

Jacques Maritain

Man and the State

(1951)

Note

In this extract the French Catholic philosopher Jacques Maritain is not critical of the state *per se* but of the fact that the state has made itself the absolute sovereign of the political body (society). In doing so, it has turned upside down the relationship between human beings and the state, making the former just tools at the service of the latter.

This happened, according to Maritain, during the French Revolution when power shifted from the King to the Nation and the Nation was seen as a superior person called the Nation State.

This short text is part of a book that systematizes six lectures given by Maritain in December 1949 in the USA under the auspices of the Charles R. Walgreen Foundation for the Study of American Institutions.

THE PEOPLE AND THE STATE

The State is not the supreme incarnation of the Idea, as Hegel believed; the State is not a kind of collective superman; the State is but an agency entitled to use power and coercion, and made up of experts or specialists in public order and welfare, an instrument in the service of man. Putting man at the service of that instrument is political perversion. The human person as an individual is for the body politic and the body politic is for the human person as a person. But man is by no means for the State. The State is for man.

When we say that the State is the superior part in the body politic, this means that it is superior to the other organs or collective parts of this body, but it does not mean that it is superior to the body politic itself. The part as such is inferior to the whole. The State is inferior to the body politic as a whole, and is at the service of the body politic as a whole. Is the State even the *head* of the body politic? Hardly, for in the human being the head is an instrument of such spiritual powers as the intellect and the will, which the whole body has to serve; whereas the functions exercised by the State are for the body politic, and not the body politic for them.

The theory which I have just summarized, and which regards the State as a part or an instrument of the body politic, subordinate to it and endowed with topmost authority not by its own right and for its own sake, but only by virtue and to the extent of the requirements of the common good, can be described as an "instrumentalist" theory, founding the genuinely *political* notion of the State. But we are confronted with quite another notion, the *despotic* notion of the State, based on a "substantialist" or "absolutist" theory. According to this theory the State is a subject of right, i.e., a moral person, and consequently a whole; as a result it is either superimposed on the body politic or made to absorb the body politic entirely, and it enjoys supreme power by virtue of its own natural, inalienable right and for its own final sake.

Of course there is for everything great and powerful an instinctive tendency - and a special temptation - to grow beyond its own limits. Power tends to increase power, the power machine tends ceaselessly to extend itself; the supreme legal and administrative machine tends toward bureaucratic self-sufficiency; it would like to consider itself an end, not a means. Those who specialize in the affairs of the whole have a propensity to take-themselves for the whole; the general staffs to take themselves for the whole army, the Church authorities for the whole Church; the State for the whole body politic. By the same token, the State tends to ascribe to itself a peculiar common good - its own self-preservation and growth - distinct both from the public order and welfare which are its immediate end, and from the common good which is its final end. All these misfortunes are but instances of "natural" excess or abuse

But there has been something much more specific and serious in the development of the *substantialist* or *absolutist* theory of the State. This development can be understood only in the perspective of modern history and as a sequel to the structures and conceptions peculiar to the Mediaeval Empire, to the absolute monarchy of the French classical age, and the absolute government of the Stuart kings in England. Remarkably enough, the very word *State* only appeared in the course of modern history; the notion of the State was implicitly involved in the ancient concept of city (*polis, civitas*) which meant essentially body politic, and still more in the Roman concept of the Empire: it was never explicitly brought out in Antiquity. According to a historical pattern unfortunately most recurrent, both the normal development of the State - which was in itself a sound and genuine progress - and the development of the spurious-absolutist-juridical and philosophical conception of the State took place at the same time.

An adequate explanation of that historical process would require a long and thorough analysis. Here I merely suggest that in the Middle Ages the authority of the Emperor, and in early modern times the authority of the absolute King, descended from above on the body politic, upon which it was superimposed. For centuries, political authority was the privilege of a superior "social race" which had a right - and believed it to be an innate or immediately God-given and inalienable right - to supreme power over, and leadership as well as moral guidance of, the body politic - made up, it was assumed, of people under age who were able to make requests, remonstrances, or riots, not to govern themselves. So, in the "baroque age," while the reality of the State and the sense of the State progressively took shape as great juridical achievements, the concept of the State emerged more or less confusedly as the concept of a whole - sometimes identified with the person of the king - which was superimposed on or which enveloped the body politic and enjoyed power from above by virtue of its own natural and inalienable right, - that is to say, which possessed sovereignty. For in the genuine sense of this word - which depends on the historical formation of the concept of sovereignty, prior to jurists' various definitions - sovereignty implies not only actual possession of and right to supreme power, but a right which is *natural and inalienable*, to a supreme power which is *supreme separate from and above* its subjects.

At the time of the French Revolution that very concept of the State considered as a whole unto itself was preserved, but it shifted from the King to the Nation, mistakenly identified with the body politic; hence Nation, Body Politic and State were identified. And the very concept of sovereignty - as a *natural* or *innate* and *inalienable* right to supreme *transcendent* power - was preserved, but shifted from the King to the Nation. At the same time, by virtue of a voluntarist theory of law and political society, which had its acme in eighteenth century philosophy, the State was made into a person (a so-called moral person) and a subject of right, in such a way that the attribute of absolute sovereignty, ascribed to the Nation, was inevitably, as a matter of fact, to be claimed and exercised by the State.

Thus it is that in modern times the despotic or absolutist notion of the State was largely accepted among democratic tenets by the theorists of democracy - pending the advent of Hegel, the prophet and theologian of the totalitarian, divinized State. In England, John Austin's theories only tended to tame and civilize somewhat the old Hobbesian Leviathan. This process of acceptance was favored by a symbolical property which genuinely belongs to the State, namely, the fact that, just as we say twenty head of cattle meaning twenty animals, in the same way the topmost part in the body politic naturally *represents* the political whole. Nay more, the notion of the latter is raised to a higher degree of abstraction and symbolization, and the consciousness of the political society is raised to a more completely individualized idea of itself in the idea of the State. In the absolutist notion of the State, that symbol has been made a reality, it has been hypostasized. According to this notion the State is a metaphysical monad, a person; it is a whole unto itself, *the* very political whole in its supreme degree of unity and individuality. So it absorbs in itself the body politic from which it emanates, as well as all the individual or particular wills which, according to Jean-Jacques Rousseau, have engendered the General Will in order mystically to die and resurge in its unity. And it enjoys absolute sovereignty as an essential property and right.

That concept of the State, enforced in human history, has forced democracies into intolerable self-contradictions, in their domestic life and above all in international life. For this concept is no part of the authentic tenets of democracy, it does not belong to the real democratic inspiration and philosophy, it belongs to a spurious ideological heritage which has preyed upon democracy like a parasite. During the reign of individualist or "liberal" democracy the State, made into an absolute, displayed a tendency to substitute itself for the people, and so to leave the people estranged from political life to a certain extent; it also was able to launch the wars between nations which disturbed the XIXth Century. Nevertheless, after the Napoleonic era the worst implications of this process of State absolutization were restrained by the democratic philosophy and political practices which then prevailed. It is with the advent of the totalitarian regimes and philosophies

that those worst implications were released. The State made into an absolute revealed its true face. Our epoch has had the privilege of contemplating the State totalitarianism of Race with German Nazism, of Nation with Italian Fascism, of Economic Community with Russian Communism.

The point which needs emphasis is this. For democracies today the most urgent endeavor is to develop social justice and improve world economic management, and to defend themselves against totalitarian threats from the outside and totalitarian expansion in the world; but the pursuit of these objectives will inevitably involve the risk of having too many functions of social life controlled by the State from above, and we shall be inevitably bound to accept this risk, as long as our notion of the State has not been restated on true and genuine democratic foundations, and as long as the body politic has not renewed its own structures and consciousness, so that the people become more effectively equipped for the exercise of freedom, and the State may be made an actual instrument for the common good of all. Then only will that very topmost agency, which is made by modern civilization more and more necessary to the human person in his political, social, moral, even intellectual and scientific progress, cease to be at the same time a threat to the freedoms of the human person as well as of intelligence and science. Then only will the highest functions of the State - to ensure the law and facilitate the free development of the body politic - be restored, and the sense of the State be regained by the citizens. Then only will the State achieve its true dignity, which comes not from power and prestige, but from the exercise of justice.