixed limits; the rulers are designated by the people and management controlled by people. And yet as a vicar of people the political ruler does have real command, he is not mere instrument (a stage coach driver). Obedience is right; the ruler must exercise own judgment; and perhaps find his biggest challenge to be a real leader who must educate and awaken people in process of governing.

READINGS

1. Aristotle's Politics III.16
2. Aquinas 15-16; 44-82 (ST I-II q. 90, A. 3; Q. 94- q. 97)
3. Man and the State, chap 2: 28-53; ALSO 126-139
4. Philosophy of Democratic Government, chap 3: 144-194

B. WRITING ASSIGNMENT (3 page paper on one of the following)

1. Explain the importance of a "higher law" or natural law in a contemporary issue such as abortion or homosexuality.
2. What is the problem with the notion of "sovereignty"?

Lesson 8: Justice and Rights**8.1 On the Right as Justice**

The most important virtue for the ancients is justice; and justice concerns the proper ordering of the self and the community. The very term "right" designates not a subjective claim to something as it does for the moderns, but rather an objective relationship between people. Right is said to be the "object" of justice (ST II-II 57.1). It is the equality or adjustment made between two people or groups. It is objective insofar as it is a matter of rational determination. Justice is one of the four cardinal virtues. It is defined as "the perpetual and constant will to render to each one his right" (ST II-II 58.1). Justice is always towards another. So it is with reference back to the ancients that a Brownson or a Solzhenitsyn criticize the modern man for always taking his own rights and neglecting to speak about duty -- that the modern first considers his own subjective claim or want and thereby neglects what is owed to the community or another, which is the duty.

8.2 Two Types: Commutative and Distributive

Following Aristotle, Aquinas distinguishes between two types of justice -- commutative and distributive (ST II-II 61.1). Each type involves a distinct measure of equality. Commutative justice is the right order between two individuals in matters of exchange. Its measure is strict or simple equality. Distributive justice is the relationship of the individual to the community, or part to whole. Distributive justice involves a proportionate equality. It involves a sense of merit -- those who are more deserving should receive a greater share of benefit, honor, or burden from the community. The following diagram from Josef Pieper helps us to visualize this distinction.

Chart 8.1: Pieper on Types of Justice

The Limits of Justice

". . . though the commandment of justice is not enough when charity has not taken firm root among them."

A Schematic Representation of the Basic Forms of Justice (cf. pp. 73-75)

8.3 Aristotle on Contentious Goods

The question of distributive justice returns us to the central political question -- who should rule or who should receive the honors of the city to lead it? See Aristotle Book III chapter 9. The democrats identify justice with simple equality. Merit has no place in the city because all are equal. Each should receive equal benefits and burdens. Justice is simple equality. Oligarchs (and aristocrats) on the other hand identify justice with proportionate equality such that those who have unequal shares should receive unequal (proportionately equal) benefits. Thus begins the contentious inquiry into political justice. Modern political philosophy takes up the side of the democrats in a search for equality as simple equality. It may eliminate if possible a consideration of honor from politics and look instead to the material benefits or rights of private citizenship which are equally shared by all.

8.4 Modern: Right as a Subjective Claim

The moral and political landscape of America today is dominated by a single feature: the discourse of rights. What began as a matter of carefully delimited political prerogatives and protections in Anglo-American jurisprudence has become a wild free-for-all of personal and collective claims and counter-claims. Serious matters involving, e.g. questions of life and death or fair participation in the political order as well as frivolous matters such as the legitimation of any felt need, all moral and political questions have been enveloped in a disputation concerning rights. The proliferation of rights claims is a concern not simply because of the sheer number of things to which people now claim rights, but especially because of the unmanageable conflicts between those claims. As is known too well, the right to life of the unborn is in conflict with the right to choose of the woman; the right to hire and fire is in conflict with the right to equal opportunity for minorities; the right of citizens to safety in a drug free environment is in conflict with the right to privacy of workers; and so forth and so on. In the United States the courts are swamped with conflicts which they must adjudicate. And in personal life, the claims of rights are frequently used to justify any course of action that an individual has chosen, at least if accompanied with the proviso that it does not harm anyone. A subjectivist situation ethic has taken to itself the discourse of rights to conceal its confusion and disorder.

All citizens, including those who are Christian, cannot help but be perplexed by this state of affairs. There is the obvious benefit of employing rights language. It is needed to protect the claims of religion from unwarranted state intrusion, to protect vulnerable members of society, and in general to influence public policy. On the other hand, the rights discourse carries with it many assumptions about human nature and the moral order which run contrary to the very things to be protected; assumptions involving unbounded freedom or an individualist conception of political order.[5]

In light of this confusion in theory and practice in politics and ethics today, there is a pressing need for a sound philosophy of human rights. In addition to the careful work of jurisprudence and political science in analysis of rights claims and the strategic planning for political action, there is the need for an ultimate rationale or account of the nature of and foundation for rights. This would provide us with a point of reference or orientation for assessing the spirit and in some way the letter of rights claims. We must discuss the question whether a doctrine of rights should be derived from a thesis concerning the autonomy of the human being from any constraint such as a divine or natural order, or whether human rights are to be construed precisely as an element or part of an objective moral order.

There is scholarly dispute over the historical origin of moral and political discourse involving rights. Richard Tuck, for example, traces the origin back to the late medieval ages and the theology of Jean Gerson, who in a work published in 1402 first assimilated the term "ius", that is justice or right, to the term "libertas" or freedom.[6] As Tuck explains, this is one of the first appearances of the idea of an active right, a right that does not have a strict correlative duty, thereby implying that right is a dominion over something to use as one pleases. Human freedom becomes the fundamental moral fact, not virtue, or divine command. The development of such a notion wound its way through late medieval nominalism and became the main theme of Hugo Grotius, John Seldon, and finally to Thomas Hobbes. Hobbes' work, especially *Leviathan*, is usually marked as the turning point from the ancient natural right or natural law to the modern account of natural rights.[7]

Chart 8.2: Hobbes on Rights

Hobbes defines "right of nature" (*jus naturale*) as "the liberty each man hath, to use his own power, as he will himselfe, for the preservation of his own nature." Hobbes clearly distinguishes right (*ius*) from law (*lex*) -- "right, consisteth in liberty to do, or forbear; whereas Law, determineth, and bindeth to one them; so that Law, and Right, differ as much, as Obligation, and Liberty." For Hobbes, right, i.e. liberty, clearly takes precedence over law, i.e. obligation. The fundamental right or liberty of the self is unbounded or unlimited by anything; by the fundamental right of preservation, each man has a right to everything and anything done in the pursuit of preservation is without blame.

Hobbes most articulately challenged the fundamental presuppositions of the Thomistic synthesis of Biblical Theology and Aristotelian Philosophy such as the sociability of man and the possibility of a common good, the existence of a highest good in virtue and contemplation, and the natural law derived from such human teleology. Hobbes, rather, began with a state of nature as a state of war, the futility of seeking a good higher than the pleasant preservation of the individual, i.e. comfortable self-preservation, and a natural law clearly derivative from more fundamental rights of nature such as the right to self-preservation. Following the early lead of Gerson, Hobbes defines "right of nature" (*jus naturale*) as "the liberty each man hath, to use his own power, as he will himselfe, for the preservation of his own nature." [8] Hobbes clearly distinguishes right

(ius) from law (lex) - "right, consisteth in liberty to do, or forbear; whereas Law, determineth, and bindeth to one them; so that Law, and Right, differ as much, as Obligation, and Liberty." For Hobbes, right, i.e. liberty, clearly takes precedent over law, i.e. obligation. The fundamental right or liberty of the self is unbounded or unlimited by anything; by the fundamental right of preservation, each man has a right to everything and anything done in the pursuit of preservation is without blame. The intolerable conflicts between individuals however amounts to a state of war. It is reasonable, therefore, to limit ones claim to things for the sake of self-protection. Morality exists by way of contract. Morality is a rational deduction of moral rules from the right of self-preservation.[9] Hobbes' defense of individual rights required the existence of an absolute power in society to keep all potential wrongdoers in a state of awe such that they would obey the law. Hobbes' account was shocking in so many ways, not the least of which was its implicit anti-theistic philosophy, that it was frequently decried and banned. The direct contrast between Hobbes and the biblical and philosophical accounts of moral and political order would in many ways be the easiest approach to take to the philosophical questions about rights.

However, the philosophy of John Locke presents a more instructive case. Locke transformed the Hobbesian philosophy into a more palatable and balanced philosophy of natural rights. It is in the Lockean form that many Americans came to know about rights. And Locke's philosophy contains a fundamental ambiguity that pertains to the alternatives mentioned above. That is, the very tension over the autonomy of the person and the workmanship of God is played out in the writing and interpretation of Locke.

Locke sought to find a solution to the problem of politics that would restore peace to a country divided by wars of religion. The tolerance of religious belief required, in his mind, the lowering of the goal and mission of the temporal order, away from the inculcation of virtue and the defense of the faith to the protection of the temporal welfare of its citizens, that is to the protection of the rights to life, liberty and property of its citizens.[10] By removing the matter of religious contention from the civil sphere Locke hoped to quell the disturbances inflicted upon Europe because of intolerance. Hobbes, however, removed contentious matters by making the sovereign absolute over the determination of the beliefs of its citizens. It was Locke who overcame the inconsistencies in this account, and sought to place structural and formal limits upon the sovereign political power and to bind the sovereign to the respect of rights to life, liberty and property. The division of powers, taxation with representation, limited prerogatives of the state power balanced by a "right to revolution" are all part of the Lockean system. For Hobbes, rights are fundamental moral claims against others; Locke adds to this the claim of the individual against the state, at least when a "long train abuses" are perceived by a majority and rouse it to act. Locke's more moderate and reasonable account of human rights has appealed to generations of political statesmen and thinkers. John C. Murray, in discussing the First Amendment of the U.S. Constitution, calls the concepts "articles of peace," reasonable devices learned through experience, to limit government. He rejects certain "theologies of the First amendment," which posit, for example, the ultimate subjectivity of religious truth.[11] Locke has been interpreted

along both lines. However, the same seed of radical autonomy as the basis for human rights remains in Locke.

Like Hobbes, Locke derives the principles of limited government from a hypothetical state of nature.[12] This original state of nature is said to be a state of "perfect freedom." By freedom Locke here means no more than an absence of restraint. Locke mentions in the same passage with the perfect freedom, the bounds of a natural law. This is to distinguish "liberty" from "license." The natural law which initially guides men in the state of nature is to refrain from harm: "The State of Nature has a Law of Nature to govern it, which obliges every one; And Reason, which is that Law, teaches all Mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his Life, Health, Liberty, or Possessions." The restraint demanded by natural law derives from an additional characteristic of the state of nature: in the state of nature men are equal in addition to being free.[13] Locke makes clear that equality means equal jurisdiction, or the absence of subordination and subjection. The basis for this mutual respect and recognition is the fundamental problem, since it is the basis for natural law.

The key difficulty in interpreting the philosophy of John Locke pertains to the foundation of natural rights and the rationale for mutual restraint. Locke in fact gives a two-fold rationale and foundation. On the one hand, he speaks of man as God's workmanship, and from this axiom derives the right to life liberty and property as essential to the divine moral order; on other occasions he simply appeals to the primacy of self-preservation and unfolds from radical autonomy the list of rights and the self-interested basis for mutual respect.

In the first model, the basis for equal respect is divine workmanship, and the order of creation. Locke argues that all creatures are equal under God and occupy the same rank or status as "creature." [14] Thus, no one can assume to take the position of God and rule over others. This argument from the order of creation reflects a pre-modern understanding of equality. Men are neither beasts nor gods, but occupy equally a ground mid-way between.[15] It is neither appropriate to act as a god nor to treat others as beasts or inferior creatures. Locke explicitly uses this pre-modern image. In light of this order of creation, man can make no claim to absolute dominion over his fellow creature. Mutual respect depends upon the recognition of one's status as creature, along with others, before the Creator. That is, man cannot claim the type of superiority that would authorize the destruction or arbitrary use of another, and rights protect this status.

But Locke says that the grasp of "natural law" does not depend on divine revelation nor does it depend on knowledge of God's promulgated law and sanctions. This content can be appreciated independently of the workmanship model. For to deny the mutuality of equal right is to propel oneself into a state of war with others. And by such a declaration one has "exposed his Life to the others Power to be taken away by him" (2.16). To put oneself in such an insecure state is most unreasonable and dangerous. One is open to being treated like a noxious beast.[16] It is more safe, more reasonable to acknowledge the equality of rights. Thus, mere self-interest would counsel mutuality and restraint.

Locke refers to the law of nature as simply the law of reason and common equity (2.8): the law of nature is the reasonable restraint of common equity which will establish mutual security (2.8). It is discovered through the person's own desire for safety and security. The basis for restraint is fear of harm and self-interest. According to this model of rights, selfish interest, comfortable preservation, is the basis for my claims. Enlightened self-interest leads me to recognize the equal right of others to their life, liberty and property.[17]

The legacy of Locke is therefore ambivalent. The advocate of limited government, and an apparent friend of the theistic tradition, Locke nevertheless underwrote a model of radical human autonomy in which freedom dominates the moral order. Locke's philosophy of human rights is derived from a subjectivist account of the good; it lowers the goal of the state to a supposedly neutral position; it imposes a minimal obligation of non-harm; and ultimately does encourage self-interest. The minimal obligations embodied in civil law become the extent of morality; the wide sphere of private life must come to occupy the bulk of human energies. With Locke, such freedom was aimed at unlimited acquisition of property and the self found its affirmation in labor and the "work ethic," or what Leo Strauss called "the joyless quest for joy." But such terms as equal freedom and mutual respect came to be transformed under the inspiration of Rousseau and Kant to mean much more than civic liberty and protection of private property. In contemporary American jurisprudence they have come to promote the existence of what University of Illinois Law Professor Gerard Bradley has recently referred to as the "erotic self." [18]

8.5 Maritain on Rights

The philosophy of Jacques Maritain is very important in the development of Thomistic social and political philosophy. Maritain's work has influenced the writings of both Pope Paul VI and John Paul II. Maritain was a man of the world, who actively participated in the United Nations drafting of a Charter of Human Rights. He was very interested in incorporating a sound philosophy of human rights into Christian social doctrine. Maritain insisted that we must face the difference between two philosophies of rights which must be traced back to fundamental differences in philosophy [19] of God. He distinguishes the underlying philosophies as anthropocentric humanism and theocentric humanism: "the first kind of humanism recognizes that God is the center of man; it implies the Christian conception of man, sinner and redeemed, and the Christian conception of grace and freedom. The second kind of humanism believes that man himself is the center of man and implies a naturalistic conception of man and [20] of freedom." [21] According to the philosophy of theocentric humanism, human rights rest upon a natural and divine order, according to which human beings possess a dignity in virtue of their nature and destiny as creatures before God. The rights are limited in scope and are designed to assist the person in attaining their full stature as human beings. According to anthropocentric humanism, rights are based upon "the claim that man is subject to no law other than that of his will and freedom" and as a result have become "infinite, escaping every objective measure, denying every limitation imposed

upon the claims of the ego." [22] In his philosophy, Maritain sought to rescue the notion of human rights from the philosophical errors in which it has been put forward.

Maritain sets himself to the larger task of harmonizing Christianity and the democratic ideal, such as that of human rights. The tragedy of the modern age finds "the motivating forces in modern democracies repudiating the Gospel and Christianity in the name of human liberty, while motivating forces in the Christian social strata were combating the democratic aspirations in the name of religion." It is the burden of *Christianity and Democracy* to have "Christian inspiration and the democratic inspiration recognize each other and become reconciled." Maritain believes that modern democracy transcends aristocracy and monarchy, somehow preserving the best of both. Maritain did not envision the degree to which "democratic inspiration" would far outstrip "evangelical inspiration," thereby creating forms of conflict. Consumerism and gay rights can both claim "democratic inspiration," whereas their "evangelical inspiration" is dubious. Still, Maritain's praise of democracy is always qualified and critical as he wishes Christianity to serve as a check on the base tendencies of the democratic impulse which culminate in "bourgeois liberalism," a form of regime brought under judgment by the world war and its aftermath.

Chart 8.3: Maritain on Rights

According to Maritain human rights flow from the divine order reflected in human nature; it is the "right possessed by God to see the order of His Wisdom in beings respected, obeyed and loved by every intelligence."

Maritain believes that Christianity is actually the historical condition necessary for the emergence of a philosophy of human rights. The full historical adequacy of this claim is surely questionable; yet for its part it is a great and salutary truth. Human dignity, the value of labor, the rights of conscience, the relativity of earthly authority are but a few of the truths elaborated by Maritain as due to Christian inspiration. The problem is that "democratic impulse" is not a single force. As Maritain knows, its origins also lie in ancient republicanism and in the modern turn to mastery of nature and worldly satisfaction. Both movements bear some antagonism towards Christianity, even if the latter movement often masks itself in Christian phraseology. Maritain hopes to purge the democratic movement of its errors, and rest it on a Christian footing. But perhaps the modern project is now at long last purging itself of its Christian trappings. Maritain's "true democracy" would now appear as counter-cultural and perhaps anti-democratic. For example, he equates the "pursuit of happiness" with the cultivation of the mind and self-sacrificial love. More generally, Maritain identifies freedom with moral mastery and virtue. Maritain is thus truly pre-modern in outlook. Those democratic theories proposing a "thin theory of the good" would not find in Maritain the true essence of democracy. Although the Christian theorist may appropriate the terms of democracy, and even show origins in Christianity, the fact that those terms have developed a life of their own make the prospects for reconciling Christianity and contemporary democratic ethos problematic in the extreme. Maritain has high hopes that Christians may be on the vanguard of democratic reform; but we cannot now fail to see that Christians may be

called to resist its destructive excesses, as represented by a Dworkin or a Richards. *Christianity and Democracy* outlines the spirit of Maritain's task, *Rights of Man and Natural Law* outlines the basic concepts of his political philosophy. Maritain gives a masterful and lucid account of human rights, beginning with the philosophical notion of person as a being with intellect and will in virtue of which he is oriented towards the realm of being, truth and goodness. Therein resides human dignity: the person possesses some measure of wholeness and independence, and cannot live as a mere part or in servility. The freedom of human beings is intimately connected to truth and objective moral good.[23] Moreover, the person is social by nature in function of both his needs and perfections, that is, in virtue of human indigence and human generosity. The personalist basis for politics demands a communal correlate; the good of persons is a communion in the good life. The individualism of modern philosophies of human rights must be challenged by a more adequate appreciation of the social nature of the person. Maritain uses the dignity of the person to resist all forms of totalitarianism; man is more than a part of a temporal society. The person as such aspires to a supra-temporal good. Maritain often cites the words of Thomas Aquinas, "man is not ordered to political society by reason of himself as a whole and by reason of all that is in him." Human rights protect this human dignity against the onslaught of totalitarian power. But the liberal interpretation of rights also is premised upon the denial of transcendence; thus we are faced with the question whether a project such as Professor Richards' is leading to the enhancement or the ultimate degradation of the human person.

The philosophy of human rights must address the issue of the human good and human perfection. According to Maritain human rights flow from the divine order reflected in human nature; it is the "right possessed by God to see the order of His Wisdom in beings respected, obeyed and loved by every intelligence." He does not give a Kantian type account based upon human autonomy. From a definite conception of the good life Maritain derives human rights. He defines the key modern notion of freedom in terms of virtue, which he calls liberty of expansion: it is "the flowering of moral and rational life, and of those interior activities which are the intellectual and moral virtues." But the modern philosophy of human rights "believes in liberty without mastery of self or moral responsibility." [24] For Maritain, therefore, the essential political task, "a task of civilization and culture." The rights of man follow from this goal -- they represent the conditions necessary for the full flowering of human perfection in the multitude. Maritain expounds upon personal, civic, and economic rights in light of this concrete human good. For the precise enumeration one may consult *The Rights of Man and Natural Law*, including a resume of rights provided at its end.[25] They protect and provide the material and legal conditions for human perfection. Suffice it to say that Maritain expects the slow but steady emancipation of man from the conditions that thwart his aspirations to truth and virtue. Liberation is for the sake of human perfection, not an end in itself, nor a freedom without terminus or measure. This account of freedom would appear to preserve what is best in a theory of rights by joining it to a notion of virtue. Rights are not a claim of subjectivity or a liberty free of obligation, but conditions for human excellence challenging political prudence in its task to achieve a common good and a decent human life for all.

Conclusion: The Challenge of Rights Discourse

There is an obvious need for the understanding of and the use of rights discourse today. It is necessary for the very protection of the claims of religion and religious activity in a secular state. The original impetus of Locke, freedom for and toleration of religious belief. Rights language helps to explain the advocacy for the vulnerable members of society which Christian conscience demands. Thus to influence public policy in a salutary way, rights discourse is inevitable. But the basis for and purpose of human rights discourse must be clearly understood if we are to avoid the confusion and equivocations of the present day. We must engage in a serious reading of modern philosophers such as Hobbes and Locke; in addition, the contemporary developments of Rawls, Dworkin and Richards must be squarely faced; finally, Christian thinkers like Maritain and John Paul II have opened up horizons for a sound philosophy of human rights.[26]

The use of rights discourse is fraught with difficulties, not the least of which is sheer equivocation when engaged in discourse with the dominant liberal culture. The philosophy of human rights underlying such accounts, the radical autonomy of the human person, must be challenged and redefined. A sound philosophy of rights must make it clear that freedom is not an absolute, that rights are imbedded in an objective moral order which is accessible by reason (natural law) and revelation (divine law) and finally that rights are correlated with duties to the community, to others, and ultimately to God.

8.6 Simon on Equality

Simon begins his account of democratic equality with Maritain's idea of the notion of equality as a common human nature, rejecting the nominalist bias of doctrines of inequality. He excludes the doctrine that human kind can be divided essentially by race into higher and lower. Equality is grounded in potential for community life. He then turns the account more directly to the problem of equality and its tensions. The ideal of equality deriving from common humanity can be applied in a strict fashion and in the fashion of a tendency. For example, all men are covered by the norm prohibiting the killing of innocent life. Race, social standing, wealth and so forth are irrelevant considerations here. Any excepting conditions are made on principle, like self-defense, not on an arbitrary basis. Simon, writing in 1950, prophetically mentions abortion and euthanasia as great violations of the ideal of equality and common humanity. Similarly, fair exchange demands a strict equality, for again race, wealth and the like are not relevant factors. But in other demands for equal consideration, limitations must be acknowledged. Hence in some cases equality must be adopted as a "progressive tendency" to greater realization. The two examples considered are health care and education. All human beings ought to be protected from disease and death. The desire for life is equal in all segments of society, Simon says. On this point Simon claims that our conscience has improved. But it does not follow, he says, that it is in our power to provide equal protection to all, nor is it "necessarily iniquitous that it [society] fails to do so." But society must be on a "track" leading to equal protection for all. This is "the equalitarian dynamism contained in the unity of human nature." But this dynamism he

says is often lawfully restricted and delayed. Why? Its implementation may require "an enormously increased weight of bureaucratic organization [and a loss] of a considerable amount of liberty." He gives a similar account of education; society must be on track to greater opportunity, but the recognition of different abilities and conditions, and the problem of freedom and taxes may restrict its implementation.

Despite these "lawful restrictions and delays" in the realization of equality, Simon insists that democratic theory and practice be gauged above all in terms of progress in equality. Conservatism, he warns, simply seeks to maintain the advantages of small minorities. At best, Simon would allow for a form of "fiscal conservatism" from what he has said about lawful restrictions. Does it follow then that democratic theory and practice must posit as a regulative ideal the eventual suppression of all advantage and privilege with the inequality that accompany them? That is, has Simon reduced the "conservative" objection to that of means and efficiency? Could greater power and technical prowess enhance progress in equality and pare down the conservative objections? Should democratic regimes be ever in search of greater power and take of advantage of any possible advance in equality?

Simon argues very strenuously against this conclusion on the basis of the principle of autonomy or subsidiarity. Simon entertains the following proposition: "inequality should never be determined by any consideration foreign to individual merit." Simon says that this well sounding vague notion has the "character of radicalism made inconspicuous." Yet it would seem one is driven to this point by a certain logic in the equalitarian dynamism. For legal equality and open opportunity can neutralize aristocratic privilege. But then education, position and other factors such as wealth can still leave great gaps in equal opportunity. Strict equal opportunity must eradicate "all privilege or handicap attaching to hazard of birth." If so, the right of inheritance and any family influence would stand in the way of equality. But the elimination of the family is a utopian scheme that would subject men to a far greater arbitrariness; hence Simon's fear of "radicalism made inconspicuous" in the claim of equality.

Simon backs off to a larger context in order to resolve the antinomy. The problem is biased by "an individualistic preconception." The family and social being is part of the good life desired for each citizen. Thus, "some of the things for which opportunity is sought are of such a nature as to balance and restrict the principle of equal opportunity." Equal opportunity is carried too far when "it threatens to dissolve the small communities from which men derive their best energies in the hard accomplishments of daily life." From the perspective of human flourishing, the principle of equality is limited by more than technical efficiency, but also by a positive notion of the good life.

Simon concludes with three principles pertaining to equal opportunity, thus gathering the various elements in tension: a democratic regime must strive for legal equality; it must take positive measures to avoid factual exclusion from any function, e.g. financial help for education; it must allow the greatest possible autonomy to prevail. The first principle reflects the strict equality of common humanity; the second principle reflects the equalitarian dynamism of a democratic regime; the third principle, Simon says, makes

the principle of equal opportunity less absolute; without it, equal opportunity would be "a first class factor of atomization and a formidable wrecker of democratic communities."

READINGS

1. Aquinas 136-170 (ST II-II QQ 57-58; Q 61)
2. Aristotle, III.12-13
3. Man and the State, chap 4: 76-107
4. Philosophy of Democratic Government, chap 4: 195-259

WRITING ASSIGNMENT (3 page paper on one of the following)

1. Solzhenitsyn said that the West is too concerned with rights and should be more concerned with duties. Comment.
2. What are the connections between rights to life, liberty, property, pursuit of happiness?

Notes:

5. See Stanley Hauerwas, "The Church and Liberal Democracy: The Moral Limits of a Secular Polity," in *A Community of Character* (Notre Dame: University of Notre Dame Press, 1981), pp. 72-88.

6. Richard Tuck, *Natural rights theories: Their origin and development* (Cambridge: Cambridge University Press, 1979), pp. 24-31.

7. See Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1952); *What is Political Philosophy?*, (New York: Free Press, 1959); Richard Tuck, *Hobbes*, (New York: Oxford, 1989); C. B. MacPherson, *The Political Theory of Possessive Individualism* (New York: Oxford University Press, 1962); David Johnson, *The Rhetoric of Leviathan* (Princeton: Princeton University Press, 1986); Ian Shapiro, *The Evolution of Rights in Liberal Theory* (Cambridge: Cambridge University Press, 1986).

8. *Leviathan*, chapter 14. In the Penguin edition edited by C. B. MacPherson (New York: Penguin Books, 1968), p. 189.

9. See Hobbes, *Leviathan*; see also Richard Tuck, *Hobbes* and Leo Strauss, *Natural Right and History*.

10. John Locke, Letter concerning Toleration.

11. John Courtney Murray, *We Hold These Truths*, (New York: Sheed and Ward, 1960). pp. 48-56.

12. "To understand Political Power right, and derive it from its Original, we must consider what state all Men are naturally in, and that is a state of perfect Freedom to order their Actions, and dispose of their Possessions, and Persons, as they think fit, within the bounds of the Law of Nature, without asking leave or depending on the Will of any other Man." John Locke, *Two Treatises of Government*, edited by Peter Laslett, (Cambridge: Cambridge University Press, 1968). (2.4)

13. "A State also of Equality, wherein all Power and Jurisdiction is reciprocal, no one having more than another: there being nothing more evident, than that Creatures of the same species and rank promiscuously born to all the same advantages of Nature, and the use of the same faculties, should also be equal one amongst another without Subordination or Subjection, unless the Lord and Master of them all, should by any manifest declaration of his Will set one above another, and confer on him by an evident and clear appointment an undoubted Right to Dominion and Sovereignty." (2.4)

14. For Men being all the Workmanship of one Omnipotent, and infinitely wise Maker; All the Servants of one Sovereign Master, sent into the World by his order and about his business, they are his Property, whose Workmanship they are, made to last during his, not another's Pleasure. And being furnished with like Faculties, sharing all in one Community of Nature, there cannot be supposed any such Subordination among us, that may authorize us to destroy one another, as if we were made for one another's uses, as the inferior ranks of Creatures are for ours. (2.6)

15. See Harry Jaffa, "Equality as a Conservative Principle," in *How to Think about the American Revolution*, (Durham, N.C.: Carolina Academic Press, 1978) pp. 13-48.

16. One may destroy a Man who makes War upon him, or has discovered an Enmity to his being, for the same Reason, that he may kill a Wolf or a Lyon; because such men are not under the ties of the Common Law of Reason, have no other Rule, but that of Force and Violence, and so may be treated as Beasts of Prey, those dangerous and noxious Creatures, that will be sure to destroy him, whenever he falls into their Power. (2.16)

17. See also Locke's *Essay Concerning Human Understanding* ed. Peter Niditch (Oxford: Clarendon Press, 1975), I.3.6: "It is no wonder, that every one should, not only allow, but recommend, and magnifie those Rules to others, from whose observance of them, he is sure to reap Advantage to himself. He may, out of Interest, as well as Conviction, cry up that for Sacred; which if once trampled on, and prophaned, he himself cannot be safe nor secure."

18. Gerard V. Bradley, "The Constitution and the Erotic Self," *First Things* no. 16 (October 1991), pp. 28-32.

19.

20.

21. Jacques Maritain, *Integral Humanism* (Notre Dame: University of Notre Dame Press, 1973), pp. 27-30; *The Range of Reason* (New York: Charles Scribner's Press, 1952) chapters 7, 8, 14.

22. Jacques Maritain, *Christianity and Democracy and Rights of Man and Natural Law*. translated by Doris C. Anson; introduction by Donald Arthur Gallagher. (San Francisco: Ignatius Press, 1986), pp. 145-147.

23. See also, John Paul II, "Rediscover the relationship of truth, goodness and freedom," *L'Osservatore Romano* 28 April 1986, p. 12. *Redemptor Hominis*, section 12.

24. *Range of Reason*, p. 187; see also Maritain's *Freedom in the Modern World*, (New York: Charles Scribner's Press, 1936); and a collection of essays on Maritain, Simon and Adler, *Freedom in the Modern World* ed. Michael D. Torre (Notre Dame: University of Notre Dame Press, 1989).

25. See pp. 152-189; this list may also be found in *The Social and Political of Jacques Maritain* edited by Joseph Evans and Leo R. Ward, recently reissued by Notre Dame Press.

26. See James V. Schall, *The Church, the State and Society in the Thought of John Paul II* (Chicago: Franciscan Herald Press, 1982).

Lesson 9: Education and Politics

9.1 Aquinas -- Purpose of Law to Make Men Good

At the end of the *Ethics* Aristotle points to law as one factor in establishing the good character, virtue, of the citizens. And he says in the *Politics* that virtue is one of the claims to rule and one of the purposes of political society. Aquinas thus echoes his mentor when he says in the *Treatise of Law* that a major effect of the law is "to make men good" (ST I-II 92.1). He cites Aristotle at *Ethics* II.1. He also notes that the virtue achieved by the legislator is relative to the regime, i.e. it is a form of civic virtue. But in the *Treatise* Aquinas also notes the limits of law to achieve virtue. It is written for the general run of men, not the best, so it must be "middling" to some degree. So he observes that law cannot repress all vice (ST I-II 96.2).

9.2 Aristotle on Liberal Education

Aristotle devotes the last two books of the *Politics* to the investigation of the best regime; and the best regime is primarily a matter of education for the good life. The good regime must have good citizens. He says that as long as the best way of life remains obscure, so too will the question of the best regime. So he begins with a recapitulation of the *Ethics*. The happy life is not primarily about wealth, reputation and honor. It is primarily a matter of the development of the soul, virtue. He distinguishes them as internal and external goods. "It is for the sake of the soul that these other things are desirable, and accordingly should be desired by every man of good sense -- not the soul for the sake of them." Accordingly the best regime must have the appropriate external goods, but its focus should be on the goods of the soul. The external goods should not be sought without limit. This is a principle of virtue. So he concludes that a city is virtuous to the degree that its citizens are virtuous (see chap. 1 and chap. 13). Now for men to become good Aristotle says we must look to three factors: natural

endowment, habits, and rational principle. The natural endowment he discusses in chapter 7. He concentrates our attention now therefore on the education provided by the city -- this forms habits and instructs the reason.

In a regime where men are ruled and then rule in turn it is vitally important that all be educated to excellence. The citizen must be educated in the full sweep of excellence of body, passion, and reason -- and with reason both theoretical and practical dimensions. The great question for the city then becomes how to use leisure well. (See Pieper, *Leisure, the Basis of Culture*). Work is aimed at leisure, just as war aims at peace, and all useful activity toward an intrinsic good.

Aristotle begins the final book of the *Politics*, VIII, with the statement that "the legislator should make the education of the young his chief and foremost concern." He notes that most regimes neglect education. But education is necessary at the very least for the perpetuation of the regime, let alone for the over-all excellence of the members and the city.

At the end of the day, citizens should have an opportunity to use their leisure well; and that means cultivating the mind. Whereas most men are not inclined toward philosophy, Aristotle recommends that poetry be encouraged -- that is, the bards who sing about the gods and heroes, the highest things. He cites Homer who says that the citizens should be "called to the bountiful banquet, and with them they call a minstrel [a bard] to pleasure all men with his music" and in another passage "They who feast in the hall lend their ears to the minstrel in silence, sitting in due order." It is liberal, good in itself, for the men to sit and listen to the bard. For the bard recalls to their minds the stories of gods and heroes. This should be the ultimate education for all.

Aristotle also discusses the need to inculcate habits in the young prior to the age of reason. And to continue teaching through the way of music, poetry, in order to attune one's whole being to the good. "Goodness consists in feeling delight where one should and loving and hating aright" (VIII. 5). Therefore the city should cultivate in the youth "right judgments on and feeling delight in fine characters and good actions." C.S Lewis has developed this aspect of ancient education in his final book *The Abolition of Man*. Also the essay by Leo Strauss on Liberal Education in *Liberalism Ancient and Modern* is worthy of consideration.

In summary let us say that education is the chief work of the regime and the legislators. This is because there is a need for citizen virtue. The citizens must be habituated and cultivated at the very least for the principle and spirit of the regime. And on the basis of decency and moderation and courage there may be the possibility for higher virtue to develop. Perfect virtue is the love of the noble for its own sake. For it is from the ranks of the best educated that a regime can draw its best leaders.

9.3 Maritain on Freedom in the Modern World; Democratic Creed and Religion

Maritain understands that freedom is the chief aspiration of modern man. But he explains that freedom must be more than freedom of choice. It means above all the

freedom of virtue and education -- that is the development of the human person through self-mastery. Liberal education is the chief means for the human person to achieve this freedom of self-mastery.

Also the democratic regimes must cultivate a citizen virtue by way of a democratic creed. The dignity of man, the importance of honor and freedom, respect for others -- this requires education. It requires that various spiritual traditions be able to teach the foundations of the democratic creed in the deeper aspects. Maritain argues that the Thomistic doctrine of natural law is in fact the best foundation for teaching a respect and commitment to freedom and democracy. Ultimately he says that the regime should not be afraid of religion as an ally in the defense of freedom.

9.4. Simon and Technology

Simon ends his book on a more somber note. He fears for the republic because of the disruptive effects of technology. He understands that the modern regime has unleashed a lust for power and that technology has unhinged us from an ordered pursuit of happiness. His study of the effects of technology on human life is profound. For our purpose I shall just say a few words about the positive prospects for the "training of free men." Simon does think that the modern conditions of work can provide an opportunity for developing intellectual habits that are part of prudence and virtue. We must learn how to see the whole, the context for our projects. Labor and management can be brought along to cultivate these habits for free men and women. It is an important part of education broadly construed.

READINGS

1. Aristotle's Politics VII.1; 13-15; VIII.1-7
2. Aquinas 29-32 (ST I-II Q 92)
3. Man and the State, chap 5, end: 119-126
4. Philosophy of Democratic Government 260-322

WRITING ASSIGNMENT (3 page paper on one of the following)

1. Discuss Maritain's account of the role of religion in teaching the "democratic creed."
2. Discuss some of the obstacles to the education of free men noted by Yves R. Simon.
3. Why does Aristotle think that liberal education is so important to the city?

Lesson 10: Church and State

Maritain had high praise for the American constitution, describing it as "an outstanding lay Christian document tinged with the philosophy of the day."^[27] The American political tradition he saw as a viable example of the position he would sketch out of a sharp distinction between Church and State combined with their actual cooperation: "The spirit and inspiration of this great political Christian document is basically repugnant to the idea of making human society stand aloof from God and from any religious faith." He sought to avoid two extremes, extremes which had plagued Europe: on the one hand, were those who set forth a concept of civil intolerance, making non-Christians or non-Catholics second class citizens; on the other hand, were those who sought to marginalize the Church through isolating it from the activities of modern society. The former extreme could also take the form of maintaining clerical privilege and keeping up a façade of the Christian state. Maritain saw that such options would increase the bitterness and misunderstanding as well as nourish a high dose of Pharisaical citizens. To the latter extreme could take the form of indifference to religious affairs, or the historicist claim that the principles of prior ages are irrelevant and religion has no place at all in the modern world. Maritain finds the golden mean through a distinction between the fundamental principles, imperishable principles, and the conditions for application, historic conditions which call for analogous explication and application. That is, he does not merely say that the historic conditions are less than perfect requiring a prudential application and approximation, but that the very historic climate of the modern age, different as it is from the sacral age of the medieval time, requires a different analogous understanding of the principles at work. Thus he is neither a historicist on matter of principle nor an absolutist on the question of proper understanding of the relationship between Church and State.

Maritain bases his account of Church and State on the notion of degrees or orders of human achievement and flourishing. The common good civil life is "an ultimate end" but in a certain order, that is, the order of temporal achievement. It is an end "worthy in itself." In his first chapter Maritain derives from the Greek sense of the polis an account of the dignity of the political order. The common good of the body politic is constituted by justice and friendship, a form of association that "tends toward a really human and freely achieved communion. It lives on the devotion of human persons and their gift of themselves."^[28] The common good includes economic and political infrastructure but most of all "the sociological integration of all the civic conscience, political virtues and sense of law and freedom, of all the activity, material prosperity and spiritual riches of unconsciously operating hereditary wisdom, of moral rectitude, justice, friendship, happiness, virtue and heroism in the individual lives of the members of the body politic." It is important to note that Maritain distinguishes the "state" from the "body politic" the former being the instrument of the body politic to administer justice and good order. Thus the very notion of Church and State must recall this distinction during the discussion of their relations and cooperation, for the church finds a place within the notion of the body politic with its various associations and heritage. So the common

good of the political society must include "an intrinsic though indirect ordination to something which transcends it." It is subordinate to a higher good because there is in human nature a higher aspiration. The seeds of such transcendence are to be found in natural human aspirations to "spiritual goods" such as truth, justice, and beauty which lead one beyond nation or state. The state can claim no sovereignty over the life of the mind. The political common good cannot be closed in on itself; nor should the state attempt to curb the impulse to truth and beauty, such is the basis for civil liberties for freedom of thought and expression. For the ancients, this aspiration was embodied in the philosopher who existed beyond the city, and who was even beyond that religion which was poetical or civil in nature. But the philosopher embraced a true philosophical religion, a rational or metaphysical religion.

The human person transcends the state and the body politic through "what is supra-temporal." Maritain recognizes a capacity for transcendence in all, not just the few, and that capacity finds an ultimate perfection in religion. From a Christian perspective the absolute ultimate end lies in the supernatural order, union with God through grace. But he is careful to explain each principle and each step of his argument from the standpoint of both the believer and the unbeliever. There will be an "unavoidable mutual misapprehension" between the two (186) but nevertheless a philosophical case can be made for the notion of "sharp distinction and actual cooperation."

Maritain develops three general principles which he says are "imperishable" or true always and everywhere, but they require historic conditioning in their application. The three general principles are: (1) the freedom of the Church to teach and preach and worship; (2) the superiority of the Church - that is, of the spiritual - over the body politic and the State; and (3) the necessary cooperation between the Church and the body politic and the State. He elaborates and defends each one in turn.

Maritain presents a variety of reasons for freedom of religion. It follows from his overall account of the transcendence of the human person. The perfections of intellect and will which characterize the full development of the human person have a terminus beyond political life in "supra-temporal goods" which "constitute the moral heritage of mankind, the spiritual common good of civilization or the community of minds."^[29] We can call this metaphysical ground for freedom of religion. Maritain also gives a more direct political argument. On the basis of freedom of association the freedom of religion or Church can be derived. Churches are one of the primary intermediate groups to which the human person is a member and derives much benefit; society as well derives such benefit. So too can we appeal to freedom of conscience, which Maritain calls "the most basic and inalienable of all the human rights." For the believer, on the other hand, there is a more profound basis for freedom of the Church. The Church is understood to be a superior society by virtue of its supernatural character. It derives from the mandate to preach the Gospel given by Jesus.

The second principle, concerning the superiority of the Church, derives from a historical, as well as a theological claim. Prior to the arrival of Christianity the political society would make divine claims for itself or for its ruler. The very distinction between Church

and State is made possible by Christianity and the admonition to "Render to Caesar what is Caesar's and to God what is God's." As Maritain so eloquently puts it "the terrestrial and national frameworks in which the spiritual was confined have been shattered." The superiority of the spiritual is manifest in the very distinction - i.e. God is greater than Caesar. And yet Maritain points out, following Leo XIII, the de-divinizing of the state does not harm the state. The state is "autonomous" within its own order. The Church makes no claim for direct rule over temporal affairs on this account.

Finally, for the third principle, perhaps most controversial, is an argument based upon the benefit of the Church to society. All the Church asks is freedom - in return much will be rendered to the state in terms of moral influence. Of course it is now the very influence on morality that many resent. But the argument from the unity of the human person is brought in precisely at this point. It would be unnatural for the church and state to ignore each other because it would amount to splitting the person in two halves - for the sake of the integrity of the person there must be cooperation between Church and state. What kind of cooperation is need requires us to consider the historic climate in which we now live in contrast to the climate of an earlier era.

Maritain's unique breakthrough on the topic of Church and State, and I might add an anticipation of the position adopted by Vatican II, derives from his account of history. Maritain proposes that we approach the issue in light of the "climate or constellation of existential conditions" dealing with juridical, social political and intellectual factors that define a given era. The application of the principles in each era calls for a different mode of application. That is, Maritain does not see the historical conditions as so many limits to a prudential application, which in more favorable conditions would allow for a greater achievement. Rather the new era requires an analogous application. The conservatives, if you will, do not grasp the historical climate or opportunities for a new style of Christian witness and a new style of Church state relations. They are abstract absolutists with respect to the principles, but have a univocal grasp of what they mean or entail. For their position would entail a denial of equal civil rights to the non-believer and it would ultimately entail a form of violence against them. The liberals, if you will, declare that the principles have now become obsolete and fall into historicism. Their problem stems from an equivocal understanding of the principles. It entails indifferentism and perhaps the aggressive attack on religion in the public square that we witness today. It is part of Maritain's life long philosophical and theological project to confront the modern world from the standpoint of the Thomistic tradition and to apply the basic principles and extend the basic principles to the problem of the day. He wishes to embrace the advances of the modern world, but by purifying the errors of its philosophy and first principles.

Maritain's understanding of the modern era centers on a distinction between the "sacral" versus the "lay" state. The distinction is most fully articulated in *Integral Humanism* and it is the centerpiece of Maritain's understanding of the achievement of Vatican II as explained in *The Peasant of the Garonne*, to be examined below. Maritain describes the medieval era as characterized by a distinction between the two powers, temporal and spiritual, but a unification of the two through the use of faith for the unity of the body

politic. Religious creed was used as the basis for unity in the body politic, so a rupture in belief was seen as a rupture in the body politic. The heretic therefore was seen as threat to the political order. The methods of the inquisition served both the church and the state; the state could use it as an instrument for state unity; the Church could use the temporal power as a means for its goals. The temporal therefore was subordinated to the spiritual as a means or an instrument for a spiritual end.[30] The medieval era was also characterized by what Maritain calls "fortitude in the service of justice" as its public ideal. The public servant aimed at the embodiment of a noble ideal. With the fragmentation of the religious unity of the state by way of the Reformation, the "Baroque era" attempted to refund the unity of the state through the absolutism of the ruler whose faith would guarantee the unity of the spiritual and political order. Maritain views this as a halfway house, unworkable in the long run. The true modern era is described as a lay state whose two guiding principles are the differentiation and autonomy of the temporal sphere, from economics to politics and the public ideal of the conquest of freedom and human dignity. The unity of the state could no longer be grounded in a spiritual and religious unity, so it must be based upon a temporal goal as such. The notion of human dignity and the use of temporal power to empower or liberate human beings from bondage to nature or oppressive rule became the public ideal. The autonomy of the secular affairs Maritain says is a rightful unfolding of the very distinction of the affairs of God and Caesar. The new climate therefore requires the analogous application of the imperishable principles. The entailments are as follows. The state is no longer viewed as the "secular arm" of the church. The state is "autonomous and independent" within its own sphere.[31] Second, the equality of all members of the temporal society is recognized as a fundamental tenant. The holding of office or the enjoyment of the civil rights is the same for all. Third, the Church and state both recognize the importance of "inner forces" as a preferred mode over coercion. Faith cannot be imposed by force, but neither can political persuasion or other fundamentals of belief. This leads to the highlighting of conscience as the great key to the new era. Freedom of conscience entails freedom of inquiry and freedom of expression.

In these new conditions Maritain sees a great new era for the relation of church and state, traced back to the unity of the person. There are three aspects to the argument. First, the person is characterized by a unity or integrity - and although living in various orders with various pursuits, has one conscience. The person is simultaneously a member of the body politic and a member of the Church. Hence "he would be cut in two if his temporal membership were cut off from his spiritual membership." [32] The wholeness of the person should incline us towards cooperation rather than antagonism. Second, the religious pursuit is essential to the "pursuit of happiness." Therefore the common good of society, which includes the flourishing of its members, but be favorable towards the religious pursuit. Third, through the influence on conscience "Christian truths and incentives" would pass into the sphere of temporal existence and thereby assist the democratic state in rousing the "inner strength and spiritual stronghold of democracy" (176). The religious beliefs and practices will have a "leavening effect." They should uplift morality and sensitive moral conscience. The civil rights movement of the 60s would be an example that Maritain has in mind. Maritain anticipates the communitarian critique of liberal philosophy - the attempt to develop a neutral, thin

theory of the *raison d'être* of the political society is impossible or weak. The pluralism of religious belief can be turned to the state's advantage if the various religious traditions can agree on concrete practical principles, but provide a more full-bodied understanding and defense of the principles at a higher level. The educational efforts of the Church are very important for the well being of the political society (see 121-122). The students could see "the entire convictions" and personal inspiration behind their principles of government and social practice (122). For this reason Maritain says that the isolation or separation of church and state would "simply spell suicide."

The very distinction between Church and State grants to the Church her new found influence. She stands for universality and for the higher supratemporal good to which the human person aspires. The superiority of the Church is therefore not the basis for the use of coercive methods or for the dictation of public policy, but it should operate through the springs of conscience and persuasion. In a poignant passage Maritain says, "A superior agent is not confined or shut up within itself. It radiates. It stimulates the inner forces and energies of other agents - even autonomous in their own peculiar spheres - whose place is less high in the scale of being. Superiority implies a penetrating and vivifying influence. The very token of the superiority of the Church is the moral power with which she vitally influences, penetrates and quickens, as a spiritual leaven, temporal existence and the inner energies of nature, so as to carry them to a higher and more perfect level in their own order."^[33] So the autonomy of the temporal sphere is recognized and even celebrated, and the influence of the Church is to stimulate within the very political order its own proper excellence and achievement of its own proper end. It requires a distinct metaphysical conception, analogous to the relation of nature and grace - that grace does not destroy but rather builds upon and perfects nature.^[34] Maritain's prophetic term for the new relation of Church and state, from the standpoint of the Church, is called the "sanctification of secular life." The temporal itself bears within itself the mark of the divine, a "*quid divinum*."

The Church therefore seeks to persuade and to revive the inner energies within the human person, within conscience. It thus forever forswears the use of coercive power. Rather the Church now asks for freedom, the freedom to pursue its spiritual mission. No special privilege is required, just an acknowledgement that the temporal common good of the state is advanced by granting to the Church her freedom. It is a temporal good for the reasons mentioned above, the essential component of the pursuit of happiness and the leavening effect of Christian conscience within society at large. This constitutes an in-principled argument against state coercion for religious purposes. In addition there are prudential reasons for limiting even the legitimate secular reasons for morality as mediated through religion. Maritain explains the Thomistic adage that law should be proportionate to the capacity of the people. Thus not every moral standard will be legislated in full force.^[35]

The actual cooperation should go beyond the negative freedom of the church to be allowed to pursue her mission to preach the gospel. Maritain says that the state should ask the Church to do more in domains where she can assist - such as welfare and education. The state can help remove obstacles and "open the doors" for the Church to

assist the "social and moral work of the nation, to provide people with a leisure worthy of human dignity, and to develop within them the sense of liberty and fraternity" (179).

At the end of the day Maritain understands that there will always be an ultimate misapprehension between the believer and the non-believer. But he thinks that the task is now clear. The influence of the Church on liberty is for the good; she has forsworn the use of coercion for religious purposes. The blind forces, which have attacked religion in the name of freedom and the dignity of the person, must now drop their mask and appear, as they are - opponents of liberty and human dignity. Their anti-religious animus, their virulent secularism, now becomes the sole reason for attacking and excluding religion. Maritain has traced our way through the Tocquevillian dilemma: "Where then are we? Men of religion fight against freedom, and lovers of liberty attack religion; noble and generous spirits praise slavery, while low servile minds preach independence; honest and enlightened citizens are the enemies of all progress, while men without patriotism or morals make themselves the apostles of civilization and enlightenment!"[36] And one hundred years later Maritain claims in his *Man and the State*: "Present times, however miserable they are, have the wherewithal to elate those who love the Church and love freedom. . . . The cause of freedom and the cause of the Church are one in the defense of man."[37]

READINGS

1. Aristotle's Politics VII.10,12
2. Aquinas 249-260 (II-II Q 10, AA 8,10,11; Q 11 A 3; Q 60 A 6)
3. Man and the State, chap 6: 147-187

WRITING ASSIGNMENT (3 page paper on one of the following)

1. What is the role of the Church in temporal affairs?
2. Discuss Aquinas' arguments for a harsh treatment of heretics.

Notes:

27. Man and the State, p. 183.
28. Ibid. p. 10.
29. Ibid., p. 150.
30. See Maritain, Jacques. *Integral Humanism*. Translated by Joseph W. Evans. Notre Dame: University of Notre Dame Press, 1973a.
31. Ibid., p. 161.

32. Ibid., p. 176.
33. Ibid., pp. 164-165.
34. See the book by Maritain's theological mentor, Journet, Charles. *The Meaning of Grace*. Translated by A. V. Littledale. Princeton: Scepter Press, 1996.
35. Ibid., pp. 167-171.
36. Tocqueville, Alexis de. *Democracy in America*. Translated by George Lawrence. J. P. Mayer ed. New York: Harper Collins, 1988., p. 17.
37. *Man and the State*, p. 187.

Lesson 11: Politics, Realism and Power

11.1 The Machiavellian Lies

Machiavelli is considered to be the founder of modern political philosophy. (See Leo Strauss *What Is Political Philosophy* New York: Free Press, 1959 and "The Three Waves of Modernity." In *Political Philosophy: Six Essays by Leo Strauss*, ed. Hildail Gilden, pp. 81-98. Indianapolis: Bobbs-Merrill, 1975.) In *The Prince* Machiavelli seeks to overturn the principles of ancient and medieval political philosophy by an accusation of foolish idealism. He says that they studied man as he ought to be, imagined republics, and failed to see what man really is and actual regimes and behavior. This is one of the great Machiavellian lies. He also says that the man who is not willing to practice evil will be ruined by those who are so willing. Thus the prince must know how to do evil and also the prince must practice hypocrisy appearing to be a man of honor, justice and faith, but knowing how to be the opposite as the situation and necessity demand. Maritain charges that the Machiavellian lies are two-fold: 1. the just man must be weak and 2. the successful man must practice evil and deceit. Maritain criticizes Machiavelli in *Man and the State* under the issue of "means." He refers the reader to a more elaborate critique entitled "The End of Machiavellianism" which appeared in his book *The Range of Reason* (New York: Scribners, 1968); this essay is available on line at the Maritain Center web site. See also Schall, James V., *Jacques Maritain: The Philosopher in Society* (Lanham, Md.: Rowman & Littlefield, 1998), chapter 1.

11.2 Maritain Critique

Maritain's critique is based on an empirical or historical claim. The just man can be strong; and that the doers of evil prosper for the span of life of a man, but not for the extent of a regime. That is he looks to the actual history of regimes and especially the struggle of regimes in the twentieth century. Both Hitler and Stalin claimed to learn from Machiavelli and be practitioners of his art. Maritain refers to this as the artistic or technical view of politics. Mastery is simply an art of manipulating men and materials to achieve one's goals. Rationality is nothing but technical rationality. To such a view he contrasts the moral or internal view of politics -- in this view politics is a matter of virtue or character. It requires prudence defined in the ancient sense -- a thoughtful regard for what is possible in the light of principle and as conditioned by the good character of the statesman. The artistic view leads to immediate success or the success of life span, but it is dubious if the doers evil can actually sustain a regime over many generations. In 1950 Maritain predicted that great totalitarian power in the Soviet Union would collapse of its own internal rot. He called it a huge Machiavellian robot which possessed vast external power but lacked the internal power of truth and virtue. Ultimately the strength of the free democratic regime will be the very free initiatives and open government that provide a ceaseless flow of energy throughout the social body and political regime. It depends upon the People's means of control over the power of the state. So we must now turn to Simon's consideration of the democratic transformation of the state.

Chart 11.1: The Machiavellian Lies

Let us not be deceived, moreover, by the Machiavellian Sophistry: they say that justice and respect for moral values spell weakness and doom, and that strength is strong only if raised to the supreme standard of political existence. That is a lie. Not only, as we have seen, is evil incapable of succeeding in the long run, and not only does strength without justice weaken in the long run; but here and now strength can exist together with justice, and the power of nations struggling for freedom can be even greater than that of nations struggling for enslavement. The Second World War was a proof of that. Yet the strength itself of a democratic body politic supposes justice, because it uses human energies as energies of free men, not of slaves. Nay more: a supreme effort of all the energies of freedom, in their own spiritual realm, is needed to compensate for the momentary increase in physical strength that is given Machiavellian powers by their determination to use any means whatsoever. As such a supreme effort cannot arise if the body politic ignores moral values and standards. In reality strength is supremely strong only if not strength, but justice, is the supreme standard.

Maritain *Man and the State*, pp. 60-61

11.3 Simon on Transformation of the State (119,123,137,141)

Yves Simon does not directly confront the issue of Machiavellianism. But he does discuss the various instruments of the state and the principles of correct use and abuse. The fundamental instruments of government include coercion and persuasion.

Democracy does indeed favor persuasion but that does not eliminate the need for coercion and the pedagogy of law. Hence, we must note the limits of virtue and the need for law (see PDG p110 and the note commenting upon ST I-II 95.1). Simon like Maritain finds the real strength of democracy in the principle of subsidiarity, as discussed above. "The spontaneous operation of elementary energies" will produce greater and stronger results than does the use of power from the top down. (PDG p122). The problem with Machiavellian power is that it cannot trust the diverse energies of the people but it must seek to manipulate them through deceit. The importance of a free press and free expression help to counter the possibility of state deceit and propaganda. The "democratic transformation of the state" relies upon the principle of subsidiarity or autonomy by which the power of the state is limited. Even God rules through use of intermediate causes. (See pl3ln, ST 1.103.6) The point is that the power of the state, and the rulers who seek power and its abuse, must be resisted by institutional means. Private property, the freedom of the church, the freedom of the press, and the free initiative of intermediate groups all have a vital role to play in combating the cynical Machiavellian approach to political life.

READINGS

1. Aristotle's Politics, VII.2-3
2. Man and the State, chap 3: 54-75

WRITING ASSIGNMENT (3 page paper on one of the following)

1. Outline and discuss Maritain's idea of the "end of Machiavellianism"
2. Is rule over others the best aim for the state?

Lesson 12: War, Peace and the Problem of World Government

12.1 On Political Philosophy and the Just War Theory

The just war theory has a long distinguished pedigree. Its roots are in classical Greek and Roman philosophy; it was transformed by the Christian philosophy of Augustine and Thomas Aquinas, of special interest to us at this Institute; and it has been developed by generations of philosophers hence. It is the official position on the morality of warfare adopted by the Roman Catholic Church, including the documents of Vatican II.[38] One finds there a nuanced and tightly reasoned piece of just war thinking. It says that a

nation has a right and duty to defend its citizens (*Gaudium et spes* #79). Thus members of the armed services are making a genuine contribution to peace. This framework of the Just War Theory is also used by the U.S. Bishops' *Challenge of Peace*; it is not a pacifist document. This was reiterated at the Rome consultation and it is repeated often by the Bishops. A good explanation of these principles may be found in the pastoral letter. The duty of nation to defend itself and the declaration that pacifism is only an option for individuals makes the framework normative for public policy debate. A summary of the consultation in Rome stated that: "it was clearly affirmed that there is one Catholic tradition: the Just War Theory, but that this tradition was subject to inner tensions coming from an ever present desire for peace." [39] Again Cardinals Bernardin and O'Connor testified before the House: The Church does not embrace pacifism as a public position; it believes that some uses of force are justified in the defense of freedom. The Church continues to employ the just war criteria to establish limits to the permissible use of force." [40] In the latter part of the twentieth century, the just war theory has been further refined and developed by a number of American theorists including Paul Ramsey, John Courtney Murray, James Turner Johnson, Michael Walzer, and others. The issue of war and peace raises important philosophical and theological questions. The debates about war and peace bring into play a number of important principles regarding the nature of politics, the conditions of justice, the nature of God's kingdom, the presence of sin, the role of authority, and the prospects for progress, to name but a few. John Courtney Murray has said that the threat of war and political disorder has an "unparalleled vertical dimension; it goes to the heart of the very roots of order and disorder in the world - the nature of man, his destiny, and the meaning of human history." [41]

Chart 12.1: John Courtney Murray on War

"The present historical situation of international conflict is unique. 'Never,' said Pius XII, 'has human history known a more gigantic disorder.' The uniqueness of the disorder resides, I take it, in the unparalleled depth of its vertical dimension; it goes to the very roots of order and disorder in the world - the nature of man, his destiny, and the meaning of human history."

John Courtney Murray, "Morality and Modern War"

Thus, the challenges to the just war theory, particularly realism and pacifism, to which I view the just war account as a golden mean, are very much worth considering and perhaps even framing the issue for us. Let us start with pacifism.

War is an event of untold human suffering and loss: such as the deaths of many people, both military and civilian, the fragmentation of families, the consumption of valuable resources, and the destruction of the environment. At the outset of our consideration of the Just War Theory, it is important to feel the burden and weight of the case against war; and to register some incredulity at the very enterprise of justifying warfare.

Erasmus, the great Christian humanist of the 15th century, challenged the Christian Prince to weigh the gravity of the decision to initiate warfare:

Shall I alone be charged with such an outpouring of human blood; with causing so many widows; with filling so many homes with lamentation and mourning; with robbing so many old men of their sons; with impoverishing so many who do not deserve such a fate; and with such utter destruction of morals, laws and practical religion? Must I account for these things before Christ?[42]

And further, he reminds the Prince that:

It is more difficult, as well as more desirable, to build a fine city than to destroy it. But we see flourishing cities which are built by inexperienced and common people, demolished by the wrath of princes. Very often we destroy a town with great labor and expense than that with which we could build a new one, and we carry on war at such greater expense, such loss, such zeal, and pains, that peace could be maintained at one-tenth of these costs.

Erasmus makes a number of other criticisms of the just war theory, but one in particular is important for our topic tonight. He said that both sides claim the justice of the cause, and that it is easy to find a pretext for going to war under the rubric of justice. The disturbing relevance of this voice from the fifteenth century, should remind us of the importance of the western intellectual tradition, reflecting as it does the perennial worth and the internal diversity of the so-called great books.

The just war theory shares with any form of pacifism a deep sorrow and tragic sense, and indeed a deep love for peace. War by any account is a terrible event that should be avoided if possible. C. S. Lewis wrote a marvelous essay entitled "Why I am not a Pacifist." [43]

Yet on the other hand a judgment is made that the order of justice, to be established and maintained, may require the use of force or the threat of its use. And further, such use of force is morally required if the commitment to a just peace is serious. This is the heart of the issue distinguishing absolute pacifism from the Just War Theory. First, there is an empirical/historical claim, that order requires force. Second, there is a moral claim, that there are goods worth the risk of war and that "peace at any price," is unacceptable. For example, Lincoln spoke as eloquently as Erasmus of the evils of war and admitted that the American Revolution "breathed forth famine, swam in blood and rode on fire; and long after, the orphan's cry and the widow's wail, continued to break the sad silence that ensued." [44] But he points to great blessings of liberty made possible by the American Revolution. As for the civil war, although Lincoln judged that slavery was an eternal wrong and unjust, he did not adopt that moral high ground as the major war aim; he did not share the abolitionist's sense of a just crusade against the South; rather, in a more Augustinian mode, he judged that the good of order required that force of arms be used to put down the anarchy of rebellion. [45] Looking back on the war, Lincoln, in his second inaugural address stated that: "both parties deprecated war; but one of them would make war rather than let the nation survive; and the other would accept war rather than let it perish." Lincoln's Gettysburg Address is an attempt to establish the worth of the struggle: the dead shall not have died in vain if there is a rebirth of freedom. Are there things worth the risk of human life? The French Catholic

philosopher, Jacques Maritain, in an article on immortality, concludes that true civilization "knows the price of human life . . . but it does not fear death, it confronts death, it accepts risk, it requires self-sacrifice - but for aims which are worthy of human life." [46] Such goods are justice, honor, truth, and brotherly love. Given the presumption against war, and given the precious value of human life, one may yet judge that force of arms is a risk necessary to engage for human aims. Vatican II warns statesmen to "conduct such grave matters soberly." The Just War Theory sets up then a set of criteria to ensure that such risk is not taken lightly or with rash spirit.

Why not realism then? Although the classical philosophers never used the rubric "the Just War Theory", their philosophy never ceased to be preoccupied with the questions of right rule: they clearly recognized the distinction between might and right, the superiority of persuasion to coercion, the limited claims of partisan politics, and the disorders of greed and ambition as forces animating moral and political life. An incident in Thucydides perhaps best exemplifies the problem as the Greeks saw it; in the so-called Melian dialogue the Athenian generals come to discuss the prospects for peace confronting the vastly outnumbered Melians. The Athenians tell the Melians that they have no hope but to surrender; that superior force will dictate the terms of justice: "you know as well as we do that right, as the world goes, is only in question between equals in power, while the strong do what they can and the weak suffer what they must." [47] The Melians refuse the terms of peace and they are subsequently destroyed and their villages plundered and population sold into slavery. The Athenians sent out a colony of 500 and occupied the territory. [48]

The greater might prevails over any conception of right. The Romans acted in a similar way with the city of Carthage. Perhaps it is this incident, as well as the disfunction of the Homeric heroic man, that led Plato to counter this supremacy of the warrior with the ideal of the philosopher king in the *Republic*. [49] As all of you students know from your reading of this great dialogue, Plato strove to refute the Sophistic claims of Thrasymachus that justice is the interest of the stronger. In addition, he argued against the claim of Polemarchus, the warlord, that justice is simply the doing of good to your friends and harm to your enemies. The critique of Polemarchus is complex; but it includes pointing out the paradox of the just man holding a double morality, able to lie cheat and kill the enemy and yet do good to friends. The just man, according to warrior's ethic, is a kind of thief. The challenge of educating the guardians becomes paramount in the best regime: how to combine the qualities of high spiritedness with gentleness, that is, how to form citizens who will be fierce in battle but just and kind with their fellow citizens. It is a challenge that requires replacing Homeric heroes with Socratic dialectic. Reason must rule over *thumos*, or spiritedness, which is akin to anger. The warrior's ethos, based upon a desire for victory alone, is clearly rejected as a disorder by Plato.

12.2 Augustine and the Just War

Augustine's criticism of the pagan political order found fault with its aims and methods. The pagan order was dominated by pride. There was much to admire in it: the great virtues of courage, even justice in some cases. But the worm of pride corrupted its

practical deliberations, the desire to dominate and rule over others, and also its philosophers who were driven to deceive the people through the noble lie and to posit an elitist difference between the philosophic few and the crowd. Of the Roman political ethos and order he says:

Glory they most ardently loved: for it they wished to live, for it they did not hesitate to die. Every other desire was repressed by the strength of the passion for that one thing. . . . That eagerness for praise and the desire for glory is that which accomplished those many wonderful things, laudable doubtless, and glorious according to human judgment. [50]

Augustine's assessment of Rome is ambivalent; he clearly criticizes the corruption of pride and the lust for rule; without the love of God all the pagan virtues are deemed "splendid vices" (XIX.25). Moreover, it led to expansion of the Roman empire and required the Romans to "roll with dark fear and cruel lust, in warlike slaughters and blood" (IV.3). The glory of empire is likened to "glass in its fragile splendor." Thus a wiser state chooses for moderate wealth and status, rather than expansion. For all of this, Augustine did acknowledge that the pagan political order could establish a temporal good: the good of order and peace. The Christian could benefit from the temporal peace of Rome and contribute to the temporal peace. This temporal peace, Augustine says, is not "to be esteemed lightly." The temporal peace involves the goods of health and safety, food and shelter, and fellowship. But the good of peace imposes "stern and lasting necessities" (XIX.7), among which are the use of force. By the use of force the "lawless men are prevented from doing harm (XIX.21). The just war therefore, according to Augustine, is not due to the great or glorious righteousness of the cause, but the restraint of the wicked and lawless from harming others. Augustine is quite skeptical of the purity of the cause of justice and can live with an ambiguity of earthly claims to justice. The greatest evil in war, according to Augustine, is the opportunity for "love of violence, revengeful cruelty, fierce and implacable enmity, wild resistance and the lust of power." [51] He further says, "it is to punish these things," that "good men undertake wars, when they find themselves in such a position as regards the conduct of human affairs." For Christians, the temporal peace and temporal goods are used as by pilgrims and referred to the higher peace of Christ. As long as the use of force was aimed at the maintaining of just order and involved the right intention, it was accepted as part of the temporal duty of the Christian.

12.3 Aquinas on Criteria for Just War

Thomas Aquinas added a few elements of his own. In the major question on warfare, Thomas queries whether it is always sinful to wage war, reflecting a skepticism about the enterprise of war as actually practiced. He answers that war is not sinful if it meets three conditions: the war must be declared by proper authority and not by private citizens or groups; second, a just cause is required; and third, there should be a rightful intention, such as the advancement of good or the avoidance of evil. [52]

Chart 12.2: Aquinas's three basic criteria for the moral use of armed force

1. proper authority
2. just cause
3. right intention

He cites Augustine as a major authority. A whole range of human goods are destroyed and fundamental moral precepts are often abandoned. It is no wonder then that Thomas Aquinas in his classic treatment of the issue of war queries "whether it is always sinful to wage war?" No more war, war never again, is surely the cry of any man or woman of conscience who has seen or lived its devastations. So why not pacifism? As we noted at the outset, Aquinas forms a reasoned judgment that the very goods of flourishing are at stake, perhaps requiring the sacrifice: "Multo autem magis est conservanda salus reipublicae, per quam impediuntur occisiones plurimorum et innumera mala et temporalia et spiritualia, quam salus corporalis unius hominis." [53]

Aquinas proposes three basic criteria for the moral use of armed force. These three are proper authority, just cause, and right intention. Each criterion contains important philosophical content. Indeed, together they implicitly contain the more elaborate sets of criteria for just war that have been developed over the centuries to serve as points for critical reflection. [54]

These criteria are fairly well known; but for simplicity and clarity, we shall comment on the core three-fold criteria articulated by Thomas Aquinas. First, war must be an act by "the authority of a sovereign by whose command the war is to be waged. . ." Thomas views strife as an opportunity for indulging "private feelings of anger or hatred" (II-II 41.1.ad 3). It is incumbent upon political leadership to follow reason, a public reason devoted to a measured good and a measured action. Competent authority is a criterion that prohibits the waging of private wars for personal ambition and with anarchic results. In the American context it may entail further questions about the separation of powers and congressional war powers. The Civil War saw the anarchy of private armies and bushwhacking across Missouri and Kansas. It is not for private individuals to assemble or summon the people. On Aquinas' account, authority is necessary for a community to act with unity; authority must make formal consideration about what is to the common good. Private individuals must act for individual or partial goods. The magistrate has "care for the common good" and a duty to "watch over the common weal." There is a profound political teaching contained in this requirement for proper authority. The nature and purpose of the political community are the terms which set the issue of war in perspective. Just war and proper authority are not first of all a matter of legalism, but rather a condition for political legitimacy. [55]

Paul Ramsey is often quoted to the effect that the use of armed force is part of the larger issue of the right use of force; force is part of the *bene esse* or well being of political life. [56] This first principle distinguishes natural law just war teaching from pacifism and realism.

Aquinas states that the magistrate must use the "sword" to defend against internal disturbances, as well as against external enemies. A judgment is made that the order of justice, to be established and maintained, may require the use of force or the threat of its use. And further, such use of force is morally required if the commitment to a just peace is serious. This is the heart of the issue distinguishing absolute pacifism from the Just War Theory.[57] There is an empirical/historical claim that order requires force and that such force be in the hands of the authority. There is also a moral judgment that there are goods worth the risk of war and that "peace at any price" is unacceptable. So indeed if war is *prima facie* evil because it destroys a large range of human goods and flourishing, so too must a magistrate protect such goods from destruction by others. War is therefore a political act, a deliberate act by a political authority for a political good. The pacifist misses this complex reality of the possibility and political conditions for human flourishing. By the same token, the political good sets a limit on what kinds of wars may be waged. The realist approach, by which the conduct of war is bound by no moral limit, undermines the very moral and political legitimacy of the regime.

Aquinas' second criterion follows as the next obvious point: a just cause is required, "namely that those who are attacked should be attacked because they deserve it on account of some fault." The judgment is left in general terms, referring to an underlying assumption of culpability or moral regard. For specifics, Aquinas cites Augustine: "when a nation or state . . . refuses to make amends for the wrongs inflicted by its subjects or to restore what is unjustly seized." Aquinas makes no distinction between offensive or defensive wars, as later just war thinkers do; he simply points to an order of justice and acknowledges the possibility of wrongful harm and unjust seizure. Such a response may perhaps be defined as inherently defensive insofar as it is a response to a wrong or a seizure. But this notion must not be initially interpreted in a legal sense, but morally/politically in the realm of human flourishing. Thus, the right of war is not simply the self-defense of physical life, although that is part of it; it is a defense of the very order of justice. As Aquinas stated in the opening citation above, it involves guarding against "innumerable evils both temporal and spiritual." There is implicit here a judgment of proportionality and last resort. Lincoln stated in his Second Inaugural Address, "Both parties deprecated war; but one of them would make war rather than let the nation survive; and the other would accept war rather than let it perish." Both sides attempted to gauge certain values, certain claims to justice, at stake in the conflict and both saw war as a proportionate and last resort. Are there things truly worth the risk of human life? Given the presumption against war, and given the precious value of human life, Thomas judges that force of arms is a risk necessary to engage for human aims. Proportionality is at work here; it refers to the relation of the achievement of success to the overall cost and loss imposed upon both sides. It is the final declaration or judgment that the war was worth it. Lincoln refers to the Revolutionary War as a success because it achieved so much with minimum of bloodshed and loss: "If the relative grandeur of revolutions shall be estimated by the great amount of human misery they alleviate, and the small amount they inflict, then, will this be the grandest the world shall have ever seen." It seems too hard to make a simple claim for the Civil War, with its enormity of death, waste and destruction. Lincoln's Gettysburg Address is an attempt to establish the worth of the struggle: the dead shall not have died in vain if there is a rebirth of

freedom. Lincoln can but briefly mention the land as consecrated by the dead, as if to avert any crass calculation of cost and benefit. The judgment of proportionality is the hardest to make because of the unknown consequences and magnitude of the human undertaking of war. Yet political justice is not a good to be abandoned to the terrible maw of might. In the Vatican II document, "Gaudium et spes," statesmen are warned to "conduct such grave matters soberly." It is finally a matter of prudential judgment. Prudence in the expanded sense of term, which includes a judgment of justice as an end, and selection of the appropriate means to that end.[58]

Prudence is deeply affected by the dispositions of the agent. So war is also about character -- of the leaders and the people of the nation. Aquinas next lays down a third criterion to ensure that such risk is not taken lightly or with rash spirit: rightful intention. The rightful intention is the advancement of good -- ultimately it is peace.[59]

Again citing Augustine, Aquinas excludes the intention of aggrandizement and cruelty: "The passion for inflicting harm, the cruel thirst for vengeance, and unpacific and relentless spirit, lust of power" are "rightly condemned in war." [60] This demand for right intention not only establishes the proper disposition or frame of mind for conducting such "grave matters soberly," but must be woven through the other two criteria. The goal of peace, a just peace, is the intention after all of a magistrate in charge of a commonweal and is the order of justice presupposed by a claim to a just cause. It would be a contradiction to intend in the name of justice an unjust goal, an excessive revenge or desire to dominate others. The nation itself is in some way part of a larger community of nations. Lincoln rightly mentions in his Second Inaugural, the desire for peace in the nation and with all nations. The good of peace for itself, as well as the conditions of flourishing, are indeed goods for all human beings and all nations. Although the magistrate does not have direct responsibility for the conditions of flourishing in another nation or community, he can will it as a good for all and seek to do no harm to that other.

These three criteria -- rightful authority, just cause, and right intention -- form the core principles of the just war theory. The three can be unpacked into the longer list of the "jus ad bellum," but the simplicity of the three recommends them to our use. We are less likely to lose the political and moral origins of the just war effort and we can better avoid a checklist and casuist mentality. But where is the traditional criteria for the right conduct in war, the "jus in bello"? John Finnis is probably correct to say that the distinction between jus ad bellum and jus in bello is very misleading and "scarcely part of the tradition." [61]

It suggests that a just war may posit an end which then comes into conflict with the means; the realist exploits this very distinction, as we shall see below. For Aquinas, the limit on conduct follows from the very criteria for the "jus ad bellum." Aquinas does not allow a double morality for magistrate and another for private citizen. The magistrate in care for the commonweal is bound by natural law and so is limited in the taking of life -- innocent life may never be taken. In fact, in his treatment of homicide, Aquinas allows the taking of life of an aggressor in self-defense only as a matter of double effect. [62]

Aquinas sees lethal force strictly as a "counter-force" measure; the humanity of other is always acknowledged. Thus, it is implied that a soldier who is wounded or who has surrendered, is no longer a wielder of force and not an object for attack. Capital punishment may be directed against the non-innocent -- those noxious to the community. The non-combatant is not a noxious element to be removed or halted by use of force. The second criterion of just cause would also place some limitation on conduct of war. The presumed moral warrant for taking up arms for the order of justice is undermined by unjust conduct in war. As Paul Ramsey argues, the modern violations of non-combatant immunity are reflections of a totalitarian political principle insofar as such conduct reduces "everyone without discrimination and everyone to the whole extent of his being to a mere means of achieving political and military goals." [63] So too the third criterion of intention touches on the question of means. So often the attack on civilians is simply a matter of "cruel thirst for vengeance" or lust for power. Is there a true necessity to do so, one free of vengeance and *libido dominandi*?

12.4 Is Just War Philosophy Relevant Today?

Although Vatican II reiterated the principles of the Just War Theory, it also said that we must develop a new attitude toward war. The modern world presents some new developments; There are at least four developments that require new thinking. The four developments are: first, the development of new scientific weapons which are capable of mass destruction; second, the exaggerated role of nation states in age of global interdependence; third, the tremendous outlay of expenditures on military spending when the tasks of development for humane purposes is such a pressing need; fourth, the prospects for non-violent resistance to injustice. The developments have been brought to head in the unfolding of the nuclear arms race and the paradox of deterrence. These developments, however do not nullify the Just War Theory, but highlight its internal strengths and resources. We must comment briefly on each development and see how it relates to the principles of the Just War Theory.

The invention of new weapons, capable of mass destruction, is the most frightening development of the last century. The Documents of Vatican II refer to scientific weapons as the general category, because this includes more nuclear weapons, but also biological and chemical warfare. The threat of biological and chemical weapons in the recent war brought this home to many people. The central tenet of the Just War Theory, the non-combatant immunity from direct attack, clearly leads to a rejection of the use of these weapons which are indiscriminate in nature. The single condemnation issued by the Vatican Council was made just on this issue (*Gaudium et Spes*, #80). This does not spell the death of the Just War Theory, but reaffirms its relevance. It has lead many to become nuclear pacifists from within the Just War Theory; Catholic moralists like Grisez, Finnis, Anscombe have taken this approach. The goal of banning biological and chemical weapons, as well as nuclear ones, is encouraged. The nuclear threat is complicated by the threat of use of nuclear weapons as a means to avoid using them. There is a complex dilemma here, one of the most challenging in theory and practice. The deterrent force has established a kind of peace; but the threat to kill civilians is also immoral and not transformed by the greater intention of peace. One may resolve the

dilemma through the concept of bluff or through a policy of not targeting civilian areas. The bluff deterrent is not credible. American policy makers claim that the targets are not directly on civilian sites. But the principle of proportionality must be applied at this point; the extent of damage to civilian areas and the environment would be so great as to undermine its moral warrant. The Vatican and the U.S. Bishops have issued a "conditional acceptance" of deterrence, calling for good faith efforts at disarmament. Other thinkers have extended this concern about proportionality to cover any modern war, questioning whether any modern war can be just because of the extensive collateral damage done to civilians and the environment.

The second development points to the need for greater international cooperation to deal with the reality of inter-dependence. War has been a policy of nation-states or blocs of states engaged in struggles with each other. On this view, then war must be abandoned. Vatican II and the *Challenge of Peace* call for greater international cooperation and institutional arrangements for the prevention of war. But the need does not eliminate the right of defense; ironically, it simply places it on a new level. That is, an international authority would still require "effective power to safeguard" the security of all; international cooperation may still elect war as a means of policy, as we have seen. And as long as there is no sufficient international authority, then nations must still use the authority that is theirs to achieve the common good as best they see it.

The third problem, the tremendous military spending in contrast to the needs of human development is a constant theme of Vatican and U.S. Bishops. This pertains to the principle of proportionality; it is therefore a judgment call. It should force a nation to continually reassess its priorities and its sense of what is necessary. But as long as defense remains as a valid good of the nation, it equally requires an honest assessment of what means are necessary given military and political factors at work in the international community.

Fourth, the success of non-violent resistance to unjust rule and violence has raised the hopes for alternatives to war. Gandhi, King, Walesa and other great leaders of people under oppression have shown the power of truth and love in confronting evil. Their successes can be weighed in under the principles of last resort and probability of success for military action. In many cases, military action is futile, as in the cases mentioned. An alternative is necessary. In other cases, there is a possibility of alternative means. But in the latter cases, such proposals must be honestly assessed by probability of success and the last resort cannot be used as a means to indefinite delay. Moreover, in some cases, it is the balance of power of force that may allow certain movements to flourish and be maintained.

These contemporary challenges place us on the cutting edge of the debate and discussion within the Church and academia. But it is the inner tensions within the very theory of just war as a framework for moral discussion that allows such a sharp focus to emerge and for fruitful developments and exchange. The Just War Theory endures and flourishes for many reasons. First, it is premised upon realism in the political order and the rejection of utopianism. That is, there is an ever present need for force and threat of

force to maintain semblance of order. Vatican II traced the origins of war back to human sinfulness: "insofar as men are sinful, the threat of war hangs over them, and hang over them it will until the return of Christ" (378). Similarly Pope John Paul II stated that the prospect for a totally and permanently peaceful society is utopian, based upon a mistaken view of the human condition. Deceptive hopes, he says, would lead to the "peace of totalitarianism." The Just War Theory attempts to balance peace and justice, both as limited achievements in this life.

Second, the Just War Theory has the capacity to develop in new ways to meet new challenges; it can absorb the concerns of pacifism without illusions. Its principles focus the important issues of debate: imperialism or patterns of domination as unjust and nonjustifiable; unlimited warfare as an evil; the disproportionate use of resources or evil outcomes and the like. As we suggested above, the development of new weapons, the new international realities, non-violent resistance, and the priorities of spending can be well articulated from within this framework.

Third, the Just War Theory offers a superior framework for debate and discussion. It is not a mechanical system: there are real possibilities for differences here: on empirical claims as to effectiveness of non-violence and military solutions; historical judgments about the nation state and the alliances and coalitions which form from one era to the next; the prospects for technological limitations on warfare through more accurate weapons and defensive systems; the timing of military ventures and last resort. The theory is not a means for rationalization; it requires sober judgment, empirical fact, and honest disclosure.

Finally, it flourishes because it is connected to major philosophical questions about human nature and society. And while establishing a formal and rational system for policy discussion, it opens out onto philosophical questions and ultimately to the theological. John Courtney Murray has said that the threat of war and the present disorder has an "unparalleled vertical dimension; it goes to the heart of the very roots of order and disorder in the world - the nature of man, his destiny, and the meaning of human history." [64]

We must seek a deeper explanation than economics or politics for war and disorder; Vatican II identifies this as human sin. Solzhenitsyn prophetically warns that men have forgotten God and such is the origin of modern wars and oppression. "To the ill-considered hopes of the last two centuries, which have brought us to the brink of nuclear and non-nuclear death, we can propose only a determined quest for the warm of hand of God, which we have so rashly and self-confidently spurned." [65]

Chart 12.3: Solzhenitsyn on Origin of Modern War

"The material laws alone do not explain our life or give it direction. The laws of physics and physiology will never reveal the indisputable manner in which the Creator constantly day in and day out, participates in the life of each one of us, unfailingly granting us the energy of existence. ... To the ill-considered hopes of the last two centuries, which have brought us to the brink of nuclear and non-

nuclear death, we can propose only a determined guest for the warm hand of God, which we have so rashly and self-confidently spurned."

Alexandr Solzhenitsyn, Templeton Address, 1983

The just war theory, in its full theological dimensions, is open to this higher perspective. For this reason we cannot but benefit from a return to Augustine's teaching on the just war and learn how to see the city of man in its relation to the city of God.

READINGS

1. Aristotle's Politics VII.2,14
2. Aquinas 220-230 (ST II-II q 40 a. 1; 64, aa. 6,7,8)
3. Man and the State, chap 7: 188-216

WRITING ASSIGNMENT (3 page paper on one of the following)

1. Evaluate Maritain's argument for a "world government."
2. Discuss the criteria for a just war? Do you think there has been a just war? Explain.

Notes:

38. See Hittinger, John P. "The Professional Soldier and Vatican II." *Catholicism in Crisis* 2, no. 4 (1984): 3-4.
39. "A Vatican Synthesis," *Origins* April 1983, p. 694.
40. *Origins* August 9, 1984, p. 155.
41. *We Hold These Truths* (New York: Sheed and Ward, 1960), p. 253.
42. Erasmus, "On Beginning War," in *The Education of the Christian Prince*, trans. and ed. L. K. Born (Columbia University Press, 1965); found in *War and Christian Ethics*, ed. Arthur Holmes (Grand Rapids: Baker Book House, 1975), 177-189. See James Turner Johnson, *The Quest for Peace* (Princeton: Princeton University Press, 1987), 153-162.
43. Found in Lewis, C. S. *The Weight of Glory*. New York: Macmillan, 1960.
44. Abraham Lincoln, "Address before the Springfield Temperance League," 1842 found in *The Political Thought of Abraham Lincoln* ed. Richard N. Current (Indianapolis: Bobbs-Merrill, 1967), p. 33.
45. Ibid. First Inaugural Address, March 4, 1861, pp. 168ff; Message to Special Session of Congress, July 4, 1861, pp. 180ff.

46. See Jacques Maritain, "The Immortality of Man," in *A Maritain Reader*, ed. Donald and Idella Gallagher (Garden City: Doubleday, 1966), pp. 212-213.
47. Thucydides, *Peloponnesian War*, V, chap. 17.
48. See Rahe, Paul A. "Thucydide's Critique of Realpolitik." *Security Studies* 5, no. 2 (1995): 101-139.
49. See Alasdair MacIntyre, *A Short History of Ethics* (New York: Macmillan, 1966), chapters 2-5; also his *After Virtue* (Notre Dame: University of Notre Dame Press, 1981), chapter 10.
50. Augustine, *The City of God*, (New York: Random House/Modern Library, 1950). Book V, chap. 12.
51. "Reply to Faustus the Manichean," 22, in Holmes, *War and Christian Ethics*, p. 64.
52. *Summa Theologiae* II-II q. 40, a. 1. See selections in Saint Thomas Aquinas, *On Law, Morality and Politics* ed. William P. Baumgarth and Richard J. Regan, S.J. (Indianapolis: Hackett, 1988); see also Regan's *The Moral Dimensions of Politics* (New York: Oxford University Press, 1986), pp. 145-160.
53. Thomas Aquinas, *Summa Theologiae* I-II, q. 40, a. 4: "There is much more reason for guarding the common weal (whereby many are saved from being slain, and innumerable evils both temporal and spiritual prevented), than the bodily safety of an individual."
54. *Viz.*, right authority, just cause, last resort, proportionality, right intention, reasonable chance of success, aim of peace, proportionality of means, non-combatant immunity from direct attack.
55. See Yves R Simon, *Philosophy of Democratic Government* (Notre Dame: Univ. Notre Dame Press, 1990), chap. 1 on authority; see John P. Hittinger, "Jacques Maritain and Yves R. Simon's Use of Thomas Aquinas in Their Defense of Liberal Democracy," in David M. Gallagher, editor, *Thomas Aquinas and His Legacy* (Washington, D.C.: Catholic University of America Press, 1994).
56. Ramsey, *Just War*, chap. 1.
57. A similar point is made by C. S. Lewis, in "Why I am not a pacifist," in *The Weight of Glory and other addresses* revised and expanded edition, Walter Hooper, ed. (New York: Macmillan, 1980).
58. See Alberto Coll, "Normative Prudence as a Tradition of Statecraft," in *Ethics and International Affairs*, Joel H. Rosenthal, ed. (Washington, D.C.: Georgetown University Press, 1995), pp. 58-77.
59. John K. Ryan, *Modern War and Basic Ethics* (Milwaukee: Bruce, 1940), "The Thomistic Concept of Peace," pp. 5-15.
60. Augustine, *Contra Faust.* xxii.74; cited in Aquinas, op cit.
61. John Finnis, "The Ethics of War and Peace in the Catholic Natural Law Tradition," in Nardin, *The Ethics of War and Peace*, p. 25.
62. II-II 64, a. 6; see Paul Ramsey, *War and the Christian Conscience* (Durham: Duke Univ. Press, 1960), pp. 34-59.

63. Paul Ramsey, *The Just War*, p. 153.
 64. *We Hold These Truths* (New York: Sheed and Ward, 1960), p. 253.
 65. Alexander Solzhenitsyn, "The Templeton Address," 1983.
-

Final Review

Aristotle's *Politics* and Aquinas

1. Why does Aristotle think man is a political animal? How is our political nature dependent upon our rational nature? (I.1-2)
2. What is the justification, mode, purpose of the rule of a master over the slave, a parent over a child, a husband over a wife? How does understanding these forms help us understand the nature of political rule among citizens? (I.3-12)
3. Explain Aristotle's distinction between natural and artificial acquisition of wealth. Why is he wary of artificial acquisition called money making? Why and how must it be limited?
4. What is Aristotle's criticism of communal ownership of property as suggested by Plato? (II.4,5)
5. How does Aristotle define the citizen? State and explain Aristotle's definition of the regime (constitution). Is this different from our understanding? (III.1-3; IV.1)
6. Explain Aristotle's distinction between a good man and a good citizen. Under what circumstances might a good man be a good citizen? (III.4)
7. Explain the arguments for and against "universal suffrage." (III.5)
8. Outline Aristotle's six-fold typology of political regimes. State and define each of the six and explain the principle by which the chart is organized. (III.6-7)
9. State the arguments for and against the claim to rule of the many and democratic forms of government. (III.9-11)

10. Explain the difference between commutative and distributive justice. (Aquinas II-II 61.aa 1-3). Why is the issue of distributive justice - and the problem of commensurability - at the root of the quarrels about who should rule? (III.12-13)
11. Under what circumstances does Aristotle endorse kingship? (III.14-18)
12. Explain the idea of polity or mixed regime? What does it mix? How does it mix? What does it achieve? (IV.8-9; Summa I-II 105 a. 1)
13. How is human law derived from natural law? (Summa I-II 91.3; 95.1-2)
14. What contribution does liberal education make to political life? (VII.1; VIII. 1-2)