Landas 29:2 (2015) 105–117

MARITAIN'S "RIGHTS"

A Heritage of Neo-Thomism in the Twentieth Century

Amado T. Tumbali, Jr., S.J.

When Pope Paul VI gave his "Address to Men of Thought and Science" on December 8, 1965, he dedicated it to Jacques Maritain whom he considered "his dear friend and mentor."[1] In 1967, the Pontiff likewise gave the Catholic philosopher credit for inspiring the landmark encyclical on economic justice, *Populorum Progressio*. As a matter of fact, the Pope also offered him a cardinal's hat which he declined. When Maritain died in 1973, the Pope did not hesitate to acclaim him as "master of the art of thinking, of living, and of praying."[2]

This article will attempt to demonstrate Jacques Maritain's influence on Church social teachings in the twentieth century. It was indeed generally known during his time how his concept of "rights," which he generously expounded in his book *Man and the State*, was favorably heard in the conciliar discussions which resulted in the

[1]Brian Jones, "Jacques Maritain and 'Dignitatis Humanae,'" http://www.ignatiusinsight.com/features2009/print2009/bjones_maritaindh_dec09.html (accessed February 10, 2015).

[2]Donald DeMarco, "The Christian Personalism of Jacques Maritain," http://www.ewtn.com/library/THEOLOGY/FR91201.htm (accessed February 10, 2015).

drafting of *Dignitatis Humanae*, the Second Vatican Council's declaration on the fundamental rights of each human person, including the right to religious freedom.

Jacques Maritain: A Brief Biography

Jacques Maritain was born in Paris on November 18, 1882. He studied in the Sorbonne and there, in 1901, met his lifelong companion Raïssa Oumansoff, a daughter of Jewish Russian immigrants, whom he married in 1904. She was also his lifetime confidante in the search for meaning in life—in the first year of their relationship, they promised to take their own lives if, within a year, they did not find profound meaning in them.

With Raïssa and Charles Péguy, Maritain attended Henri Bergson's lectures at the College de France. In 1906, due to the strong influence of Léon Bloy, Jacques and Raïssa were converted to the Catholic faith which resulted in their defection from Bergsonism. The following year, while Raïssa was convalescing from an illness, their spiritual director, Humbert Clérissac, O.P., introduced her to the works of St. Thomas Aquinas.[3] She read the saint's writings with excitement and, in turn, prodded her husband to read them. This initiated the Maritains into an extensive study of the works of the Angelic Doctor.[4]

In 1914, Maritain launched his teaching career at the Institut Catholique de Paris. After World War I, he started to philosophize, using Thomas Aquinas, about the current social and political issues of his time. By the 1930s, he was already famous among circles of Catholic idealists. He then left Europe in 1939 to embark on a new life in the United States. Except for a brief period when he became

[3]Humbert Clérissac, who was an ardent advocate of the *Action Française*, may have also influenced Maritain to sympathize with the right-wing monarchist movement. See Justus George Lawler, *Popes and Politics: Reform, Resentment, and the Holocaust* (New York: Continuum, 2004), 204.

[4]John G. Trapani, *Poetry, Beauty, and Contemplation: The Complete Aesthetics of Jacques Maritain* (Washington, DC: The Catholic University Press, 2011), 20.

the French Ambassador to the Vatican, Maritain lectured at Princeton University, Columbia University, the University of Notre Dame, and the University of Chicago.

While he was French Ambassador to the Vatican from 1945 to 1948, Maritain became a good friend of Giovanni Battista Montini, who later became Paul VI. Together they "tried to persuade Pius XII to issue a forthright condemnation of the Holocaust."[5] As a diplomat, Maritain was instrumental in the drafting of the Universal Declaration of Human Rights in 1948.

In 1960, the Maritains returned to France. Jacques' arrival fortuitously coincided with the opening of the Second Vatican Council and the election of his friend Cardinal Montini to the papacy. When Raïssa died a year after, Jacques lived with the members of the Little Brothers of Jesus in Toulouse where he died on April 28, 1973. He was buried alongside his wife in the Alsatian village of Kolbsheim.

Maritain's "Rights": Neo-Thomism in the Twentieth Century

Jacques Maritain found himself in the right place at the right time. Having just experienced two world wars, people needed a more solid understanding of the value of human life than what the modernist philosophers had offered. "After the horrors of the two world wars, the need for a minimal common standard of decency seemed evident."[6] The world was justifiably clamoring for an all-encompassing declaration of basic human rights that could protect humanity regardless of race, religion, sex, and nationality.

---

[5]John W. O'Malley, *What Happened at Vatican II* (Cambridge: Belknap Press, 2008), 79. Cf. Michael R. Marrus, "The Ambassador and the Pope: Pius XII, Jacques Maritain and the Jews," *Commonweal* (October 22, 2004): 14–19.

[6]Mary Ann Glendon, "Foundations of Human Rights: The Unfinished Business," *American Journal of Jurisprudence* 44 (1999): 2. Cf. Meghan J. Clark, "Reasoned Agreement Versus Practical Reasonableness: Grounding Human Rights in Maritain and Rawls," *The Heythrop Journal* LIII/4 (July 2012): 637.

In 1947, as French Ambassador to the Vatican, Maritain was chosen to lead the French delegation at a UNESCO conference in Mexico which precipitated the formulation of the Universal Declaration on Human Rights the following year in San Francisco, U.S.A. At that time, Maritain already enjoyed a reputation as a philosopher. As a loyal Catholic and a sharp critic, he was much appreciated both inside and outside Church circles. As early as 1922, he advanced the idea that the Catholic Church possessed a "bold ability to adapt itself to the new conditions erupting suddenly in the life of the world." This was against many Catholics at that time who wanted to remake the world in a medieval pattern. "Maritain's *Antimoderne* argued that Catholicism was by definition adaptable to different cultures and situations."[7]

Maritain and American political philosopher John Rawls both theorized about the origin and basis of human rights. "Maritain examines the reasoned agreement of human rights offering a philosophical foundation for human rights based in natural law theory; whereas, Rawls grounds human rights in the practical reasonableness of his Law of Peoples."[8] Order thus must always presuppose any form of intelligibility. For Maritain, there is no entry point to discussion about any universal right "unless a certain order—which can be violated in fact—is inviolably required by *what things are* in their intelligible type or their essence, or by what the nature of man is, and is cut out for."[9] Thus, for Maritain, the only way to address the question of human rights was by identifying its foundational legitimacy, and only then can it be powerfully defended. "While both philosophers [were] aiming at a similar practical application of human rights theory, Maritain's willingness to go behind the reasoned agreement and provide a comprehensive answer to *why* reasoned agreement was achieved … provides a stronger foundation for the universality of human rights."[10]

---

[7]O'Malley, *What Happened at Vatican II*, 79.

[8]Clark, "Reasoned Agreement," 637.

[9]Jacques Maritain, *Man and the State* (Chicago: The University of Chicago Press, 1951), 96.

[10]Clark, "Reasoned Agreement," 637.

For Maritain, that minimal common standard among all human beings is natural law. With the attributes of immutability (therefore free from all accidents) and intelligibility (via rational knowledge and not by inclination), the natural law is the ground of human essence. According to Maritain,

> [since] man is endowed with intelligence and determines his own ends, it is up to him to put himself in tune with the ends necessarily demanded by his nature. This means that there is, by the very virtue of human nature, an order or disposition which human reason can discover and according to which the human will must act in order to attune itself to the essential and necessary ends of the human being. The unwritten law, or natural law, is nothing more than that.[11]

It is the ontological reality among all human beings which exists and "dwells as an ideal order in the very being of all existing men."[12] Admittedly, however, this is not a knowledge that can easily be accessed by human memory and comprehension. "The knowledge that our own moral conscience has of this law is doubtless still imperfect and will very likely continue to develop and to become more refined as [long as] humanity exists."[13] Hence, it is also, at the same time, gnoseological, i.e., it is capable of being known in some way through *connaturality* or *congeniality*.[14] It is not freely conceptualized

> but results from a conceptualization bound to the essential inclinations of being, and of living nature and of reason, which are at work in man, and because it develops in proportion to the degree of moral experience and self-reflection, and of social experience, also of which man is capable in the various ages of his history.[15]

---

[11]Maritain, *Man and the State*, 85–86.

[12]Maritain, *Man and the State*, 89.

[13]Maritain, *Man and the State*, 90.

[14]Lawrence Dewan, *Wisdom, Law, and Virtue: Essays in Thomistic Ethics* (New York: Fordham University Press, 2008), 213.

[15]Maritain, *Man and the State*, 94. Cf. Jacques Maritain, "Natural Law and Moral Law," in Joseph W. Evans & Leo R. Ward, eds., *Jacques Maritain: Challenges and Renewals* (Cleveland: Meridian Books, 1968), 213–221. Maritain clarifies that

This developing proportion to a universal degree of moral perfection inevitably comes along with the freedom, dignity, and rights of all human persons, scattered in diversity, which only make sense under a single essence assured by natural law.

Indeed, as an interpreter of St. Thomas Aquinas in the twentieth century, Maritain says that the foundation of these human rights "exists in a separate Spirit, in an Absolute which is superior to the world, in what perennial philosophy calls the Eternal Law."[16] Thus, human rights are not to be achieved or made; they do not exist by themselves, like sitting on a new throne of knowledge, an idea earlier endorsed by Enlightenment philosophers which "led men to conceive of rights as divine in themselves, hence infinite, escaping every objective measure, denying every limitation imposed upon the claims of ego."[17] Maritain was convinced that the philosophical basis of the human rights advocated by Jacques Rousseau and Immanuel Kant separated the human person from God.[18]

Human rights have always been with every human being; therefore, "civil society does not have to grant but [only] to recognize and sanction [human rights] as universally valid, and which no social necessity can authorize [for] us, even momentarily to abolish or disregard."[19] Maritain

---

though the "natural knowledge of ethical values … is a knowledge by inclination … [it must be] *grafted with reason*" (Jacques Maritain, "The 'Natural' Knowledge of Moral Values," *Neuf leçons sur les notions premières de la philosophie morale* [Paris: Tequi, 1951], 47–59).

[16]Maritain, *Man and the State*, 97.

[17]Maritain, *Man and the State*, 84. See also Gary B. Herbert, *A Philosophical History of Rights* (New Brunswick, NJ/London: Transaction Publishers, 2002), 280.

[18]Luis Cortest, *The Disfigured Face: Traditional Law and Its Encounter with Modernity* (New York: Fordham University Press, 2008), 84; Bradley R. Munro, "The Universal Declaration of Human Rights: Maritain and the Universality of Human Rights," in William Sweet, ed., *Philosophical Theory and the Universal Declaration of Human Rights* (Ottawa: Ottawa University Press, 2003), 113.

[19]Maritain, *Man and the State*, 96.

adds that human rights "are inalienable since they are grounded on the very nature of man, which of course no man can lose."[20] Meghan Clark provides a summary of the relationship between human rights and the inherent dignity of every person: "The justification of human rights comes from the affirmation that there is an inherent dignity and value in the very being of the human person. If the nature of man as free and intelligent is not affirmed as valuable, then the very concept of … human rights is unintelligible."[21]

Maritain's Influence on the Second Vatican Council

Maritain's contribution to the philosophy of human rights and his grounding them on the natural law earned him the respect and admiration of many Catholic thinkers. His writings and speeches which gained fame shaped the minds of many who participated in the Second Vatican Council. According to Richard Schenk, a Dominican Maritain expert, "not only had Maritain influenced the council in matters such as religious liberty and human rights, but he represented the kind of echo that the council fathers were hoping to elicit from academics and other intellectuals."[22] Robert A. Graham, a Jesuit researcher at the Vatican Archives, likewise observed that "[no] one can deny Maritain his rightful credit for his part in creating the conditions that led ultimately to the renewal of the Church through Vatican II."[23]

Maritain's influence on the Second Vatican Council was most directly felt when Paul VI had asked him for "an opinion on the schema

[20]Maritain, *Man and the State*, 101.

[21]Clark, "Reasoned Agreement," 640.

[22]Richard Schenk, "Vatican II and Jacques Maritain: Resources for the Future? Approaching the Fiftieth Anniversary of the Council," *Logos: A Journal of Catholic Thought and Culture* 13:1 (Winter 2010): 79.

[23]Robert A. Graham, "Jacques Maritain on *Aggiornamento*," *America* (March 11, 1967): 349.

On Religious Liberty [*Dignitatis Humanae*]."[24] He might have also inspired other conciliar documents—as John O'Malley notes, "[with] perhaps an allusion to Maritain's *True Humanism*,[25] *Gaudium et Spes* affirms: 'We are witnessing, then, the birth of a new humanism, where men and women are defined before all else by their responsibility to one another at the court of history.'"[26]

Summary: Assessing Maritain

The historical situation between the two world wars found Jacques Maritain's Thomism useful. Enlightenment philosophy, liberal political science, and the scientific and industrial revolutions proved to be incapable of maintaining peace and prosperity. Humanity was shocked and horrified at the devastation caused by war, but steadfastly coped with, and rose from, the aftermath of totalitarianism with a real thirst for redefining human beings with attributes that were universal, inclusive, and transcendent. Using his knowledge of the philosophy of Thomas Aquinas, Maritain commented on and offered persuasive answers to grave problems that arose after the First World War, including the problem of anti-Semitism. Influenced no doubt by his marriage to Raïssa, a daughter of Russian Jewish immigrants, Maritain vehemently opposed anti-Semitism even before the Holocaust happened.[27]

Even worse devastation brought about by the Second World War made Maritain's Thomism all the more sought after, and his firsthand experiences made his words even more credible. Having witnessed the dissolution of nations and kingdoms in the Treaty of Versailles after World War I, and the annihilation of many during World War II, Maritain spoke strongly and urgently of "the need to sweep away

---

[24]O'Malley, *What Happened at Vatican II*, 249.

[25]Jacques Maritain, *True Humanism*, trans. Margot Robert Adamson (New York: Charles Scribner's Sons, 1938).

[26]O'Malley, *What Happened at Vatican II*, 249.

[27]O'Malley, *What Happened at Vatican II*, 79.

the obstacles caused by the myths of states as sovereign persons."[28] Yet, not leaving the world in a vacuum, he was convinced that the states would be obliged "to make a choice for or against the Gospel."[29] He insisted on a single morality based on the natural law universally inherent among all humans "to keep in view the common good and the peace of a given populace."[30] Immutability and solidity were the buzz words in the post-war era when the world needed a permanent set of human values.

Maritain was keenly aware that the interdependence of nations which emerged after the war was at best fragile and temporary because it was built upon "economic interdependence, not a politically agreed-upon, willed, and built up independence."[31] Jude Dougherty says, "[on] the possibility of global unity, [that] Maritain is convinced that the interdependence of nations is essentially an economic interdependence."[32] He explains:

> It must be realized that nations are no longer autonomous in their economic life; they are even only half autonomous in their political life because their political life is impaired by the lasting threat of war and, Maritain adds, also by the interference in domestic affairs by the ideology and pressure of other nations.[33]

Following the Aristotelian model of the perfect society as one that is relatively self-sufficient, Maritain took the stance that it is the

---

[28]Jude P. Dougherty, *Jacques Maritain: An Intellectual Profile* (Washington, DC: The Catholic University of America Press, 2003), 101.

[29]Maritain, *Man and the State*, 159.

[30]Jacques Maritain, *Humanisme Intégral* (1936) in Joseph F. Power, "Bishops and Politics," *America* 181:11 (October 16, 1999): 9.

[31]Maritain, *Man and the State*, 189.

[32]Dougherty, *Jacques Maritain*, 98. "It is Maritain's view that the very interdependence of nations economically itself threatens world peace," says Irving Louis Horowitz (*The Idea of War and Peace*, 3rd ed. [New Brunswick, NJ: Transaction Publisher, 2008], 70).

[33]Dougherty, *Jacques Maritain*, 101.

international community, politically organized, which can ensure lasting world peace. "It is by means of freedom," he said, "that the peoples of the earth will have been brought to a common will to live together."[34]

Schenk calls him "Maritain of the human rights movement."[35] With his reputation as a loyal adherent and interpreter of Thomas Aquinas in his time, his great influence in the drafting of the Universal Declaration of Human Rights, and his close friendship with Paul VI, Maritain became an informal insider of the Vatican, and he almost received the red hat. There he made a lasting impact on some of the Pope's speeches and on some Vatican II conciliar documents, especially *Dignitatis Humanae*.

After the council, however, a different Maritain was heard. In one of his last books, *The Peasant of the Garonne*,[36] he lambasted the way Vatican II was implemented. He rejected the new theological approaches, including Teilhard de Chardin's Christogenic view of material evolution. He lamented over the seeming exaggeration placed on what pertains to earth rather than to eschatology. "In a period in which almost all Catholic intellectuals celebrated the *aggiornamento* of Vatican II, Maritain's criticism of changes in Catholic thought and practice was bound to be unpopular."[37]

---

[34]Maritain, *Man and the State*, 206. "*De Monarchia* was controversial in Dante's day, yet the logic which asserts a connection between world peace and world government has continued to exert influence. … Maritain, of course, did not want a universal monarch, but, like Dante, he did think that one condition for world peace was a 'genuinely political organization of the world,'" says H. David Baer (*Recovering Christian Realism: Just War Theory as a Political Ethic* [London: Lexington Books, 2015], 68).

[35]Schenk, "Vatican II and Jacques Maritain," 93.

[36]Jacques Maritain, *The Peasant of Garrone*, trans. Michael Cuddihy & Elizabeth Hughes (Eugene, OR: Wipf and Stock Publishers, 1968).

[37]Deal W. Hudson & Matthew J. Mancini, *Understanding Maritain: Philosopher and Friend* (Macon, GA: Mercer University Press, 1987), 236.

Maritain taught about the immutability of truth in Thomism, but ironically, because of it, he became entrenched in his own ideas and never rejuvenated to catch up with the philosophical currents of his time. As Graham concludes, "some surmise that his life-long affiliation with Thomism and speculative philosophy has made it difficult for him to welcome or to understand the different philosophical framework[s] of much of modern ideological writing."[38]

Bibliography

Baer, H. David. *Recovering Christian Realism: Just War Theory as a Political Ethic*. London: Lexington Books, 2015.

Clark, Meghan J. "Reasoned Agreement Versus Practical Reasonableness: Grounding Human Rights in Maritain and Rawls." *The Heythrop Journal* LIII/4 (July 2012): 637–648.

Cortest, Luis. *The Disfigured Face: Traditional Law and Its Encounter with Modernity*. New York: Fordham University Press, 2008.

DeMarco, Donald. "The Christian Personalism of Jacques Maritain." http://www.ewtn.com/library/THEOLOGY/FR91201.htm (accessed February 10, 2015).

Dewan, Lawrence. *Wisdom, Law, and Virtue: Essays in Thomistic Ethics*. New York: Fordham University Press, 2008.

Dougherty, Jude P. *Jacques Maritain: An Intellectual Profile*. Washington, DC: The Catholic University of America Press, 2003.

Glendon, Mary Ann. "Foundations of Human Rights: The Unfinished Business." *American Journal of Jurisprudence* 44 (1999): 1–14.

Graham, Robert A. "Jacques Maritain on *Aggiornamento*." *America* (March 11, 1967): 349.

[38]Graham, "Jacques Maritain on *Aggiornamento*," 349.

Herbert, Gary B. *A Philosophical History of Rights*. New Brunswick, NJ / London: Transaction Publishers, 2002.

Horowitz, Irving Louis. *The Idea of War and Peace*. 3rd ed. New Brunswick, NJ: Transaction Publishers, 2008.

Hudson, Deal W. & Matthew J. Mancini. *Understanding Maritain: Philosopher and Friend*. Macon, GA: Mercer University Press, 1987.

Jones, Brian. "Jacques Maritain and 'Dignitatis Humanae.'" http://www.ignatiusinsight.com/features2009/print2009/bjones_maritaindh_dec09.html (accessed February 10, 2015).

Lawler, Justus George. *Popes and Politics: Reform, Resentment, and the Holocaust*. New York: Continuum, 2004.

Maritain, Jacques. *Man and the State*. Chicago: University of Chicago Press, 1951.

———. "Natural Law and Moral Law." In *Jacques Maritain: Challenges and Renewals*, eds. Joseph W. Evans & Leo R. Ward, 213–221. Cleveland: Meridian Books, 1968.

———. *The Peasant of Garrone*, trans. Michael Cuddihy & Elizabeth Hughes. Eugene, OR: Wipf and Stock Publishers, 1968.

———. "The 'Natural' Knowledge of Moral Values." *Neuf leçons sur les notions premières de la philosophie morale*, 47–59. Paris: Tequi, 1951.

———. *True Humanism*, trans. Margot Robert Adamson. New York: Charles Scribner's Sons, 1938.

Marrus, Michael R. "The Ambassador and the Pope: Pius XII, Jacques Maritain and the Jews." *Commonweal* (October 22, 2004): 14–19.

Munro, Bradley R. "The Universal Declaration of Human Rights: Maritain and the Universality of Human Rights." In *Philosophical Theory and the Universal Declaration of Human Rights*, ed. William Sweet, 109–126. Ottawa: Ottawa University Press, 2003.

O'Malley, John W. *What Happened at Vatican II*. Cambridge: Belknap Press, 2008.

Power, Joseph F. "Bishops and Politics." *America* 181:11 (October 16, 1999): 9.

Schenk, Richard. "Vatican II and Jacques Maritain: Resources for the Future? Approaching the Fiftieth Anniversary of the Council." *Logos: A Journal of Catholic Thought and Culture* 13:1 (Winter 2010): 79–106.

Trapani, John G. *Poetry, Beauty, and Contemplation: The Complete Aesthetics of Jacques Maritain*. Washington, DC: The Catholic University Press, 2011.