Jacques Maritain and Human Rights

ABSTRACT.

Jacques Maritain's concern and thoughts on human rights and natural law are analyzed and studied in the context of the humanist tradition of mankind. For this, St. Thomas Aquinas-J. Maritain types of law: 1) the natural law, 2) the people law, and 3) the positive law are discussed in relation to the three Maritain characteristics of the human being, i.e., wholeness, independence, and belonging to a society of human beings. From these considerations emerges the superadditive property of society, which is in complete agreement with Aristotle's principle that the whole is more than the addition of its parts.

Maritain's concept of normal functioning (doing) jointly with the ontological (being) and the teleological (the goals) dimensions of the human being and society form the basic framework for the analysis of the individualistic, the communist, and the humanistic types of society.

This study concludes with the proposition of 1) freedom 2) economic efficiency, 3) social justice, and 4) preservation of the human species and its natural habitat, as the four essential principles for the realization of human rights in a society of societies.

1. — INTRODUCTION.

Some of mankind's greater inventions and discoveries were the outcome of social life and its needs. As in the cases of the alphabet and the wheel, they were collective inventions. Such is the case with human rights. In fact, the full concern for human rights, be they economic, political, social or cultural, is as old as civilization itself.

One can feel nothing but deep admiration and emotion upon reading the famous Hummurabi Code, written by the wise King of Babylonia some 40 centuries ago, a code which may be thought of as a forerunner to the beautiful and well-thought United Nations Declaration of Human Rights. Within its timeless inscriptions, one discovers the King's concern for the common good, and equal rights regardless of sex and economic status. At the same time, one can admire the balances approach to the rights of women in work as well as in marriage, the right of workers to just compensation, etc. This code is but one of the oldest precedents in a geneal-
ogy of great men and women to which Jacques Maritain belongs. Jacques Maritain possesses an unparalled passion and concern for the dignity and holy foundation of the human being, and for society as a natural body of free human beings.

This study is organized as follows: section 2 deals with Maritain's approach to human rights and natural law; section 3 interprets Maritain's discussion of three types of society from the viewpoint of the dominant behavior each type of society favours: the super-additive property is introduced in section 4 to characterize Maritain's personalistic type of society. This study concludes in section 5 with the proposition of four principles as a framework for the praxis of human rights.

II. — HUMAN RIGHTS AND NATURAL LAW.

When Maritain discusses human rights, he makes it clear from the beginning that the human being is first the image of God, and then stresses his characteristics of wholeness, independence and belonging to a society of human beings. By wholeness and independence, Maritain is emphasizing the rights of each person and, in structuring his belonging to a social entity, he is stressing the natural existence of society which is not the outcome of a social contract. Hence his ultimate message is of great Christian content: the common good, and characterizes the essential teleological content of the very existence of society.

The teleology of the common good pervades Maritain's thoughts in dealing with human rights and its dual counterpart, human obligations. In this context, he has developed three very different concepts of types of law (Maritain, 1943 and 1965): 1) the natural law, 2) the people law and 3) the positive law.

Of these three laws, the most basic is the natural, for which Maritain provides both an ontological and a gnosiological foundation. He describes the human being as a being endowed with intelligence, behaving with a clear consciousness of his actions, and possessing the power and capability to determine his own goals. This endowment gives the actions of the human being purpose and renders them fully teleological.

This human will, acting to achieve or fulfill the goals essential to the human being, forms part of this ontological structure, and is, according to Maritain, the unwritten or natural law. The natural law, then, belongs to the essence of men and women, and is determined through human actions according to ends, describing the individual normality of functioning. This illustrates the success of Maritain's achievement of linking the physiological functioning (normalité de fonctionnement) with structure, a timehonoured couple which more recently took full life and meaning in the modern approaches to cybernetics, the general system theory as developed by von Bertalanffy, econometrics and structural economics.

If normality of functioning is a natural consequence of human actions and interactions with a sense of purpose (within the framework of the natural law and thus compatible with the individual’s ontological structure),