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**The Universality of Rights**

**John Humphrey, Henri Bergson and the Universal Declaration of Human Rights**

by

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A thesis submitted to the Faculty of Graduate Studies and Research in partial fulfilment  
of the requirements of the degree of

**Doctor of Philosophy (Political Science)**

Department of Political Science  
Carleton University  
Ottawa, Ontario, Canada

July, 2005

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## Abstract

One of the central challenges of globalization is negotiating the tension between the universal and the particular. This tension is most clearly manifested in contemporary human rights. Using MacIntyre's *Three Rival Versions of Moral Enquiry* as a foil, I argue that the Greek Fathers of the Christian Church provide an alternative way to think through the relationship between the universal and the particular. After expanding upon this alternative tradition, I turn to the beginning of the contemporary human rights project. The journals of John P. Humphrey, one of the chief drafters of the Universal Declaration of Human Rights, shows that he was profoundly influenced by the philosophy of Henri Bergson, and in fact regarded the Declaration as a kind of legal transliteration of Bergson's philosophy of the open society. A careful analysis of Bergson's philosophy, aided by the robust neo-Thomist critique of Bergson by Jacques Maritain, establishes an affinity between Humphrey's vision of the contemporary human rights project and the Greek Patristic tradition. I conclude that the Universal Declaration of Human Rights, understood in a Bergsonian context, provides us with a way to affirm in the Modern context that there is a ground to human fellowship which is transcendent and which offers a basis to affirm a universal ethics without a radical homogenization of cultures.

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## **The Universality of Rights**

**John Humphrey, Henri Bergson and the Universal Declaration of Human Rights**

### **Introduction**

Broadly speaking, this is a dissertation about globalization. What is globalization? If we were to travel back in time to Christmas 1979, our televisions would regale us with Coca-Cola's Christmas advertising drive. We would enjoy a commercial featuring a group of multi-racial young men and women, holding hands around a Christmas tree which was strung with brightly coloured electric lights. Their sincerity shone in their uplifted faces as they sang, "I'd like to teach the world to sing in perfect harmony; I'd like to buy the world a Coke and keep it company. Its the real thing."

This, for me, is the very image of globalization. It is an image which carries a variety of connotations. Globalization is the erasing of borders between human beings, beginning with national borders. Alternately, it is the coming-together of people who were formerly apart into a universal people. Viewed theologically, globalization is a grand reconciliation, it is the reversal of the Biblical curse of the Tower of Babel. The Coke executives who chose the Christmas tree for their symbol knew their business well.

The image further suggests that this grand reconciliation and harmonization is attained via the universal acceptance of American-style economics; it is inseparable from the aggressive peddling of cavity-promoting and addictive black bubbling liquid. In addition, the role of technology, symbolized by the string of electric lights, is central to

globalization, such that we cannot seriously discuss globalization without also discussion technology. But above all, the fact that all these multi-racial youths are singing the same song, in English, points to the homogeneity which is typically identified with globalization.

Human rights are a central part of this homogenization. Human rights purport to be universal. The conversion of all political communities into human rights regimes, organized around abstract individual bearers of legal rights, appears to be part and parcel of the homogenization process. Are human rights a kind of soft tyranny, a destroyer of cultures, a vehicle for a subtle western imperialism? Does globalization signify the homogenization of the globe, a homogenization that leads to ever-increasing rationalization and the dominance of technology and procedure and rule? Or is a dialectic between the juridification of the world and a philosophical anthropology possible, such that there is both room for a flourishing of particularities and also for lively engagement with the perennial questions of classical political philosophy and jurisprudence regarding justice and the good? Can we, in other words, retrieve the word and experience that was replaced by globalization and speak again of “universality” in a way that reminds us of what we have lost, but must retain, if “globalization” is to be a meaningful name for our growing togetherness?

It is very difficult to apprehend the present moment. I want to think through the contemporary human rights movement as a way to seize the present in thought. In particular, the present need is to think through the claim to universality made by contemporary human rights, and the relationship of this claim to cultural particularities.

This, it seems to me, reveals something of the limits and potentials of law and politics at this juncture in history.

## **1. Method**

This dissertation is an attempt at political theory. There is nothing original in what follows. Quite the opposite, I am trying to apprehend more deeply the reality to which the contemporary human rights movement points by bringing the lawyer who drafted the Universal Declaration of Human Rights (hereinafter the Declaration) into conversation with, on the one hand, the legacy of the Greek fathers of the Christian Church, and on the other hand the modern manifestation of the wisdom of St. Thomas. As a bald statement, this may seem idiosyncratic. But all the evidence suggests that the drafters of the Declaration were no mere jurists or administrators. They had an in-depth acquaintance with the theological debates of their time and the millennium-long history within which the contemporary debates were making their mark. I am not making claims of historical causation, but rather appealing to the thoughts of the past to inform approaches to present problem. Generally speaking, each chapter will take up a particular thinker, review all that they have written on the issue before us, set these writings in their historical context, and then do a close reading of a representative passage.

In brief, the dissertation will proceed as follows. Chapter one sets the problem and consider one solution, namely craft-tradition by way of Aquinas. The second chapter proposes an alternate version of craft-tradition, identified with the Greek Fathers of the Christian Church. Chapter three looks at Humphrey and the drafting of the Declaration. I

then turn to an explication of Bergson's philosophy in chapter four. Chapter five reviews Maritain's critique of Bergson. Chapter six explores the two accounts of rights, with two accounts of universality. I conclude with some reflections on the possibility of restoring *phronesis* in contemporary society via a recovery of Humphrey's vision of human rights.

## 2. The Argument

Chapter one is devoted to setting forth the problem of universality and particularity in contemporary human rights, and then considering what I regard to be a very good beginning to addressing this problem. This good beginning is found in Alasdair MacIntyre's book, *Three Rival Versions of Moral Enquiry*. I argue that his notion of "craft-tradition" rationality is persuasive in comparison to the other options he sets forth, and is entirely applicable to the field of human rights, considered as a species of moral enquiry. However, I am uncomfortable with MacIntyre's conclusion that Aquinas is the sum and pinnacle of this version of moral enquiry, and suggest that the "Great Tradition" stretching from Socrates to St. Thomas holds riches that Aquinas de-emphasized, to the great cost of the history which followed him.

With this, I turn to exploring some of these neglected riches. Aquinas, working within the stream of Latin thought, did not avail himself of the marked differences in emphasis which characterize Greek Christianity. Chapter two is devoted to articulating the differences between Eastern and Western Christianity. My eye is fixed on those differences which are relevant for moral enquiry, and particularly for human rights. This, in effect, sets the stage for the investigation of the contemporary human rights project, in

that it establishes two paths within craft-tradition rationality through which one might comprehend contemporary human rights.

The foundation having been laid in these two introductory chapters, I then turn to the beginning of the contemporary human rights project. In 1948, Canadian civil servant John Humphrey drafted the United Nation's Universal Declaration on Human Rights. His journals record his perplexity with how to articulate the universality of rights without constraining cultural particularity. Upon reading Bergson's account of universality in *The Two Sources*, Humphrey journals: "This may be the most important book I have ever read."<sup>1</sup> In Humphrey's view, Bergson has presented a philosophical account of the universality embodied in the U.N.'s Universal Declaration of Human Rights. Chapter three offers what might be called a philosophical biography of Humphrey during his early years at the United Nations.

This close look at Humphrey casts one back on the philosophy of Henri Bergson. This is the subject of chapter four. Bergson was a Jewish convert to Catholicism. However, his work resonates with the Eastern Church Fathers, particularly in his attention to the themes of dynamism and spirit and the presence of an apophatic element in his thought. In *The Two Sources of Morality and Religion* Bergson develops an articulation of universality based on these two features of his thought. We thus have a link between the Greek Patristic tradition and contemporary human rights. They are firstly linked by a common negation. The Eastern Fathers, Bergson, Humphrey—all three called into

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<sup>1</sup>John Humphrey, *On the Edge of Greatness: the diaries of John Humphrey, First Director of the United Nations Division of Human Rights*, vol. 1, A.J. Hobbins, ed. (Montreal: McGill University Libraries, 1994), 96.

question the bifurcation of human experience that sets spirit in opposition to material. Resistance to the material-spirit opposition was at the heart of the *filioque* controversy which sparked the Great Schism. It was the explicit agenda of Bergson's *Two Sources*. And, I argue, it was the intention of the *Universal Declaration* to likewise challenge this opposition in its attempt to set up a bulwark against the recurrence of Nazi tyranny. Secondly, they are linked by a common vision of the human condition which is characterized by a diminished gap between the transcendent and the immanent, an assertion of trans-rational human knowledge, and an emphasis on the dynamic.<sup>2</sup>

This is the core of my argument. To better develop it, I then turn to Jacques Maritain's critique of Bergson, as well as his own development of a neo-Thomist account of the contemporary human rights movement. This is the content of chapters five and six. They are intended to serve three functions: to establish the Bergsonian reading of rights as a legitimate manifestation of craft-tradition moral enquiry, to reveal the distinctiveness

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<sup>2</sup>From the foregoing it should be clear that this dissertation is not simply an attempt to go back to the past, to re-create Caesaro-papism or to argue for a lesser form of "conservatism." Rather, it proceeds in the spirit of E. Voegelin's injunction: "By restoration of political science is meant a return to the consciousness of principles, not perhaps a return to the specific content of an earlier attempt. One cannot restore political science today through Platonism, Augustinianism, or Hegelianism. Much can be learned, to be sure, from the earlier philosophers concerning the range of problems, as well as concerning their theoretical treatment; but the very historicity of human existence, that is, the unfolding of the typical in meaningful concreteness, precludes a valid reformulation of principles through return to a former concreteness. Hence, political science cannot be restored to the dignity of a theoretical science in the strict sense by means of a literary renaissance of philosophical achievements of the past; the principles must be regained by a work of theoretization which starts from the concrete, historical situation of the age, taking into account the full amplitude of our empirical knowledge." Eric Voegelin, *The New Science of Politics: An Introduction* (Chicago: University of Chicago Press, 1952), 2-3.

of the Bergsonian account of rights from neo-Thomism, and to highlight certain weaknesses within Bergson's philosophy which are relevant to the contemporary human rights project.

Finally, I conclude with some reflections on the possibility of recovering a Bergsonian reading of rights.

In sum, I take as my object John Humphrey's conception of universality in its expression in the Universal Declaration of Human Rights. The initial data is Humphrey's journals and the U.N. records of the debates and committee meetings leading up to the ratification of the Declaration. The journals in particular throw us back upon the philosophy of Bergson, and so the dissertation will seek to give an account of Humphrey's account of universality in light of "Bergsonism." But the effort of making sense of Bergson and the resources he offers for the human rights movement in turn throws us back upon the resistance to Bergson staged by contemporary Jacques Maritain, also a proponent of human rights. Puzzling through this debate throws us back, finally, on the grand story of the split between Greek and Latin Christianity and the incommensurate accounts of the human condition contained therein. And here we stop, having encountered something which appears to be a truly fundamental choice between two anthropologies. All of this is in service of apprehending contemporary human rights.

Contemporary history has neither been kind to Humphrey nor to his vision of universality. By a strange twist, Henri Cassin, another member of the drafting committee, was generally given credit for drafting the Declaration, relegating Humphrey to a footnote in contemporary human rights history. Likewise, rights discourse quickly took the

character of positive law, with rights becoming things to be “enforced” rather than “recognized.” Instead of being viewed as a material thing drawing its life from something transcendent and grander than mere contract, human rights were made into a fixed foundation themselves, floating, as it were, on air.

The neglect of such a significant contributor to the Modern world as Humphrey would alone justify the present dissertation. But beyond historical interest, Humphrey’s account of universality promises, if not to “solve” the universal-particular problem which pervades all aspects of globalization, then at least to elevate the discussion of the problem to a higher level of sophistication. Beyond pragmatic concerns, the study of our human rights also reveals the present historical character of our way of being human. This is so especially when we consider them in light of the ways in which the Ancients, standing at the source of what became the Western tradition, thought about universality and particularity.

I wish to make it clear from the outset that this dissertation is not advocating for or against human rights. I am not trying to establish a philosophical basis for the universality of human rights, nor am I trying to debunk such a basis. Rather, I am trying to apprehend our age, and perhaps that part of our humanity which endures through the vicissitudes of history, by thinking about the problem of universality and particularity as it plays out in the contemporary human rights movement.

Do the legal documents represent an authentic claim to universality? The answer is yes, but it is a qualified yes. For as long as the writers and readers retain an awareness of the inability of language—and human thought—to encompass the universal, the text can

function as a pointer to the universal, and not as a supposed definitive statement of the universal. Should this be forgotten, such codifications automatically derail into a form of tyranny.<sup>3</sup>

This approach to the Declaration raises it out of the realm of the technical, out of the realm of social engineering. It means that the interpretation of the Declaration and the many lesser documents derived from it, such as the Canadian Charter of Rights and Freedoms, must proceed on the basis of good judgment, with an eye to common good. Rather than a juridification of politics, these documents should be regarded as an attempt to place the rule of law under the rule of humanité, particularly as represented by Bergson's dialectic between the eternal and the material. In fine, the Universal Declaration of Human Rights, understood in a Bergsonian context, provides us with a way to affirm in the Modern context that there is a ground to human fellowship which is

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<sup>3</sup>This approach to the codification of the universal is captured eloquently by Martin Buber, "Education and World-View," in *Pointing the Way: Collected Essays*, Maurice S. Friedman, ed., transl. (New York: Harper and Row, 1963), 100-1: "Let us assume I am discussing a text from our literature. It has been interpreted countless times and in countless ways. I know that no interpretation, including my own, coincides with the original meaning of the text. I know that my interpreting, like everyone else's, is conditioned through my being. But if I attend as faithfully as I can to what it contains of word and texture, of sound and rhythmic structure, of open and hidden connections, my interpretation will not have been made in vain—I find something, I have found something. And if I show what I have found, I guide him who lets himself be guided to the reality of the text. . . . It is just the same with an historical manifestation. . . . The facts are there, the faithfulness to them is there; the faithfulness is conditioned, like everything human, and, like everything human, of essential importance. It is not granted us to possess the truth; but he who believes in it and serves it has a share in building its kingdom. The ideological factor in what each individual calls truth cannot be extracted; but what he can do is to put a stop in his own spirit to the politization of truth, the utilitarizing of truth, the unbelieving identification of truth and suitability. Relativizing rules in me as death rules in me; but unlike death, I can ever again set limits to it; up to here and no farther!"

transcendent and which offers a basis to affirm a universal ethics without a radical homogenization of cultures.

## Chapter 1

### Universality, Particularity and International Human Rights

*In this chapter I want to describe a problem, air a sophisticated and compelling solution to this problem, and then suggest that this sophisticated and compelling solution occludes an even more compelling solution which has been generally neglected. The problem concerns the contemporary human rights project. International human rights purport to be universal; they apply to everyone, everywhere. The problem is that this universality appears to run roughshod over cultural particularities. In other words, the assertion of rights as universally normative appears to be part and parcel of a trend toward global homogenization in which all political communities must reorganize themselves along western lines, with democratic human rights regimes and the accompanying civil and legal institutions. Is there a way to conceive of universality and its relationship to particularity, in the context of international human rights, that does not terminate in a grotesque levelling of culture?*

One sophisticated and compelling solution to this problem is neo-Thomism. In its elegant anchoring of law in a hierarchy of being, this system of thought enables one to affirm the universality of rights based on a common human essence, while yet allowing both variety and progress. In this chapter I will explore this solution via Alasdair MacIntyre's excellent book, *Three Rival Versions of Moral Enquiry*.<sup>4</sup>

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<sup>4</sup>Alasdair C. MacIntyre, *Three Rival Versions of Moral Enquiry: Encyclopaedia, Genealogy, and Tradition* (Notre Dame: University of Notre Dame Press, 1990). I will revisit the neo-Thomist option in chapter three when I discuss the role of Charles Malik

The more compelling solution occluded by neo-Thomism is found in that version of moral enquiry which found historical expression in the synthesis between Greek philosophy and Christian life in Eastern Christianity. I will look at this way of approaching moral and political enquiry in detail in the following chapter, but for the present I merely want to present this version of rationality as a living option which is sufficiently distinct from neo-Thomism to merit consideration.

The present chapter will proceed in the following fashion. Section one will present the problem of universality and particularity, looking at it in the context of the post-war human rights project. Section two will frame this problem in terms of MacIntyre's thesis regarding incommensurate versions of moral enquiry and then present neo-Thomism as a potential solution. I will pay special attention to MacIntyre's notion of "craft-tradition" rationality as a rubric to discuss what is given to us in pre-modern thought. The concluding section will suggest that craft-tradition rationality is larger than St. Thomas, and that alternative versions of craft-tradition rationality are presently available to inform the contemporary human rights project. Foremost among these alternative versions is the rationality which found expression in the Greek patristics of the Christian church, a version of rationality which, as I shall argue in chapter three, actually informed the contemporary human rights movement at its inception.

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in the production of the Declaration, and again in chapter five, where I will treat of Jacques Maritain's critique of Bergson.

## 1. The problem of universality in contemporary human rights discourse

In Sophocles' *Antigone* the heroine contravenes king Creon's command prohibiting the burial of her brother Polyneices. She is tried and condemned. But Antigone defends herself, saying:

That order did not come from God. Justice, that dwells with the gods below, knows no such law. I did not think your edicts strong enough to overrule the unwritten unalterable laws of God and heaven, you being only a man. They are not of yesterday or today, but everlasting, though where they came from, none of us can tell.<sup>5</sup>

Aristotle, in the *Rhetoric*, refers to this passage as an early pointer to a tension that is coeval with the attempt to govern human interaction by laws--the tension between the particular and the universal.

It will now be well to make a complete classification of just and unjust actions. We may begin by observing that they have been defined relatively to two kinds of law, and also relatively to two classes of persons. By the two kinds of laws I mean particular law and universal law. Particular law is that which each community lays down and applies to its own members: this is partly written and partly unwritten. Universal law is the law of Nature. For there really is, as every one to some extent divines, a natural justice and injustice that is binding on all men, even on those who have no association or covenant with each other. It is this that Sophocles' Antigone clearly means when she says that the burial of Polyneices was a just act in spite of the prohibition: she means that it was just by nature.<sup>6</sup>

The enduring tension between universal and particular was thus framed at the start of the Western tradition. One of the areas in which we presently feel its pinch is in the

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<sup>5</sup>Sophocles, "Antigone," in *The Theban Plays*, E. F. Watling, transl. (Harmondsworth: Penguin Books Ltd., 1947), 138.

<sup>6</sup>Aristotle, *Rhetoric*, W. Rhys Roberts, transl., I (13). In *Great Books of the Western World*, R. M. Hutchins et al, eds., vol. 9, *Aristotle II* (Chicago: Encyclopaedia Britannica Inc., 1952), 593-675.

realm of international human rights, which purport to be universal and frequently stand in opposition to the laws and practices of particular political groups.

Two separate but related questions present themselves here. The first involves the nature of this claim of universal human rights. On what basis can this claim be made? Are there philosophical underpinnings to human rights? If so, what is the content of this universal law which transcends language?

The second question concerns the legal documents which are designed to guard human rights. Assuming that Antigone's claim is valid, a new and distinctly modern problem confronts us. One of the remarkable features of contemporary global politics is that the universal and unwritten law to which Antigone appeals has now been written down. Does the very act of encoding the unwritten law, an act which occurs in a particular time and a particular place by particular people, transform it from universal to particular?<sup>7</sup> In other words, what is the relationship between these universally-oriented legal documents and positive laws on the one hand, and the unwritten universal law on the other?

I want to explore these questions in the concrete historical context of the early years of the Declaration. This document is without doubt the flagship of the contemporary human rights movement. How ought we to interpret it?

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<sup>7</sup>Of course, even in Sophocles' play there is a question whether Antigone's appeal to the universal is motivated by her own private interests and serves to mask these interests. The modern encoding of the unwritten universal exacerbates the problem inherent in any particular person or people appealing to the universal, namely the possibility that the appeal to the universal is merely a strategic ploy to covertly advance particularist interests.

### 1.1. The Roots of the Contemporary Human Rights Movement

Perhaps it would be more satisfying if the idea of natural rights had entered Western political thought with a clatter of drums and trumpets in some resounding pronouncement like the American Declaration of Independence or the French Declaration of the Rights of Man and the Citizen. In fact, though, this central concept of Western political theory first grew into existence almost imperceptibly in the obscure glosses of the medieval jurists.<sup>8</sup>

It is a commonplace that there was a philosophical revolution which brooked a rupture between medieval and early modern philosophy. This revolution is said to be reflected in a sharp division between older notions of natural right and new subjective rights.<sup>9</sup> Under the classical approach, justice is regarded as both a moral virtue and more

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<sup>8</sup>Brian Tierney, *The Idea of Natural Rights*, Emory University Studies in Law and Religion, John Witte, Jr., gen. ed. (Atlanta: Scholars Press, 1997), 344. My discussion of the historical origins of rights discourse draws heavily from Tierney's analysis.

<sup>9</sup>This thesis is advocated by a wide variety of scholars. See for example Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1950) at 179-80: "The predominant tradition had defined natural law with a view to the end or the perfection of man as a rational and social animal. What Hobbes attempted to do on the basis of Machiavelli's fundamental objection to the utopian teaching of the tradition, although in opposition to Machiavelli's own solution, was to maintain the idea of natural law but to divorce it from the idea of man's perfection; only if natural law can be deduced from how men actually live, from the most powerful force that actually determines all men, or most men most of the time, can it be effectual or of practical value. The complete basis of natural law must be sought, not in the end of man, but in his beginnings.... What is most powerful in most men most of the time is not reason but passion." A very similar idea is expressed by J. Habermas in *Theory and Practice*, J. Viertel, transl. (Boston: Beacon Press, 1974) at 84: "While in classical Natural Law the norms of moral and just action are equally oriented in their content toward the good--and that means the virtuous--life of the citizens, the formal law of the modern age is divested of the catalogues of duties in the material order of life, whether of a city or of a social class. Instead, it allows a neutral sphere of personal choice, in which every citizen, as a private person can egoistically follow goals of maximizing his own needs. Formal rights are in principle rights of freedom, because they must set free all acts which are not explicitly prohibited according to externally specified criteria. Hobbes had already enunciated clearly that under formal laws freedom consists in this indirect exemption."

generally in terms of proportionality. “In Aristotle’s philosophy,” writes Brian Tierney, “the universe was a cosmos, informed by a *logos* which gave it order and harmony and purpose. So too human society could display a proper harmony and balance, a structure of right relationships.”<sup>10</sup> The focus was not on individuals but on the “harmonious structure of relationships, right proportion, *juste partage*.”<sup>11</sup> But under the modern approach, characterized by a nominalist philosophy, the older understanding of justice as objectively right relationship was lost, replaced with moral or legal commands binding on individuals, individuals in their turn bearing rights which guard spheres of freedom from these commands.

The difference between classical and modern treatments of rights is obvious. But the historical data does not corroborate the thesis that the change in rights followed the modern revolution in metaphysics which rejected Thomism. Tierney adduces evidence that “a juristic, distinctively non-Aristotelian theory of natural rights had grown up before Aquinas, that Aquinas did not choose to assimilate such ideas into his Christian-Aristotelian synthesis, but that they did enter the mainstream of Western political thought through other channels.”<sup>12</sup> He contends that as early as the twelfth century canon lawyers

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<sup>10</sup>Tierney, 21-2.

<sup>11</sup>*Ibid.*, 22.

<sup>12</sup>*Ibid.*, 45. An excellent general introduction to canon law as a source of the western legal tradition is Harold J. Berman’s *Law and Revolution: The Formation of the Western Legal Tradition* (Cambridge: Harvard University Press, 1983), particularly chapters 4 through 6.

were discussing natural rights in terms of individual freedom.<sup>13</sup> Furthermore, from the beginning this subjective idea of natural right was not derived from Christian revelation or from an all-embracing natural-law theory of cosmic harmony. Rather, it was explicitly anchored in, as Tierney puts it, “an understanding of human nature itself as rational, self-aware, and morally responsible. This understanding endured as the basis of many later natural rights theories, both medieval and modern.”<sup>14</sup> Moreover,

the first natural rights theories were not based on an apotheosis of simple greed or self-serving egotism; rather they were derived from a view of individual human persons as free, endowed with reason, capable of moral discernment, and from a consideration of the ties of justice and charity that bound individuals to one another.<sup>15</sup>

From this initial impulse in twelfth century canon law successive rights theories developed, each adapted to its context. The language acquired in the twelfth century persisted through these permutations. Tierney concludes, “the history of natural rights theories can best be seen as a series of creative responses to a variety of past experiences.”<sup>16</sup> He continues, “...once the idea that all persons possess rights had grown into existence, it displayed a remarkable vitality and adaptability and proved relevant to a variety of emerging problems.”<sup>17</sup> We are now witnessing a new phase of the rights tradition, characterized by a reaction against a relativism which “seemed inadequate in

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<sup>13</sup>*Ibid.*, 54-69.

<sup>14</sup>*Ibid.*, 76.

<sup>15</sup>*Ibid.*, 77.

<sup>16</sup>*Ibid.*, 345.

<sup>17</sup>*Ibid.*

the face of the unthought evils of the Nazi regime.”<sup>18</sup>

## 1.2. The Rise of Human Rights in the Twentieth Century and the United Nations

There have been two general waves of human rights in Western political thought. The first wave was connected with the late eighteenth century revolutions in France and the United States. The second wave is associated with the Universal Declaration of Human Rights in 1949. The causes of this second wave, and its relationship to the first wave, are a matter of debate, well beyond the scope of the present study. But there is general agreement that the emphasis placed on human rights in the early years of the U.N. was a reaction to Nazi atrocities. For example, in December 1948, when the Declaration was before the U.N. General Assembly, Charles Malik, then Rapporteur of the Committee on Human Rights, stated that the document “was inspired by opposition to the barbarous doctrines of Nazism and fascism.”<sup>19</sup> The experience of Hitler’s National Socialism was generally regarded as a sufficient justification for the Declaration; it needed no further philosophical argument.<sup>20</sup> John Humphrey was perhaps the most insistent on this point:

The catalyst to which we owe the Universal Declaration of Human Rights

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<sup>18</sup>*Ibid.*

<sup>19</sup>Johannes Morsink, “World War Two and the Universal Declaration,” *Human Rights Quarterly* 15 (1993): 357. Morsink continues on the same page, “Indeed, all the delegations generally agreed that the pattern of gross human rights abuses which occurred during World War II was the major impulse behind the drafting of the Declaration.”

<sup>20</sup>Morsink, *ibid.*, goes further and argues that each article in the Declaration finds what he calls its “epistemic foundation” in the experience of the Second World War.

and indeed much of the new international law of human rights which has so radically changed the theory and practice of the law of nations was the gross violations of human rights that were committed in and by certain countries during and immediately before the Second World War. For it was these atrocities that fostered the climate of world opinion which made it possible for the San Francisco Conference to make the promotion of respect for human rights and fundamental freedoms “for all without distinction as to race, sex, language or religion” one of the pillars on which the United Nations was erected and a stated purpose of the Organization. It was on these foundations that the new international law of human rights was built.<sup>21</sup>

Hannah Arendt’s penetrating analysis of the conditions in Europe prior to the second world war in *The Origins of Totalitarianism* suggest that there was a fundamental link between antisemitism, imperialism and totalitarianism.<sup>22</sup> How was it, she asks, that such a seemingly insignificant people group as the European Jews came to be at the centre of world politics? Arendt’s answer is that antisemitism can only be understood in terms of the larger political upheavals that rocked Europe in the nineteenth and twentieth centuries. The European nation-states decayed from within, and because of certain specific functions Jews played in European feudal society, anti-Semitic propaganda became the most efficient way to motivate the masses toward imperialist expansion and

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<sup>21</sup>John Humphrey, “The Universal Declaration of Human Rights: Its History, Impact and Juridical Character,” in *Human Rights Thirty Years after the Universal Declaration*, B. G. Ramcharan, ed. (The Hague: Martinus Nijhoff, 1979), 21-37 at 21. Also see “The Catalyst of the Second World War,” in John P. Humphrey, *Human Rights and the United Nations: A Great Adventure* (Dobbs Ferry, NY: Transnational Publishers, Inc., 1984), 10-13. This latter work is a kind of rambling autobiography of Humphrey’s tenure in the U.N., offering a blow-by-blow account of the life of an international public servant, but little in the way of reflection on the meaning of the human rights movement.

<sup>22</sup>Hannah Arendt, *The Origins of Totalitarianism* (New York: Meridian Books, 1951).

away from the nation-state. Thus the two world wars reflect a crisis in the nation-state as a form of political organization, a crisis which concluded in totalitarianism.<sup>23</sup>

Arendt's full analysis of the links between antisemitism, imperialism and totalitarianism is beyond the scope of this dissertation. However, it is noteworthy that among the various factors at play in this process, Arendt sees the seeds of totalitarianism in the perplexities surrounding the French declaration of the Rights of Man. The Revolution regarded rights as the emancipation of humankind from God and tradition; rights were grounded and concluded in humans, who were the only legitimate authority. The paradox was that these inalienable rights were granted and guaranteed by the state.

Per Arendt:

The whole question of human rights, therefore, was quickly and inextricably blended with the question of national emancipation; only the emancipated sovereignty of the people, of one's own people, seemed to be able to insure them. As mankind, since the French Revolution, was conceived in the image of a family of nations, it gradually became self-evident that the people, and not the individual, was the image of man.<sup>24</sup>

Thus the loss of national rights, which characterized the refugees after the first world war and to a lesser degree ethnic minorities within nations, inevitably meant a loss of human rights. Arendt concludes: "The Rights of Man, supposedly inalienable, proved to be unenforceable—even in countries whose constitutions were based upon them—whenever

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<sup>23</sup>The essence of totalitarianism, for Arendt, is the dictum that everything is possible. The concentration camp laboratory is the quintessential institution of totalitarian regimes. See Arendt at 437f.

<sup>24</sup>*Ibid.*, 291.

people appeared who were no longer citizens of any sovereign state.”<sup>25</sup> With the loss of a cosmology anchored either in God or in a high view of nature, it is not at all clear how to resist a degradation of justice to Hitler’s motto: “Right is what is good for the German people.”<sup>26</sup> All attempts to understand human rights in purely immanent terms invariably terminate in the subversion of the universal claim made by rights.<sup>27</sup>

Arendt concludes her preface to the first edition with these words:

Antisemitism (not merely the hatred of the Jews), imperialism (not merely conquest), totalitarianism (not merely dictatorship)—one after the other, one more brutally than the other, have demonstrated that human dignity needs a new guarantee which can be found only in a new political principle, in a new law on earth, whose validity this time must comprehend the whole of humanity while its power must remain strictly limited, rooted in and controlled by newly defined territorial entities.<sup>28</sup>

Despite Arendt’s pessimism regarding rights in modernity, Tierney’s claim regarding the historical endurance and flexibility of the language of human rights in western political thought has certainly carried the day. What the world witnessed in the

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<sup>25</sup>*Ibid.*, 293.

<sup>26</sup>*Ibid.*, 299.

<sup>27</sup>Per Arendt, *ibid.*, at 299: “A conception of law which identifies what is right with the notion of what is good for—for the individual, or the family, or the people, or the largest number—becomes inevitable once the absolute and transcendent measurements of religion or the law of nature have lost their authority. And this predicament is by no means solved if the unit to which the “good for” applies is as large as mankind itself. . . . Here, in the problems of factual reality, we are confronted with one of the oldest perplexities of political philosophy, which could remain undetected only so long as a stable Christian theology provided the framework for all political and philosophical problems, but which long ago caused Plato to say, ‘Not man, but a god, must be the measure of all things.’”

<sup>28</sup>*Ibid.*, ix.

wake of the Second World War was a revival of human rights as a way to satisfy that aspiration to guarantee human dignity in the new context of totalitarianism to which Arendt bore witness.

The historical reintroduction of rights discourse into Western consciousness can be traced to the promotion of the concept by U. S. president Franklin W. Roosevelt and his wife Eleanor, who were influenced in this direction by novelist H. G. Wells. Wells published a letter in *The Times* on December 23, 1939 in which he addressed “the extensive demand for a statement of War Aims on the part of young and old, who want to know more precisely what we are fighting for....”<sup>29</sup> He proposed that this demand be satisfied by a declaration of rights. He wrote, “At various crises in the history of our communities, beginning with the Magna Carta and going through various Bills of Rights, Declarations of the Rights of Man and so forth, it has been our custom to produce a specific declaration of the broad principles on which our public and social life is based.”<sup>30</sup> Such a declaration, of his own composition, was published alongside the letter. Wells proceeded to launch a campaign to promote his declaration. Roosevelt was drawn into this campaign, and in fact was one of many individuals who provided Wells with comments on his initial declaration. This is not surprising, for the two men were friends; Wells lunched occasionally at the White house.<sup>31</sup>

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<sup>29</sup>Reproduced in H. G. Wells, *The Rights of Man, or What are we Fighting For?* (Harmondsworth: Penguin, 1940), 12-3.

<sup>30</sup>*Ibid.*, 13.

<sup>31</sup>See Jan Herman Burgers, “The Road to San Francisco: The Revival of the Human Rights Idea in the Twentieth Century,” *Human Rights Quarterly* 14 (1992): 447-

Roosevelt's 1941 State of the Union address, in which he announced the U. S.'s unequivocal support of the Allied nations and committed his nation to preparation for war, concluded with a description of four universal freedoms: freedom of speech, freedom of worship, freedom from want, and freedom from fear.<sup>32</sup> This was a simplified form of Wells' declaration of rights, but also contained something more than the pragmatic call to freedom from political tyranny which marked Wells' declaration. In a

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477. Burgers reports that a more refined version of Wells' declaration of rights was published as a series in *The Daily Herald* under the title, "The Rights of Man" beginning February 5, 1940. A Penguin Special was then printed: *The Rights of Man, or What are we Fighting For?* (cited above), containing both Wells' original letters to *The Times* and the final version of his declaration of rights, with Wells' own commentary. The book sold 30,000 copies in the UK alone. Meanwhile Wells' series in the *Daily Herald* was syndicated worldwide. Translated into 10 languages, it received tremendous international attention.

<sup>32</sup>See Franklin D. Roosevelt, "Four Freedoms Speech," in *Nothing to Fear: The Selected Addresses of Franklin Delano Roosevelt 1932-1945*, B. D. Zevin, ed. (London: Hodder and Stoughton Ltd., 1947), 258-267 at 266-7. The quotation in full reads: "In the future days, which we seek to make secure, we look forward to a world founded upon four essential human freedoms. The first is freedom of speech and expression--everywhere in the world. The second is of every person to worship God in his own way--everywhere in the world. The third is freedom from want--which, translated into world terms, means economic understandings which will secure to every nation a healthy peace time life for its inhabitants--everywhere in the world. The fourth is freedom from fear--which, translated into world terms, means a world-wide reduction of armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of physical aggression against any neighbor--anywhere in the world. That is no vision of a distant millennium. It is a definite basis for a kind of world attainable in our own time and generation. That kind of world is the very antithesis of the so-called new order of tyranny which the dictators seek to create with the crash of a bomb. To that new order we oppose the greater conception--the moral order. . . . Freedom means the supremacy of human rights everywhere. Our support goes to those who struggle to gain those rights or keep them. Our strength is in that unity of purpose. To that high concept there can be no end save victory." Taken together as practical political goals, these four freedoms moderate each other. However, if any of them is abstracted in exclusion to the others, it immediately becomes shrill and extreme.

letter to Pope Pius XII written in April, 1941, Roosevelt elaborated on these four freedoms, writing:

....The time is admittedly full of pain and danger. Yet from all parts of the world messages reach me which justify the high hope that the light of the world is being rekindled. These messages make it plain that courageous spirits are everywhere arising above fear, and that ever-increasing numbers of brave souls refuse to be separated from their Father in Heaven or from their brothers on earth by force or by falsehoods or by fear. So long as the human spirit is undefeated, the great elementary human freedoms will inevitably be triumphant.<sup>33</sup>

He then outlined the four freedoms, concluding: "I am convinced that such a rebirth of the moral sense of humanity can muster a force infinitely greater than that of a transient parade of arms with nothing behind it save the confusion and corruption of a group which has lost all spiritual values, and solely lust for power."<sup>34</sup>

Roosevelt's "Four Freedoms" speech marks the beginning of the contemporary human rights movement. From 1941 onward there was a veritable explosion of proposals and demands for international charters of rights and freedoms. The idea of international human rights had suddenly become mainstream.<sup>35</sup> Thus, the U.N.'s founding Charter came to include Article 1(3), which states that among the U.N.'s purposes is "promoting

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<sup>33</sup>Reproduced in Franklin D. Roosevelt, *Wartime Correspondence between President Roosevelt and Pope Pius XII* (New York: The Macmillan Company, 1947), 51-2 at 51.

<sup>34</sup>*Ibid.*, 52.

<sup>35</sup>See Burgers at 464-74. Burgers claims that international human rights prior to World War II were being discussed by international lawyers such as Andre Mandelstam, Alejandro Alvarez, Antoine Frangulis and Boris Mirkine-Guetzevitch. The contributions of these men to what became the post-war human rights project have been almost entirely neglected.

and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.”<sup>36</sup>

A brief description of the United Nations would be appropriate.<sup>37</sup> The United Nations was formed by the victors of World War II as a successor to the League of Nations. Its express purpose was the promotion of world peace.<sup>38</sup> Under its founding

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<sup>36</sup>The story of how rights came to be incorporated in the U.N. Charter can be found in Johannes Morsink, *The Universal Declaration of Human Rights: Origins, Drafting and Intent* (Philadelphia: University of Pennsylvania Press, 1999), 1-3.

<sup>37</sup>The following description of the U.N. relies on Sydney Bailey and Sam Daws, *The United Nations: A Concise Political Guide*, 3rd ed. (London: MacMillan Press, 1995), ch. 1-2.

<sup>38</sup>For the majority of the delegates, peace meant something substantially more than the mere cessation of violence. Indeed, the perennial concern of Ancient political philosophy to dampen *pleonexia* was forefront in many of the speeches. Consider the comments of Charles Malik, the Lebanese delegate, in a speech at the San Francisco Conference which founded the U.N. “It is patent that certain outwardly peaceful and secure situations do not spring from genuine justice, and therefore are not worth maintaining. Unless the positive content of peace rests on a foundation of real justice, there will be no real peace. Accordingly, the United Nations in this Conference must devote some time to the determination of a dynamic and positive conception of civilized existence, which will justify the organization they will set up. The peace, which man believes in and will spontaneously rise up to defend, is only that which is grounded in his ultimate rights and freedoms, and in the reality of justice. . . . There is no doubt in our minds that the decision that is being enacted today in the various theatres of war is a right decision. But when we look ahead to the years of peace we find that distressingly little is being contemplated at this conference in the realm of the mind and spirit. For the most part, we are dealing with means and instruments, and machinery, and mere framework and form. But certainly the fundamental thing is the spirit, which fills and justifies that form. It is to the spirit and mind of man, to his ideas and his attitudes, that we must devote considerable attention if the peace is going to be truly won. Unless we secure the right conditions for spiritual and intellectual health, and unless we determine the right positive ideals for which man should live, I am afraid that all our work at this conference will prove in vain.” From Charles Malik, “At San Francisco,” in *The Challenge of Human Rights: Charles Malik and the Universal Declaration*, Habib C. Malik, ed. (Oxford: The Charles Malik Foundation, 2000), 13-15 at 14-15.

Charter, six principal organs were created. The General Assembly is the first of these organs. It consists of all U.N. members and has limited powers to recommend action or make binding decisions. Three other organs of limited membership were also created: the Security Council, the Economic and Social Council and the International Trusteeship Council. Along with the General Assembly, these are the policy-making organs, and are made up of States. Under these are a bewildering array of subsidiary bodies. The fifth organ is the International Secretariat, headed by the Secretary-General. Finally, an International Court of Justice was formed. These last two organs are made up of individuals acting as international officials responsible only to the United Nations. The largest of the three U.N. Councils is the Economic and Social Council (ECOSOC). The Human Rights Commission has been operating under ECOSOC since its inception in 1946. The first major act of the Human Rights Commission was the drafting of a declaration of human rights. This declaration was ratified by the General Assembly on December 10, 1948.<sup>39</sup>

### **1.3. The Contemporary Tension between Universality and Particularity**

There are two major problems facing the contemporary human rights project.<sup>40</sup>

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<sup>39</sup>Subsequent to the Declaration, three treaties have been brought forward: the Covenant on economic, social and cultural rights, the Covenant on civil and political rights, and an Optional Protocol treating individual complaints to a new Human Rights Committee. *Ibid.*, 93.

<sup>40</sup>See Tierney at 346.

The first is an absurd inflation of rights discourse in the absence of a shared philosophy of rights. The wholesale translation of properly political issues, which involve debate about the common good at which the political association aims, into rights issues tends to eclipse the political altogether. We consequently face on the one hand a loss of a sense of community and the replacement of civic friendship with juridical and economic bonds, and on the other hand a never-ending series of intractable contradictions between rights claims, for example between religious and equality rights.<sup>41</sup>

The second problem faced by contemporary rights project is the fact that elementary rights are denied altogether in much of the world. Apart from the too-common practice of paying hypocritical lip-service to human rights, the most common and persuasive argument for resisting rights is to portray it as a species of Western chauvinism.

Our human rights can be considered legitimate only to the extent that they are considered universal. But the claim to universality appears to stand in tension to laws and customs within particular regimes, and all that stands behind these laws and customs: conceptions of what a human is, what a well-ordered human relationship is, what constitutes legitimate authority. Putting it negatively, when rights are viewed solely as a product of the occidental conception of humanity, contemporary rights discourse looks like a veiled form of neocolonialism. Such claims against the notion of rights are

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<sup>41</sup>This juridification of politics is certainly motivated in part by the simple fact that legal and economic negotiations appear less controversial and disruptive. To be fair to the many well-intentioned politicians and bureaucrats involved in human rights work, the hope surely is that the more substantive goods would be implicitly recognized and furthered in and through these lesser forms.

frequently made despite the popularization of human rights as the global universal.

This tension was brought forcefully to the world's attention in 1993. The *Vienna Declaration* addressed the issue in these words in Article 5:

All human rights are universal, indivisible, interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.<sup>42</sup>

This was not so much a resolution to the tension as a simple acknowledgement of it. At the Vienna Conference which ratified this declaration, another quite different declaration was made. The *Bangkok Declaration*, made by China, Cuba, Indonesia and Iran, averred that "while human rights are universal in nature, they must be considered in the context of a dynamic and evolving process of international norm-setting, bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds."<sup>43</sup> The *Bangkok declaration* asserted territorial integrity and national sovereignty over against what was viewed as intrusive Western pressure on the internal politics of the signatory states via human rights advocacy.<sup>44</sup>

The problem of the tension between the claim to universality made in

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<sup>42</sup>*The Vienna Declaration*, available from <http://www.hri.ca/vienna+5/vdpa.shtml>.

<sup>43</sup>*The Bangkok Declaration*, available from <http://www.unhchr.ch/html/menu5/wcbangk.htm>.

<sup>44</sup>Though, presumably, a different form of universality was also implied in this claim which would guide the "evolving process of international norm-setting."

contemporary human rights and particular laws has received considerable scholarly attention recently. Typically the universal and the particular are understood as two dichotomized poles. The result of this dualism is that a commitment to universality necessarily implies a rejection of particulars in that sphere of existence, and likewise a commitment to particularity necessitates a rejection of universality in that sphere. Conceiving of the universal as the negation of the particular is one way to read universality, but it is not the only way. The history of Western thought presents us with alternative readings of universality which suggest a dialectic between universality and particularity, and in fact the history of the Universal Declaration of Human Rights itself presents us with the possibility of understanding universality and particularity in this way.

It is generally accepted that there is no consensus on the philosophical underpinnings of human rights. Rather, there are myriad understandings of the meaning of rights which are sustained by the language of rights. Rights discourse has concentrated on achieving the practical goals of rights implementation, rather than on fostering a deep understanding of exactly what it was implementing. The result is that there is no consensus as to the meaning of the universality of human rights.<sup>45</sup> There is certainly a measure of political prudence in this: given the difficulty of arriving at consensus on first principles, we can pursue agreement on procedural matters which indirectly further substantive political goods. However, the absence of consensus has also resulted in a certain degree of incoherence and confusion with regard to the meaning and limits of

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<sup>45</sup>This absence of consensus is generally ignored. See Tristan Englehardt Jr., "Taking Moral Difference Seriously," paper presented at the Pluralism, Religion and Public Policy Conference at McGill University, October 9-11, 2002.

rights. The nebulous character of rights has made them a dramatically flexible and powerful political tool. If a political agenda can be successfully framed in the language of rights--and most can--then this agenda can be rapidly furthered via rights discourse, effectively dodging most forms of political opposition.

## **2. A Sophisticated and Compelling Solution: Neo-Thomism**

### **2.1. MacIntyre's Trichotomy**

In this regard it will be helpful to consider Alasdair MacIntyre's book, *Three Rival forms of Moral Enquiry*. MacIntyre's work is helpful in two ways. First, he gives an account of the phenomena of multiple rational narratives which helps make sense of present human rights discourse. Second, he makes a recommendation to resolve the situation--a return to Thomism--which we will use as a foil to better appreciate what is given to us in Humphrey's Bergsonian account of universality as it applies to contemporary human rights, and how it might better our prospects over against MacIntyre's proposal.

What resources does MacIntyre offer us to understand the post-war human rights project? MacIntyre suggests that contemporary moral enquiry is marked by the presence of rival and incommensurate versions of rationality. This invariably results in an impasse whenever we address moral dilemmas. Human rights, to the extent that they reflect the moral life of Western civilization, also show the marks of rival forms of rationality. This results in incommensurate understandings of the meaning of the universal claims which it

makes, for the rational is at the same time the universal.<sup>46</sup>

Let me briefly set out MacIntyre's insightful parsing of modern rationalities and then place contemporary human rights in this context. MacIntyre identifies three versions of rationality which are operative today. He starts with the version of moral enquiry exemplified by the ninth edition of the *Encyclopaedia Britannica*. This account of reason assumed that rationality is unitary,

that there is a single, if perhaps complex, conception of what the standards and the achievements of rationality are, one which every educated person can without too much difficulty be brought to agree in acknowledging. The application of the methods and goals of this single and unitary conception to any one particular distinctive subject matter is what yields a science.<sup>47</sup>

Rationality in effect means objective and logical attention to the data in question, uncoloured by any prior commitments to doctrine or theory.<sup>48</sup> Thus a rational approach to moral questions corresponds precisely to a rational approach to questions pertaining to the natural sciences, such as chemistry or biology. Any honest person, regardless of their

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<sup>46</sup>Despite the disparate accounts of rationality, all embody an attempt to transcend the particular. In the Socratic dialogues, it is well accepted that rationality is presented as an alternative to mere opinion, whether the opinion of an individual or an *ethnos*. Even in post-modern discourse, in which rationality is impugned as power, the discursive mechanism of genealogy retains the universal claim implicit in rational enquiry of every stripe (e.g. "claims to rationality *always* occlude oppression of one group by a privileged other," etc.)

<sup>47</sup>MacIntyre, 14.

<sup>48</sup>Consider this passage from T. S. Baynes' "Prefatory Notice" to *The Encyclopaedia Britannica*, 9th ed., vol. 1 (New York: Samuel L. Hall, 1878) at viii: "In this conflict [between science and religion] a work like the *Encyclopaedia* is not called upon to take any direct part. It has to do with knowledge rather than opinion, and to deal with all subjects from a critical and historical, rather than a dogmatic, point of view."

particular virtues or context, looking at the same data, will arrive at an identical conclusion, so long as he or she adheres to a rational method of enquiry. Indeed, the Encyclopaedists held that the history of moral enquiry shows a slow and steady advance toward the nineteenth century standard of objective, neutral rationality, distinct from particular communities.<sup>49</sup>

MacIntyre claims that this form of rationality has exhausted itself. In its vacuum, we are presented with two alternative rationalities. The first is identified with Nietzsche's *On the Genealogy of Morals*.<sup>50</sup> MacIntyre calls this a "paradigm for the construction of a type of subversive narrative designed to undermine the central assumptions of the Encyclopaedia, both in content and in genre."<sup>51</sup> Rather than offer a replacement canon to the 9th edition of the *Encyclopaedia Britannica*, Nietzsche wanted to discredit the very idea of a canon altogether. Rationality, in this view, is reduced to power and

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<sup>49</sup>See Baynes' discussion of the fields of "Literature, History and Philosophy" in *ibid* at vii: "...the rudest and most fragmentary records of savage and barbarous races, the earliest stories and traditions of very lettered people, no less than their developed literatures, mythologies, and religions, are found to have a meaning and value of their own. As yet the rich materials thus supplied for throwing light on the central problems of human life and history have only been very partially turned to account. It may be said, indeed, that their real significance is perceived and appreciated, almost for the first time, in our own day. But under the influence of the modern spirit, they are now being dealt with in a strictly scientific manner. The available facts of human history, collected over the widest areas, are carefully co-ordinated and grouped together, in the hope of ultimately evolving the laws of progress, moral and material, which underlay them, and which, when evolved, will help to connect and interpret the whole onward movement of the race."

<sup>50</sup>Friedrich Nietzsche, *On the Genealogy of Morals*, Walter Kaufmann, transl. (New York: Vintage Books, 1967).

<sup>51</sup>MacIntyre, 25.

oppression.<sup>52</sup>

The other rival's foundation document is the Papal Encyclical *Aeterni Patris* by Pope Leo XIII. MacIntyre describes it in this way:

*AP* summoned its readers to a renewal of an understanding of intellectual enquiry as the continuation of a specific type of tradition, that which achieved definitive expression in the writings of Aquinas, one the appropriation of which could not only provide the resources for radical criticism of the conception of rationality dominant in nineteenth-century modernity and in the Ninth Edition, but also preserve and justify the canonical status of the Bible as distinct from, yet hegemonic over, all secular enquiry.<sup>53</sup>

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<sup>52</sup>This intention is made clear by Nietzsche in his Preface to *The Genealogy*. He asks at 17, "under what conditions did man devise these value judgments good and evil? And what value do they themselves possess? Have they hitherto hindered or furthered human prosperity?" Nietzsche's idea is that ethics constitute a will turned against life. The "good" man is dangerous; a retrograding force, a narcotic. Such morality prevents man from attaining the magnificence of which he is capable.

<sup>53</sup>MacIntyre, 25. We might add that this view clearly regarded Thomism's reading of the Bible to be also hegemonic over all other religious perspectives. In *Aeterni Patris* Pope Leo XIII quotes his predecessor, Pope Sixtus V, in describing the philosophy of St. Thomas: "that ready and close coherence of cause and effect, that order and array as of a disciplined army in battle, those clear definitions and distinctions, that strength of argument and those keen discussions, by which light is distinguished from darkness, the true from the false, expose and strip naked, as it were, the falsehoods of heretics wrapped around by a cloud of subterfuges and fallacies...." *Aeterni Patris: On the Restoration of Christian Philosophy*, Encyclical of Pope Leo XIII promulgated on August 4, 1879, available from <http://www.papalencyclicals.net/Leo13/113cph.htm>, para. 16. Further, St. Thomas is presented as standing at the pinnacle of Christian thought. "The doctrines of those illustrious [Doctors of the Church], like the scattered members of a body, Thomas collected together and cemented, distributed in wonderful order, and so increased with important additions that he is rightly and deservedly esteemed the special bulwark and glory of the Catholic faith" (17). This philosophy is to be preferred to any Modern philosophy, which "has a foundation open to change, and consequently gives us a philosophy not firm, and stable, and robust like that of old, but tottering and feeble" (24). Thus Pope Leo exhorts us to "restore the golden wisdom of St. Thomas, and to spread it far and wide for the defence and beauty of the Catholic faith, for the good of society, and for the advantage of all the sciences" (31).

Both rival accounts regard the rationality of the *Encyclopaedia* as an irrational survival. From the perspective of Thomist rationality, it was a corruption of an understanding of natural and divine law as elaborated by Aquinas. Conversely, from the perspective of Nietzsche it was but one more instance of herd morality masking enmity to the “biologically vital” by the “false pretensions of reason.”<sup>54</sup>

## 2.2. Rival Versions of Moral Enquiry and Human Rights

What has this to do with human rights? I contend that the post-war human rights project reflects the profound confusion which marks contemporary moral enquiry. Following the rationality of the *Encyclopaedia*, human rights represent the progressive realization of universal reason in human affairs, implying at the same time a transcending of cultural particularities toward the one homogeneous rational civilization . But if one looks at rights in terms of Nietzsche’s critique, human rights appear as a veiled attempt at domination. The claim to universality made by international human rights is nothing less than covert domination. Finally, under the aegis of Thomism, human rights appear as the recapitulation of a venerable tradition which seeks to establish an international normative standard based on the real essential nature of humankind. Just as one might expect, a survey of the literature on human rights reveals the presence of three general camps: those that affirm rights as the product of an abstract and disinterested reason, those that regard rights as rationally groundless, and those that affirm rights as an outgrowth of St. Thomas’s doctrine of natural law.

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<sup>54</sup>*Ibid.*, 30.

To this general statement regarding the reflection of rival rationalities in international human rights discourse, I hasten to add a caveat. Human rights are a unique form of moral discourse in at least two ways. First, while they embody normative claims, they are also considered law. The legal aspect of rights has enabled human rights advocacy to move forward despite what would seem to be paralysing debates regarding virtually every significant question concerning rights, including their meaning and goal.

The second unique aspect of contemporary human rights is that they have been a kind of refuge for what MacIntyre identified as Encyclopaedic rationality. Indeed, the dominant voice within contemporary human rights discourse is Encyclopaedic rationality, which in the field of human rights is often explicitly identified with Kant. This version of rational enquiry appears to belie MacIntyre's declaration of the death of the Encyclopaedic tradition.

With these qualifications, one can yet discern the trinity of Aquinas, Kant, and Nietzsche, each offering different accounts of human rights. All of this occurs under the umbrella of positive law which accords rights a privileged position in national and international politics.

Of these three general options in the sphere of moral enquiry, MacIntyre prefers Aquinas. For neo-Thomists, the history of philosophy is not a continuous tradition from Socrates to Kant, and in this regard Thomism is distinct from the other two accounts of the history of moral enquiry. Thomists maintain that there was a rupture, first clearly manifest in Descartes, in which the very idea of rationality underwent a dramatic change. The Cartesian rupture in its essence was the attempt to emancipate reason from any

particular religious or moral tradition. Objectivity came to mean separation from any particular community; it is disinterested and neutral.

But in the intellectual tradition prior to Descartes, the life of rationality was conceived of as a “craft” requiring apprenticeship, which required learning the difference between what *appeared* good and what *was* good.<sup>55</sup> There is a *telos* for each craft. Furthermore there is a tradition in the craft which is regarded as the best approximations of the *telos* so far, and which establishes a standard of excellence in the craft. The apprentice in a craft learns to correct his or her own mistakes by the standards established by the tradition of the craft, and along the way experiences the painful revelation of his or her own defects and limitations which stem from a present dearth of virtues which need to be developed in order to master the craft.

MacIntyre holds out Thomism as the exemplar of the craft-tradition mode of enquiry—the present standard of excellence within the craft of philosophy. The Thomistic understanding of moral enquiry is the result of a synthesis of two traditions—Augustine and Aristotle. Aquinas took these two systems and used each to correct and improve the other, thus forming a version of rationality in keeping with the craft-tradition which governed both modes of enquiry. Each was shown to need the other for its completion. But the method always left open the return to the question with some new argument. The structure was dialectical and showed genuine intellectual vulnerability to critique and improvement. Thus, MacIntyre argues, Thomism gives an account of progress via accountability in enquiry. This is just what modern moral theory lacks.

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<sup>55</sup>See MacIntyre, 62f.

### 2.3. Craft-tradition: A Close Reading

MacIntyre's idea of craft-tradition is summarized nicely in the following quotation. It is well worth a close reading. He contrasts it with the two prevailing views of moral enquiry, being Cartesian rationality and Nietzschean irrationality....

What this alternative conceals from view is a third possibility, the possibility that reason can only move towards being genuinely universal and impersonal insofar as it is neither neutral nor disinterested, that membership in a particular type of moral community, one from which fundamental dissent has to be excluded, is a condition for genuinely rational enquiry and more especially for moral and theological enquiry. Yet just this possibility was the one presented by Plato in initiating the philosophical tradition, particularly in the *Gorgias* and the *Republic*. What emerged from Socrates' confrontation with Callicles in the *Gorgias* was that it is a precondition of engaging in rational enquiry through the method of dialectic that one should already possess and recognize certain moral virtues without which the cooperative progress of dialectic will be impossible, something further acknowledged by Plato in the *Republic* in his identification of those virtues the practice of which must precede initiation into philosophical community and by Aristotle in his account of the inseparability of the moral and the intellectual virtues in both political and philosophical community.<sup>56</sup>

There are key four points that MacIntyre makes in the above quotation upon which I would like to dwell.

The first pertains to the universality of reason. MacIntyre identifies the desperate need today to recover the rational project started by Socrates, which is the attempt to ground human existence upon reality via reason. This represents an attempt to go beyond public opinion, which while it forms the only viable starting-point for rationality, is ultimately a very doubtful guide due to its manifest instability. All versions of rationality, then, necessarily set their aim at articulating universals. Craft-tradition rationality is no

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<sup>56</sup>MacIntyre, 59-60.

exception. That which is rational is also universal. This universality is shared with the encyclopaedic version of rationality.

But this very sharing of an aspiration to universality obscures the craft-tradition version of moral enquiry. The debate typically proceeds in terms of a dichotomy between a homogenizing universality, the standard of which is almost always embodied in the one promoting this rationality, and a denial of universality altogether. The option that there may be another way to view rationality, with an alternative approach to universality, tends to be occluded.

International human rights are the chief political expression of this project today. Thus the universality of rights is not merely of practical interest in stopping human rights abuses, but it is also of profound philosophic and theological interest, for it is here that we can ask questions in the political sphere about the ground of being.<sup>57</sup> But mirroring the larger sphere of moral enquiry, human rights discourse tends to proceed in terms of a dichotomy between an abstract universalism and a wholesale denial of universalism. One feels that the choice is between Jürgen Habermas' Kantian construction or Richard Rorty's Nietzschean destruction. The possibility of transcending this debate by an alternate account of rationality does not typically surface.

But affirming the universal aspirations of craft-tradition rationality raises the

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<sup>57</sup>But note Eric Voegelin's discussion of the prohibition of questioning in the modern era by those seeking to construct an alternative reality. Voegelin regards this as a recurrence of the Gnostic heresy which plagued early Christianity. This resistance to questioning human rights at a philosophic level is quite apparent at present. See *Science, Politics and Gnosticism*, William J. Fitzpatrick, transl. (Chicago: Henry Regnery Company, 1968).

question of the difference between it and encyclopaedic rationality. MacIntyre anticipates this question and addresses it directly. In order for reason to be truly universal, it must be neither neutral nor disinterested. This is the second point I wish to stress. The encyclopaedist view assumes that rationality requires what we have come to know as the scientific method. This involves a bright-line distinction between subject and object in which the object is dispassionately dissected, reduced to its building-blocks, and then reassembled so that we might know how the parts relate to each other. Applied to moral enquiry, this method produces an autonomous set of technical moral rules and a rational justification for them based on universal moral principles.

But, as MacIntyre suggests earlier, morality appears to be in some central respect resistant to rational justification of this kind.<sup>58</sup> This suggests that human existence is not amenable to being reduced to an object for human study in this way. It is not possible for us to get outside our humanity in order to study it in a disinterested manner. Here we must part company with the major schools of modern natural sciences, which do just that. Far from neutral and disinterested, craft-tradition rationality calls for something like piety toward human existence, and particularly toward our capacity for justice. The pursuit of knowledge is inseparable from what we love. Thus we cannot rely on the workmanlike application of a method to ascertain reality.

But if one steps away from the absoluteness of the method, how does one go about pursuing moral knowledge? Here is MacIntyre's third point. He invites us to reground rational enquiry "in a particular type of moral community, one from which

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<sup>58</sup>MacIntyre, 29.

fundamental dissent has to be excluded.” That is, moral and political philosophy is a craft embedded in a tradition, a craft learned by apprenticeship.

MacIntyre is quite explicit about what he means by a craft.<sup>59</sup> All crafts aim at some specific good. Practising a craft implies learning the distinction between what appears good to do and what really is good to do. Furthermore, it implies a distinction between what is good and best for me in my particular situation and training and what is good and best unqualifiedly, the standard which constitutes the *telos* of the craft. There is always a gap between the *telos* and even the best approximations of this end, such that in practice the standards of achievement within a craft are justified historically as the best approximations so far of this *telos*. This means that every craft has a tradition which both holds up the ultimate standard of excellence and also establishes the historical limits so far in achieving this standard. But this tradition is a living tradition, in the sense that the tradition must be responsive to the changing contexts of the craftsman, and also that the gap between potentiality and act invites attempts to closer approximate the ultimate standard.

The experience of learning a craft is nothing less than an ascesis of parochial or self-serving interests. One must be able to correct one’s own mistakes by the standards established by the tradition of the craft. A craft is learned from a teacher who is necessarily authoritative. The engagement of a craft by an apprentice always results in the identification of the defects and limitations of the apprentice. This self-knowledge, painful in its discovery, reveals what virtues need to be developed in order to learn the

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<sup>59</sup>See *ibid.*, 61-6.

craft. The successful apprentice, thus chastised, experiences a re-orientation of erotic desire away from what the Ancient Greeks called *pleonexia*--a greedy desire for the whole--toward the pursuit of the good in his or her particular context as established by the tradition.<sup>60</sup>

This is at odds with the Encyclopaedists, who with Kant aver that rationality is to think for oneself. It is likewise with the genealogists who view an authoritative teacher as a subjugating power to be resisted. Furthermore, the temporal reference of reasoning within a craft is at odds with both Encyclopaedists and the Genealogists. Both, ironically, are agreed in their aim to be entirely outside of time. Thus tradition is excluded as a guide to truth.

To illustrate this, MacIntyre refers us to Plato and Aristotle to support his argument regarding the embeddedness of rationality in a moral tradition. This is the fourth point I wish to draw out of MacIntyre's quotation. The practice of dialectic, by which philosophy proceeds in the craft-tradition version of rational enquiry, requires a modicum of virtue. This theme runs through the ancient teaching. It will be worth our time to briefly consider the account of rationality that undergirds a dialogue such as

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<sup>60</sup>Consider this quotation from *ibid* at 65: "To share in the rationality of a craft requires sharing in the contingencies of its history, understanding its story as one's own, and finding a place for oneself as a character in the enacted dramatic narrative which is that story so far. The participant in a craft is rational *qua* participant insofar as he or she conforms to the best standards of reason discovered so far, and the rationality in which he or she thus shares is always, therefore, unlike the rationality of the encyclopaedic mode, understood as a historically situated rationality, even if one which aims at a timeless formulation of its own standards which would be their final and perfected form through a series of successive reformulations, past and yet to come."

Plato's *Gorgias*.<sup>61</sup>

The crux of Socrates' critique of Athens in *The Gorgias* is the connection between sophistry and tyranny. Sophistry as a technique of persuasion, divorced from the supervision of the architectonic art of philosophy, threatens to derail into insatiable lust for the whole, or *pleonexia*. Socrates holds up genuine philosophical dialogue, which incorporates rhetorical aspects within it, as the alternative to sophistry.

The Callicles section of the *Gorgias* is especially instructive. At 487 Socrates praises Callicles for his knowledge, goodwill and courageous candour, all necessary virtues for a fruitful dialogue. However, this must be taken somewhat ironically, for at the beginning of the Callicles section Socrates makes it clear that he and Callicles love different things; Socrates loves the truth, but Callicles loves the *demos*, or public opinion. Here is the chief difference between philosophy and mere sophistry. Clearly Callicles has the potential to engage in the rational pursuit of knowledge, but his love must be oriented toward the truth and away from public opinion, which amounts to political power for the sake of satisfying one's unordered desires. Socrates attempts to lead Callicles in a reorientation of his desires throughout the remainder of the dialogue, but fails. Callicles' failed apprenticeship illuminates the nature of classical rationality. It begins with an orientation away from *pleonexia*, from a greedy desire that seeks wholeness in the lust for domination of the here and now, rather than in transcendence.<sup>62</sup>

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<sup>61</sup>Plato, *The Gorgias*, W. C. Hembold, transl. (Upper Saddle River, NJ: Prentice-Hall Inc., 1997).

<sup>62</sup>See *ibid*, 493b-c.

The political implications of sophistry are set forth in a poignant manner in Socrates' claim that Callicles has broken partnership with the gods. Socrates says to Callicles:

To me, at least, this seems to be the end and aim which a man must keep in mind through out his life. He must turn all his own efforts and those of his country to bring it about that justice and self-control shall effect a happy life. He must not allow his desires to run riot nor, by striving to fulfill the endless torment of satisfying them, live the life of a brigand. Such a man could not be on friendly terms with any other man, nor with God, for he would be incapable of sharing; and where there is no sharing, there can be no friendship. Wise men say, Callicles, that heaven and earth, gods and men, are held together by the principles of sharing, by friendship and order, by self-control and justice; that, my friend, is the reason they call the universe "cosmos," and not disorder or licentiousness. Clever though you are, you seem not to have paid enough attention to these matters....<sup>63</sup>

Socrates sets in stark relief the life of philosophy, with its love of justice and temperance, against the life of sophistry, with its pursuit of unrestrained desires. The central difference between sophistry and philosophy is in the object of love; sophists allow the erotic part of their souls to run amok in the pursuit of pleasure, and their capacity to make speeches serves this end. But philosophers direct their erotic longings toward truth and justice, understood not as human constructions but as reality given in nature, and by the capacity to generate a *logos* pursue the object of their desire.

The absence of virtue which characterizes sophistry necessarily entails the loss of communion between men as well as between men and the gods. The basis of friendship is subverted and the sophist is at once alienated from both the divine realm and from his fellow citizens in the political realm. As a consequence, no true political partnership can

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<sup>63</sup>*Ibid.*, 507d-508a.

be sustained. Politically, the inevitable end of immoderate sophistry is tyranny.

In addition, note the link Socrates draws between civic friendship and friendship with the gods. For Socrates, it is impossible to order political life justly in the absence of a knowledge of the order of the cosmos, which implies access to the eternal. There is a geometric relationship between the cosmos, the *polis* and the soul, of which Calicles is ignorant. It is significant that Socrates speaks of the human interaction with the eternal in terms of communion and friendship; it implies a mode of knowledge which is participatory and which resists attempts to provide an objectified and complete account of its object.

How do human rights appear in light of this discussion of craft-tradition in the *Gorgias*? It is easy to view rights as institutionalized sophistry, an application of reason toward unreflective desires. However, Plato's presentation of craft-tradition rationality in the *Gorgias* also is suggestive of the possibility of re-texturing the human rights project such that the strong affirmations of universal dignity contained therein function as an ascesis, as an ordering principle for modern souls in the era of globalization, in which *pleonexia* looms ever larger. It is possible to regard the contemporary human rights project as a deliberate contradiction to the technologically enabled desire for tyranny arising from the search for unlimited pleasure which marks our era. Viewed in this way, human rights set before us the suffering of the other, which serves to chasten and humble us and compels us to moderate and then elevate our desires beyond *pleonexia*. This is particularly the case if this affirmation of human dignity is regarded as a pointer to the transcendent. In this way, contemporary human rights present us with a basis for political

friendship on a global level.

To sum up: in the context of incommensurate accounts of rationality, MacIntyre commends that form of enquiry associated with the ancient and medieval thinkers, which he labels craft-tradition rationality. This form of rationality is centred around the pursuit of universals, a characteristic it shares with modern rationality. However, it engages this pursuit not with an abstracted and universal method, but rather with an attempt to plumb the reality manifested in particulars, to penetrate to the depths of things and there discover what is truly universal. This sort of contemplation requires a modicum of piety toward existence, in the sense that one accepts as a precondition to right contemplation that there is a reality which transcends human will. It also requires a modicum of virtue, particularly with regard to the object of one's desires, or at least an openness toward re-orienting one's desires away from what merely appears to be good toward what is truly good. Craft-tradition rationality thus encompasses both the universality of encyclopaedic enquiry and the attention to particularities which marks genealogical enquiry. As we have seen in our brief discussion of Plato's *Gorgias*, this version of moral enquiry both begins from and terminates in a *pathos*, or sympathy, between humans and likewise between humans and the divine. This sympathy is the ground for all political affirmations of universals. It suggests a way to negotiate the universality-particularity tension by appeal to the order of the cosmos, grounded in a transcendent source of being and order, in which humankind finds itself. In attending to the particulars, the core of universal human experiences are revealed, a core of experiences which reflects the reality and order of the cosmos.

### 3. Conclusion: An Alternative Version of Craft-Tradition Rationality?

While affirming in a general way MacIntyre's call to return to craft-tradition, I call into question his election of Aquinas as the pinnacle of development in craft-tradition. Is it really the case that the demise of the *Encyclopaedic* version of moral enquiry leaves us only with Nietzsche or Aquinas?

In refuting the competition in this fashion, MacIntyre is plainly appealing to certain presuppositions regarding an ordering of goods. This appeal to fundamental moral premises to resolve a debate about fundamental moral premises is certainly open to the charge of circularity.<sup>64</sup> Furthermore, MacIntyre's proposal seems to recommend the search for consensus via a Christianization of the world on Thomistic terms; perhaps an overly ambitious plan.

I am sympathetic to the intention behind neo-Thomism. Furthermore, I do not wish to hush the wisdom of St. Thomas from being spoken today. But there is in my opinion an unconscionable oversimplification that occurs when one asserts that Aquinas is the sum of the great Greek-Christian tradition. The claim ignores the fact Christianity developed historically in two great streams, and that Aquinas stands very firmly in only one of these streams. I will refer to these streams as "Greek" and "Latin," or else "Eastern" and "Western." To say that Aquinas is the pinnacle of Western Christianity is perhaps a more tenable statement, although even here one discovers a multitude of Protestant Christians and even some Augustinian Catholics who, upon hearing such news, cry out, cover their ears and rush upon the blasphemer. Should we ask whether there are

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<sup>64</sup>See Tristan Englehardt Jr., "Taking Moral Difference Seriously."

other variations of craft-tradition rationality besides Thomism which have endured to the present day and which likewise offer realistic alternatives to encyclopaedic or genealogical moral enquiry, the answer is affirmative. Greek Christianity has maintained its own craft-tradition rationality, a rationality which is at certain points quite distinctive from that given us in St. Thomas.

Moreover, I contend that the craft-tradition rationality embodied in Greek Christianity, while it likewise offers to ground politics and law in a rich cosmology and an affirmation of human nature, offers a distinctive path to follow as we seek to negotiate pluralistic political contexts.<sup>65</sup> More specifically, the Greek view facilitates a very strong dialectical movement between universality and particularities. As such, it offers the contemporary human rights movement a tremendous resource for thinking through what it means to affirm universal rights across varied cultures.

Yet further, I will try to show that something like the Greek version of craft-tradition lay behind the thinking of the central drafter of the Universal Declaration of Human Rights. Although this view of rights has been generally occluded by a more technical approach, there is no reason why we cannot return to this understanding of human rights. Thus the contemporary human rights project offers us an interesting opportunity to recover the wisdom of the Ancients in our contemporary context.

I would now like to invite the reader to consider the craft-tradition rationality

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<sup>65</sup>Neo-Thomists have also taken the challenges of pluralism very seriously, and there is a whole literature on the range of neo-Thomist responses to pluralism. My point is simply that an alternative approach to pluralism resides in the Eastern Fathers, and this approach has been heretofore neglected in our day.

embodied in Greek Christianity.

## Chapter 2

### The Greek Patristic Tradition

In the previous chapter I set forth MacIntyre's assessment of the modern condition and his recommendation of Thomism as the most hopeful set of resources for a renovation of Western rationality. While I agreed in general terms with MacIntyre's diagnosis in its application to contemporary human rights and also supported his recommendation of a recovery of craft-tradition rationality, I expressed reservations about his prescription of neo-Thomism as the culmination of this version of enquiry.<sup>66</sup> This raised the question of whether earlier forms of Christian thought might in fact offer a more promising set of resources for enriching human rights theory and practice.<sup>67</sup> I suggested that the tradition within Christianity associated with the Greek Fathers looked

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<sup>66</sup>I will attend to neo-Thomism in detail in chapter five, when I address Jacques Maritain's critique of Bergson.

<sup>67</sup>What about the various forms of Protestantism? Three responses present themselves. First, Protestantism is even more complicit than Catholicism with Modernity. Second, a great deal of exploration has already been done on the relationship between Protestant Christianity and contemporary human rights, beginning with Max Weber and Ernst Troeltsch and continuing until the present. Finally, the Patristic tradition is one which *all* Christians can claim as their "roots," including Protestants. It is a historical fact that Martin Luther's systematizer, Philip Melanchthon, eagerly sought to establish communications with the Patriarch of Constantinople. Melanchthon drafted a Greek translation of the Augsburg Confession as a first step toward rapprochement with the Eastern church. This translation was not sent to Constantinople until the end of the sixteenth century, when the faculty of theology in Tübingen offered it to Patriarch Jeremias II for comment. See Ernst Benz, *The Eastern Orthodox Church: Its Thought and Life*, transl. Richard and Clara Winston (Chicago: Aldine Publishing Company, 1963), 197-200.

hopeful in this regard.<sup>68</sup>

What I want to do now is describe the Greek Patristic tradition, with an eye to the ways Thomism diverges from it. I have three goals in view, or as the Greek Fathers might say, my one goal is Trinitarian in character: I want to 1. provide the reader with a “working knowledge” of the content of the Greek Patristic tradition; 2. establish that this tradition is sufficiently distinct from Thomism to merit individual attention; and 3. highlight the aspects of the Greek Patristic tradition which speak most directly to the issues raised in contemporary human rights. Toward this tripartite end, I will review five inter-related themes within Greek Patristic thought. I will treat the following themes sequentially: the incarnation, creation, God and the limits of theology, deification, and the nature of the Church. The overall purpose of this chapter is to lay the conceptual foundation for our discussion of John Humphrey’s understanding of human rights.

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<sup>68</sup>I am by no means the first to ask these questions and propose these investigations. H. Tristan Englehardt Jr., for example, takes up the same problem which vexes MacIntyre: the irresolvable plurality of moral understandings within the Modern ethos renders public moral debates unsolvable in principle. Like MacIntyre, Englehardt believes that Kant and the Modern project has led to a normative dead-end. Moreover, both argue that the only road to recovery for Western civilization is a return to older understandings of ethics, and in particular that which is given in the synthesis of Greek and Christian traditions. They diverge, however, in that MacIntyre commends a return to Thomism, Englehardt to the Greek Fathers. But given the profound pluralism in Western political life, Englehardt envisions not a consensus built upon Patristic foundations but instead robust privacy rights which would permit moral enclaves in which dissenting views of the good might be freely pursued. In this, my opinion is that Englehardt is more Texan than Greek. See H. Tristan Englehardt Jr., *The Foundation of Christian Bioethics* (Lisse: Swets & Zeitlinger Publishers, 2000); “Privacy and Limited Democracy: The Moral Centrality of Persons,” *Social Philosophy and Policy* 17 (2000): 120-140 and the previously cited “Taking Moral Difference Seriously—Bioethics after the Death of God.”

## 1. Apology

In discussing the relationship between Greco-Roman culture and theology in the second century, St. Tertullian scornfully asked, “What has Rome to do with Jerusalem?” One might likewise ask today, “what has Constantinople to do with New York?” Is not the connection between contemporary human rights and Byzantine theology idiosyncratic?<sup>69</sup> And yet just such a connection is central to my thesis. An apology, in the classic sense, is appropriate.

The historical study of political thought reveals a kind of repetition of concepts. Ideas, once written down for others to read, do not go away. They enter into time, into history. They become radicalized, they are rejected in antitheses and then translated in syntheses, they appear in new words and in new settings, they are given voice by fresh personalities, they wax clear and wane opaque. But on they live.

Since ideas persevere, one of the ways to think about a contemporary political

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<sup>69</sup>Orthodoxy is generally ignored by human rights scholars. When it is addressed, the tone is almost always negative. A typical example is Adamantia Pollis’ article, “Eastern Orthodoxy and Human Rights,” *Human Rights Quarterly* 15 (1993): 339-56. She writes, “The emergence of the concept of individualism in the seventeenth and eighteenth centuries, of man on earth possessed of inalienable rights, a produce of radical socioeconomic transformations in western Europe, was a disavowal of man’s early Western intellectual and religious legacy positing a new ontology and a new epistemology. Man was no longer simply condemned because of original sin to strive for salvation, as he was previously, particularly in early Christianity. In liberal political philosophy man was a rational creature entitled to the pursuit of his interests and self-fulfillment during his years on earth” (340). She describes Orthodoxy as “frozen in the past,” anti-rational, other-worldly and a legitimizer of authoritarian political regimes (353). Her conclusion? “A consequence of Orthodoxy’s cosmology is that it cannot serve as a meaningful and relevant guide to contemporary European life nor to its social and political problems. It speaks only to those for whom spiritualism remains the essence of life” (354).

problem is to mine the past for prior incarnations of a similar problem. The distance afforded by time enables one to see the present issues more clearly. Ironically, fresh perspectives can be most readily found in these old occurrences.

When we foray into our past as Westerners, we unavoidably encounter Christianity. It is perhaps difficult for us today to appreciate the extent to which Christian language and symbols permeated the thought of Western thinkers from the beginning of the Christian period in the first century through to (and including!) the early modern period. All of life, including politics, was pondered in terms not separate from the Christian faith. The attempt has too seldom been made by contemporary political theorists to take seriously the Christian heritage of the West. Certainly this is due in part to the daunting task of gaining a working knowledge of the vast body of texts which constitute the Christian tradition, and which display an almost overwhelming variety of interpretations of that tradition. But it is also due to a certain discomfiture the typically secular academic of today shows toward religion, and traditional Christianity in particular, as a serious field of study for political philosophy or philosophy of law.

This dissertation resists that trend. Taking its starting point from the homogenizing threat of globalization, it asks whether human rights hinder or help this problem. If rights are to help, they must be able to chart a way through the claim to universality inherent in them while at the same time preserving a sense of particularity, both of individuals and communities. Once we frame the problem in this way-- universality versus particularity--it becomes apparent that the best minds in the Western tradition have addressed this problem before. It was pondered by Hegel, Kant, St.

Thomas, as well as Plato and Aristotle. It was also addressed by the Greek Fathers. A comparative analysis between contemporary human rights and any of these thinkers on the universality-particularity problem promises to shine light upon the present political situation. This alone justifies a historical study of the kind anticipated here.

Furthermore, I contend that the Patristic efforts to negotiate this problem act as a bridge between the ancient Greeks and the various modern contributions, such that the modern treatment of universality cannot be properly understood without recourse to the ancient and medieval Church Fathers. Theirs was an age when there was an intimate connection between political order and theological principle. For example, the development of the Eastern rites in the fourth century occurred in a political context which was thoroughly Christian. This infused the Church with an optimism regarding the redemption of humanity and nature. The Western context, in the fifth century, was altogether different. The Western Empire had fragmented into warring tribes. The embattled Church was the sole stabilizing force in this welter of conflict. It is not surprising that the Western view conceived of humans and nature as evil, and focussed on the submission of sinful human will to Divine Will.<sup>70</sup>

Finally, apart from the occurrence of the universality-particularity problem in Greek Patristic thought, I propose that there was a response to this problem in Greek Patristic thought which finds an analog in contemporary human rights and especially in

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<sup>70</sup>A. P. Shepherd, "Foreword," in N. V. Gogol, *The Divine Liturgy of the Eastern Orthodox Church*, Rosemary Edmonds, transl. (London: Darton, Longman & Todd, 1960), vi-vii.

the Declaration.<sup>71</sup> Furthermore, I suggest that this solution, which begins to emerge in the thought of drafter John Humphrey as he read philosopher Henri Bergson, was historically eclipsed by an alternate response to the universality-particularity problem. So in turning to the tensions between the Greeks and the Latins in medieval Christianity, I hope not only to provide an enriching comparison of treatments of the problem, but also to clarify two practical options which present themselves to the human rights movement in our era.<sup>72</sup>

There is another feature of this dissertation which requires an apology. In presenting Greek patristic thought, I am relying primarily on secondary sources--mostly taken from Christian, Eastern Orthodox theologians of the past century. I believe this is defensible for two reasons. First, the original contribution of this dissertation is not located in a fresh study of Patristic theology, but rather the application of some of the

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<sup>71</sup>By “analog” I do not mean to suggest identicalness. Rather, my contention is that the two solutions, while using different symbols, point to the same reality. A particular strategy for ordering disorder is common to both. They may be contrasted, to use Eric Voegelin’s terms, in terms of degrees of differentiation and clarity offered by the respective symbols.

<sup>72</sup>This selection of source material unavoidably tilts the discussion toward the East. In what follows, the reader will note that Greek Patristic Christianity is privileged over Western Christianity. This will be corrected in chapter five, where we will engage the neo-Thomist critique of Bergson. But for now the reader’s indulgence is requested. This indulgence is perhaps easier to grant when we recall that the Greek Fathers have been grossly neglected by modern scholarship. In addition, I openly acknowledge that my characterization of Eastern Christianity is incomplete. I make no claim to comprehensiveness here. The Holy Spirit, Sacrament and Liturgy, tradition: these and other crucial features of Greek Christianity are mentioned only in passing. My treatment of the topic is determined by its intended function within this dissertation, as described above. I am trying to understand contemporary human rights, and I have strived to bring forward those aspects of the Greek tradition which speak most directly to this topic.

basic themes of this theological tradition to a contemporary political problem.<sup>73</sup>

Secondly, given my purpose, it makes sense to look at just those thinkers who, explicitly working from this very tradition, also were cognizant of the shape of the Modern world and its political problems. So in an important way these contemporary Orthodox thinkers, as representatives of a living tradition, are themselves primary sources for this particular project.

These modern accounts are all engaged in a recovery project. They are all suggesting a return to the roots of Western civilization as an alternative to modernity. To better apprehend this project, and to tie it in with our prior discussion of MacIntyre's rival versions of rational enquiry, I will introduce our discussion with a close reading of a passage from a twelfth century monk named Gregory Palamas, whose writings are generally regarded in Greek Christianity as a medieval recapitulation of the Greek Fathers' teachings and thus serves as an ideal interlocutor to neo-Thomism.

## **2. Gregory Palamas and Barlaam the Calabrian**

I would like to begin our discussion of the tensions between Greek and Latin Christianity with a brief account of one of the foremost Greek theologians in the high middle ages, Gregory Palamas.<sup>74</sup> The story of Palamas begins with another theologian by

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<sup>73</sup>The Greek Patristic tradition is remarkably diverse. To the question, "what did the Eastern Fathers teach?" it is always appropriate to respond, "Which Father?" Nonetheless, there are consistent threads in the tapestry of Eastern Patristics, and in them one can discern themes that distinguish Constantinople from Rome.

<sup>74</sup>There is a growing interest in St. Gregory Palamas, particularly among Orthodox Christians. Kallistos Ware claims that the twentieth century will be remembered as the

the name of Barlaam of Calabria. Barlaam, an Orthodox theologian, while engaged in the polemical battles with Rome which marked the era, argued that God was completely and utterly unknowable.<sup>75</sup> Under the influence of a particular reading of Aristotle, Barlaam saw God as necessarily pure essence. That which is not essence cannot belong to God. Thus, God's energies, or God's grace, must either be part of the divine essence or else created effects of the divine essence. This meant that either God was knowable in His essence, and not transcendent at all, or else that God was only knowable by analogy from creation. In both cases deification was impossible.<sup>76</sup> It is not possible to demonstrate anything about God. The only knowledge of God possible was analogical knowledge from God's apparent acts in creation. But the way in which he carried his points made dogmatic relativism and agnosticism the unavoidable consequence. Consider this from Barlaam's pen, directed against Aquinas: "Thomas and those who follow his reasoning believe that nothing can exist that is inaccessible to the intelligence. But we believe that

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century of Palamas, counting himself among the Palamites. (*Silence and Glory: The Message of St. Gregory Palamas for the World Today*, produced by Orthodox TV, 2004, videocassette.) A.N. Williams, in *The Ground of Union: Deification in Aquinas and Palamas* (Oxford: Oxford University Press, 1999) contends that Palamas has shaped subsequent Greek theology as much as Aquinas has shaped Latin theology. She provides an excellent treatment of the history of the interpretation of Palamas' texts.

<sup>75</sup>From John Meyendorff, *A Study of Gregory Palamas*, George Lawrence, transl. (London: The Faith Press, 1964), chapter III. After 40 years Meyendorff's remarkable book is still regarded as the standard reference on Palamas. See Håkan Gunnarsson's comments on Meyendorff's work in *Mystical Realism in the Early Theology of Gregory Palamas: Context and Analysis* (Göteborg: Skrifter Utgivna Vid Institutionen för Religionsvetenskap, Göteborgs Universitet, 2002) at 17.

<sup>76</sup>See Vladimir Lossky, *The Mystical Theology of the Eastern Churches*, The Fellowship of St. Alban and St. Serguis, transl. (London: James Clarke & Co. Ltd., 1957), 77.

such an opinion can only be held by a soul affected by a proud and malicious demon; for nearly every divine thing lies beyond human knowledge.”<sup>77</sup>

Gregory Palamas, then a monk, took offence. If the only knowledge available to humans was rational knowledge of the kind Barlaam described, and if God was inaccessible by this knowledge, then there could be no human knowledge of God at all. Palamas recognized that this undermined Christianity altogether, in that it made no allowance for the incarnation. There must be some contact between humanity and God, Palamas argued, such that God remains unknowable but we can yet move beyond agnosticism. Another way to demonstrate truth and gain knowledge besides philosophic reason. In fine, there must be the possibility of supernatural knowledge of God.<sup>78</sup>

Initially Palamas held out to Barlaam the possibility of peaceful resolution and felt that Barlaam was within the parameters of orthodoxy, and that some modifications of Barlaam’s works would restore their communion. However, Barlaam, being by all accounts an exceedingly arrogant man, scorned this gesture. He accused Palamas of Messalianism, and attacked the monks, who widely practised the hesychiast method of

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<sup>77</sup>Quoted in Steven Runciman, *The Great Church in Captivity* (Cambridge: Cambridge University Press, 1968), 139.

<sup>78</sup>Georgios I. Mantzaridis, in *The Deification of Man: St. Gregory Palamas and the Orthodox Tradition*, Liadain Sherrard, transl. (Crestwood, NY: St. Vladimir’s Seminary Press, 1984), summarizes the difference between the two theologians in this way at 99: “Palamas accepts that there is an immediate and personal communion between God and man, while Barlaam sets God beyond the world and rejects the possibility of there being any direct personal relationship or communion between Him and finite man.”

prayer, in which the body participated in prayer and felt the action of divine grace.<sup>79</sup> He ridiculed them as *omphalopsychoi* (men-with-their-souls-in-the-navel).<sup>80</sup>

Against this, Palamas asserted the distinction between the essence and energies of God.<sup>81</sup> A council was convened to decide the issue and took place on June 10, 1341 in Constantinople. The general feeling initially was to avoid a dogmatic controversy. The council affirmed the distinction between divine essence and energies, Barlaam confessed his error and Palamas offered his forgiveness. Barlaam left the Eastern empire and later became a bishop in the Latin church.<sup>82</sup>

But the controversy was far from over with Barlaam's withdrawal. The argument was taken up by a former pupil of Palamas named Akindyos, who sought to affirm the divine unity and asserted that God was all divine substance. All else besides the divine substance was created. Thus union with God was either union with his very substance, or

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<sup>79</sup>Messalianism, succinctly put, was the claim to see the divine essence with physical eyes. *Ibid.*, 56.

<sup>80</sup>*Ibid.*, 46. The hesychiastic movement took its name from the Greek word for quietness—*hesychia*. Through stillness and spiritual exercises the hesychiastic monks prepared themselves to see the glory of God, the “uncreated light.” The most widely known feature of this movement is the Jesus prayer: “Lord Jesus Christ, Son of God, have mercy upon me a sinner.” See George C. Papademetriou, *Introduction to Saint Gregory Palamas* (New York: Philosophical Library, Inc., 1973), 22. Readers interested in a more detailed account of the hesychiastic movement can consult chapter II of Gunnarsson's *Mystical Realism in the Early Theology of Gregory Palamas*.

<sup>81</sup>This distinction between divine essence and energy is the hallmark of Palamite theology, but it is not an innovation. It's pedigree in Eastern theology runs back to Irenaeus, and was given special treatment by the Cappadocian fathers in the fourth century. See Mantzaridis, 104-05.

<sup>82</sup>Runciman, 142.

else with his creation. Another council on this same issue was convened in 1347. After this council Palamas composed the *Capita 150* or the *One Hundred and Fifty Chapters*, which set forth his final position on the consequences of the fall, the nature of salvation and the potentials and limits of human knowledge.<sup>83</sup>

At the very centre of the Palamite controversies were two competing interpretations of one of the Christian tradition. Both offered accounts of the possibilities and limits of human knowledge of God. Furthermore, both accounts were apophatic. The first account conceived the transcendence and unknowability of God as a product of the finitude of the human mind. The task of the theologian was to detach from created things and “accede to knowledge of the divine Being.”<sup>84</sup> This version of apophatic theology was directly dependent on neo-Platonism. Barlaam adopted an extreme form of this view, resulting in agnosticism regarding God. Akindyos adopted an apparently more moderate form which “wavered between agnosticism and an affirmation of the possibility of knowing the divine essence itself.”<sup>85</sup> Barlaam and Akindyos were united in affirming, as Meyendorff phrases it, “an intellectual conception of the knowledge of God, and an essentialist philosophy as the foundation of their theology.” He continues, “It would be easy to point a parallel in this between their conception of God and that of St. Thomas,

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<sup>83</sup>Gregory Palamas, *Capita 150*, Robert E. Sinkewicz, transl. (Toronto: Pontifical Institute of Mediaeval Studies, 1988). The full title of Palamas’ work is *One Hundred and Fifty Chapters on Topics of Natural and Theological Science, the Moral and the Ascetic Life, Intended as a Purge for the Barlaamite Corruption*.

<sup>84</sup>Meyendorff, *Gregory Palamas*, 203.

<sup>85</sup>*Ibid.*

and it is not surprising that several anti-Palamites ended their days in the West....”<sup>86</sup>

But the second view of apophatic theology, Meyendorff writes, “asserts divine transcendence as a *property of God*, and one which no detachment and no surpassing oneself could make vanish; the God of the Bible is a ‘hidden God’ who only reveals himself when he so desires and on conditions which he himself fixes.”<sup>87</sup> This is the Palamite, and the accepted Greek, view.<sup>88</sup> God’s essence is unknowable, but not because of human frailty. A perfect human would still face the unknowability of God’s essence. God’s essential unknowability is a product of God’s character, not human nature. This account of apophatic theology preserves the God-human difference while yet suggesting a far greater degree of optimism regarding human interaction with God.<sup>89</sup> Consider how Meyendorff describes Palamas’ understanding of contemplation:

[Contemplation is] not only detachment and negation; it is a union and a divinization which happens mystically and inexpressibly by the grace of God after detachment. Hence the true vision comes from a *positive gift* of God, and itself constitutes a *positive experience*. But, for all that, it does

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<sup>86</sup>*Ibid.*, 204.

<sup>87</sup>*Ibid.*, 203.

<sup>88</sup>Although it is beyond the bounds of this dissertation, there is a strong parallel between Palamas’ account of apophatic theology and Luther’s “theology of the cross.”

<sup>89</sup>It also provides an alternative view of ascetic disciplines and the moral life in general. As David Bradshaw writes in *Aristotle East and West: Metaphysics and the Division of Christendom* (Cambridge: Cambridge University Press, 2004) at 275-76: “For the East these [spiritual disciplines] are viewed, not as a way of disciplining the body, but as contributing to an ongoing deification of the whole person, body as well as soul. A similar difference can be observed in regard to religious morality as a whole. For the East morality is not primarily a matter of conformance to law, nor (in a more Aristotelian vein) of achieving human excellence by acquiring the virtues. It is a matter of coming to know God by sharing in His acts and manifesting His image.”

not express itself in terms of a *positive* or cataphatic *theology*; it constitutes an encounter with a God who is by nature transcendent.<sup>90</sup>

Palamas embraces both deification and the transcendence of God as realities. They are not for him antinomies but rather correlatives.<sup>91</sup> Meyendorff summarizes:

In this one sees very clearly that it is Christian existentialism that Palamas opposes to the nominalist essentialism of his adversaries, while sharing with them—at least with Barlaam—the doctrine of the essential unknowability of God, he sees no other means of maintaining Biblical and Patristic realism except to affirm existentially the revelation of the unknowable God by free acts (or “energies”) of his almighty power.<sup>92</sup>

Consider the following quotation from *The Capita 150*.

They say that on the portals of Plato’s school there was the inscription: “Let no one enter who is ignorant of geometry.” One who is unable to conceive and speak of inseparable realities as separate is a man absolutely ignorant of geometry. For a limit without something limited belongs to the realms of the impossible. In the case of geometry virtually all discussion concerns limits, and even apart from actual limited things limits are sometimes defined and proposed *per se* because the mind separates inseparables. If a man has never learned to separate in his mind the body from the properties around it, how can he entertain nature in itself? Nature as it inheres in bodies is not only inseparable from the natural properties, but it can never exist without them. How can he entertain the universals which exist as such in particulars but are distinguished from them by the mind and reason alone and are conceived prior to the many though they have no existence at all apart from the many, in true reasoning at least. . . . The Akindynists do not accept nor are they capable of knowing the indivisible distinction in God, even when they hear us saying of the divided union in accord with the saints, that one aspect of God is incomprehensible and another is comprehensible; that God is one, the same being incomprehensible in substance but comprehensible from his creatures according to his divine energies, namely, his eternal will for us,

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<sup>90</sup>*Ibid.*, 207.

<sup>91</sup>Palamas was fond of quoting John 1:18: “No one hath seen God at any time; the only begotten Son, which is in the bosom of the Father, He hath declared him.” (KJV)

<sup>92</sup>Meyendorff, *Gregory Palamas*, 211.

his eternal providence over us and his eternal wisdom concerning us....<sup>93</sup>

The first thing that confronts us in this passage is Palamas' reference to Plato. Clearly Palamas understood himself as attempting to dialogue with the main stream of Greek philosophy. And what he does, in fact, is offer us an account of rational enquiry. All the Platonic dialogues in fact take the form of a quest for a definition. Typically, the dialogue fails to arrive at a fully satisfactory definition. The quest remains a quest.

Reason, for Palamas, is the doing of geometry. But he asserts this in a way that is distinct from the Modern appeal to geometry which lurks behind Descartes and Hobbes. The Modern appeal to geometry is an appeal to the proofs of geometry; it is an attempt to attain absolute certainty in human knowledge. Palamas' appeal to geometry is dramatically different. For him, geometry is the art of separating inseparables. Indeed, this is what the human intellect is suited for; the division of the indivisible.

This appeal to geometry is pregnant with implications. Firstly, it implies a gap between intellection and reality. Reality, and I take Palamas to mean all that is, including God and nature, is essentially indivisible. Things in their essences are not accessible to us by reason. An essentialist philosophy is impossible. But intellection, geared toward geometry, divides the indivisible. It separates in the mind those things which are never separate in reality.

But secondly, Palamas' identification of reason with geometry likewise implies a genuine connection with reality. Geometry knows that it is separating inseparables, that a circle divided into 360 degrees remains a circle. Thus the first knowledge given to us is

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<sup>93</sup>Palamas, para. 81, 177-79.

that we do not know essences. But there is more to say, for Palamas maintains that it is absolutely necessary to separate inseparables, and to fail to do so is to lapse into irrationality, it is to leave the Platonic legacy. There is no hint of the sceptic in this passage. The separation of inseparables is, in a profound sense, our duty. If the separation of inseparables does not give us essential knowledge, it gives us knowledge still. We might describe this knowledge as existential knowledge.<sup>94</sup> We know things by their energies, by their effects upon us.

In theology, what we can know is God's energies, God's grace. Palamas cites three aspects: divine will for us, divine providence, and divine wisdom concerning us. I take this to mean that we can gain knowledge of our *telos*, or our salvation; we can gain knowledge of human history; and we can gain knowledge of morality, we can know good from evil. But even here there is a provisional quality to our knowledge; it is a knowledge of emanations, of energies, not of essences.

For Palamas, these are in a sense false divisions. God, as the ultimate ground of reality, is apprehended by us as an indivisible reality. The rational categories and concepts are then abstracted out of that reality by an act of intellection. Again, for Palamas this act of abstraction, of dividing that which is in fact unitary, is not to be disparaged, but is the proper function for human rationality.

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<sup>94</sup>Georges Florovsky also has recourse to the term "existential" to describe Patristic theology. By this unsatisfactory term I mean that Patristic theology is not oriented toward abstract and impersonal metaphysical categories, but rather toward the living experience of salvation. See *Bible, Church, Tradition: An Eastern Orthodox View*, vol. 1 of *The Collected Works of Georges Florovsky* (Belmont, MA: Nordland Publishing Company, 1972), 108, 119.

Palamas then gives an account of universals and particulars. He makes five points. Firstly, he affirms universals. I read him to imply that such knowledge is necessary for the rational project of Greek philosophy. Secondly, these universals exist in particulars and are inseparable from particulars. Thirdly, these universals are distinguished from particulars by an act of reason. Fourthly, universals are necessarily conceived as prior to particulars. Finally, universals have no existence apart from particulars. The act of separating universals from particulars is separating the inseparable. In reality they are not separate. But it is the fitting human work to separate them via reason, to conceive of the universals as prior to the particulars. But it is quite wrong to suppose that in reality they are separate. Rather, one is drawn into a dialectic between universal and particular. This is the proper role of intellect—to engage in an artificial but necessary separation of the universal from the particular, with the full awareness that this is a provisional separation, that the concepts thus derived are but an imperfect reflection of the reality which is unitary. This suggests a never-ending dialectic between the reality experienced in the particulars and the reflection of this reality in the artificial abstraction of universals from these particulars.<sup>95</sup>

Finally, Palamas seeks to distinguish this account of rationality from the view of his opponents, who do not accept the indivisible distinction in God. The key here is the distinction between divine essence and divine energies. The divine essence is

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<sup>95</sup>Pelikan writes that Palamas “found the secret of orthodoxy in the fathers to be their capacity ‘to observe both’ aspects of a truth that was dialectical.” Jaroslav Pelikan, *The Christian Tradition: A History of the Development of Doctrine*, vol. 2. (Chicago: The University of Chicago Press, 1971), 264.

unknowable, the divine energies are knowable. This distinction is the basis for all else in Palamas' view.<sup>96</sup>

This, then, is Palamas in a nutshell. The unifying object of all of Palamas' thought is the correct articulation of salvation, the purpose and goal of human life. By my reading, five central themes arise by implication out of Palamas' defence against the attacks of Barlaam and Akindyos. They are the meaning of the incarnation, the meaning of the creation of man in God's image, the potentials and limits of human knowledge, the nature of salvation as theosis, universality and the meaning of the church. The remainder of this chapter is devoted to unpacking these themes and so laying the foundation for a deep apprehension of the contemporary human rights project.

### **3. The Greek Fathers: Five thematic distinctions**

In 1054 Pope Leo IX excommunicated Cerularius, the Patriarch of Constantinople. This is the accepted date of the great schism between Latin and Greek Christianity, although the schism is better appreciated as a lengthy process of estrangement between the Eastern and Western churches.<sup>97</sup> One of the ways to apprehend the schism is via the differences between the respective dogmas of the two branches of

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<sup>96</sup>Per Lossky, *Mystical Theology*, at 78: "Simplicity does not mean uniformity or absence of distinction--otherwise Christianity would not be the religion of the Holy Trinity."

<sup>97</sup>See Alexander Schmemmann, *The Historical Road of Eastern Orthodoxy*, transl. Lydia W. Kesich (New York: Holt, Rinehart and Winston, 1963), 113, 250f and Steven Runciman, *The Eastern Schism* (Oxford: Oxford University Press, 1955), chapters I and II.

Christianity. This involves a painstaking exegesis of competing credal formulations, revolving around the Western addition of the *filioque* clause into the Nicene Creed and the Roman claim to Papal supremacy.<sup>98</sup> But at the very roots of these credal differences, as we saw with Palamas, there are two distinct but related accounts of the nature of salvation.<sup>99</sup> What follows is an attempt to plumb the differences in the two accounts of salvation which are present in the history of Christianity.

### 3.1. Incarnation: The Hypostatic Union of human and divine

In those days Jesus came from Nazareth in Galilee and was baptized by John in the Jordan. Immediately coming up out of the water, he saw the heavens opening, and the Spirit like a dove descending on him: and a voice came out of the heavens: "You are My beloved Son, in You I am well pleased." Immediately the Spirit impelled Him to go out into the wilderness. And He was in the wilderness forty days being tempted by Satan; and He was with the wild beasts, and the angels were ministering to Him.<sup>100</sup>

Jesus Christ is God. Jesus Christ is human. These two affirmations stand at the very heart of the Christian tradition and they in large part constitute the addition

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<sup>98</sup>The literature devoted to these doctrinal debates is vast. A good starting-point is the Papal Encyclical of Pope Leo XIII, *The Reunion of Christendom* (1895), available from <http://www.papalencyclicals.net/Leo13/113praec.htm>, and the Eastern reply published as *The Patriarchal Encyclical of 1895: A Reply to the Papal Encyclical of Pope Leo XIII (1895) on Reunion*, available from [http://www.orthodoxinfo.com/ecumenism/encyc\\_1895.aspx](http://www.orthodoxinfo.com/ecumenism/encyc_1895.aspx).

<sup>99</sup>John Meyendorff, *Rome, Constantinople, Moscow* (Crestwood, NY: St. Vladimir's Seminary Press, 1996), 4. To understand Christianity on its own terms, one must approach it in terms of the hope of salvation which stands at its very centre. As we shall see, Christian salvation means far more than avoiding hellfire.

<sup>100</sup>Mark 1:9-13, *New American Standard Bible*.

Christianity makes to Judaism. Since Christianity joins Judaism in insisting on a radical distinction between humanity and God, and further joins Judaism in being trenchantly monotheistic, the apostolic confession of Christ, as it is witnessed to in New Testament Scripture, appears doubly paradoxical.

Carried in these doctrinal affirmations is a philosophical anthropology as well as a theology proper.<sup>101</sup> The anthropology is captured pictorially in the four-fold image of Christ which Mark gives us. Jesus is descended upon by the divine dove, tempted in the wilderness by Satan, joined by wild beasts, ministered to by angels. What is a human being? A human being is one with the wild beasts. A human being is one with the angels. A human being is the bearer of the divine Spirit. A human being is drawn toward evil. Thus Christianity affirms a nature to humans; but this nature is paradoxical, defying systematization. Humans are both material and transcendent; we grunt with the beasts and fly with the angels, and in this dual participation we express our unitary nature.

The anthropological situation is complicated by the presence of another tension which *does* ultimately lend itself to resolution; namely the human relationship to good and evil. The New Testament consistently affirms the possibility of humans separating themselves from evil by resisting temptation and cleaving to the Holy Spirit in obedience to the commands of God and the example of Jesus. In this capacity St. Paul speaks of the

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<sup>101</sup>By “theology proper” I mean an account of God. This will be treated in section 3.3 below.

Christian's *two* natures, old and new.<sup>102</sup> But as our text suggests, the good-evil tension is different than the spirit-animal tension. I intend to address the latter here.<sup>103</sup>

Turning from the text of the New Testament to the theological reflection on the text, the apparent paradox the incarnation dominated the theological activity of the early Church. The Ecumenical Councils of the early medieval period were confronted with a series of pressing questions concerning the incarnation. The Nicaean declaration of *homoousion*--that Christ was of the same nature as the Father, led to further questions: "If God were united with man in Christ, how was such a union possible, and what could be discerned as man in it? Would he not 'burn up' in this contact with God? Would not the whole concept lead again to some illusion? If Christ is God, what is the value and significance of His human achievement?"<sup>104</sup>

The first two Councils were concerned with the heresy known as Arianism. This heresy is generally regarded as the archetypal Christian heresy. According to St. Athanasius, the central affirmation of this heresy is that Christ was a creature.<sup>105</sup> The

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<sup>102</sup>For example, Colossians 3:9-11: "Do not lie to one another, since you laid aside the old self with its evil practices, and have put on the new self who is being renewed to a true knowledge according to the image of the One who created him--a renewal in which there is no distinction between Greek and Jew, circumcised and uncircumcised, barbarian, Scythian, slave and freeman, but Christ is all, and in all" (NASB).

<sup>103</sup>The possibility of resolution in the former seems to stimulate the expectation of resolution in the latter.

<sup>104</sup>Alexander Schmemmann, *The Historical Road of Eastern Orthodoxy*, 121.

<sup>105</sup>See the discussion by Maurice Wiles in *The Archetypal Heresy: Arianism Through the Centuries* (Oxford: Oxford University Press, 2001) at 5f.

Arian model suggested that God was too lofty to be the creator of the world, and so created the Son to accomplish our creation.

For the Arians, Jesus was an ontological intermediary between God and humanity. His sinlessness was regarded as the result of his mutable free will, rather than his nature. The soteriological consequence of this Christology is that Jesus is lifted up as “the pioneer of salvation,” a role-model for all those who will to overcome their mutable natures by a radical moral self-discipline.<sup>106</sup>

Arianism made its first appearance in interpretations of Proverbs 8:22-31.<sup>107</sup> This passage, taken christologically, made it sound as if the Son was subordinate to the Father. But this was more than a simple exegetical disagreement. Arius was concerned to affirm in strongest possible terms the transcendence of God over and above the flux of this world. There could be no direct contact between the transcendent, unchanging God and frail humanity.<sup>108</sup>

Although Athanasius accused Arius of presumptuous theorizing, both sides were well-armed with support from Scripture and Church tradition.<sup>109</sup> Perhaps what was most

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<sup>106</sup>See *ibid.*, 198.

<sup>107</sup>Jaroslav Pelikan, vol. 1, 193. The passage in question is part of an ode to “wisdom.” Verses 22-24 will give the reader a sense of this controversial passage: “The LORD possessed me at the beginning of His way, before his works of old. From everlasting I was established, from the beginning, from the earliest times of the earth. When there were no depths I was brought forth, when there were no springs abounding with waters” (NASB).

<sup>108</sup>See Pelikan, vol. 1, 194-95.

<sup>109</sup>The Scriptural support for Arianism goes well beyond Proverbs 8. Wiles makes a persuasive case for the overall ambiguity of Scripture and tradition on the identity of

at stake here is revealed in the appeals to reason made by each side. A debate was raging among the philosophers of the day on the relationship of the sensible world to the platonic forms: Did sensible things copy the forms? Or did they participate in the forms?<sup>110</sup> The Arians, who emphasized the radical separation of God from the world and asserted an entity, called the Son of God, who, while distinct from God's essence, was the creative and immanent power of the universe, were in line with one side of this philosophical debate. Participation in the divine life was unthinkable for them. The Athanasians, on the other hand, were staunch supporters of the participation thesis.<sup>111</sup>

The theological debate, originating in Alexandria, quickly engulfed the empire.<sup>112</sup> The spread of the conflict touched off riots and pitched street battles between rival factions in many of the large cities. The emperor Constantine invited the factious bishops to settle the matter in a great council at his summer residence on Lake Nicaea in May

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Jesus as God. See 10-23.

<sup>110</sup>See *ibid.* at 23-26.

<sup>111</sup>E. P. Meijering, commenting on Athanasius's *Oriationes contra Arianos*, I, 16 in *Orthodoxy and Platonism in Athanasius* (Leiden: E. J. Brill, 1968), summarizes Athanasius' argument in this way at 63: "The Son belongs by nature to the Father. If one uses the word 'to participate,' one should say that the Son's essence *per se* implies participation in the totality of the Father's essence and nothing else. Man participates in the Son, and therefore in the Father, not by essence, but by grace.... That man can participate in God is only possible, because He is the Father of the Son. Because Father and Son are one in essence, man's participation in the Son means participation in the Father."

<sup>112</sup>For a highly readable account of the social and political aspects of this conflict see Richard Rubenstein, *When Jesus Became God: The Struggle to Define Christianity during the Last Days of Rome* (New York: Harcourt, Inc., 1999).

325. Over two hundred and fifty bishops attended, the great majority from the Eastern empire.<sup>113</sup>

The council at Nicaea ultimately sided with Athanasius. They declared that the Son was “homoousios,” of one substance, with the Father. The idea behind this term was that although Christ was begotten of the Father, he was in no sense to be thought of as having a beginning. Rather, the Son shares an essence with the Father.

But the council at Nicaea did not put an end to the controversy. After the death of Constantine in 337, bloody conflicts between Arians and Nicaeans erupted throughout the Empire.<sup>114</sup> Certainly part of the reason for the intensity of this debate about the incarnation was that it determined the character of salvation. For the Athanasians, only the uncreated creator could save humankind. For what are we saved from, if not the de-creation which results from sin? As Pelikan writes, “Only he who had called men out of nonbeing into being would be able to recall them after they had fallen back into the nothingness that threatened them.”<sup>115</sup> If this is the negative aspect of Nicaean salvation, Athanasius’ well-known declaration that God became man that men might become God captures its positive aspect.

The following four Councils defended the humanity of Christ and how this is

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<sup>113</sup>*Ibid.*, 75.

<sup>114</sup>See Rubenstein, 139f and Pelikan, vol. 1, 207f.

<sup>115</sup>Pelikan, 205.

united with his divine nature.<sup>116</sup> The seventh Council defended holy icons, which is really an extension of the theme of the incarnation and man's salvation.<sup>117</sup> In all these Councils, the central affirmation was the two natures of Christ, divine and human. Schmemmann, speaking from the Greek perspective, comments on the dogma these seven Councils produced:

The words are all negative--what can human language say of the mystery of Christ's Being? But this negative definition has an inexhaustible religious meaning: it guards, describes, and expresses forever what composed the very essence of Christianity, the joyous mystery of the Gospel. God is united with man, but in that union man is preserved in all his fullness; he is in no way diminished.<sup>118</sup>

The facility with which these theologians grasped what was at stake in the incarnation is explainable in terms of their Greek philosophical inheritance.<sup>119</sup> The age

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<sup>116</sup>See Ware, *The Orthodox Church*, 29f. for an extended discussion of the heresies which occasioned these Councils.

<sup>117</sup>Per Ware, *ibid.*, 2, quoting Nicholas Zernov: "[Icons] were dynamic manifestations of man's spiritual power to redeem creation through beauty and art. The colours and lines of the [icons] were not meant to imitate nature; the artists aimed at demonstrating that men, animals and plants, and the whole cosmos, could be rescued from their present state of degradation and restored to their proper 'Image.' The [icons] were pledges of the coming victory of a redeemed creation over the fallen one. . . . The artistic perfection of an icon was not only a reflection of the celestial glory - it was a concrete example of matter restored to its original harmony and beauty, and serving as a vehicle of the Spirit."

<sup>118</sup>Schmemmann, *The Historical Road of Eastern Orthodoxy*, 134-5.

<sup>119</sup>The larger story of how Christianity and Greek philosophy came to be fused in the first six centuries after Christ is beyond the scope of this dissertation. See, for example, Charles N. Cochrane, *Christianity and Classical Culture* (Oxford: Oxford University Press, 1940), which focuses on the development of this synthesis in the West, and Jaroslav Pelikan, *Christianity and Classical Culture: The Metamorphosis of Natural Theology in the Christian Encounter with Hellenism* (New Haven: Yale University Press, 1993), which attends more to the development in the East.

was a philosophical one. The question of the status of material *vis-a-vis* the transcendent was a matter of popular interest. Gregory of Nyssa expressed frustration with the citizens of Constantinople in 381:

If in this city you ask a shopkeeper for change, he will argue with you about whether the Son is begotten or unbegotten. If you inquire about the quality of bread, the baker will answer, "The Father is greater, the Son is less." And if you ask the bath attendant to draw your bath, he will tell you that the Son was created *ex nihilo*.<sup>120</sup>

What exactly in the Greek philosophical inheritance made the incarnation so pressing a matter? In brief, for Plato there was no absolute duality between form and formless matter.<sup>121</sup> "Thus," writes Philip Sherrard, "both form and formless matter possess a value and significance which does not depend ultimately on their relationship to each other, or on the subordination of the one to the other, but on the fact that both have their origin in that supreme reality in which their apparent opposition or duality is

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<sup>120</sup>Quoted in Rubenstein, 6-7. While it is uncertain precisely which Platonic texts were in common circulation, Meijering, at 116f, shows that Athanasius, for example, explicitly claimed to have had a philosophical education, and in fact displays in his writings some knowledge of Plato's *Timaeus*, *Phaedrus* and *Republic*. Whether Athanasius actually read these works, or whether some of the central themes they conveyed were simply part of the common knowledge of the day, is open to speculation. Tertullian, writing a century earlier in *De Anima* at 28(1) and 29(4), mentions deriving his philosophical knowledge from Albinus' manuals, and it may very well have been the same for Athanasius.

<sup>121</sup>This comes out most forcefully in Plato's *Timaeus* and *Republic*. For example, in comparing the good to the sun, Socrates says, "Therefore, say that not only being known is present in the things known as a consequence of the good, but also existence and being are in them besides as a result of it, although the good isn't being but is still beyond being, exceeding it in dignity and power." Glaucon responds, "Apollo, what a daemonic excess." *The Republic*, Alan Bloom, transl. (New York: Basic Books, 1968), 509b-c.

transcended and absorbed.”<sup>122</sup> Put simply, the platonic legacy made the idea of a God-man thinkable. Consider the closing passage of the *Timaeus*:

The world has received animals, mortal and immortal, and is fulfilled with them, and has become a visible animal containing the visible--the sensible God who is the image of the intellectual, the greatest, best, fairest, most perfect--the one only-begotten heaven.<sup>123</sup>

Obviously, it is not a large step from this affirmation of a God made perceptible to the senses, the image of the intellectual, to the Christian doctrine of the incarnation.<sup>124</sup>

But the classical philosophical tradition was unsettled on this very point. In looking at the Christian attempts to articulate the incarnation against this backdrop, we can discern two streams of thought, sharing much in common but distinguished by emphasis. Consider the branch stemming from Aristotle.<sup>125</sup> With the Aristotelian rejection of the existence of forms apart from objects, the link between matter and the

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<sup>122</sup>Philip Sherrard, *The Greek East and the Latin West: A Study in the Christian Tradition* (London: Oxford University Press, 1959), 6.

<sup>123</sup>Plato, *The Timaeus*, in *The Dialogues of Plato*, vol. 2, B. Jowett, transl. (New York: Random House, 1920), 92c.

<sup>124</sup>See Jaroslav Pelikan’s discussion of the Patristic appropriation of *The Timaeus* with regard to the incarnation in , *What has Athens to do with Jerusalem? Timaeus and Genesis in Counterpoint* (Ann Arbor: The University of Michigan Press, 1997), ch. V.

<sup>125</sup>A recurrent theme in contemporary Orthodox writing is a disparagement of Aristotle accompanied with an emphasis on the divergence of Aristotle from Plato. This is grounded in polemical concerns; the East identifies Aristotle with Aquinas and so views him in light of its own estrangement from Thomist theology. Polemics aside, the essential point is crucial: within the Greek philosophic tradition there were two answers to the status of flux. My own view is that both answers are present in both Plato and Aristotle. An important part of the Greek philosophical legacy inherited by Christianity was the *question* of the status of flux, with both answers vying for ascendancy within that legacy.

divine is somewhat weakened.<sup>126</sup> However, this depreciation is not absolute, for Aristotle links the particular to the universal by way of a teleological system.<sup>127</sup> Every thing in actual existence has a *telos*, a state of perfection fixed by nature. This end Aristotle understands as the actuality of a thing in its essence. But things in experience are not all in a state of perfection. Rather, they are in a dynamic process of growth toward their perfection. We perceive things everywhere in their potentiality, moving toward the fulfilment of their potential in actuality, which is their final cause. Thus Aristotle can make sense of the dynamism and movement that characterizes our experience while at the same time affirming a fixed and ordered cosmos of potentialities, or perfections of essences, all ultimately linked in a seamless causal chain to the Prime Mover, the Uncaused Cause.

The consequence? Under the account associated here with Plato, everything to some degree partakes of the divine. But when, as with the account associated here with Aristotle, the Divine is conceived as static and separate from the formless and irrational, there is a partial depreciation of all that the Greeks called flux, including human

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<sup>126</sup>Philip Sherrard is perhaps excessively critical of the Aristotelian account: "In so far as the absolute Reality is identified with a formal perfection, what possesses form will to a corresponding degree possess reality, while what does not possess form, formless matter, is on that account unreal." Sherrard continues: "In other words, there is an absolute, and not merely relative, dualism between form and formless matter, and what the exteriorization of thought amounts to is a failure to recognize, and realize, any principle superior to, and embracing, both." Sherrard, *Greek East*, 7.

<sup>127</sup>See Aristotle's *Metaphysics*, John Warrington, transl., ed. (London: Dent, 1961), books VII-IX.

affections and the sensible world. The phenomenal world is real only to the extent that it actualizes the potentiality of its essence.

It is important not to over-emphasize the differences between East and West. In this regard it is helpful to consider both Eastern and Western attempts to assert the incarnation against the backdrop of Gnosticism. This movement was contemporaneous with Christianity. The various forms of Gnosticism all embraced a radical dualism which separated humanity from the world and the world from God. Humans and God belong together, but are separated by the world. All that is physical is radically disparaged.<sup>128</sup> Eric Voegelin cites six characteristics of Gnosticism: existential dissatisfaction, a disparagement of the cosmos as the source of dissatisfaction, the affirmation of the possibility of salvation from this world; the hope in a historical process in which salvation can occur; the belief that human action can change the order of being; and the

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<sup>128</sup>The literature on Gnosticism is substantial, and the scope of this dissertation does not permit an adequate treatment of this fascinating and important topic. My intuition, which I leave unexplored here, is that the Greek account of Gnosticism would differ somewhat from the Latin account. For the purposes of this discussion I am drawing on Hans Jonas, *The Gnostic Religion*, 2nd ed. (Boston: Beacon Press, 1958). See particularly 327, where Jonas summarizes Gnosticism: "Primary would then be the feeling of an absolute rift between man and that in which he finds himself lodged—the world. It is this feeling which explicates itself in the forms of objective doctrine. In its theological aspect this doctrine states that the Divine is alien to the world and has neither part nor concern in the physical universe; that the true god, strictly transmundane, is not revealed or even indicated by the world, and is therefore the Unknown, the totally Other, unknowable in terms of any worldly analogies. Correspondingly, in its cosmological aspect it states that the world is the creation not of God but of some inferior principle whose law it executes; and, in its anthropological aspect, that man's inner self, the *pneuma* ('spirit' in contrast to 'soul' = *psyche*) is not part of the world, of nature's creation and domain, but is, within that world, as totally transcendent and as unknown by all worldly categories as is its transmundane counterpart, the unknown God without."

privileged position of esoteric knowledge which provides a method to alter being.<sup>129</sup>

Some of the variants of Gnosticism were sufficiently close to Christianity to make this a genuine threat to the churches.

We thus see both east and west trying to hold together matter and spirit, with spirit valued over material, and yet resist a Gnostic dualization in their affirmation of the incarnation. In this common aspiration there is a distinction of emphasis. The Greek east places the accent on the participation of matter in spirit, whereas in the Latin west the accent falls on the gap between the formal perfection which is the *telos* of a thing, and the thing in its potentiality.

Based on the incarnation, the Greek tradition embraces what one author calls “radical Christian materialism.”<sup>130</sup> It regards “the whole of the material world as charged with Divinity, with Christ as the ultimate theophany in a series of theophanies.”<sup>131</sup> The incarnation stands as the primal for all of Patristic theology.

In emphasizing the reality of Christ’s humanity along with his divinity, the Western Church asserted that the two natures of Christ each had its own *hypostasis*, such that Jesus the man heroically cooperated with the Divine Logos. The East contended that this divided Christ into two persons and two Sons. The issue was debated at the Council

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<sup>129</sup>Eric Voegelin, “Ersatz Religion,” in *Science, Politics and Gnosticism* (Chicago: Henry Regnery Company, 1968), 81-114 at 86-87.

<sup>130</sup>Anton Ugolnik, “Tradition as Freedom from the Past,” *Journal of Ecumenical Studies* 21, no. 2 (Spring 1984): 288.

<sup>131</sup>*Ibid.*, 289. Ugolnik refers to Solovyev’s *Lectures on Godmanhood* (1948) for this idea.

of Chalcedon, but the Latin accent on two distinct natures of Christ, as opposed to the Greek emphasis on the unity of these two natures, endured. This difference in emphasis, as we shall see, colours both traditions in the most far-reaching manner.

### 3.2. Creation: The Image and Likeness of God

Along with the incarnation, the Christian account of creation likewise plays a central role in framing the nature of Christian salvation. In early Christian thought, similar to Greek antiquity, humans were thought of as a microcosm of the *cosmos*. But in Christianity this was expressed in the assertion that humans are created in the image and likeness of God.

But while the Greek Fathers affirmed humanity's creation in the image and likeness of God, they drew a distinction between image and likeness. Image was held to denote "the powers in which every man is endowed by God from the first moment of his existence."<sup>132</sup> Likeness, on the other hand, "is not an endowment which man possesses from the start, but a goal at which he must aim, something which he can only acquire by degrees. However sinful a man may be, he never loses the image; but the likeness

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<sup>132</sup>Ware, *The Orthodox Church*, 224. Vladimir Lossky, "Image and Likeness," in *Orthodox Theology: An Introduction*, transl. Ian and Ithita Kesarcodi-Watson (Crestwood, NY: St. Vladimir's Seminary Press, 1978), 119-137 similarly describes what is meant by God's image as "the necessary condition in order for man to attain perfect likeness to God. As far as man is made in the image of God, he is presented as a personal being who is not to be ruled by nature, but who can himself rule nature, likening it to his divine prototype" (124). And again at 131: "It may be said that the image is a divine seal, stamped on the nature and placing it in a personal relation with God, a perfectly unique relationship for every human being. This relationship is made real by means of the will which directs the whole nature to God, in Whom man must find all the fullness of his being...."

depends upon our moral choice, upon our ‘virtue,’ and so is destroyed by sin.”<sup>133</sup>

Humanity’s original perfection has thus a potential sense; given the image, we are called to the likeness. Humans can lose the likeness of God but not the image, though the image may be obscured.

Following the emphasis on dynamism and potentiality to which the image-likeness distinction points, the biblical account of the fall from grace, while fully acknowledged, takes on a less severe aspect for the Eastern Fathers. This corresponds to the less exalted state of perfection attributed to humanity in creation. The image of God in the post-lapsarian situation is distorted but not destroyed; humans remain capable of good action. Divine grace is not something extrinsic to human nature, but rather a necessary condition for human existence.<sup>134</sup>

Bringing together our discussions of the incarnation and creation, what can be said of the Eastern account of Christian salvation? Sherrard puts it well....

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<sup>133</sup>Ware, *The Orthodox Church*, 224.

<sup>134</sup>Philip Sherrard, *The Rape of Man and Nature: An Enquiry into the Origins and Consequences of Modern Science* (Ipswich, Suffolk: Golgonooza Press, 1987), 22-3: “[Grace] is inherent in the conditions of his birth. In other words, one could say that the absolute gulf between Creator and creature, and the total transcendence of God which constitutes the gulf, are themselves transcended in the very act of creation. Creation presents the paradox: that it affirms a spanless abyss between God and creature which the act of creation itself bridges.” Sherrard argues that in affirming the immanence of the divine in creation the Greek Fathers were affirming the Platonic tradition, in which “every sensible form represents both an unfolding and a greater degree of condensation or materialization of its archetype; or, to put it the other way round, the archetype contains and embraces the sensible form in its intelligible or spiritual state” (23). However, they break with Plato in that they view the dualism between the intelligible and the sensible as a consequence of the fall. As such, Christianity was viewed as offering a salvation which did not deliver the divine soul from its bodily imprisonment, but rather in terms of freeing the soul-body complex from the death into which it had fallen (30f).

Man has obscured in himself the image of God, his knowledge of his own divine cause, and his conscious participation in the creative energies of the Spirit. He cannot himself recover that image, for his is now 'captive' to the natural laws of his psychophysical self, and he cannot recover what is above nature with purely natural faculties. Thus, this image can only be restored to him through a voluntary act of the Divinity—through, in fact, the 'descent' of the Logos, the Image of the Father, into the world. Through His 'coming in the flesh,' and His Resurrection, the Logos reveals to man in human language and in parables and actions the knowledge he has lost, that of the real nature both of himself and of all things.<sup>135</sup>

This theme is captured by the Greek word *perichoresis*: "the dynamic co-penetration of the uncreated and the created, the divine and the human."<sup>136</sup> Given that humans are created to be children of God, any attempt to be "only human," to fulfil the ideals of non-religious humanism, results in a profound dehumanization.<sup>137</sup> As paradoxical as it may seem to modern sentiments, Sherrard claims, our desire and capacity to transcend the limits of our nature, directed toward the divine, results in the truest fulfilment of our nature.<sup>138</sup>

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<sup>135</sup>Sherrard, *Greek East*, 43-4.

<sup>136</sup>Sherrard, *The Rape of Man and Nature*, 25.

<sup>137</sup>*Ibid.*, 27. Note St. Paul's use of the term, "mere men" in 1 Corinthians 3:1-3: "And I, brethren, could not speak to you as to spiritual men, but as to men of flesh, as to infants in Christ. I gave you milk to drink, not solid food; for you were not yet able to receive it. Indeed, even now you are not yet able, for you are still fleshly. For since there is jealousy and strife among you, are you not fleshly, and are you not walking like mere men?" (NASB)

<sup>138</sup>"Not to penetrate into the realm of the divine is for human nature to be frustrated and crippled at its most real and creative centre. It is for human nature to be distorted at its roots. Man's failure to live according to a divine mode is a form of self-mutilation." Sherrard goes on to argue that the Modern re-orientation of this same impulse to transcend nature, but without the divine *telos*, results in technology. See Sherrard, *The Rape of Man and Nature*, 27-8.

This is different from the Western view, in which humans were originally endowed with all wisdom and knowledge. In this view humanity's original perfection is realized perfection, not merely potential.<sup>139</sup> The Fall is likewise regarded in more dramatic terms.

In sum, the patristic doctrine of creation draws on the human-divine link we identified at the root of the concern with the incarnation. It differs from the later Latin view of creation in that it presents a lower evaluation of pre-lapsarian humanity (in the sense of the original perfection being a potential needing development), and a higher evaluation of post-lapsarian humanity. This finds expression in the distinction between image and likeness. Note the element of dynamism which Patristic thought assigns to humans as created in God's image and likeness, and which is an important component in its account of human nature.

### 3.3. God and the Limits of Theology

...the theologians represent [the Divine nature] most proximately through negatives as the most perfect incomprehensibility, as pre-eminently deprived of all that is, or can be spoken of at all; and hence not itself to be named either Being or nature, they rightfully call it that which is the arbiter of the truth beyond all truth.<sup>140</sup>

The Greek emphasis on the ultimate nature of God was intended to guard against human

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<sup>139</sup>Ware, *The Orthodox Church*, 225.

<sup>140</sup>St Gregory Palamas, quoted in Philip Sherrard, *Greek East*, 33. According to Meyendorff, theology is defined in the East as "contemplation of the divine Trinity rather than intellectual discourse about the Trinity." He continues, "What is clearly implied in the title 'theologian' is not scientific erudition in theology, but a visionary awareness of divine Truth." See John Meyendorff, *Rome*, 33.

limitations to the Divine, and also indicated the impossibility of human intelligence to systematize or define the Divine.<sup>141</sup> But if God according to his essence is unknowable, yet he may be known as a Trinity of three persons, three *hypostases*--Father, Son and Spirit--sharing equally in the divine essence.<sup>142</sup>

For the Greek Fathers, the theological task was to recognize that we are given a paradox in Christian revelation and experience and to find words which could preserve this paradox. God is transcendent; God is immanent. Theologians secured one pole of the paradox by the doctrine of God's essence, but secured the other pole by "indivisibly distinguishing" His "uncreated powers and energies, through which He manifests Himself in creation and is present in all that He creates" from His essence.<sup>143</sup> This paradox was

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<sup>141</sup>Due to the positive view of the God-human relationship arising from the accounts of the incarnation and creation, this scepticism regarding human knowledge of God can be regarded as a necessary guard against the Pelagianism which outraged St. Augustine.

<sup>142</sup>Per Sherrard, *Greek East*, 35: "The Father is the sole causal principle of the whole Trinity, and He, through His particular hypostatic powers, reflects Himself in Himself, as in a mirror, thus forming of Himself a perfect 'image,' essentially identical with what He is in Himself, and inseparable from Him. This 'image' is the Son, who both 'reveals' the Father, and is, in spite of an essential identity, distinguished from Him, as the image from that of which it is the image. But as the image has all that is had from, and always refers back to, the prototype, so the Son has all that He has from, and always refers back to, the Father. The Holy Spirit, in its turn, although also identical with the Father and the Son, because of the common Essence, is yet distinguished from both, being neither the causal principle of Itself or of the Son--for this is the 'property' of the Father--nor the 'image' of the latter--for this is the 'property' of the Son who 'reveals' the Father; rather, the 'property' of the Spirit is the light in which the Son, the eternal Logos, or the Intellect of God, is 'discovered' and 'known,' and which at the same time 'distributes' this knowledge to all created things according to the capacity and nature of each."

<sup>143</sup>*Ibid.*, 37.

thought necessary to adequately conceive of God's relationship to creation and how things participate in Divinity.<sup>144</sup>

What, then, is the status of positive doctrinal statements? Doctrinal formulations reveal truth in a way accessible to humans. Such formulations have an affirmative or cataphatic aspect, "serving both as supports for man in his spiritual realization, and as defences against such misconceptions of things as the human intelligence may be tempted to make."<sup>145</sup> But on the other hand, they are not truth itself but a reduction of truth to human terms. They thus have a negative or apophatic aspect.<sup>146</sup>

How does this differ from Western theology? The Western Church did not maintain the distinction between God's essence and God's energies. Instead, God was conceived of solely in terms of simple essence. This crucial differences between East and West became absolutized in doctrinal expressions which focussed on the nature of the

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<sup>144</sup>Two emphases co-exist in the Patristic approach to God; negation and union. The way of negation, affirming God's transcendence and the consequent impossibility of comprehending Him, is frequently termed "apophatic." But alongside the unknowability of God was an affirmation of the possibility of true immediate experience of God. This corresponds to the distinction between the essence and energies of God; we may know immediately the energies of God but not at all the essence of God. But the energies of God, or grace, are not a gift from God but "a direct manifestation of the living God himself, a personal confrontation between creature and Creator." See Timothy Ware, *The Orthodox Church*, 78.

<sup>145</sup>Sherrard, *Greek East*, 52.

<sup>146</sup>As Dumitru Staniloae puts it, "...[T]he formula in which the divine or theandric reality is expressed is a window through which the light from the ineffable infinity of the mystery can be sensed or perceived." Dumitru Staniloae, *Theology and the Church* (Crestwood, NY: St. Vladimir's Press, 1980), 214. Every dogmatic formulation is capable of still deeper and more subtle expression. A dogmatic *terminus* is never reached.

Trinity and the procession of the Holy Spirit.

In brief, the Latin church adopted a Credal modification which made the Spirit proceed from the Father *and* the Son. This additional *filioque* clause, the Eastern church averred, denied the distinction between God's unknowable essence and his knowable *hypostases* in the Trinity. For if the Spirit proceeds from both Father and Son, then either He proceeds from the common essence of Father and Son or else He proceeds from the particular *hypostasis* of each. Either way, the crucial distinction is blurred and the careful balance between God's transcendence and immanence is deformed.<sup>147</sup>

In defense of the West, the *filioque* addition was not intended to challenge the Monarchy of the Father or to reduce the status of the Spirit. As the Pontifical Council for Promoting Christian Unity insists, its purpose was to resist a still-virulent Arianism by emphasizing that the Son and the Spirit are of the same divine nature, and that if one affirms the divinity of the Spirit, one must also affirm the divinity of the Son.<sup>148</sup> The

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<sup>147</sup>See Sherrard, *Greek East*, 63-4.

<sup>148</sup>The Pontifical Council for Promoting Christian Unity, "The Greek and Latin Traditions Regarding the Procession of the Holy Spirit," in *L'Osservatore Romano*, no. 38, Sept. 20, 1995, 3-6, 3. This point received elaboration in "An Agreed statement of the North American Orthodox-Catholic Theological Consultation" produced in Washington, DC on October 25, 2003. The Consultation agreed that the Western use of the *Filioque* was primarily anchored in St. Augustine's *On the Trinity* and was then promulgated in the West via the Athanasian Creed. The Consultation wrote: "A central emphasis of this Creed was its strong anti-Arian Christology: speaking of the Spirit as proceeding from the Father *and* the Son implied that the Son was not inferior to the Father in substance, as the Arians held." See The U.S. Catholic Bishops-Secretariat for Ecumenical and Interreligious Affairs, "The *Filioque*: A Church-Dividing Issue? An Agreed Statement of the North American Orthodox-Catholic Theological Consultation, St. Paul's College, Washington, DC, October 25, 2003," at p. 5 of 17, available from <http://www.usccb.org/scia/filioque.htm>.

*filioque* clause must be understood in its intention, which was to emphasize the consubstantial communion of the Father and the Son. The Pontifical Council thus states, “If it is correctly situated, the Filioque of the Latin tradition must not lead to a subordination of the Holy Spirit in the Trinity.”<sup>149</sup> The Council continues, “Even if the Catholic doctrine affirms that the Holy Spirit proceeds from the Father and the Son in the communication of their consubstantial communion, it nonetheless recognizes the reality of the original relationship of the holy Spirit as person with the Father....”<sup>150</sup>

Even so, the Greeks regarded the Latin theological mood as a retrogression: “...it implies a far too rational, almost ‘monist,’ conception of the divine Unity, and one that excludes...the idea of the infinite and inexhaustible profusion of the divine powers, and of the multitudinous modes of existence in which they manifest themselves.”<sup>151</sup> Lossky summarizes the difference in this way: “If in the [Latin] approach faith seeks

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<sup>149</sup>The Pontifical Council for Promoting Christian Unity, 6.

<sup>150</sup>*Ibid.* Part of the problem here is that there is a subtle difference between the Latin *procedere* and the Greek *ekporeuesthai*. Although the two terms are used as synonyms, the Latin term is more general, suggesting merely a “coming forth,” whereas the Greek term carries implications of ultimate origin. See the U.S. Catholic Bishops–Secretariat for Ecumenical and Interreligious Affairs at 14 of 17.

<sup>151</sup>Sherrard, *Greek East*, 71. Similarly, Vladimir Lossky’s charge against the Thomistic dogma of the Trinity is that it suppresses the fundamental antimony between the single divine essence and the *hypostases*. “The negative approach found in the Greek fathers,” writes Lossky, “which places us face to face with the primordial antimony of absolute identity and no less absolute diversity in God, does not seek to conceal this antimony but to express it fittingly, so that the mystery of the Trinity might make us transcend the philosophical mode of thinking and that the Truth might make us free from our human limitations, by altering our means of understanding.” See Vladimir Lossky, “The Procession of the Holy Spirit in Orthodox Trinitarian Doctrine,” in *In the Image and Likeness of God*, ed. John H. Erickson and Thomas E. Bird (St. Vladimir’s Seminary Press, 1974), 71-96 at 80.

understanding, in order to transpose revelation onto the plane of philosophy, in the [Greek] approach understanding seeks the realities of faith, in order to be transformed, by becoming more and more open to the mysteries of revelation.”<sup>152</sup>

For the West, Sherrard contends, “theology becomes an attempt to order the facts of revelation in accordance with the laws of logical analysis.”<sup>153</sup> Timothy Ware writes, “Latin Scholastic theology, emphasizing as it does the essence at the expense of the persons, comes near to turning God into an abstract idea. He becomes a remote and impersonal being, whose existence has to be proved by metaphysical arguments—a God of the philosophers, not the God of Abraham, Isaac, and Jacob.”<sup>154</sup>

Paul Evdokimov describes the consequences of this alleged reduction of the Christian message.

On the other hand, over against a scientific world view, even in a cultural context of belief, God finds himself exiled to heaven. One finds instead the boring, moralizing stance of the average person. The second birth in light of the Resurrection, the bursting forth of the new creature, these amazing realities find themselves replaced in history by the hierarchical institution of the Church, empty of anything dynamic since everything has been reduced to obedience and submission. This is the tragedy of the “closed world” of which Bergson spoke, the “closed heaven” too, of mediocre, average Christianity.”<sup>155</sup>

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<sup>152</sup>Lossky, “The Procession of the Holy Spirit,” 80.

<sup>153</sup>Sherrard, *Church, Papacy and Schism*, 103.

<sup>154</sup>Ware, *The Orthodox Church*, 222.

<sup>155</sup>Paul Evdokimov, “God’s Absurd Love and the Mystery of His Silence,” in *A Paul Evdokimov Reader*, ed. and transl. Michael Plekon and Alexis Vinogradov (Crestwood, NY: St. Vladimir’s Seminary Press, 2001), 175-194, 181-2. He continues in a Bergsonian mood, “Biblical eschatology is qualitative, qualifying history by the ultimate, the *eschaton* and shattering every concept that is closed and static” (183).

Of course, to recognize this as a perennial danger in Latin theology is not to say that every Latin theologian falls prey to it. Again, it needs to be emphasized that we are speaking here of a difference in emphases between the two branches of Christianity, not bright-line distinctions. For example, Josef Pieper's reflections on St. Thomas' statement that the essence of the Christian faith can be reduced to the doctrines of the Trinity and the incarnation stands in stark contrast to Evdokimov's assessment of Latin theology.<sup>156</sup>

In conclusion, the Fathers maintained the twin truths of God's transcendence and immanence by distinguishing between essence and energies. God is absolutely unknowable in His unique Essence, and it is by virtue of this Essence that Christians confess that God is One. But this same God is knowable in His *hypostases* or energies as a Trinity of personalities.

The consequence is a decidedly apophatic emphasis in Greek theology. God in his essence transcends human understanding, is uncontainable in conceptual categories, and so must be spoken of in terms of what He is not. "The most accurate way to speak of the knowledge of God," Pelikan says in describing apophatic theology, "was to describe it

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<sup>156</sup>Per Josef Pieper: "In speaking to men God does not cause them to know objective facts, but he does throw open to them his own Being. The subject matter which forms the essential content of revelation—that man has been elected to participate in the divine life; that the divine life has been offered to him, in fact already given—this subject matter owes its reality to nothing but the fact that it is pronounced by God. It is real in that God reveals it. The situation is not that the 'incarnation' exists 'anyhow' as a fact and is subsequently made known by the revelation. Rather, the incarnation of God and the revelation in Christ are one and the same reality. For the believer there is once more the experience that he, in accepting the message of the self-revealing God, actually partakes of the divine life therein announced. . . . Divine revelation is not an announcement of a report on reality, but the 'imparting' of reality itself. That imparting takes effect, however, only upon the believer." In *Belief and Faith: A Philosophic Tract*, Richard and Clara Winston, transl. (New York: Pantheon Books, 1963), 90-91.

as a 'knowing ignorance,' and the most accurate way to speak of God himself was to speak in negatives."<sup>157</sup> But in the development of Greek doctrine this did not terminate in scepticism. Although God's essence was unknowable, yet God has revealed himself in his energies, he has communicated His grace to humankind. An ontology of God is quite impossible, but experiential knowledge of God's grace is strongly affirmed.<sup>158</sup> This did not imply a contradiction between dogma and experience. Rather, the theologian was invited to know the Christ to which Scripture and tradition pointed existentially.<sup>159</sup> Thus tradition in the East is regarded as living and dynamic.<sup>160</sup>

The West accomplishes the same end--maintaining God's transcendence and immanence--in a different way. God is simple essence, but can be known via reason

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<sup>157</sup>Pelikan, *The Christian Tradition*, vol. 2, 32.

<sup>158</sup>Pelikan quotes Maximos the Confessor with approval: "we construct the nomenclature of God on the basis of the forms of participation which he has conferred on us." *Ibid.*, 33.

<sup>159</sup>See Pelikan's discussion of St. Simeon the New Theologian at *ibid.*, 259: "Orthodox dogma was the unquestioned assumption underlying Simeon's theology of experience: Christ had to be what Chalcedonian Christology had declared him to be, for only such a Christ could serve as the exemplar of man's union with God. The converse of this was also true: orthodox Christology was not intended only to be believed and confessed, but to be believed in and experienced."

<sup>160</sup>The notion of a living tradition is cogently set forth by Anton Ugolnik. Tradition for the Greek Fathers is not static but charismatic in character. It is not so much proclaimed in Churches but rather re-enacted in liturgy: per Ugolnik at 287, the liturgy "acts theologically to stretch and finally snap definitive language, enacting a fragmentation of meaning." This is better appreciated in light of the apophatic character of Greek theology which denies that words can fully apprehend divine realities.

operating upon revelation and sense-data.<sup>161</sup>

### 3.4. Deification

We are now in a position to set forth a more comprehensive account of the Greek understanding of salvation. Salvation was understood by the Greek Fathers in terms of deification or *theosis*. In the words of St. Athanasius, “God became man that we might

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<sup>161</sup>Josef Pieper points out that apophatic theology is present in St. Thomas’ corpus, although it is almost always overlooked by his commentators. According to Pieper, Aquinas extends this to philosophy as well, finding numerous instances of Aquinas’ denial that the fundamental essences of things are knowable. See Josef Pieper, *Josef Pieper: An Anthology* (San Francisco: Ignatius Press, 1989), 100-01. It seems to me that this represents a profound tension in the Western tradition, a tension which is very much present in Pieper’s own corpus. Contrast, for example, Pieper’s *Happiness and Contemplation*, Richard and Clara Winston, transl. (South Bend, IN: St. Augustine’s Press, 1998) with his *Enthusiasm and Divine Madness*, Richard and Clara Winston, transl. (New York: Harcourt, Brace and World Inc., 1964). In both books Pieper claims that the ground of being is encountered in human experience, and resists the modern variant of reason which restricts it to instrumental usage. In *Happiness* Pieper posits contemplation as intuition over against this sort of reason, and in *Enthusiasm* he posits mania in a similar fashion and for the same purpose. But it seems obvious that these two experiences are not the same. How does divine madness relate to contemplation? Are they mutually exclusive? Or is it that contemplation is the route to divine madness? But isn’t madness a kind of swept-away-by-a-wave-of-divine-origin experience, in which cognitive action, even inward action, is temporarily interrupted? And does Pieper not specifically distance himself from this sort of thing in his discussion of contemplation, identifying it with the Oriental Christian tradition? Pieper insists that contemplation is an act; it is not passive, and here the two accounts seem irreconcilable. The difference comes out in Pieper’s account of nature vis-a-vis the two experiences; contemplation is something which is done according to nature; *mania* is an experience which is contrary to nature (*Happiness* 50f, *Enthusiasm* 57). This raises the question as to whether the great Occidental tradition to which Thomas is a witness contains within itself more tension than Pieper initially admits; tensions which mirror the tensions of human experience, pulled between passivity before the givenness of reality and the action of internalizing and shaping that reality.

be made god.”<sup>162</sup> As has been shown up to this point, the accent on the incarnation in Patristic theology, coupled with a view of creation which regards humans as naturally dynamic beings, called to actualize the image of God, leads to an anthropology which refuses to admit a radical ontological gap between human and divine. Given our creation, the incarnation is a sufficient answer to the fall. All can potentially participate in the divine through Christ’s incarnation.<sup>163</sup>

The purpose of the Christian life for the Greek Fathers was the reception of God the Spirit. According to St. Basil, a human is defined as “the creature who has received the order to become a god.”<sup>164</sup> But union between God and humans does not result in a fusion into a single being, or a loss of the human in the divine. The mystery of the incarnation, of the Trinity, of “unity in diversity,” is echoed in the God-human relationship.<sup>165</sup>

To this must be added the fruits of our discussion of the nature of God and the

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<sup>162</sup>*On the Incarnation*, 54, quoted in Timothy Ware, *The Orthodox Church*, 29.

<sup>163</sup>Ernst Benz at 50-1 notes that in the most famous exposition of Orthodox dogma, John of Damascus (700-750) does not even mention the idea of justification. For the Greeks, redemption is not a matter of restoring the legal relationship between God and humans which has been violated by sin but rather the renewal and perfection of our very being, which has been diminished by sin.

<sup>164</sup>Quoted in Ware, *The Orthodox Church*, 236.

<sup>165</sup>Sherrard draws the connection between the Eastern affirmation of hypostatic union in the Trinity and the affirmation of deification: the latter is derivative of the former. Even as the three Persons of the Trinity retain distinct personalities in their unity, so individuals participate in Divine life without losing personality. This in turn establishes a basis for a universal church which does not obliterate particularity, as we shall later discuss. See *Church, Papacy, Schism*, 4.

limits of theology. What of the apophatic emphasis in Greek theology? God is incomprehensible in His essence, but knowable by his energies, by his grace. As we have seen, this knowledge of God, while necessarily involving concepts and discursive reasoning, also requires existential engagement. It is not reducible to discursive categories.<sup>166</sup>

The doctrine of deification is intended to guard a vision of man's salvation which is commensurate with the nature of God as Trinity, unknowable in essence but knowable in His *hypostatic* energies, and which is revealed in the incarnation of Christ. This, Schmemmann reminds us, is a salvation of the whole man. Dualistic divisions are excluded from such a vision. He writes,

...we must understand that the real tragedy of Christianity is not its "compromise" with the world and its progressive "materialism," but on the contrary, its "spiritualization" and transformation into "religion." And religion...has thus come to mean a world of pure spirituality, a concentration of attention on matters pertaining to the "soul." Christians were tempted to reject time altogether and replace it with mysticism and "spiritual" pursuits, to live as Christians out of time and thereby escape its

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<sup>166</sup>Schmemmann, *For the Life of the World: Sacraments and Orthodoxy* (Crestwood, NY: St. Vladimir's Seminary Press, 1973), 140-1: "The Fathers, in their writings, hold together in a living and truly 'existential' synthesis: on the one hand, the absolute 'otherness' of God, the impossibility for creatures to know Him in His essence, and, on the other hand, the reality of man's communion with God, knowledge of God and 'theosis.' This synthesis is rooted primarily in their idea or rather intuition of the 'mysterion' and of its mode of presence and operation--the symbol. For it is the very nature of symbol that it reveals and communicates the 'other' as precisely the 'other,' the visibility of the invisible as invisible, the knowledge of the unknowable as unknowable, the presence of the future as future. The symbol is means of knowledge of that which cannot be known otherwise, for knowledge here depends on participation--the living encounter with and entrance into that 'epiphany' of reality which the symbol is. . . . The 'original sin' of post-patristic theology consists therefore in the reduction of the concept of knowledge to rational or discursive knowledge or, in other terms, in the separation of knowledge from 'mysterion.'"

frustrations; to insist that time has no real meaning from the point of view of the Kingdom which is “beyond time.” And they finally succeeded.<sup>167</sup>

For the Greek Fathers, the Holy Spirit was the basis of the Christian doctrine of salvation; a salvation that consisted of “communion with Divine life.”<sup>168</sup> Because this is our end, Meyendorff argues that it is improper to refer to the Spirit in humans as “supernatural,” but rather should be spoken of “as a function of humanity itself in its dynamic relationship to God, to itself, and to the world.”<sup>169</sup> Indeed, the Greek Fathers hesitated to make a strong distinction between the Holy Spirit and the human spirit.<sup>170</sup>

Thus the incarnation is viewed in the East not as an exception to but rather a confirmation of what we are by virtue of our creation. The immanence of God and the possession by man of a spiritual faculty is assumed, and the purpose of human life is to become perfect by a dynamic process of deification.

What of the Latins? “Precisely the possibility of this realization was, if not denied, at least obscured by the main conceptions of much Latin theology....”<sup>171</sup> This difference corresponds to the respective visions of God’s nature. If one does not

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<sup>167</sup>*Ibid.*, 48-9.

<sup>168</sup>Meyendorff, *Catholicity*, 20.

<sup>169</sup>*Ibid.*, 21. This mirrors the discussion of the “naturalness” of Divine grace earlier.

<sup>170</sup>Per Pseudo-Macarios: “When God created Adam, He did not give him bodily wings like the birds, but prepared for him in advance the wings of the Holy Spirit...to lift him up and carry him wherever the Spirit wishes.” From *Homily 5*, 11, quoted in *ibid.*, 22.

<sup>171</sup>Sherrard, *Greek East and Latin West*, 142.

distinguish between God's pre-ontological Essence and the multiplicity of His ontological powers and energies, Sherrard asks, "what relationship can there be between God and the world? Or what knowledge can man possess either of God, or himself, or of other created things?"<sup>172</sup> As we have seen, the Western answer to this problem is the independence and superiority of the intellectual soul to the body. This intellectual soul can receive illumination from the Divine, "...and in this light, which remains separate from it, and outside it, and in now way *becomes* its own nature, to perceive the rightness or wrongness of its own rational conclusions," but not participation in the Divine.<sup>173</sup> Because this soul is independent of the body, its knowledge is likewise independent of the body. A human is reduced to his or her own thoughts.<sup>174</sup>

The Western view, following Aquinas, allows no direct knowledge of God.<sup>175</sup> Humans can only know by a process of abstraction from sensible objects. All human knowledge derives from the sensible world, upon which an active intellect confers intelligibility and universality. The nature and function of humanity's highest faculty--the intellect--appears very different from the spiritual intellect or "heart" of the early Fathers.<sup>176</sup> The supreme end for humanity in Latin thought becomes beatitude, or the

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<sup>172</sup>*Ibid.*, 143.

<sup>173</sup>*Ibid.*, 144.

<sup>174</sup>*Ibid.*, 145, drawing on *De Trinitate*, xii. 1-2, 8.13, 10.15. Thus, Sherrard concludes, Augustine's vision of humanity bears a close resemblance to Descartes'.

<sup>175</sup>*Ibid.*, 146-150.

<sup>176</sup>For the early Fathers, the role of the reason is to derive from the intuition of the heart "the content of the knowledge necessary for dealing with the practical affairs of

satisfaction of human longing by the infinite good of God, not deification.

The difference between these two ends is that in the Latin experience of beatitude, the human personality is not overwhelmed, as if by a wave. This is regarded, in the Latin view, as a blurring of the distinction between creature and Creator, and furthermore as losing sight of human nature as essentially rational. This might be made clearer in images. If deification is an overwhelming wave, beatitude involves actively drinking the divine good and transforming it into our own substance. The human attainment of the whole good which the Latin viewpoint embraces must take place through human action. Josef Pieper sets forth three assertions in connection with the Latin view of beatitude which he claims are distinguishing marks of Occidental thought, and which are set forth in Aquinas's *Summa Theologica*: 1. Happiness equals perfection; 2. Perfection equals full realization; 3. Realization is attained by action.<sup>177</sup> If happiness is attained by action, then which action in particular leads to happiness? The Latin answer is contemplation, the internal action of the intellect which yields insight. To put this in sharper relief, we can say that the Latin beatitude does *not* reside in acts of the will to love but rather in cognition. Volition makes happiness possible, but the actual attainment of the object of our love is performed by cognition, not by volition.<sup>178</sup>

Tristan Englehardt Jr. affirms with the Greek Fathers that the goal of every human

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human and social life." See *ibid.*, 152.

<sup>177</sup>*Happiness and Contemplation*, ch. 6.

<sup>178</sup>See *ibid.*, ch. 7. Pieper explicitly acknowledges a tension here with St. Augustine.

life is communion with God.<sup>179</sup> This leads to a different account of moral knowing than is given in Latin Christianity, requiring a spiritual change instead of discursive reason. This account of moral knowing calls the natural law teaching of Aquinas into question. The Scholastics posited the independent existence of “rational moral constraints binding both the creature and the Creator” which ground natural law. But this denies God’s personal relationship with humans. Rather, Englehardt suggests that nature can be viewed as a kind of window to God, but only if one opens oneself to God via faith, *asceticism* and prayer.<sup>180</sup> It simply is not the case that there exists in nature a set of universal laws or moral obligations which are apprehendable via discursive reasoning. Contrary to Thomism, Englehardt contends that one “cannot discursively reason one’s way to a proper knowledge of being and of God.”<sup>181</sup> Nature can disclose God, but only via a “worshipful relationship with God.”<sup>182</sup> If the West emphasizes discursive thought, the east emphasizes noetic thought.<sup>183</sup> He writes,

The epiphany of the difference [between East and West] lies in the paradigmatic understanding of what is required of the theologian to be a

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<sup>179</sup>H. Tristan Englehardt Jr., *The Foundations of Christian Bioethics*, chapter 4.

<sup>180</sup>*Ibid.*, 176.

<sup>181</sup>*Ibid.*, 205.

<sup>182</sup>*Ibid.*, 179. Englehardt suggests that one must “clean the laboratory” by purifying the passions before one can comprehend the natural law (182).

<sup>183</sup>As we have already seen in our discussion of the tensions within Pieper’s thought, although the West has placed the accent on discourse, there is a strong contrapuntal strain on noesis within Western theology. Witness St. Augustine’s *On Christian Doctrine*, which shares at least as much in common with what we have called the Eastern View as it does with the Western.

theologian in the exemplary sense and a recognition of the fruit that such theology brings. For the Christians of the first millennium, becoming an exemplar theologian requires neither study nor searching of the Scriptures. Neither is a necessary nor sufficient condition, though each can in its way importantly contribute to the life of the theologian. What is essential is to turn ascetically from oneself to love God with all one's heart, soul, and understanding. At stake is a love that is realized liturgically in true worship, leading to an actual, noetic experience of God.<sup>184</sup>

The pursuit of deification is one of the most obvious differences between East and West. And here, indeed, we see the recurring themes which we encountered earlier: the relationship between flux and the eternal; the nature of humanity, fallen but created in God's image; the nature of God as One and yet Trinity, and the degree to which God is knowable. The answers given to these questions in large part determine one's expectations for Christian salvation. The set of answers adopted by the Eastern Church make deification the only consistent account of salvation available to her.<sup>185</sup> Likewise, the answers developed by the West to these questions made her own view of salvation as beatification and repose unavoidable.

### **3.5. Authority: The nature of the Church**

I have so far built a kind of thematic structure, beginning with the incarnation through creation, the nature and knowableness of God, to salvation as deification. But any Christian discussion of salvation must lead to a discussion of the nature of the

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<sup>184</sup>*Ibid.*, 211.

<sup>185</sup>It should also be recognized that this is a chicken-and-egg scenario; it may be that the commitment to salvation as deification was made first and that this in fact determined all else.

Church, simply because the content of salvation integrally includes a move from alienation to unity. Christianity is at its core the uniting of the scattered children of God into one, the overcoming of “natural” divisions (e.g. Greek and Jew, male and female).<sup>186</sup>

Schmemmann writes:

This unity was embodied in the unity of each local Church, which in its assembly headed by the bishop showed forth the form of one Body, with Christ as its head; and also in the unity of all churches, which were linked by one faith, one apostolic succession, one life. The joy in this unity, the constant sense of the victory of grace over all natural divisions, is the most inspiring theme in documents of the early Church. The Church was really one in history, in the facts of its life; unity was for it not a mere unattainable ideal.<sup>187</sup>

What did it mean for the Greek Fathers to confess that the Church is One? It meant that each particular church is *the* Church, because in the Eucharist the ultimate consummation of the invisible and the visible occurs, and this consummation is the principle of unity. Christ himself is present in the Mysteries. Bishops in the Eastern church do not replace the personal priesthood of Christ in the Church. Rather, the Bishop is the image of Christ at a particular sacramental centre. The image does not take the place of what it represents but “participates in it and makes visible the invisible and truly present reality of which it is the image.”<sup>188</sup> No hierarchy of bishops is possible. Any granting of particular powers to an episcopate is based solely on pragmatic grounds, “in

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<sup>186</sup>Schmemmann, *The Historical Road of Eastern Orthodoxy*, 237.

<sup>187</sup>*Ibid.*, 237-8.

<sup>188</sup>Sherrard, *Greek East*, 74.

view of the requirements of its temporal mission in relation to society as a whole.”<sup>189</sup>

Catholicity, Sherrard writes, denotes the

interior integrity and spiritual plenitude of the Church. It has, that is to say, a strictly qualitative sense. It denotes fullness, completeness, what is essential rather than what is accidental. . . . It is the expression of the fullness, the completeness or plenitude of the truth which is in Christ. . . . It is precisely its capacity to manifest divine life and truth in their fullness to all creatures that constitutes the catholicity of the Church.<sup>190</sup>

Thus in the Eastern perspective one local church cannot be the principle of catholicity and unity of the others; the principle of catholicity and unity is already present in local churches if they are churches at all. Each local church is not a part of a larger whole but a manifestation of the whole.<sup>191</sup>

Sergius Bulgakov identifies the concept of *sobornost*--the Russian word for catholicity-- as the very essence of Patristic ecclesiology. His discussion of the term is illuminating.

The word is derived from the transitive verb *sobirat*, to bring together, to assemble. From this comes the word *sobor* which, by a remarkable coincidence, means both “council” and “cathedral church.” *Sobornost* is

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<sup>189</sup>Sherrard, *Greek East*, 79. Paul Evdokimov, in “Freedom and Authority,” in *A Paul Evdokimov Reader*, ed. and transl. Michael Plekon and Alexis Vinogradov (Crestwood, NY: St. Vladimir’s Seminary Press, 2001), 217-230, suggests, following the Greek Fathers, that the Church is not properly an authority at all. Authority is always something external to us. Rather, the Church is the truth which sets us free. The Church is “the source of superabundance, grace upon grace, freedom beyond freedom, doing away with every ‘objectivising’ conflict, every slavish cowering” (227). The episcopate is not a power over the Church but rather “the expression of her very nature” (229). In similar vein, freedom is understood not as the absence of authority but rather union with Christ, or deification.

<sup>190</sup>Sherrard, *Church*, 14.

<sup>191</sup>*Ibid.*, 22.

the state of being together. . . . To believe in a *sobornaia* Church is to believe in a *catholic* Church, in the original sense of the word, in a Church that assembles and unites: it is also to believe in a *conciliar* Church in the sense Orthodoxy gives to the term, that is in the Church of the ecumenical councils, as opposed to a purely monarchical ecclesiology. . . . *Sobornost* may also be translated as “harmony,” “unanimity.” Orthodoxy, says Khomiakov, is opposed both to authoritarianism and to individualism; it is a unanimity, a harmonious sharing of authority. It is the liberty in love which unites believers.<sup>192</sup>

It is in the *sobornistic* sense that the Fathers affirmed the catholicity of the Church.<sup>193</sup>

Dumitru Staniloae locates the Western difference in the loss of *sobornicity*.

*Sobornicity* is not unity pure and simple; it is a certain kind of unity. There is the unity of a whole in which the constitutive parts are not distinct, or the unity of a group which is kept together by an exterior command, or formed into a union of uniform entities each existing side by side. *Sobornicity* is none of these. It is distinguished from an undifferentiated unity by being of a special kind, the unity of communion.<sup>194</sup>

This, then, is the Patristic view of the universal nature of the Church. The Church is universal by virtue of a sharing in the life of Christ. Its structure is conciliar by nature.

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<sup>192</sup>Sergius Bulgakov, “The Orthodox Church,” in *The Bulgakov Anthology*, ed. James Pain and Nicolas Zernov (Philadelphia: The Westminster Press, 1976), 119-38 at 126-7. Of course, in practice it rarely occurs that the papacy exercises, as Bulgakov claims, a “purely monarchical” authority. Furthermore, the Orthodox in practice have fallen painfully short of Bulgakov’s description of *sobornicity*.

<sup>193</sup>*Ibid.*, 128. Thus even the Ecumenical Councils did not take the shape of external organs for the infallible proclamation of truth; it was the Church’s agreement with the Councils’ testimony that establishes truth.

<sup>194</sup>Staniloae, 56-7. Staniloae in a different context suggests that the *sobornic* emphasis holds promise for elucidating “vast perspectives” not just in ecumenical discussions between churches, but also in applications to humankind in general. “Orthodox theology will be increasingly characterized, therefore, not only as an ecumenical theology but as a theology concerned with the aspirations and the problems of mankind as a whole, a theology which is concerned to provide ever deeper foundations for human cooperation and for the service of all mankind.” See *ibid.*, 222-3.

It remains to articulate the alternate understanding in the West. The account of the development of this alternative must begin with a historical fact. Of all the centres of Christianity, Rome was indisputably the most stable.<sup>195</sup> The East produced a steady stream of heresies and was very theologically active in the sense of producing, identifying and condemning them. The Eastern bishops frequently turned to Rome for assistance. But while Rome held a special place of honour in the first millennium of the Church, the East did not translate that honour into supremacy. Rather, the equality of bishops was the real source of unity, such that the Pope of Rome was considered the first among equals by the East.<sup>196</sup>

In 325 the Church, via canon six of the Council of Nicaea, citing “ancient custom” granted “prerogatives” to the churches at Antioch, Alexandria and Rome. Rome in particular was invoked as a model and precedent. Constantinople and Jerusalem were added to this list by the Council of Chalcedon in 451. In this same Council Rome was granted extra privileges. All of this was done, Meyendorff claims, on a pragmatic basis. These cities were accorded prerogatives by the Councils on the basis of their social,

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<sup>195</sup>Schmemmann, *The Historical Road of Eastern Orthodoxy*, 243. Also see Pelikan’s discussion of “the Orthodoxy of Old Rome” in *The Christian Tradition*, vol. 2, 148-57.

<sup>196</sup>Timothy Ware, *The Orthodox Church*, 35-6. As Schmemmann, in *The Historical Road of Eastern Orthodoxy* at 238 puts it, “while the structure of the local Church and its bond with other Churches derived directly from the very essence of Christianity, the outward forms of this bond between churches changed and developed, depending on historical conditions.” Centres of Christianity naturally developed, waxing and waning over time. These centres had no “jurisdictional or canonical rights connected with them; but as the source of preaching and dissemination of Christianity to the areas around them, they naturally enjoyed particular respect and authority.”

economic and political importance.<sup>197</sup>

Rome came to interpret its privileges in terms of its historic ties to St. Peter, and Christ's words to Peter in the gospels.<sup>198</sup> Since the East could boast many churches with apostolic roots, Rome's claim to a Petrine connection was easily recognized in the East, but with a different meaning. The East regarded the bishop of Rome as the mystical successor of Peter. This gave him a moral prestige in the East, what Meyendorff calls "a sort of prophetic leadership," but not an administrative or institutional prestige.<sup>199</sup>

In the thirteenth century, the Greek-Latin bifurcation crystallized.<sup>200</sup> The Latin church, rocked by the introduction of Aristotle, was concerned to preserve its integrity. It addressed this concern by elevating the university to the level of the priesthood and empire, and tightly attaching it to the magisterium which supervised it. The consequence, writes Meyendorff, was that theology became a science. The product of this new science

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<sup>197</sup>Meyendorff, *Rome*, 8. Jerusalem, while not politically important, was granted prerogatives due to its significance as a pilgrimage destination.

<sup>198</sup>See Matthew 16:15-19: "[Jesus] said to them, 'But who do you say that I am?' Simon Peter answered, 'You are the Christ, the Son of the living God.' And Jesus said to him, 'Blessed are you, Simon Barjona, because flesh and blood did not reveal this to you, but My Father who is in heaven. I also say to you that you are Peter, and upon this rock I will build My church, and the gates of Hades will not overpower it. I will give you the keys of the kingdom of heaven; and whatever you bind on earth shall have been bound in heaven, and whatever you loose on earth shall have been loosed in heaven'" (NASB).

<sup>199</sup>Meyendorff, *Rome*, 16. The different interpretation given to Petrine succession in the West is due in part to the fact that Rome was the only church in the west which could claim a direct apostolic source. But note that formal power was not expressly claimed by the Pope of Rome until the eleventh century.

<sup>200</sup>The following two paragraphs draw from *ibid.*, ch. 5, "Theology in the Thirteenth Century: Methodological Contrasts."

was Scholasticism, a synthesis of Christian revelation and Greek philosophy, distinct both from Augustine and the Greek Fathers.

By the fourteenth century, the West was entirely self-sufficient and unified institutionally under the Papacy.<sup>201</sup> In this same period, the East was emphasizing experiential and eschatological dimensions of Christianity under the Hesychiastic revival movement, and affirming an entirely different basis of universality in which legal and rational principles played little part.<sup>202</sup> The estrangement between East and West was played out theologically in debates about the Trinity, with the West placing the accent on the oneness of God, the East on the threeness of God.<sup>203</sup> Meyendorff suggests that the schism was really about the *unilateral* change to the Nicene Creed made by Rome.<sup>204</sup>

Two ways of viewing the Church were made manifest:

In the one, the Church was a God-sanctioned custodian of order and truth, demanding obedience to a visible head; in the other, order and visible unity, which earlier had been secured by the obviously fallible but practically useful power of the Christian emperors, now, with the collapse of the empire, was seen more as a mystical communion within which sacramental order and doctrinal integrity could be secured, as in the early

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<sup>201</sup>*Ibid.*, 46.

<sup>202</sup>*Ibid.*, 47. The Hesychiast renewal, identified with theologian Gregory Palamas and the Mount Athos monastery, emphasized immediate experience of divine life via prayer and sacrament. It was, writes Meyendorff, “an expression of the new awareness that communion with God was possible, that it depended on a human response to divine grace, that the Greek sense of the *humanum*, inherited from antiquity, was not suppressed but rather renewed and transfigured by the Christian experience” (46). See the discussion of Palamas above.

<sup>203</sup>This is not to diminish the genuine theological and philosophical factors at stake in the split between East and West.

<sup>204</sup>*Ibid.*, 48.

centuries of Christianity, only through a consensus involving both the episcopate and the people.<sup>205</sup>

All of this came to a head in the Councils of 1438–40 in Ferrara and Florence. At this eighth Council, the Latins used Scholastic arguments unfamiliar to the Byzantines.<sup>206</sup> The Latins carried the day and achieved an agreement endorsing the Western position, with one Mark Eugenicus alone refusing the concord.<sup>207</sup> The contents of the agreement had three key points: an approval of the *filioque* addition in the Nicene Creed, an affirmation of the universal authority of the Pope of Rome, and a punitive interpretation of purgatory.<sup>208</sup> The whole of the Eastern Church subsequently joined Eugenicus in rejecting this Council.<sup>209</sup>

The Latin claim to the primacy of Rome is of a piece with the *filioque* addition, in that both are but manifestations of a profound feature of Western Christianity. Based on a vision of God as simply essence, the distinction of Persons in the Trinity is reduced in significance, as well as the sense of each particular sacramental centre participating in

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<sup>205</sup> *Ibid.*

<sup>206</sup> *Ibid.*, 50. Meyendorff captures the Eastern mood at this Council in the words of one beleaguered Georgian delegate: “Why Aristotle, Aristotle? No good, Aristotle!”

<sup>207</sup> Pelikan suggests that the Eastern performance at these councils “showed how undefined the Eastern position was on many questions. Repeatedly, it was only in response to a Western attack or to a Western formulation that the East first achieved some conceptual clarity on a doctrine.” See *The Christian Tradition*, vol. 2., 280.

<sup>208</sup> *Ibid.*, 52.

<sup>209</sup> *Ibid.* Meyendorff notes that it was precisely the themes affirmed in this eighth Council: namely Papal authority and purgatory, which Luther defied a century later and which sparked the Protestant Reformation.

God. If God's nature is simple and transcendent, how can God be present in particulars? The principle of unity in immediate participation in Divinity is weakened, and this in turn weakens the sense of equality between bishops, who are all images of the eternal priesthood of Christ. In the Latin mind, the head and unifying principle of the Church must be located elsewhere than in Christ, who is simply transcendent. Until the *eschaton*, "Christ's place on earth must be taken by a visible head who claims His titles and powers and unites the visible and multiple local centres of the Church into a single organization under his directing leadership."<sup>210</sup>

It can be said that Patristic thought simply could not entertain a universal-particular debate, any more than it could a grace-works debate. The polarization of concepts which marks Latin theology is absent in its Greek counterpart. This is not due to inadequate definitions but rather to an attempt to preserve what is given in the Apostolic witness to divine salvation, informed by Greek and Jewish thought. The universal for the Byzantine Fathers was anchored in the dynamic experience of noetic encounter with the Divine. This experience, mediated as it was by sacrament and symbol and visible church, did not involve as great a flight from particularity.

#### 4. Conclusion

We have attempted two tasks in this chapter. The first was to introduce the reader

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<sup>210</sup>Sherrard, *Greek East*, 85-6. Sherrard claims that we have a new assessment of materiality in Western theology. The Fathers saw material as an epiphany of the spiritual. The incarnation was the lens through which reality was viewed; which revealed the true character of material. Sherrard captures this view in the phrase, "image-archetype." This receives full treatment by Sherrard in chapter 4 of *Greek East*.

to Patristic thought through the study of contemporary treatments of five key themes. The second task was to distinguish Eastern Patristic thought from later modifications which mark Western Christianity. The heart of the difference between Greek and Latin Christianity is located in the Latin concept of essence, and the Greek insistence that in focussing exclusively on essence Latin thinkers fail to distinguish essence from energies. In this respect it is helpful to consider the words of one of the last century's foremost Thomists, E. Gilson:

Inasmuch as a being is not distinguished from itself, it is one. In this sense we can say that *being* and *one* are coincident. No essence divides itself without losing at the same time its being and its unity. But since a being is by definition inseparable from itself, it lays the basis of the truth which can be affirmed about it. To say what is true is to say what is, and is to attribute to each thing the very being that it marks. Thus it is the being of a thing which founds its truth; and it is the truth of a thing which underlies the truth of thought.<sup>211</sup>

What then of the dynamic quality of human experience? Gilson has a ready answer for this: "Any essence which does not completely realize its definition is act in the measure in which it does realize it, potency in the measure in which it does not, and privation in the measure in which it does not realize it."<sup>212</sup> The world of potentiality and actualization which we experience points beyond itself to an ultimate Essence which is entirely self-sufficient, and from which all being draws life. This leads Gilson to posit a hierarchy of essences according to their degrees of perfection, which is established by their relative

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<sup>211</sup>Etienne Gilson, "The Spirit of Thomism," (formerly published as the concluding chapter of *The Christian Philosophy of St. Thomas Aquinas*), in *A Gilson Reader*, ed. Anton C. Pegis (New York: Doubleday and Company, 1957), 247-276, 247.

<sup>212</sup> *Ibid.*, 249.

distance from God. We can intellectually know this ultimate Essence—God—only by analogy.

In contrast to this, how do the Fathers answer the question, what is a human?

A creature who lives through participation in the divine, and who fails to be human to the degree to which he fails to realize this participation in a fully active sense. This idea is most succinctly expressed in the concept of God-manhood, of man's divine-human complexity, to which we have already referred.<sup>213</sup>

For there to be participation in the divine, there must be something in humans by which we can experience spiritual realities. This human faculty was not identified as reason by the Eastern Fathers, if by reason one means the systematizing, classifying, comparing faculty. But they did affirm a kind of “spiritual intellect” which knows by “direct participation in the divine ideas or divine energies that bring them into being....”<sup>214</sup> Per St. Maximos the Confessor: “The immediate experience of a thing suppresses the concept which represents the thing. I call experience knowledge in act which takes place beyond all concept. I call intuition the participation itself in the object known at a level beyond that of (rational and logical) thought.”<sup>215</sup>

The West, particularly through Augustine's devotional texts, retained a sense of all this, and the centrality of the incarnation. The unity of soul and body, and the relative superiority of the soul, both given in Plato, were accepted in the West, not as a philosophical problem, but rather as something to be experienced in prayer and

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<sup>213</sup>Sherrard, *Rape of Man and Nature*, 28.

<sup>214</sup>*Ibid.*, 34.

<sup>215</sup>Quoted by Sherrard, *ibid.*, 34.

contemplation and opening one's heart to the love of God. Sherrard continues:

If in general terms it is true to say that down to the twelfth century theology was regarded as the expression of a given reality which had to be confirmed in actual personal experience before it could be formulated in conformity with certain philosophical standards, in the twelfth century itself, and still more in the thirteenth and subsequent centuries, this ceased to be the case. In these centuries, the relationship between theology and experience in the West underwent a profound change. It was not so much that theology ceased to be regarded as the expression of a given reality—a reality given in revelation—as that now it was demanded that this expression should conform to certain philosophical standards quite apart from whether or not it was confirmed in actual personal experience.<sup>216</sup>

The result of this was that the union of divine and human was rendered impossible in the way it was formerly conceived.<sup>217</sup> *Perichoresis* was excluded, as was the idea that Christ is the ground of every person who is thereby deified. The scope of the incarnation was restricted, as was the possibility of a direct human knowing of God. With Aquinas, we can know things only externally; knowledge is mediated through the senses and restricted to the rational. The idea of realizing the divine nature in humanity is left behind.

Humans are reduced to souls.<sup>218</sup>

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<sup>216</sup>*Ibid.*, 48.

<sup>217</sup>See *Ibid.*, 52f.

<sup>218</sup>*Ibid.*, 61. Sherrard notes that this body/soul separation was radicalized by Descartes, which marks the beginning of modern science. The implications of the Cartesian radicalization are that the nature of knowledge changes. Asceticism is no longer necessary, and the knowable world is desacralized. There is no bond linking knowledge of truth to purity of soul. All that is left is the possibility of knowledge of a nature which is viewed, as Sherrard puts it, as “dead, alien and purely functional and quantitative. As such, this knowledge is at the disposal of any deft investigator who will exert his brain but who at the same time may be mean-spirited, selfish, and given over to pursuits as self-corruptive as they are trivial. In other words, we have entered the world of modern science.”

This resulted in a loss of the symbolic world of the Fathers, and a loss of the sense of participation of the created in the uncreated. Rather, there came to be an emphasis on the separation of material from spiritual; an “ontological gap” between spirit and time/place. This led to a new emphasis in the purpose of a human life; rather than the realization of the divine in the human, it became a pilgrimage of humans to God, as in Dante’s *Divine Comedy*.

Finally, what is the difference between East and West? We may summarize them under three heads. The first difference is found in the status of material. That is, the span of the ontological gap between the transcendent and immanent is contested between the Eastern and Western Churches. The West asserts a greater gap than the East.

The second difference is located in the status of human knowledge. While both, following the Greek philosophical heritage, affirm rationality, the East ultimately submits this rationality to another form of knowledge of the transcendent which is immediate and noetic. Western thought has typically disparaged such claims to knowledge, leaving only rational knowledge which can only know the transcendent by analogy or as a hypothetical.<sup>219</sup>

The third and final difference is in the status of human nature. Based on the difference between God’s essence and energies which was drawn to apprehend the incarnation, the East regards human nature as profoundly dynamic. The West, with its emphasis on God’s essence, regard humans in terms of their essence, although as we have

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<sup>219</sup>What the West has typically done, in fact, is to frame supra-rational knowledge in terms of “mysticism,” which is then kept separate from reason.

seen, the West was able to give an account of dynamism in terms of Aristotle's distinction between potentiality and actuality. For the East, the *telos* of humanity is deification; for the West it is beatification.

The Western view, then, is prone to the technical and rationalized withdrawal from the ground of being.<sup>220</sup> However, this is by no means irresistible. The West likewise offers an opportunity to engage the ground of being in and through the superstructure of dogma. We might also say that the Eastern view is prone to the opposite distortion: a retreat into an anti-rationalism, the nebulous atmosphere of which is a breeding-ground for all manner of claims to destructive private revelations and even heresies. Again, this need not be the case. I would like to suggest that there is a substantial area of rapprochement between East and West, and in fact that they can moderate each other. We will revisit this possibility in detail in our discussion of Bergson in chapter four, and again in chapter six.<sup>221</sup>

The reader might well ask, at the conclusion of our foray into Eastern Patristics, what the contemporary relevance is of all this. "Even theological questions that at first sight may appear entirely abstract and remote have in this way an immediate relevance, since through them may be indicated how those attitudes and habits developed, and what

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<sup>220</sup>The infamous scholastic debate regarding the number of angels which could dance upon a pinhead is an example of this withdrawal. But it should be noted that Thomists regard this as a distortion of Thomism. See Michael A. Fahey and John Meyendorff, *Trinitarian Theology East and West* (Brookline, MA: Holy Cross Orthodox Press, 1977), 10.

<sup>221</sup>One might conceptualize this dialectic in terms of Plato's account of "taking refuge in logoi" in the *Phaedo*, 100.

they assume,” writes Sherrard.<sup>222</sup> An example is the *filioque* question, which marked the collision of two world-views, “and it is only the acceptance by western Europe of one rather than the other of those views that has made possible the conception, and setting up, some thousand years later, of such an organization as that of the United Nations.”<sup>223</sup>

Sherrard does not flesh out this observation, but it has been made elsewhere. According to Guroian, the contemporary human rights movement has its roots deep in Western theological developments.<sup>224</sup> The Western view of the incarnation, which distinguishes between Christ’s divine and human natures and affirms that his human nature heroically cooperated with his divine nature, has led to an exaggerated conception of the separation between the Eternal and the temporal. The assertion of this breach made it possible, and perhaps inevitable, to assert two “essentially Christian heresies” which characterized modernity: Deism and the affirmation of individual autonomy as the central legitimizing principle.<sup>225</sup> These developments, Guroian holds, in turn produced human rights in their current form.

I shall explore this line of thought in subsequent chapters, where I will argue that while Guroian rightly characterizes mainstream human rights, the human rights movement also contains a contrapuntal theme which harmonizes with the Greek Fathers,

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<sup>222</sup>Per Philip Sherrard, *Greek East*, v-vi.

<sup>223</sup>*Ibid.*

<sup>224</sup>Vigan Guroian, “Human Rights and Modern Western Faith,” *Journal of Religious Ethics* 26, no. 2 (Fall 1998): 241-7.

<sup>225</sup>*Ibid.*, 244.

and which is present in history. My reason for raising this here is only to indicate that theological decisions have far-reaching effects; they make certain political and philosophical options thinkable, and render others unimaginable. Furthermore, to adequately understand our present political reality, it is helpful to seek to apprehend the theological decisions which are the necessary conditions for their appearance.

And so we now turn from theology to contemporary political events. What echoes, East and West, do we see in the thoughts and actions of the drafter of the U.N. Declaration of Human Rights?

## Chapter 3

### John Humphrey and the Universal Declaration of Human Rights

This chapter takes up the life and thought of John P. Humphrey, the drafter of the Universal Declaration of Human Rights (hereinafter the Declaration). My ultimate goal regarding Humphrey is to set forth his view of the universality of rights and his use of Henri Bergson's philosophy of dynamism in this regard, and then place this in the context of Eastern Patristic thought. This requires not one chapter but two, since it requires an analysis of both Humphrey and Bergson. The present chapter will introduce the reader to John Humphrey. Through Humphrey's publications, journals and the facts of his life I will elucidate Humphrey's view of the contemporary human rights project, with special attention to Humphrey's use of Bergson. The subsequent chapter will focus on Bergson's philosophy in detail and its relationship to the Greek Fathers, adding depth and colour to the picture of rights that Humphrey traces.

#### 1. John Peters Humphrey

John Humphrey was born April 30, 1905 in Hampton, New Brunswick.<sup>226</sup> His childhood years were marked by suffering. By his eleventh year he had lost both parents and his left arm. A Church of England boarding school became his home until he

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<sup>226</sup>The following is from A. J. Hobbins, "Humphrey's Early Life," in *On the Edge of Greatness: the diaries of John Humphrey, first director of the United Nations Division of Human Rights*, vol. 1., A.J. Hobbins, ed. (Montreal: McGill University Libraries, 1994), 11-22.

successfully challenged the entrance exam at Mount Allison University at age 15. His academic performance was abysmal, and after two years he left. J. M. Scovil, Humphrey's guardian, convinced him to attend the School of Commerce at McGill university, from which he graduated in 1925 with a Bachelor of Commerce degree. Humphrey returned to McGill to study law, graduating with a Bachelors degree in Common Law in 1929 with first class honours, finishing second in his class. Upon graduation he was awarded the MacDonald Travelling Fellowship to spend a year studying in France. He met Jeanne Godreau on the voyage to France, and married her almost immediately upon making land.

Returning to Canada a year later, Humphrey practised law for six years in Montreal.<sup>227</sup> During this time he showed an increasing interest in socialism and international law.<sup>228</sup> He also fostered a keen association with the Montreal artistic community.<sup>229</sup> Increasingly during this period Humphrey championed the cause of

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<sup>227</sup>According to Ronald St. John MacDonald, Humphrey found the practice of law "dry and intellectually unrewarding." See "Leadership in Law: John P. Humphrey and the Development of the International Law on Human Rights," *The Canadian Yearbook of International Law* 29 (1991): 11.

<sup>228</sup>Humphrey was a charter member of the Montreal chapter of the League for Social Reconstruction, the precursor to the C.C.F. He identified this involvement as "an important influence on my intellectual and political development and a source of new friends." In addition, he was at this time an active member of the Canadian Institute of International Affairs as well as the League of Nations Society (later the United Nations Associations). *Ibid.*, 24-5.

<sup>229</sup>Through Humphrey's friendship with painter Louise Gadbois he was introduced to Dr. Henri Laugier, an exile from Vichy France then teaching medicine at the Université de Montréal. Laugier would later play a crucial role in Humphrey's entry into the United Nations. *Ibid.*, 26.

French culture in Montreal.<sup>230</sup> After another year of study in France, he began to teach Roman Law at McGill law school in 1937. During his tenure at McGill, and particularly during the war years, Humphrey became increasingly interested in the question of “how the international community would be organized for peace and security in the future.”<sup>231</sup>

In the Spring of 1946, Humphrey was asked to be Dean of McGill’s Law School. There was some controversy over this appointment because of Humphrey’s youth, socialist leanings and lack of administrative experience.<sup>232</sup> Weeks later, Henri Laugier, who had accepted the position of Assistant Secretary-General of the United Nations, called to offer Humphrey the position of Director of the Human Rights Division in the U.N. Secretariat.<sup>233</sup> Humphrey accepted and began August 1, 1946.<sup>234</sup>

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<sup>230</sup>Humphrey was one of the few Montreal Anglophones of his day to make a genuine effort to understand the language and culture of French Canada. In a public broadcast in 1942, along with Emile Vaillancourt and Hugh MacLennan, Humphrey “identified the issues which would eventually give rise to the Quiet Revolution of Quebec in the 1960’s.” Peter Andre Globensky, “The Life of a Canadian Internationalist: Dr. John Peters Humphrey and the Universal Declaration of Human Rights,” *University of New Brunswick Law Journal* 47 (1998): 9.

<sup>231</sup>St. John MacDonald, 31.

<sup>232</sup>Humphrey had written to his sister Ruth on May 28, 1932: “I’m like Leon Blum, to me socialism is a religion.” In a 1989 interview, Humphrey recalled his McGill days: “We were all part of the left thirties in Montreal. Indeed, if we had a McCarthy in Canada we would all have been in trouble later on.” *Ibid.*, 33 at note 94.

<sup>233</sup>That is, Humphrey was made the representative of the Secretariat to the Commission on Human Rights, but his position within the U.N. was “Director of the Human Rights Division.” In sum, Humphrey was the bureaucrat at the service of the diplomats on the Human Rights Commission.

<sup>234</sup>The story of Humphrey’s relationship with Laugier and the latter’s offer of employment to Humphrey is related in detail by Humphrey in “A Great Adventure Begins,” *A Great Adventure*, 1-9.

### 1.1. Early Works

A review of Humphrey's early writings will enable a better apprehension of his subsequent position on human rights. Humphrey's first major publication was an article based on his doctoral dissertation. Entitled "The Theory of the Separation of Functions," it addresses the doctrine of the separation of governmental power into three independent heads: legislative, judicial and executive.<sup>235</sup> Humphrey's thesis is that this theory is "historically inaccurate, scientifically wrong, and undesirable as a principle of good government."<sup>236</sup> Rather, he suggests that "there can be only one governmental power in any one state, although that power can be manifested in different ways or by different organs."<sup>237</sup> That is, the one power can fulfil three separate functions.<sup>238</sup> The doctrine, as introduced by Montesquieu and championed by the French Revolutionaries, was intended to preserve liberty. But in the present context, its strict application would prevent social and economic reforms "without which mere political liberty is an empty thing for many

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<sup>235</sup>John P. Humphrey, "The Theory of the Separation of Functions," *The University of Toronto Law Journal* 6, no. 2 (1946): 331-60.

<sup>236</sup>*Ibid.*, 331.

<sup>237</sup>*Ibid.*

<sup>238</sup>Humphrey begins this essay with a quotation from Duguit's *Traité de droit constitutionnel*: "L'esprit rapproche spontanément cette théorie de la trinité politique de la théorie théologique de la trinité divine. La même conception et la même manière de raisonner sont à la base de l'une et de l'autre"(331). The parallels in Humphrey's argument to the Christian doctrine of the Trinity are impressive. How do we understand the singularity of political power and its relationship to the plurality of the manifestations of political power? While setting forth this dynamic equivalence, Humphrey does not explore it in the article.

millions of people.”<sup>239</sup> More specifically, the problem with this is twofold. First, “...attempts to apply the doctrine have operated as obstacles to necessary change in a dynamic society;” and second, “...its enunciation as a constitutional principle has been powerless to prevent the concentration of powers in the executive or administrative branches of the government.”<sup>240</sup> Humphrey’s key contention is that the principle, though at one time useful in curbing the perennial self-interest which threatens every condensation of power, has become too rigid. “The only reasonable attitude to adopt towards a concentration of powers that undoubtedly involves certain dangers,” he concludes, “is that adequate checks should be created against the possible arbitrary use of their powers by the administrative and other agencies possessing them.”<sup>241</sup>

Humphrey’s second significant publication was entitled “On the Foundations of International Law.”<sup>242</sup> The title sets out the question. What is the foundation of the rules governing relations between nation-states after the breakdown of the Medieval order of Emperor and Pope? Positivists find the foundation in the legislative will of states, naturalists in natural law. With the exception of Roman Catholic jurists, natural law has waned and consent accepted as the sole basis of international law in the twentieth

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<sup>239</sup>*Ibid.*, 356.

<sup>240</sup>*Ibid.*

<sup>241</sup>*Ibid.*, 360.

<sup>242</sup>John P. Humphrey, “On the Foundations of International Law,” *American Journal of International Law* 39 (1945): 231-43.

century.<sup>243</sup> Only consent preserves state sovereignty while admitting the possibility of international law.

Humphrey admits that modern international law is predominately consensual law; i.e. treaties. But this observation does not yet get at the heart of his question. What makes treaties binding? In international law, consent is the rule. But how does one account for the validity of the rule?

Humphrey appeals to custom. Why is custom binding? Jurists can provide no certain answer to this question. Only negative statements can be made:

If, therefore, a jurist is asked to demonstrate the validity of the sources of international law, he must answer that juridical methods are not adequate to the task of proving the validity of the ultimate source of any legal order. It is necessary to resort at some point to some fundamental hypothesis or axiom the validity of which cannot be proved juridically.<sup>244</sup>

In the end, Humphrey locates the foundation of international law in the axiom that “international custom shall be obeyed.”<sup>245</sup> No account can be given of the power of custom by the jurist.<sup>246</sup> He holds up the future possibility of a global constitution as a

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<sup>243</sup>*Ibid.*, 233.

<sup>244</sup>*Ibid.*

<sup>245</sup>*Ibid.*, 242.

<sup>246</sup>The nature of strict legal reasoning proceeds via authority; subordinate norms are established and validated by reference to some higher norm. The highest norm, typically a constitution in the case of a nation-state, is incapable of being validated by legal means. This does not mean it cannot be validated by some other mode of analysis; e.g. sociologically or theologically.

replacement for international custom.<sup>247</sup> For Humphrey, international custom is the validation of international law, but custom is itself a mystery to Humphrey, a question which he cannot answer.

In the same year, “On the Definition and Nature of Laws” was published.<sup>248</sup> Similar themes are invoked. Legitimate laws emanate either directly from the people via custom or indirectly from the people via constitution.<sup>249</sup> It is impossible, by juridical techniques, to show the validity of these ultimate sources of laws.<sup>250</sup> This understanding of laws stands in contrast to natural law, which ascribes laws to a supernatural source.<sup>251</sup>

The foregoing gives us a picture of Humphrey as a young scholar. Years later Humphrey made an admission which gives us insight into his thoughts at this time. In a review to Hans Kelsen’s *The Law of the United Nations* in 1951, Humphrey confessed that he had been an early convert to Kelsen’s “pure theory of law.”<sup>252</sup> Humphrey’s early

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<sup>247</sup>*Ibid.*, 243. Such a constitution would likewise be impossible to legitimize by juridical technique. Like custom, it is, within the sphere of law, the Prime Mover.

<sup>248</sup>John P. Humphrey, “On the Definition and Nature of Laws,” *The Modern Law Review* 8, no. 4 (1945): 194-203.

<sup>249</sup>Humphrey uses “constitution” to refer to “the fundamental law of the land whether it is embodied in a ‘written constitution’ or not.” *Ibid.*, 194.

<sup>250</sup>“In the international as in the national legal order, it is necessary to begin with some fundamental norm, the validity of which cannot be proved by juridical techniques.” *Ibid.*, 195.

<sup>251</sup>Humphrey identifies the natural law school with “primitive” peoples who “ascribe the origin and validity of their laws to supernatural sources.” *Ibid.*, 203.

<sup>252</sup>John P. Humphrey, “The Law of the United Nations,” *Canadian Bar Review* 29 (1951): 805. In this review Humphrey still expresses some sympathy for Kelsen, calling him “the greatest living legal scientist, perhaps the greatest in the history of legal

works are plainly overshadowed by the presence of Kelsen.

In brief, Kelsen's jurisprudence is a reaction against two variants of what he regarded as reductionism in legal theory. Kelsen contended that on the one hand, traditional natural law theory reduces law to ethics and theology, and on the other hand, legal positivism reduces law to the empirical world of the causal sciences, such as psychology. Against both of these tendencies, he sought to recover a "pure" theory of law, to recover knowledge of the law in itself, apart from alien elements. He writes, "As theory, the Pure Theory of Law aims solely at cognition of its subject-matter, its object. It attempts to answer the questions of what the law is and how the law is made, not the questions of what the law ought to be or how the law ought to be made. The Pure Theory of Law is legal science, not legal policy."<sup>253</sup>

When we isolate the law from all else, what we discover, writes Kelsen, is a legal norm which confers a legal meaning upon an act. Legal cognition is directed toward these norms. These norms are entirely distinct from nature; "ought" bears no connection to "is." Kelsen puts this in certain terms:

The Pure Theory aims to depict the law as it is, without legitimizing it as just or disqualifying it as unjust; the Pure Theory enquires into actual and possible law, not into "right" law. In this sense, it is a radically realistic legal theory. It refused to evaluate positive law. To grasp the positive law in its essence, and to understand the positive law by analysing its structure—this alone is the task the Pure Theory of Law sets for itself as a cognitive

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philosophy." He is nevertheless highly critical of the book under review, which suggests "the failure of the theory when confronted with concrete, practical problems."

<sup>253</sup>Hans Kelsen, *Introduction to the Problems of Legal Theory: A translation of the First Edition of the Reine Rechtslehre or Pure Theory of Law*, Bonnie Litschewski Paulson and Stanley L. Paulson, transl. (Oxford: Clarendon Press, 1992), 7.

science. In particular, the Pure Theory refuses to serve political interests of one sort or another by providing the ideological means either to legitimize or to disqualify the existing social order. It thereby stands in sharpest opposition to traditional legal science, which is wittingly or unwittingly ideological in character....<sup>254</sup>

Now, this is a very powerful view of law, and clearly we see Humphrey adopting this view of “pure law” in his discussion of fundamental norms underlying international law. Kelsen regarded his system as a kind of middle ground between Thomist natural law theory and traditional legal positivism. This was certainly a large part of the attraction for Humphrey. But at the same time, we see even at this early stage, a certain unwillingness in Humphrey to submit to the complete separation of law from the broader sphere of human experience which the theory requires. In practice, it appears that the theory tilts unavoidably to legal positivism. What we see across Humphrey’s career is a slow, grudging rejection of Kelsen’s theory of pure law and the search for another way to transcend the antinomy between traditional natural law theory and legal positivism.

## 1.2. Humphrey and the United Nations

With the publication of “Dumbarton Oaks at San Francisco” in April 1945 Humphrey’s attention turned to practical concerns.<sup>255</sup> He was alarmed that despite Canada’s tremendous contribution to the war effort it was excluded from the Dumbarton Oaks Conference, in which a new international security order was proposed. Further,

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<sup>254</sup>*Ibid.*, 18.

<sup>255</sup>John P. Humphrey, “Dumbarton Oaks at San Francisco,” *The Canadian Forum* XXV (April 1945): 6-10.

Canada was excluded from the Security Council, which Humphrey regarded as the nexus of coercive power in the new organization being formed.

Humphrey was disappointed that under the Dumbarton Oaks proposals there would be “no direct relationship between the new international organs and the individual men and women who are citizens of the various member states. . . . For all legal intents and purposes, at least, the world society will continue to be a society of states, not a society of peoples.”<sup>256</sup> He continues,

The world society, however, is a dynamic society the needs of which cannot be served by a static international law. Eventually some organ must be created which will have the power to harmonize this law with the facts and realities of modern international life. To this problem the Dumbarton Oaks Proposals offer no solution.<sup>257</sup>

These ideas are expanded in an article Humphrey wrote in November, 1945, called “The Parent of Anarchy.”<sup>258</sup> Responding to the threat posed by nuclear weapons, Humphrey urges reconsideration of how the world ought to organize itself toward the ends of peace and security. What is needed is a supra-national organization which can outlaw war. Government, claims Humphrey, must be “commensurate with the needs of government” and the need is now for worldwide governance.<sup>259</sup>

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<sup>256</sup>*Ibid.*, 9.

<sup>257</sup>*Ibid.*, 10.

<sup>258</sup>John P. Humphrey, “The Parent of Anarchy,” *International Journal* 1 (1946): 11-21. Years later, Humphrey called this article “the best and most original article I ever wrote.” From Humphrey’s unpublished autobiographical manuscript, “My Great Adventure,” John Humphrey Fond, McGill University archives 4127/26/532-535, chapter 4 (unnumbered page).

<sup>259</sup>*Ibid.*, 12.

The treaty of Westphalia and the beginning of the modern nation-state system marked the loss of this principle of governmental commensurability with human need.<sup>260</sup> Europe at the time needed a central government, but the failures of the Holy Roman Empire seemed to demonstrate both the undesirability and the impossibility of such governance.<sup>261</sup>

Jurists such as Grotius, who saw the need for pan-European standards, turned away from international government toward a system of independent states under the precepts of natural law. This natural law was thought to be universally binding due to its divine source and inherent reasonableness. It was regarded as having a distinct existence apart from a political superior, although it expressed itself in the agreements and customary practices of states.

As modernity continued along its course and the binding character of natural law was called into question, legal positivism took its place. But this restricted international

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<sup>260</sup>*Ibid.*, 13f.

<sup>261</sup>Humphrey argues at *ibid.*, 13 that the failure of the Holy Roman Empire was the same as the Roman Empire it replaced--both were unable to attend to matters of regional interest. In asserting universality, they made no provision for particularities. Thus the "two swords" doctrine of Gelasius, in which the Papacy and the Emperor were harmonized as two aspects of divine authority which, though combined in Christ the Royal Priest, are separated on earth so that "the medicine of humility should keep his people free from further infection by human pride," failed. The foundering of this doctrine, according to Humphrey, was not that it failed to balance the powers of Pope and Emperor, but rather that both of these powers, however well balanced against each other, were unable to accommodate the range of particularities they were attempting to govern. The above quotation is taken from Pope Gelasius I, "The Bond of Anathema," quoted in *From Irenaeus to Grotius: A Sourcebook in Christian Political Thought, 100-1625*, Oliver O'Donovan and Joan Lockwood O'Donovan, eds. (Grand Rapids: William B. Eerdmans Publishing Company, 1999), 178-9.

law to international treaties and custom. Today the modern state system exists without any acknowledged governance.

For Humphrey, the dreadful aspect of this story is that the modern state system, with the rise of positivism, has no relationship to the individual men and women under their respective national laws. This society of states, and not of concrete individuals, Humphrey calls “the parent of anarchy,” following Alexander Hamilton.<sup>262</sup> He cites two essays by Hamilton (15 and 16) in *The Federalist* which make the case for the essential link between government and the individual. His judgment of the international situation is bleak. Consider the following quotation, which captures Humphrey’s views immediately prior to entering the United Nations:

the international society of the twentieth century...is almost wholly without elements of natural cohesion, although large parts of humanity share common cultural and even religious traditions; and improvements in the means of communication and the growth of world commerce provide other unifying factors. The eccentric tendencies that are inherent in the modern states system are encouraged by differences in language, religion, and political traditions that are still deep and fundamental; and to these the twentieth century has added differences in economic theory and practice that are equally profound. Even more fundamental obstacles to world union are the deeply imbedded and powerful vested interests which control the various national governments. As Hamilton said, “there is in the nature of sovereign power an impatience of control that disposes those who are invested with the exercise of it to look with an evil eye upon all external attempts to restrain or direct its operations,” and the rulers of various states are no more likely to welcome the establishment of a superior political authority now than they were in the time of Grotius.<sup>263</sup>

In my reading of this passage, Humphrey is making three important statements.

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<sup>262</sup>*Ibid.*, 14.

<sup>263</sup>*Ibid.*, 20.

Firstly, he implicitly admits to something like a sinful nature in humanity. The radical differences between people, when viewed in their totality, make peaceful cooperation well nigh impossible. Power is regarded as a corrupter, leading inevitably to a greedy desire for the whole.

Secondly, Humphrey shows a remarkable ambiguity toward the doctrine of natural law. In the text leading up to our quotation, Humphrey clearly regards it as an untenable position today. But then he quite plainly confesses a dismay at the loss of cohesion which such a doctrine lent to international relations. There is something tragic about Humphrey's account of international law. The Enlightenment compelled us to abandon all notions of a universal natural law which provided a measure of justice, but then left us without a replacement. The result is that we are left in a quandary. Something like natural law is needed to provide a cohesion to international society. The need is for something which transcends our particular differences and unites us while at the same time functioning to moderate political power.

Thirdly, Humphrey has a tremendous concern for the individual in international law. For this reason, he insists on a federalist model for the organization of the U.N. He envisions a world authority which is limited in jurisdiction and which allows states sovereignty in most objects and preservation of their traditions and loyalties. The powers of this limited world government would extend not merely to states but to individual men and women. The "anarchic principle," which has historically led to the frustration of international law and international organizations, must be rejected. And as it is rejected, Humphrey hopes that new loyalties to international society will soon flourish.

The real contribution of this essay is the problem it poses. There is a felt need for universal governance. Such governance can only be legitimate if it is oriented toward concrete individuals, for whom government exists. But the doctrine of natural law, which formerly tied international law to individuals, is not sustainable in a plural context. On the other hand, legal positivism, which is sustainable in this context, does not adequately establish the link between international law and the individual. The radical differences between peoples, and the reluctance of the powerful to surrender power, make a positivist solution untenable. Thus, both natural law and legal positivism are inadequate bases for the universal governance which our contemporary context demands.

This problem—the need for a universal politics of the individual, and the inadequacy of both natural law and legal positivism to provide such a politics—was Humphrey’s central idea in his early years. Human rights were the eventual solution he found to this problem.

### 1.3. The Drafting of the Declaration

Article 68 of the Charter made in San Francisco allowed for the creation of a Commission on Human Rights. The Economic and Social Council set up this commission and instructed it to make “proposals, recommendations and reports to the Council” regarding a Bill of Rights.<sup>264</sup> The Human Rights Commission held its first

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<sup>264</sup>*No Distant Millennium*, 146. Humphrey notes that an attempt was made to entrench a Bill of Rights in the San Francisco Charter, but failed.

meeting on January 27, 1947.<sup>265</sup> From the outset, the Commission decided to pursue the bill of rights in the form of a resolution of the General Assembly, instead of a multilateral convention; it would not be binding in international law.<sup>266</sup>

The Commission appointed a committee to prepare a first draft of the declaration. This drafting committee initially had three members: Eleanor Roosevelt (chair of the Commission), P.C. Chang (vice-chair of the Commission) and Charles Malik (rapporteur of the Commission).<sup>267</sup> The drafting committee held its initial meeting at Eleanor Roosevelt's Washington Square apartment. Malik was a Thomist, Chang a Buddhist, and they could agree on nothing.<sup>268</sup> The meeting resulted in a single resolution: John Humphrey, the Director of the Division of Human Rights in the Secretariat, was asked to prepare a draft declaration. Eleanor Roosevelt writes in her memoirs:

It was decided that Dr. Humphrey would prepare the preliminary draft, and as we settled down over the teacups, one of them made a remark with philosophical implications, and a heated discussion ensued. Dr. Chang was a pluralist and held forth in charming fashion on the proposition that there is more than one kind of ultimate reality. The Declaration, he said, should reflect more than simply Western ideas and Dr. Humphrey would

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<sup>265</sup>See John P. Humphrey, "First Session of the Human Rights Commission," *A Great Adventure*, 23-8.

<sup>266</sup>*No Distant Millennium*, 146-7.

<sup>267</sup>*Ibid.* The drafting committee's membership was subsequently increased to eight at the request of the Soviet Union. The new committee consisted of delegates from Australia, Chile, China, France, Lebanon, the United States, the United Kingdom and the Soviet Union.

<sup>268</sup>A.J. Hobbins, "René Cassin and the Daughter of Time: The First Draft of the Universal Declaration of Human Rights," *Fontanus II* (1989): 10. Also see John P. Humphrey, "First Draft of the Universal Declaration of Human Rights," *A Great Adventure*, 29-36.

have to be eclectic in his approach. His remark, though addressed to Dr. Humphrey, was really directed at Dr. Malik, from whom it drew a prompt retort as he expounded at some length the philosophy of Thomas Aquinas. Dr. Humphrey joined enthusiastically in the discussion, and I remember that at one point Dr. Chang suggested that the Secretariat might well spend a few months studying the fundamentals of Confucianism! But by that time I could not follow them, so lofty had the conversation become, so I simply filled the teacups again and sat back to be entertained by the talk of these learned gentlemen.<sup>269</sup>

Soon after, the Secretariat was instructed by the Economic and Social Council to prepare a “documented outline” of the bill of rights. Humphrey interpreted this as a confirmation of the mandate the Secretariat had received from the drafting committee.<sup>270</sup> In the preparation of this draft declaration Humphrey drew on a number of drafts prepared by a wide variety of individuals and organizations.<sup>271</sup> Humphrey also consulted “texts

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<sup>269</sup>Eleanor Roosevelt, *On My Own* (New York: Harper, 1958), 77. Peng-chun Chang, Chinese academic, playwright, literary critic and diplomat, earned a doctorate under John Dewey in 1921. A U.S. State Department memorandum describes Chang as “one of China’s outstanding liberals. . . probably not a member of the Kuomintang and, in any case, not an active party man.” Charles Malik was born into a Greek Orthodox Lebanese family. He studied with Alfred North Whitehead and Martin Heidegger, writing his doctoral dissertation on “the Metaphysics of Time in the Philosophies of Whitehead and Heidegger.” Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House, 2001), 125-6, 133.

<sup>270</sup>*No Distant Millennium*, 148. Humphrey calls the Secretariat’s outline the “draft declaration.” It is reproduced in Annex A of United Nations document E/CN.4/21 and in the *Yearbook on Human Rights* (Lake Success, NY: United Nations, 1947), 484-6.

<sup>271</sup>They included drafts by Roman Catholic liberation theologian Gustavo Gutierrez, H. G. Wells, Hersch Lauterpacht, Rev. Wilfrid Parsons, S.J., Rollin McNitt and “a committee presided over by Lord Sankey after a public debate conducted in the United Kingdom by the *Daily Herald*.” Other drafts issued from the American Law Institute, the American Association of the United Nations, the American Bar Association, the American Jewish Congress, the World Government Association, the Institut de Droit International and the editors of *Free World*. Humphrey saw his task as drafter as one of synthesizing all this material in a fair-handed manner. See *No Distant Millennium*, 148 at

extracted from the constitutions of many [non-Western] countries.”<sup>272</sup> Johannes Morsink, after a careful comparison between Humphrey’s draft and its many sources, concludes: “Though he freely and frequently used the drafts he had with him, it seems equally clear that this draft was Humphrey’s own creative mixture and molding of the options before him.”<sup>273</sup> He continues, “We must conclude that this Humphrey draft is both the first and the basic draft of the Universal Declaration, first in time and basic in that it became the basis for all further deletions and additions.”<sup>274</sup>

Humphrey’s draft began with a preamble which set forth F. D. Roosevelt’s four freedoms.<sup>275</sup> The first two articles describe duties toward society and the limitation of rights. Articles 3 to 34 protect civil and political liberties. The remaining 14 articles are devoted to what Humphrey calls “social rights:” the right to health, the right to rest and leisure, etc. In a lecture at the University of Michigan, Humphrey said,

The Secretariat draft was a synthesis of the provisions concerning human rights in various national constitutions and in the various projects for an international bill of rights that had been submitted to the United Nations by various governments, organizations, and individuals. It contained an

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note 2. Humphrey’s particular use of these various suggestions can be seen in a “blueprint” he prepared for the Human Rights Commission. I discuss this in more detail *infra*.

<sup>272</sup>*Ibid.*, 148. Humphrey states that he accordingly prepared “most of the documentation for this [the first] session myself without very much assistance.” Unpublished autobiographical manuscript, “My Great Adventure,” 182.

<sup>273</sup>Johannes Morsink, *The Universal Declaration of Rights: Origins, Drafting and Intent*, 6.

<sup>274</sup>*Ibid.*

<sup>275</sup>The draft can be found in the *Yearbook on Human Rights*, 484-6.

enunciation not only of all the traditional freedoms, such as freedom of speech and freedom of assembly, but also of the newer social and economic rights, such as the right to work, to adequate housing, to social security, and others. Needless to say, it was drawn up in a completely international spirit and attempted to provide an honest, objective basis for the discussions of the Drafting Committee.<sup>276</sup>

The new drafting committee of eight convened from June 9 to 25, 1947 to discuss Humphrey's draft declaration. Mary Ann Glendon describes its reception by the committee:

Mrs. Roosevelt took a few minutes at the start of the June 9 meeting to thank Humphrey and his staff for their prodigious efforts. She had scarcely finished her encomium when Colonel Hodgson [the Australian delegate] erupted. "It seems to me there is no order in this document," he complained. In the January-February meeting, Hodgson had wanted to turn over the drafting job entirely to Humphrey and his staff, but now the colonel was in a cantankerous mood. He brusquely demanded to know what "philosophy" had guided the Secretariat's work. "I personally would like some explanation of this monumental document from the Secretariat," he said. "All I would like to know is--and I think we should know--what was the philosophy behind this paper? What principles did they adopt; what method did they follow? Is it their own idea; is it a collection of various principles?" Humphrey replied that he could not oblige Colonel Hodgson "for the simple reason that [the draft] is based on no philosophy whatsoever."<sup>277</sup>

A working group consisting of delegates from France, Lebanon and the U.K. was

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<sup>276</sup>John P. Humphrey, "International Protection of Human Rights," *American Academy of Political and Social Science Annals* 225 (1948): 19. Incidentally, this is the same lecture in which Humphrey referred to the U.N.'s human rights project as "revolutionary in character" (21). A *New York Times* article dated September 18, 1948 by Frank Holman, president of the American Bar Association, seized upon this phrase as evidence that the U. N.'s human rights program was attempting to establish socialism, if not communism. See John P. Humphrey, *On the Edge of Greatness*, , vol. 1, 45.

<sup>277</sup>Mary Ann Glendon, 58. Glendon is quoting from the verbatim record of the June 9, 1947 drafting meeting which is held in the Charles Malik Papers Collection, Library of Congress, Manuscript Division.

asked to “collate the different opinions that had been expressed,” to provide a “logical rearrangement of the Secretariat draft, to report how it should be redrafted in the light of the committee’s discussions and to determine how its provisions should be divided between a declaration and a convention.”<sup>278</sup> This working group in turn assigned the French delegate, René Cassin, the task of preparing a fresh draft “based on those articles of the Secretariat draft which he considered to be appropriate for inclusion in a declaration. He did this over the week-end with the help of an officer from the Division of Human Rights, Emile Giraud.”<sup>279</sup> Humphrey continues:

Cassin’s draft reproduced the Secretariat draft in most of its essentials and style. The articles that he added enunciated principles that were more philosophical than legal. His first article which read: “All men are brothers. Being endowed with reason, members of one family, they are free and possess equal dignity and rights” created much difficulty at the second session of the Commission and also led to difficulties with the Commission on the Status of Women which objected to its language. The philosophical concepts contained in the article raised almost endless controversy and debate, especially in the General Assembly.<sup>280</sup>

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<sup>278</sup>*Yearbook on Human Rights*, 483; *No Distant Millennium*, 148-9.

<sup>279</sup>*No Distant Millennium*, 149. Giraud was Humphrey’s assistant. Incidentally, there are two reasons why Cassin was credited as the drafter of the Declaration. Humphrey identifies them himself: “Cassin’s revision of my draft, written out in longhand, was displayed, at the request of the French Government, at United Nations headquarters on the tenth anniversary of the adoption of the Universal Declaration; and photographic reproductions of the same manuscript are reproduced in a collection of some of Cassin’s articles and speeches published in 1972 under the title, *La Pensée et l’Action*. This helped create the myth that Cassin was the father of the Declaration. In an article published in 1968, the twentieth anniversary of the adoption of the Declaration and the year he received the Nobel Prize, Cassin takes credit for preparing the first draft.” John P. Humphrey, *A Great Adventure*, 42-3.

<sup>280</sup>*Ibid.* In “The Universal Declaration of Human Rights: Its History, Impact and Juridical Character”, 25, Humphrey is more critical of Cassin’s introduction of “unnecessary philosophical concepts” into the Declaration which sparked “needless

Humphrey had also prepared a 400-page blueprint to guide the Human Rights Commission, which included suggestions from various governmental delegations and NGO's.<sup>281</sup> The draft, along with the blueprint, then passed on to the diplomats on the Commission. This Commission held 187 meetings to agree on the precise wording of the articles, which were reduced to 30 by the time of its adoption by the Commission on June 18, 1948. The draft declaration then went to the Economic and Social Council who brought it before the General Assembly without modification.<sup>282</sup> The General Assembly referred it to a sub-committee known as the Third Committee. The Third Committee

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controversy and useless debate.” This should not be taken as meaning that Humphrey himself was without a philosophy of human rights, but rather that he regarded Cassin’s very Kantian account of rights as unnecessarily narrow, and so prone to incite debate. Despite these criticisms, Humphrey’s view of Cassin remained positive throughout his life. In an unpublished manuscript Humphrey describes Cassin’s role on the Drafting Committee in detail: “Professor Cassin’s role in the drafting of the Declaration was of the greatest importance. He became a kind of clearing house for ideas and as the discussion went forward in the Drafting Committee produced a series of re-drafts which reflected these discussions.” Unpublished manuscript entitled “Two Decades of Human Rights in the United Nations,” John Humphrey Fond, McGill University archives 4127/21/505, 66-7. Incidentally, while Humphrey disputes Cassin’s claim to authorship, he does not claim it himself. Rather, his position is that the Declaration has no one author, but was the result of a dynamic process involving hundreds of people. See *On the Edge of Greatness*, , vol. 1, Feb. 6, 1949, 111. Cassin’s revisions can be found in Annex F, *Yearbook of Human Rights*, 499-503.

<sup>281</sup>See Globensky, 11-14. The text of this blueprint, entitled the “Documented Outline,” is preserved as United Nations document E/CN.4/AC.1/3/Add.1. After each of the 48 proposed articles, Humphrey cites relevant texts from the following sources: 1. observations made by members of the commission on human rights at its first session, 27 January–10 February 1947; 2. draft international declarations or proposals submitted by governments to the Commission on Human Rights; 3. fifty-five national constitutions, organized alphabetically from Afghanistan to Yugoslavia; and 4. a draft international declaration presented by the American Federation of Labour.

<sup>282</sup>*No Distant Millennium*, 150.

devoted 81 meetings and entertained 168 resolutions regarding the draft.<sup>283</sup> It sent its report to the plenary session of the General Assembly on December 6.<sup>284</sup> The General Assembly adopted the Declaration on December 10, 1948.<sup>285</sup>

## 2. Humphrey and the Problem of the Universality of Human Rights

Prior to his arrival at the U.N. Humphrey was concerned with the establishment of a universal politics of the individual, but, as I have noted, found both natural law and legal positivism inadequate ways of conceiving of this politics. He saw the U.N.'s human rights program as the solution to this problem. What, then, was Humphrey's vision of human rights?

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<sup>283</sup>Humphrey comments, "It was remarkable in the circumstances that the text finally adopted resembled the Commission's draft as much as it did." Apparently much of the debate in the Third Committee reflected the political tensions which marked the Cold War. Apart from this factor, Cassin's additional article provoked an inordinate amount of debate about the inclusion of the concepts of "nature" and whether some reference to the Deity was necessary. In the end, both "nature" and "God" were left out. See *A Great Adventure*, 67.

<sup>284</sup>Interestingly, the Canadian delegate on the Third Committee abstained from voting on the Declaration, along with the Soviet bloc, South Africa and Saudi Arabia. Canada grudgingly changed its position later in plenary. This was in large part due to the social and economic rights which Humphrey had included in the Declaration, in which the Canadian legal and business community saw sympathies to communism. See A.J. Hobbins' articles: "Eleanor Roosevelt, John Humphrey and Canadian opposition to the Universal Declaration of Human Rights," and "Humphrey and the Old Revolution: Human Rights in the Age of Mistrust," *Fontanus VIII* (1995): 121-136.

<sup>285</sup>Humphrey later described the Declaration as "a remarkably well-drafted document" given the tortured drafting process it underwent. He felt that its main faults were in its omissions; it does not adequately address the protection of minorities nor does it provide for an individual right of petition. *No Distant Millennium*, 153.

From August 1, 1948, Humphrey kept a private journal.<sup>286</sup> He continued this practice throughout his tenure at the United Nations. The journals contain Humphrey's reflections regarding both his professional and private life. He was an avid reader of academic and classical texts, and in his journals Humphrey devotes much space to analysing these texts in light of his commitment to the human rights project.<sup>287</sup> Humphrey's comments on these texts provide the richest source for apprehending his view of the universality of contemporary rights.

Of all the authors recorded in the journals, Bergson receives far and away the most attention.<sup>288</sup> Within this 16-month period Humphrey read Bergson's *Les deux*

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<sup>286</sup>John Humphrey, *On the Edge of Greatness*, vol. 1-4. Humphrey begins his journals when the draft Declaration has already gone through the Commission on Human Rights and is with the Economic and Social Council. Thus we do not have a record of Humphrey's thoughts during the period he produced the draft declaration. The journals show us a man who has already engaged in political action, and now seeks to understand the action he has taken. The journals have been published in four volumes. The quality of the first volume, from 1948 to 1950, is noticeably higher than the subsequent volumes. Humphrey himself notes this on several occasions, and even contemplates destroying his journals (e.g. vol. 2, 234, 280). This is probably due to the increased demands placed upon him after 1950 as the Secretariat took on more responsibilities within the U.N.

<sup>287</sup>Between August 1948 and December 1949 Humphrey read—and finished—works by André Gide, Simone de Beauvoir, Gabrielle Roy, René Barjavel, Lecompte du Noüy, Carlo Levi, Jean Paul Sartre, Jean Cocteau, Albert Camus, Paul Valéry, Maxime Gorki, Henri Bergson, Maurice Druon, A. Pareja Diez-Canseco, Alexander Pushkin, Lev Tolstoy, Guy de Maupassant, Barbara Ward, Hugh MacLennan, Bertrand Russell, Kenneth Graham, Abraham Lincoln, Thomas Macaulay, William Shakespeare, William James, Gustave Morf, Marcel Aymé, Winston Churchill, Katherine Mansfield, Charles Morgan, E. M. Forster, Henri Troyat, George Santayana, Lord Acton, and Niccolò Machiavelli.

<sup>288</sup>Other philosophers did not receive nearly the same amount of enthusiasm from Humphrey, nor did they provoke the same quality of reflection. For example, consider his superficial judgments of Socrates in Plato's *Republic* "If he is correctly reported by Plato he was in truth a corrupter of youth for he preached nothing other than an early

*sources de la morale et de la religion, Essai sur les donnees immediates de la conscience, Matiere et Memoire, L'evolution creatrice*, as well as Bertrand Russell's criticism of Bergson in *The History of Western Philosophy*.<sup>289</sup> On December 24, 1948, Humphrey wrote, "*Les deux sources de la morale et de la religion* is perhaps one of the most important books that I have ever read."<sup>290</sup> In Bergson Humphrey had found an account of universal society which can justify the construction of "moral rules englobing the whole of humanity," or in other words, human rights.<sup>291</sup>

The story of how Humphrey became interested in Bergson is fascinating. In his unpublished autobiography, Humphrey recalls his youthful days in boarding school:

I read [the Bible] assiduously and in the result got the first prize for Divinity. There was however another reason for my interest in the Bible. I was very religious. The Humphrey family was Methodist and so far I had been brought up in that faith. The School was Anglican, but although I learned to love the poetry of the Book of Common Prayer, I considered that I had an obligation of loyalty not to join the church.<sup>292</sup>

However, as a young university student Humphrey had a crisis of faith. While at McGill studying commerce he experienced a period of depression. "I was losing religious faith and had nothing to put in its place," he recalls.<sup>293</sup> Reading Thomas Carlyle marked a

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brand of totalitarianism." *On the Edge of Greatness*, vol. 3, June 22, 1954, 70.

<sup>289</sup>Humphrey first begins reading Bergson on December 5, 1948. *On the Edge of Greatness*, vol. 1, 88.

<sup>290</sup>*Ibid.*, 96.

<sup>291</sup>*Ibid.*, 95.

<sup>292</sup>Unpublished autobiographical manuscript entitled "My Great Adventure," 20.

<sup>293</sup>*Ibid.*, chapter 2, unnumbered page.

turning-point for Humphrey: "I have never been able to re-discover the stimulus which *Sartor Resartus* gave me; but the truth is that somehow it shook me out of my intellectual lethargy. Life, I discovered, was a serious business and I was expected to make something out of it."<sup>294</sup>

These accounts of Humphrey's early experiences provide a context for his more mature reflections on Christianity. On Sept. 8, 1948 Humphrey attended an outdoor mass while on vacation in Concarneau, France. He journals:

I was impressed by the sermon which was delivered by the rector of the seminary in Quimper. The theological structure (necessity of approaching God through the Virgin, etc. etc.) was artificial and could hardly be accepted by anyone of average intelligence, but the...more profound theme was unattackable. There is something, which we have learned to call the Christian ethic (these are my own not the priest's words), without which life is mean and egotistical. It is mainly because, putting all his faith in the achievements of Science, man has forgotten this ethic that the world has gotten itself into its present mess. I profoundly believe that this is true. Surely a world that can achieve the atomic bomb but fail in the creation of the United Nations is morally bankrupt. And this moral bankruptcy is the reason for our failure to organize peace. I once thought that socialism could fill this moral gap; but now, although I still remain a socialist, I know better. For socialism is a technique and nothing more. What we

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<sup>294</sup>*Ibid.* In their introduction to *Sartor Resartus*, Kerry McSweeney and Peter Sabor point out what must have touched Humphrey: "The fundamental Carlylean doctrines are all articulated, or at least adumbrated, here: the horrors of Utilitarianism; the religious basis of society; the pattern of conversion from the Everlasting No, through the Centre of Indifference to the Everlasting Yea—which showed that, in the words of Thomas Henry Huxley, 'a deep sense of religion was compatible with the entire absence of theology;' the importance of vocation—of an individual's finding his 'maximum of Capability;' the superiority of renunciation to the pursuit of happiness; the moral imperatives of work, duty, and reverence; the need for heroes; and the social vision that saw contemporary Britain divided into the two nations of rich and poor." From Thomas Carlyle, *Sartor Resartus*, Kerry McSweeney and Peter Sabor, eds. (Oxford: Oxford University Press, 1987), vii. Thus we see a Humphrey who, while deeply suspicious of dogma, was nevertheless quite capable of showing piety to that which was transcendent. Naturally, Bergson would have immediate appeal to such a soul.

need is something like the Christian morality without the tommyrot.<sup>295</sup>

On this same vacation, Humphrey made the acquaintance of Gabrielle Roy and her husband, Dr. Marcel Carbotte.<sup>296</sup> Less than two weeks later, on September 27, Humphrey records attending another mass. He caused a minor stir by refusing to kiss the proffered ring of the Cardinal, instead vigorously shaking his hand.<sup>297</sup> He journals a conversation with Roy later that afternoon:

Had a passionate discussion with [Gabrielle Roy] about the existence of God. While no longer a catholic she believes in the existence of God and even in some form of survival after death. My mind is completely open to the question of God's existence: I neither believe nor disbelieve. But I am pretty sure that after death there is nothing. I used to think that proof might be found for these things; but I now realize that no man has ever discovered God by his intelligence. God, it seems, can only be discovered by an act of faith; and while I feel myself capable of such an act and know that I would be a happier man afterwards, I still cling to my intellect as my surest if imperfect guide.<sup>298</sup>

At the conclusion of the conversation, Roy commended a book to Humphrey: *L'Homme*

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<sup>295</sup>*Ibid.*, 39. Clearly, "tommyrot" refers to the "theological structure" mentioned earlier in the quotation.

<sup>296</sup>"I was impressed by her judgment and the profundity of her understanding—and also by a certain intellectualism that one would never suspect by a reading of *Bonheur d'occasion*." *Ibid.*, 41. *Bonheur d'occasion* was Roy's first novel.

<sup>297</sup>"Jeanne [Humphrey's wife] says that this was a gross breach of etiquette, but for me it was a matter of principle." *Ibid.*, 48. Humphrey consistently scorned the Roman Catholic Church. An example is found in his entry of October 2, 1951, while in Spain: "We also visited the cathedral again in the late afternoon. About twenty priests, dressed in red, were chanting some litany. They kept turning the lights off and on according to whether they knew their parts. I have never heard such mumbo jumbo; but the scene was impressive if you didn't ask what it meant. Spain obviously suffers under two terrific burdens, both of them unproductive: the church and the army." *Ibid.*, vol. 2, 268.

<sup>298</sup>*Ibid.*, 48-9.

*et sa destinée* by Pierre Lecomte du Noüy.<sup>299</sup> Humphrey was clearly moved by the book.<sup>300</sup>

Recalling the initial meeting of the nuclear drafting committee in Roosevelt's apartment, it is helpful to conceptually position Humphrey between Malik and Chang,

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<sup>299</sup>In *L'homme et sa destinée*, or *Human Destiny* (New York: Longmans, Green and Co., 1947), Noüy argues that evolutionary theory requires the hypothesis of God. As a corollary to this principle, Lecomte du Noüy proposes that progress must be measured not by scientific advancement but rather by "the development of human dignity" which is the supreme goal of humanity. The following two quotations capture the essence of Lecomte du Noüy's argument: "Man will at last be able to think 'universally.' His mechanical intelligence has come to the rescue of his moral intuition. He has gained centuries by eliminating space and time which separated him from the suffering of his brothers and erected isolating barriers all around him. His horizon is closer, his vision is enlarged, his heart is softened. His wonderful ingenuity will perhaps contribute to his true, cosmic evolution, the profound meaning of which he will someday grasp when he understands that he is at the same time its artisan and its beneficiary. For he now possesses the external means which will facilitate the internal effort required to tighten the bonds which make him one of the cells in that giant organism called humanity" (261). The second quotation is, "The source of all wars, the source of all evil, lies in us. . . . [It] will only be annihilated with the help of time, and if we seek [it] out with the firm intention of reaching [it]. To attain this result there is only one method. First, to reestablish the cult of historic truth, by feeding the youth of the entire world with *the same* substance, thus establishing a basis for mutual understanding. This is a preliminary step and it can be taken immediately. Next, to strive to establish the cult of individual human dignity and to improve man by stifling his archaic instincts. This will be the work of the centuries to come. It is only by direct action on youth that a better society can be successfully moulded. All pseudo-mysticisms--social, philosophical or political--must be replaced by the Christian mysticism, the only one based on liberty and the respect of human dignity. When people have received the same education, when they obey the same moral rules and think universally, they do not easily accept the idea of fighting each other and are very near an understanding" (267-8).

<sup>300</sup>On October 7 Humphrey recorded in his journal: "...passages to remember from Lecomte de Noüy: Good defined in terms of evolution upward away from animality toward freedom; Bad defined as regression toward "la servitude ancestrale, vers la bete." Also "Il faut comprendre a l'homme que les transformations mecaniques qu'il a introduites dans son milieu et auxquelles il s'est adapte signifieront le progres ou la ruine, suivant qu'elles seront accompagnees ou non d'une amelioration correlative do son attitude morale." *Ibid.*, 56.

whom Humphrey regarded as the two foremost intellectuals involved in the U.N.'s human rights project in its early years. Humphrey consistently felt his own position closer to Chang than to Malik.<sup>301</sup> He wrote in his unpublished autobiography:

The rapporteur, Charles Malik, came from the Lebanon. My personal relations with him were also good but not as easy as they were with Chang; our philosophical assumptions were too different. I remember once having breakfast with Malik at the Hotel Eden in Geneva when I happened to mention the name of Hans Kelsen, the great contemporary legal scholar who is a positivist. Malik, a Thomist who believed in natural law, reacted in a fit of temper. In intellectual stature Chang and Malik dominated the Commission and were both to play significant roles. They were both scholarly men; but Chang was a pragmatist—he called himself a pluralist—whereas Malik believed that Thomist philosophy provided the answers to most questions. [marginal note in longhand:] His thinking was apt to carry him to rigid conclusions.<sup>302</sup>

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<sup>301</sup>On October 7, Humphrey applauds a speech given by P.C. Chang before the Third Committee in which he pleaded for “two-man-mindedness.” “As only he can do it he drew the attention of those countries, that are trying to impose special philosophical concepts such as the law of nature, to the fact that this declaration is meant for all men everywhere. Such concepts are alien to the thinking of many millions of men and women who might however with equal right insist on the incorporation of concepts dear to them, for example, the Chinese concept of decorum and manners.” *Ibid.*, 55-6. On November 20, Humphrey is blunt. “I dislike...the Roman Catholic campaign to write a particular philosophy into the Declaration.” *Ibid.*, 81. Days later, Humphrey comments: “The two special interests that have tried hardest to influence the Declaration are the Catholic Church and the Communist Party—the former with considerably more success than the latter!” *Ibid.*, 83. Humphrey’s ire toward Christian dogma extended to Protestantism as well. Upon reading W.E. H. Lecky’s *History of the Rise and Influence of the Spirit of Rationalism in Europe*, rev. ed., vol. 1 (New York: D. Appleton and Co., 1893), he comments, “If I were an enthusiastic or even a practising Protestant Lecky’s book would cure me of it.” *Ibid.*, vol. 3, 191-2. Humphrey was particularly disturbed by the uncritical Protestant appropriation of the Catholic doctrine of original sin. By 1950, however, Humphrey’s views on natural law had softened. *Ibid.*, vol. 2, 118-9. Even so, upon news of Chang’s death Humphrey writes: “Of all the delegates who came into the Council, he was the one with whom I felt most in spiritual and intellectual communion. And the one I liked the best.” *Ibid.*, vol. 3, 232-3.

<sup>302</sup>Unpublished autobiography, “My Great Adventure,” 179.

One human rights commentator, following Eleanor Roosevelt's description, identifies Chang as a "positive-pluralist" and Malik as a "natural rights-universalist."

I mean by this an approach that recognizes cultural differences in viewing human rights and looks to positive law in providing solutions. . . . In contrast to the positive-pluralist approach, [the natural rights-universalist] approach begins by recognizing the universal nature of humankind and attempts to define rights common to all humankind as a species.<sup>303</sup>

Thus Humphrey was confronted, at the very beginning of the drafting process, with two formidable but incompatible approaches to rights. On the one hand Chang proposed a combination of American pragmatism and Chinese Confucianism--Chang had studied under John Dewey at Columbia--which regarded the Declaration as a practical contract on how to "get along together." The Declaration would, under this view, be a philosophical. On the other hand Malik insisted that the Declaration must proceed from first principles. He offered a sophisticated version of Thomism as the philosophical foundation of the Declaration.

Malik's position is worth some consideration. The record of U.N. debates show that he tried strenuously to include an overt reference to natural law in wording of the Declaration. For example, with regard to Article 16, which protects the family, Malik proposed that the text read, "The family deriving from marriage is the natural and fundamental group unit of society. It is endowed by the Creator with inalienable rights antecedent to all positive law...."<sup>304</sup> Ultimately the first sentence was adopted, but the

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<sup>303</sup>Tony Evans, "Human Rights: a reply to Geoffrey Best," *Review of International Studies* 17 (1991): 88-9, fn 6 and 8.

<sup>304</sup>From Morsink, *The Universal Declaration*, 284.

second dropped. The debate over an explicit reference to God was even more fierce with regard to Article 1. Eventually the debate reduced to two camps, one wanting to ground rights in “nature” and the other in God. In a kind of horse-trading arrangement, both proposed references were deleted in the final draft.<sup>305</sup>

However, in a speech entitled “The Challenge of Human Rights,” originally delivered to a conference of the Canadian Institute of international Affairs in August 14, 1949, Malik discussed the nature and origin of human rights.<sup>306</sup> Are rights granted by a governmental agency, or do they belong to human nature? This is the old debate between positive and natural law. Malik asserted, “today the mood...is wholly positivistic. The vision of something fixed, eternal, natural, restful, is utterly blurred. I hold that this change, from rest to change, is of the essence of the great spiritual crisis that is gripping the world today.”<sup>307</sup> He continued,

yet we discern, in the doctrine of the Declaration, a partial and implicit return to the law of nature. A careful examination of the Preamble and Article 1 will reveal that the doctrine of natural law is woven at least into the intent of the declaration. Thus it is not an accident that the very first

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<sup>305</sup>See *ibid.*, 284-90. Morsink contends that we must accordingly read the Declaration as a “secular” document which stands independently of any particular religion, but at the same time he adds that the terms “inherent,” “inalienable” and “born” in Articles 2 and 3 make it clear that the original drafters of the Declaration views rights as existing “by virtue of their humanity and not from any other external causes, like acts of government, courts, legislatures, or international assemblies” (290). In light of Morsink’s own observations, it would be more precise to refer to the Declaration as “pluralist” than “secular.”

<sup>306</sup>Charles Malik, “The Challenge of Human Rights,” in *The Challenge of Human Rights*, 153-166. This text was also published in *Behind the Headlines* 9, 6, December 1949.

<sup>307</sup>*Ibid.*, 161.

substantive word in the text is the word “recognition”....<sup>308</sup>

Thus, Malik concludes, there are in the Declaration “echoes of a distant and now half-forgotten past according to which there is a fixed order of nature and reality, which it is our supreme destiny to know, love and realize.”<sup>309</sup> He concludes with this challenge to his Canadian audience:

Your tradition, rooted in the glorious Graeco-Roman-Christian Western European human outlook, supplies you with all the necessary presuppositions for leadership. All you have to do is to be the deepest you already are. The challenge of human rights is whether Western society, conceived in the joyous liberties of the Greek city-states and nurtured on Christian charity, can still recover from the worship of false and alien gods and return to its authentic source.<sup>310</sup>

Why was Malik’s Thomism repugnant to Humphrey? The obvious reason was because it was an essentialist philosophy, with a tremendous amount of speculative metaphysics behind it, which Humphrey felt was inappropriate to a pluralist and legal context. In this, Kelsen’s influence on Humphrey is easily discernible. Simply put, the strong claims made by neo-Thomism engendered debates which effectively paralysed the international human rights program. For this very pragmatic reason, Humphrey always tried to avoid giving public voice to any traditional philosophy of human rights.

This being said, it is patently obvious that Humphrey recognized that a philosophy of human rights was unavoidable, and that the post-war human rights project was freighted with anthropological implications. Moreover, he was personally engaged in an

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<sup>308</sup>*Ibid.*

<sup>309</sup>*Ibid.*, 162.

<sup>310</sup>*Ibid.*, 165-66.

existential search for something like a natural law theory to undergird the human rights project. Given these facts, we must inquire more deeply into Humphrey's rejection of neo-Thomism. I believe that the key to this rejection is found in Humphrey's consistent concern for the concrete individual in politics. From his earliest publications, Humphrey manifested a genuine concern for the concrete individual, and a deep distrust of abstractions, particularly when they were used to "trump" the individual. His final public words, spoken at a retirement banquet in his honour at McGill University in 1994, one week before his death, were: "Never let them [governments] set aside individual human rights in the name of the collective rights of society."<sup>311</sup>

This theme, which runs through all of Humphrey's thought and actions, accounts for Humphrey's resistance to neo-Thomism. He regarded this abstract system, anchored as it was in a speculative metaphysics, as insufficiently responsive to the concrete realities of human existence. Thomism was prone to too-rigid conclusions, and was unable to flex to the dynamic nature of life.

I suggest that Humphrey's critique of neo-Thomism parallels the Patristic critique of Thomism. Recall the Greek's three critiques of Latin Christianity: 1. the gap between the transcendent universals and the immanent particulars is exaggerated; 2. Human knowledge is rendered excessively rationalistic and abstract; and 3. the insistence on a philosophy of essences occludes the dynamic aspects of human existence. In a less developed way, all three of these critiques are operative in Humphrey's rejection of neo-

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<sup>311</sup>Quoted by John Hobbins in *Citizen of the World*, produced by the Defence Research and Education Centre, 22 minutes, 1999, videocassette.

Thomism.

But this rejection clearly did not mean that Humphrey was content with a positivist account of human rights, that rights were reducible to the legislative will of sovereign states. The unavoidable conclusion is that at this point in his life, Humphrey was deeply perplexed. The tension between Chang and Malik must have been experienced as a kind of concrete manifestation of this perplexity for Humphrey. Humphrey was already familiar with another version of these two options in the tension between legal positivism and Thomistic natural law in the field of international law, and we have seen in his early publications that he found both ultimately dissatisfying. His conclusion at that time was that the exploration of the foundations of law was beyond the scope of legal reasoning; in short, that law is unable to give an account of itself on its own terms. It appears that Chang and Malik pushed Humphrey beyond this position, and so prepared him for Bergson.<sup>312</sup>

Surprisingly, this motley crew found a way to work together. In 1968 Malik provided us with a candid recollection of his early days at the United Nations. He claims that the success of the Declaration was almost entirely due to a very small *esprit de corps* which included Malik, Roosevelt, Chang, Cassin, Laugier, Humphrey and the Chilean

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<sup>312</sup>Of course another option was open to Humphrey—to ground the Declaration in the philosophy of the Enlightenment. This is the option taken by René Cassin, as we have already discussed. Humphrey quite firmly resisted this option for the same reason he resisted neo-Thomism. Practically, he thought that the philosophical categories were too narrow, too anchored in a particular culture, to undergird a document like the Declaration. Furthermore, the abstracted individual of the Enlightenment, the *concept* of the individual, would have been quite unattractive to Humphrey. It is perhaps telling that Cassin was widely regarded as the “father” of the Declaration by the human rights community until recently.

representative, Santa Cruz.<sup>313</sup> This group

soon achieved a fairly close identity of views on aims and objectives. We worked more or less as a team. We had endless consultations, formal and informal, among ourselves, and we very early managed to establish a significant area of agreement on the basis of which we were able to iron out any divergence of views that might arise.<sup>314</sup>

I will revisit this surprising development in the conclusion to this chapter. We are now in a position to apprehend Humphrey's appropriation of Bergson.

### 3. Humphrey and Bergson

Humphrey appears to have been introduced to Bergson via Lecomte du Noüy.<sup>315</sup>

He agrees with Noüy's evolutionary view of human progress, but is left dissatisfied.

That man has a great destiny, provided he does not destroy himself, I have no doubt. I am even prepared to believe that this destiny is the purpose towards which Evolution is aiming and always has aimed. I also believe that every individual can make some contribution to the development of the race, and that he lives on as it were in that contribution. But what about the destiny of the individual, this "me?" It is little consolation for me to know (or to hope) that mankind has a great destiny, when I know that in a few years I shall have ceased to exist. As Gide says, what is

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<sup>313</sup>Charles Malik, "The Universal Declaration of Human Rights," in *Free and Equal: Human Rights in Ecumenical Perspective* (Geneva: World Council of Churches, 1968), 7-13 at 8-9.

<sup>314</sup>*Ibid.*, 9.

<sup>315</sup>Humphrey was taken by Lecomte de Noüy's definition of good in terms of evolution upward away from animality toward freedom, and bad in terms of regression toward "la servitude ancestrale, vers la bete." *On the Edge of Greatness*, vol. 1, 56. On this same page Noüy mentions Bergson, calling him "France's greatest modern philosopher" and at the same time "deeply religious." See Lecomte du Noüy, 133.

interesting is man not mankind. And I am one of these men.<sup>316</sup>

The first journal entry mentioning Bergson is December 5, 1948, three weeks after the above entry. The book is *Les deux sources de la morale et de la religion*.

Speaking of philosophy, I came across this in Bergson this morning: “Une societe humaine est un ensemble d’etres libres. Les obligations qu’elle impose, et qui lui permettent de subsister, introduisent en elle une regularite qui a simplement de l’analogie avec l’ordre inflexible des phenomenes de la vie.” But the whole point of Bergson’s argument as developed in the following pages is of course that “les membres de la cite se tiennent comme les cellules d’un organisme. L’habitude, servie par l’intelligence et l’imagination, introduit parmi eux une discipline qui unite de loin, par la solidarite qu’elle etablit entre les individualites distinctes, l’unite d’un organisme aux cellules anastomosees.”<sup>317</sup>

On December 20, Humphrey recorded these reflections on this same book.

Bergson says that the sense of moral obligation that englobes the whole of humanity derives from what he calls the second source of morality, viz. creative emotion. The system of rules dictated by society (first source) is, he says, a closed system, because a given society is always in an attitude of defence against some other society or societies. He then goes on to say, if I understand him correctly, that while the rules deriving from the second source, i.e. creative emotion, are superior in quality to those deriving from the first source, they are human creations and not strictly necessary to the preservation of society. That is to say that society could get along without them. Either I have misunderstood Bergson or he has surely fallen into an error. His concept of the closed society and the moral rules based thereon are unfortunately historical facts; but surely the conditions of the world in 1948 are such that the concept of society must necessarily be universal.

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<sup>316</sup>October 16, 1948, *ibid.*, 62. The full Gide quotation reads, “L’homme est plus interessant que les hommes; c’est lui et non pas eux que Dieu a fait a son image.”

<sup>317</sup>*Ibid.*, 88. The English translation of the Bergson quotations is, “Human society is an ensemble of free beings. The obligations which it imposes, and which permit it to subsist, introduce into it a regularity which is simply analogical to the inflexible order of living phenomena,” and “the members of the city hold themselves as the cells of an organism. Habit, served by the intelligence and imagination, introduce by them a discipline which unites the whole, by the solidarity that it establishes between the distinct individualities, the unity of an organism of anastomic cells.”

Bergson should have seen this in 1933. In the same way as closed societies gave birth to moral rules necessary for their preservation (first source) this universal society must also have its rules which must be obeyed if it is to persist. Admitting, moreover, the obvious fact that there still exist closed societies within the new universal society, it seems clear that the survival of these closed societies themselves must depend on the development of a morality that englobes the whole of humanity. My conclusion is that the moral rules which englobe the whole of humanity also derive from Bergson's first source.<sup>318</sup>

The next morning, Humphrey writes:

Immediately after turning off the light last night I realized where I had gone wrong in my understanding of Bergson's argument. The reason, of course, why moral rules englobing the whole of humanity cannot emanate from the first source is that the instrument of society when it forges moral rules is habit. Even if it is admitted, therefore, that a new universal society is emerging or has emerged, society has not yet had the time by the instrumentality of habit to forge the moral rules necessary for its maintenance. It follows therefore that we must have recourse to creative emotion.<sup>319</sup>

It is after this realization that Humphrey calls this book "perhaps one of the most important books that I have ever read."<sup>320</sup>

Upon completing *Les deux sources* Humphrey read in quick succession Bergson's

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<sup>318</sup>*Ibid.*, 94-5. Bergson contends that there are two sources of morality and religion: a dynamic and a static source. The static source is identified with rules, with habit. The dynamic source is identified with the divine. We will treat of Bergson in detail in Chapter 4.

<sup>319</sup>*Ibid.*, 95.

<sup>320</sup>*Ibid.*, 96. Humphrey's enthusiasm does not inhibit his criticism of *Les deux sources*: "I finished today, *Les deux sources de la morale et de la religion*. Bergson is such a poet that I sometimes wonder whether it isn't the beauty of his language as much as the force of his argument that carries me away. I found the last chapter confusing but perhaps I read it too quickly. What worries me about mysticism is the fact that modern history provides so few of these privileged people. Why is it that all the 'real' mystics mentioned by Bergson are either associated with the birth of Christianity or the development of Roman Catholicism? Was Gandhi a 'real' mystic?" (98)

*Essai sur les données immédiates de la conscience* as well as *Matiere et memoire*. He records finding both books very difficult, and admits that he has not adequately understood the former, which is generally acknowledged as Bergson's most obscure work.<sup>321</sup> On the latter, Humphrey comments:

Bergson's demonstration that memory is independent of the brain and body is most convincing. There are of course tremendous conclusions that would result from such a fact, conclusions which up to the point that I have read in this book even Bergson himself does not draw. It would prove the existence of something that might as well be called the soul; and while it would not prove the immortality of this soul it would make such a belief reasonable.<sup>322</sup>

Humphrey next turns to Bergson's *Evolution creatrice*. Upon completing it, he returns to Lecomte du Noüy's *L'homme et sa destinée*. This was the occasion of one of the most touching and human entries in Humphrey's journals:

The generation to which I belong was brought up and developed the patterns of its thought in an atmosphere that was completely dominated by the scientific discoveries and mechanistic philosophy of the nineteenth century. Already the very basis of this philosophy was being attacked by newer discoveries and the thought of men like Bergson; but this had not permeated into our universities nor was it reflected in the literature that we read. Most of us therefore after much internal conflict adjusted our thinking and our lives to the popular philosophy. We became atheists or agnostics; and our only idealism expressed itself in art or humanitarian socialism. I am not ashamed of this generation and think that it can be said of it that it was one of the most unselfish that ever lived. But I wonder whether it is not already old fashioned and whether its continued materialism is not now a prejudice the persistence of which is due to the fact that this generation is now too old to reject a doctrine that it learned in its prime, even if events have since gone beyond it.<sup>323</sup>

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<sup>321</sup>*Ibid.*, 110, 112.

<sup>322</sup>*Ibid.*, Feb. 20, 114.

<sup>323</sup>*Ibid.*, March 26, 1949, 126-7.

The influence Bergson has on Humphrey's thought is marked. Consider the following entry, occasioned by a discussion with a friend.

Nisot thinks that emotionalism is a sign of barbarism. A man, he says, is civilized only to the extent that his actions are dictated by his intellect. Perhaps this explains his defeatism. I on the other hand have learned to distrust intellectualism. I have more faith in the emotions although I must recognize that these can be bad as well as good. The intellect is an instrument. To what use it will be put depends entirely on sentiment and emotion. There is also intuition which doesn't fit into Nisot's picture.<sup>324</sup>

On June 15, 1950, Humphrey read Bergson's *La Pensée et le Mouvant*.

Humphrey expressed appreciation for the mature and concise restatement of Bergson's earlier ideas and the answers he makes to his critics. "One thing is certain," writes Humphrey, "I must now read the other books again."<sup>325</sup> And on September 18, 1950, Humphrey took up Bergson's *Energie Spirituelle*.<sup>326</sup>

How did Bergson's philosophy inform Humphrey's view of human rights? In 1947, prior to reading Bergson, Humphrey spoke of human rights as an attempt at "supranational supervision of [the] relationship between the state and its citizens."<sup>327</sup> He regarded the U.N.'s human rights project as the culmination of "mankind's quest for a

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<sup>324</sup>*Ibid.*, September 2, 1949, 211.

<sup>325</sup>*Ibid.*, 69.

<sup>326</sup>*Ibid.*, 108. In an attempt to understand Bergson, Humphrey proceeded to read Bertrand Russell's critique of Bergson his *History of Western Philosophy*, James' *Varieties of Religious Experience*, Lancelot L. Whyte's *The Next Development in Man*, J. Languier des Bancel's *Introduction a la psychologie: l'instinct et l'émotion*, and Jacques Chevalier's *Bergson*. He found Russell's critique unconvincing, but generally appreciated the other works. See *ibid.* 136, 209 and vol. 2, 27, 128, and 161.

<sup>327</sup>John P. Humphrey, "International Protection of Human Rights," , 21.

higher law, for some criteria higher than the law of the state.”<sup>328</sup> Beyond these general assertions Humphrey does not venture, restricting himself to “a more or less factual account of the measures that are being taken by the United Nations toward the international protection of human rights.”<sup>329</sup>

But on June 4, 1949, after reading Bergson, Humphrey delivered an address at the annual dinner of the Canadian Institute of International Affairs in Montreal which placed human rights in a Bergsonian framework.<sup>330</sup> In his introductory remarks, Humphrey makes this explicit: “The great French philosopher, the late Professor Henri Bergson, has said that creative evolution consists in all its manifestations, of a movement toward greater and greater freedom and the emancipation of the human mind and will.”<sup>331</sup> Humphrey proceeded to place the Declaration in this context. Specifically, Humphrey suggested that the economic, social and cultural rights enshrined in the Declaration are the next step in the evolutionary development of humankind.<sup>332</sup> But the real significance of the Declaration is found in its universality. The Declaration transcends nations and

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<sup>328</sup>*Ibid.*, 15.

<sup>329</sup>*Ibid.*

<sup>330</sup>Humphrey called this “probably the greatest honour that has ever been given to me.” See *On the Edge of Greatness*, vol. 1, May 26, 1949, 169.

<sup>331</sup>John P. Humphrey, “The Universal Declaration of Human Rights,” IV *International Journal* (1949) 351-61 at 351.

<sup>332</sup>Humphrey understood the inclusion of the economic and social rights in the Declaration as “in effect a promise to the under-developed countries that they will eventually share in all the benefits of modern civilization.” *On the Edge of Greatness*, vol. 2, August 22, 1951, 251.

unites all people together under a law higher than “the sovereignty of Leviathan.”<sup>333</sup> He concludes, “We know too that we have on our side all the best men and women everywhere, whatever their race, language or religion, and we know that we are in the full stream of creative evolution.”<sup>334</sup>

Bergson offered Humphrey a superstructure in which to place human rights, a kind of semantic framework. Humankind was evolving in the direction of liberty. This great narrative, this dynamic salvation-history, is presently made manifest in the U.N.’s human rights project. Since this evolutionary process is universal in scope, and all people participate in it by virtue of their humanity, human rights are universal. To say this is not to provide a foundation for rights, as is given in Thomism. It does not ground fluctuating human laws in eternal, static Truth. In fact, the dynamic is privileged over the static. Human rights are universal because they are a genuine expression of the evolutionary process that englobes all of humanity. I will explore this in the next chapter, but for the present I only want to establish that in Bergson, Humphrey found a way to conceive of a

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<sup>333</sup> “The Universal Declaration of Human Rights,” 352.

<sup>334</sup> *Ibid.*, 361. Humphrey records in his journals that the speech was very well received. *On the Edge of Greatness*, vol. 1, 172. Humphrey’s correspondence reveals the following exchange with Cambridge law professor Erwin Loewenfeld, who read Humphrey’s speech to the CIA. Loewenfeld writes: “It would in particular interest me, whether the evolution in the direction of greater liberty comprises collectivity for positive services and whether this is also the view of Bergson. . . . I personally have no doubt that the declaration of rights in spite of the many attacks by scientists and members of governments is a first step in a great evolutionary process.” Humphrey responds, “One of Bergson’s books that I had in mind is actually called *Creative Evolution* but he has written a whole series. He writes, of course, in the field of philosophical speculation and does not deal with the practical application of these principles in the fields that interest us.” Correspondence with Erwin Loewenfeld, 20 and 26 July 1949, McGill University archives 4127/21/430.

universal politics that was neither Thomist nor Positivist. Humphrey had found the solution to his problem in a Bergsonian interpretation of human rights.

Humphrey does not explicitly develop the connection between Bergsonism and contemporary human rights in his subsequent publications. From a philosophical perspective, Humphrey's later publications are disappointing. They are dominated by the goal of promoting the cause of international human rights and establishing the binding character of the Declaration under international law.<sup>335</sup> All the same, glimmers of Bergsonism are easily discernible. In particular, the theme of dynamism plays a very large part in Humphrey's subsequent writings. Consider Humphrey's 1951 review of Hans Kelsen's *The Law of the United Nations*.

True to his method, Kelsen applies the criteria and techniques of a perfect legal order to one that is admittedly imperfect. One need only refer to his repeated insistence that there can only be an obligation if 'a sanction is attached to a contrary behaviour.' Hence some of the conclusions that have so shocked United Nations lawyers. This method also deprives the work of any of the dynamic and imaginative vision which has been so important in the development of national constitutions. . . . Kelsen's lack of vision probably reaches its lowest point in the part of his book devoted to human rights."<sup>336</sup>

On December 9, 1961 Humphrey delivered a speech to the United Nations Association in Hamilton, Ontario. He describes human rights as "a new international

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<sup>335</sup>For example, John P. Humphrey, "The U.N. Charter and the Universal Declaration of Human Rights," in *The International Protection of Human Rights*, Evan Luard, ed. (New York: Frederick A. Praeger, 1967).

<sup>336</sup>John P. Humphrey, "*The Law of the United Nations*," 805.

morality.<sup>337</sup>

The Universal Declaration of Human Rights and in general the human rights programme of the United Nations have been one of the great catalysts of our time. Perhaps catalyst is not the right word because a catalyst is something which helps bring about a change without changing itself; and one of the most significant characteristics of this programme is that not only does it bring about change but it is itself changing all the time. Indeed the very concept of human rights, which is a dynamic and not a static concept, is changing every day; and you will find, particularly in the language of the two draft covenants, new content, new rights the protection of which had not place in the Magna Carta or the French Declaration of the Rights of Man. . . .and if mankind proves itself mature and wise enough to devise some system for protecting the most essential of all rights, the right to life, we may expect to move on to ever widening horizons in the recognition of human personality and human dignity.<sup>338</sup>

For Humphrey, the dynamic character of human rights should not be interpreted as a naive optimism about human progress. In 1959 Humphrey reflected on the rapid rise of human rights since the second world war:

It was certainly not due to any revival in humanism comparable to the new faith in man that came with the Renaissance or comparable even to the inherent idealism of the nineteenth century liberals and radicals. The spirit of our times is rather the spirit of the machine. One might almost say that modern man is more interested in--and has more confidence in--the machines he builds than in their makers.<sup>339</sup>

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<sup>337</sup>Unpublished speech, untitled, John Humphrey fond, McGill University archives 4127/23/463, p. 4.

<sup>338</sup>*Ibid.*, 15-6. This optimism fades. In a 1971 article Humphrey admits that the U.N. has failed as a legal institution, but holds out some hope that it can affect evolutionary change via the accumulation of economic and social functions which will ultimately strengthen its political power. John P. Humphrey, "The Main Function of the United Nations in the Year 2,000 AD," *McGill Law Journal* 17 (1971): 219-231.

<sup>339</sup>Unpublished speech entitled "Ottawa," John Humphrey Fond, McGill University archives 4127/23/473 at 4.

The initial impetus for the new wave of human rights was the return to barbarity which marked the Second World War, and the desire to limit fascist states in what they could do to their citizens. But the deeper reasons for the sustained concern with human rights is the fear of the power of the collectivity felt afresh. Here Humphrey echoes Arendt's concerns with totalitarianism:

It has therefore become a matter of urgency to devise rules and institutions which will promote and protect the inherent dignity of man, and preserve for the individual some freedom in essential matters. The present international interest in human rights appears therefore as a symptom of and a reaction to a malady of our times. We are concerned with human rights not so much because we are better than our fathers or because we have a greater or better understanding of the dignity of man but—and I put it very bluntly—because the situation has become intolerable and we must do something about it. . . . Our problem is to find a way to control this Leviathan, and at the same time to maintain and indeed increase our advances on the economic and social front.<sup>340</sup>

Thus, the idea of human rights for Humphrey came to be regarded as a tool to limit static power in society, particularly that power which resides in nation-states.<sup>341</sup>

In an article published in 1971, Humphrey claimed, "...the Universal Declaration of Human Rights was a solemn affirmation of rights which had been trampled underfoot

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<sup>340</sup>*Ibid.*, 5.

<sup>341</sup>In a letter to a friend in 1962 Humphrey wrote: "The new international law (international is even a misnomer in this context) which we are making departs from the traditional pattern of a law governing States only, because it attempts to establish a direct link between the organized international community and individual men and women. Apart from their more obvious connotations this is the reality, from a lawyer's point of view, behind the big words often used to describe the program. Not only are we making new and radically different kind of international law but, as you know, the programme has had a considerable impact on the development of national law. This is what we usually mean when we talk about for example the impact of the Universal Declaration of Human Rights." Correspondence with King Gordon, 17 October 1962, McGill University archives 4127/21/425.

and a cry of outraged protest against illegitimate, arrogant, cruel, and insensitive authority.”<sup>342</sup> For this reason, duties are mentioned only once, and authority not at all in the Declaration. However, Humphrey avers that where there is no authority, there can be no meaningful human rights. Human freedom is threatened as much by the absence of authority as by pathological authority.<sup>343</sup>

Another Bergsonian theme associated with dynamism is developed by Humphrey in his interpretation of the second paragraph of Article 29, “The just requirements of morality, public order and the general welfare in a democratic society.”<sup>344</sup> According to Humphrey, “the most important term in Article 29 and the key to its understanding should

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<sup>342</sup>John P. Humphrey, “Human Rights and Authority,”<sup>20</sup> *University of Toronto Law Journal* (1970) 412-421 at 415.

<sup>343</sup>*Ibid.*, 418: “I am sorry that these ideas were not expressed more clearly in the Universal Declaration of Human Rights; but, as I have already said, we were preoccupied by the violations of human rights by a totalitarian government and at that time it seemed that the less said about authority the better.” In the same vein see Humphrey’s “The World Revolution and Human Right,” in *Human Rights, Federalism and Minorities*, Allan Gotlieb, ed. (Toronto: Canadian Institute of International Affairs, 1970), 147-179.

<sup>344</sup>John P. Humphrey, “The Just Requirements of Morality, Public Order and the General Welfare in a Democratic Society,” in *The Practice of Freedom: Canadian Essays on Human Rights and Fundamental Freedoms*, R. St. John MacDonald and John P. Humphrey, eds. (Toronto: Butterworths, 1979), 137-156. The complete text of Article 29 is: “1. Everyone has duties to the community in which alone the free and full development of his personality is possible; 2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic state; 3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.” Humphrey notes in *ibid.*, 142 that the third paragraph was not in the original draft but was added by the General Assembly. He regards it as an unnecessary and ill-conceived addition.

be the word ‘just.’”<sup>345</sup> What does it mean? Humphrey states,

That there is so much disagreement on the meaning of the concept would seem to indicate that justice is a subjective, or possibly, intuitive concept. Unsatisfactory as this conclusion may be, there seems no escape from it. What may seem just to me may seem unjust to you. If justice is a purely subjective concept the important question then becomes, who will decide in the event of disagreement? . . . Are we then to say that the decision about what is just will be taken by the authority that has the power to impose its will? Distasteful as this answer may be, it is not the same as to say (as Plato reports Thrasymachus to have said) that “justice is the advantage of the stronger.” But while the decision about what is just, and the enforcement of that decision, are not the same, the real situation may be that it is the organs that possess political power that will both decide what justice is and act in the name of justice.<sup>346</sup>

Even in democracies, there is a danger that the law will be unjust. However, Humphrey argues that

a democracy is an open society with free discussion; different interpretations of substantive justice have an opportunity to be heard. In such a society there is more likely to be fairness (which H.L.A. Hart says is justice). Hence the importance of the inclusion in Article 29 of the idea of “just...in a democratic society.”<sup>347</sup>

#### 4. Conclusion

For John Humphrey, the universality of rights derives from their status as a manifestation of the evolutionary process of humanity. Human rights are thus conceived

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<sup>345</sup>*Ibid.*, 149. In Humphrey’s original draft, Article 2 said, “In the exercise of his rights everyone is limited by the rights of others and by the just requirements of the state and the United Nations.” The term “just” was dropped by the Human Rights Commission but was reintroduced by the General Assembly.

<sup>346</sup>*Ibid.*, 150.

<sup>347</sup>*Ibid.*, 152.

of as an alternative to both neo-Thomist natural law and mere consent. This results in a view of rights that is dynamic and indeterminate, which regards rights in terms of the interplay between liberty and authority. Human dignity is located in the process of perfection, which establishes a crucial link between rights and the divine.<sup>348</sup>

The consequence is a kind of natural law doctrine, but one substantially different than that found in neo-Thomism. It is not a philosophy of essences. But it is a philosophy of nature nonetheless. This idea will be developed in our next chapter.

Recall our discussion of the Greek patristic tradition in the previous chapter. We will explore this in detail when we treat of Bergson, but it is well to note at this point the concurrence of themes. There is a dynamic equivalence in Humphrey with the three ways in which Orthodoxy differs from the Western viewpoint: the dynamism of human nature, the status of human knowledge as both intuitional and intellectual, and the higher status granted to material in its capacity to participate in the divine. This is in contrast to the Thomism which Humphrey rejects, and also the pragmatic relativism which Humphrey finds more appealing. Between Malik and Chang, Humphrey holds a unique position. We turn now to an in-depth analysis of this view of universality in the philosophy of Henri Bergson.

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<sup>348</sup>In an unpublished manuscript Humphrey admits that the Declaration is far from perfect and even suggests that it could be amended. "It would be silly to pretend that the Declaration is a perfect document. It may sin by omission and possibly by commission. Thus it does not contain adequate provisions on the protection of minorities and does not recognize an international right of petition and its treatment of the right of asylum is dishonest. But it could be amended, something that has already been done once for the Spanish title." "Two Decades of Human Rights in the United Nations," 95.



## Chapter 4

### John Humphrey and Henri Bergson

In this chapter I want to describe Bergson's philosophy in light of its application to the contemporary human rights project. Put differently, I will explore the content of John Humphrey's appropriation of Bergson. I am not attempting a definitive account of Bergson's philosophy, but rather Humphrey's account of Bergson's philosophy. In fine, my goal in this chapter is to explore Bergson from the vantage-point of the contemporary human rights movement.<sup>349</sup>

Humphrey was introduced to Bergson via Lecomte du Noüy's *Human Destiny*. Lecomte wrote his book expressly for the purpose of reestablishing a fundamental link between science and the life of the spirit. It is an attempt at a scientific religion; that is, religion without special revelation, and more particularly Christianity without dogma. Looking at the scientific account of the evolution of man, he posits what he calls "telefinalism." He suggests that the *telos* of human evolution is in a direction away from the animal, nature and necessity toward liberty. This movement occurs in history through the example of great moral leaders. Lecomte defines good in terms of progressive

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<sup>349</sup>Since I am only concerned with Humphrey's appropriation of Bergson, this chapter will not provide a review of all of the scholarly publications on Bergson. The story of the rise, fall, and resurrection of Bergson in the twentieth century could itself easily form the subject for a dissertation, and indeed would certainly be too broad. Furthermore, the vast preponderance of the books and articles dealing with Bergson concentrate on his earlier and most controversial works, whereas we are dealing here primarily with his final book, *The Two Sources of Morality and Religion*. Finally, to my knowledge, nothing to date has been published on the connection between Bergson and the contemporary human rights movement.

evolution toward freedom, away from the animal. "In other words," he writes,

and from a strictly human point of view, good is the respect of human personality; evil is the disregard of this personality. Indeed, the respect of human personality is based on the recognition of man's dignity as a worker for evolution, as a collaborator with God. This dignity rests on the new mechanism born with conscience which orients evolution in a spiritual direction, namely free will.<sup>350</sup>

In short, Lecomte claims that man is evolving toward spirituality, away from animal life.

The mechanism of human evolution in its later stages, he claims, is not natural selection but free will, and so the goal of human development is also the efficient cause.

Lecomte posits Jesus Christ as the end of human evolution. Evolution will not go beyond Christ, but what we will see is rather the extension of the Christ-type to the great majority of men.

It now behoves humanity to spread these ideas and to engrave them in the hearts of men, so that they will acquire as much strength as the instincts, without, however, becoming automatic. It is a question of shaping moral generations for the future. If humanity makes this effort, it will contribute to the advent of the superior conscience preparatory to the pure and spiritual race destined to appear one day.<sup>351</sup>

Human evolution must now be pursued by "a high and noble moral discipline, not only freely accepted but understood. That is why education and instruction can be considered as instrumental in forwarding our actual phase of evolution."<sup>352</sup>

It is not difficult to see how universal human rights could be regarded as a fresh step up the evolutionary ladder away from nature and toward freedom. While Humphrey

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<sup>350</sup>Lecomte de Noüy, 133-4.

<sup>351</sup>*Ibid.*, 141.

<sup>352</sup>*Ibid.*, 207.

was obviously influenced by this book, he was also suspicious of the loss of individuality inherent in the gnostic-flavoured distinction between animal and spirit. That is, the strong sense of universality which comes out in Lecomte's account is associated entirely with the spiritual, and in fact leaves no room for any attention to particular individuals.<sup>353</sup> Thus Lecomte's vision was ultimately unsatisfying to Humphrey, although it suggested a direction to go in order to re-establish a Christian morality compatible with Modernity, something Humphrey keenly desired. Three things are apparent in Humphrey's encounter with Lecomte. The first is Humphrey's desire to find a link between the human rights project and the life of the spirit. The second is the direction in which he began to look for this link: evolutionary theory. The third is Humphrey's dissatisfaction with Lecomte's account of a universal morality based on evolution, for the very reason that particularity was entirely subsumed in the universality of the human species.

With this orientation Humphrey turned to Bergson. Humphrey's first encounter with Bergson was with his final book, *The Two Sources of Morality and Religion*. The following treatment of Bergson will culminate in this work. Like Humphrey, we will consult Bergson's other works as a means to deepen our understanding of what Bergson

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<sup>353</sup>Humphrey's journals record the following musing on Lecomte: "That man has a great destiny, provided he does not destroy himself, I have no doubt. I am even prepared to believe that this destiny is the purpose towards which Evolution is aiming and always has aimed. I also believe that every individual can make some contribution to the development of the race, and that he lives on as it were in that contribution. But what about the destiny of the individual, this "me?" It is little consolation for me to know (or to hope) that mankind has a great destiny, when I know that in a few years I shall have ceased to exist. As Gide says, what is interesting is man not mankind. And I am one of these men." *On the Edge of Greatness*, vol. 1, 62.

set out in *The Two Sources*.<sup>354</sup>

## 1. Henri Bergson

Henri Bergson was born in Paris on October 18, 1859, the son of an accomplished composer and music teacher.<sup>355</sup> From 1881 onward Bergson gave himself to a career in teaching, and was awarded a Chair at the Collège de France in 1900. Bergson was awarded the Nobel Prize for literature in 1927. Upon the outbreak of the Second World War, the elderly philosopher, virtually incapacitated by rheumatoid arthritis, remained in occupied France but refused to cooperate with the Vichy government. He contracted pneumonia after standing all day in a queue to be registered as a Jew and passed away on January 3, 1941. His last will states that he had desired baptism in the Roman Catholic Church but due to the growth of anti-Semitism in Europe, chose to remain among the persecuted.<sup>356</sup>

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<sup>354</sup> Bergson was seized by a single idea, and developed it throughout his career. His works are either variations on his theme or clarifications of it. However, in *The Two Sources* Bergson makes some substantial adjustments to his philosophy which in my opinion have not received sufficient attention. This may be due to the secondary status to which *The Two Sources* has been relegated in Bergson scholarship. Bergson's contemporaries focussed for the most part on *Creative Evolution*. The "new Bergsonism" which began in the early 1990's has tended to prefer Bergson's first two books, *Time and Free Will* and *Matter and Memory*. Apart from the fact that *The Two Sources* was Humphrey's guide to Bergson, I contend that it also gives us Bergson at his most mature.

<sup>355</sup> This paragraph is indebted to the introduction of Leszek Kolakowski, *Bergson* (Oxford: Oxford University Press, 1985).

<sup>356</sup> The relevant portion of his will, written on February 8, 1937, reads: "Mes réflexions m'ont amené de plus en plus près du catholicisme où je vois l'achèvement complet du judaïsme. Je me serais converti, si je n'avais vu se préparer depuis des années la formidable vague d'antisémitisme qui va déferler sur le monde. J'ai voulu rester

As a student Bergson excelled in both the sciences and the humanities: he won the Honours Prize at the *Concours Général* in both mathematics and rhetoric.<sup>357</sup> In fact, he debated whether to pursue a career in mathematics or philosophy. As one might expect with this combination, in his early academic career Bergson was strongly inclined toward the mechanistic point of view.<sup>358</sup> He was drawn to Spencer's evolutionary mechanistic explanation of the universe. However, when Bergson came to the notion of time, he was perplexed with what he perceived to be an imprecision in Spencer's philosophy. As a young philosophy professor at the Blaise Pascal Lycée (1883-8) in Clermont-Ferrand, he experienced a crisis: he could not provide an account of the experience of time.<sup>359</sup> The desire to account for time, for movement, for flux, launched

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parmi ceux qui seront demain des persécutés." Quoted in Madeleine Barthélemy-Madaule, *Bergson* (Paris: Ecrivains de Toujours, aux éditions du seuil, 1967), 19.

<sup>357</sup>The following paragraph draws from the second chapter of Jacques Chevalier, *Henri Bergson*, Lilian A. Clare transl. (New York: AMS Press, 1928). Incidentally, Humphrey read this book as well. See *On the Edge of Greatness*, vol. 2, 161.

<sup>358</sup>Chevalier recounts a story from Bergson's days in the *École Normale Supérieure* (1878-81), where he was appointed student librarian: "One day, at the *École Normale*, as Rene Doomwatch tells us, seeing some of the library books on the floor, one of his masters...turned to him indignantly, saying, 'Monsieur Bergson, you see those books sweeping up the dirt; your librarian's soul ought to be unable to endure it.' Immediately the whole class cried out, 'He has no soul!'" *Ibid.*, 48.

<sup>359</sup>Almost all of Bergson's major works refer to Zeno of Elea's arrow as the earliest apprehension of the problem that so gripped him. In brief, Zeno's paradox is this: 1. Everything is either at rest or in motion. 2. Nothing is in motion when it occupies a space equal to itself. 3. But what is in flight is always, at any given instant, occupying a space equal to itself. 4. Thus, the flying arrow is motionless. Zeno used this paradox as evidence that change was illusory and that reality was of one undivided essence. Aristotle, in *The Physics* Z 9.239b 5, contends that Zeno's argument is false because it wrongly assumes that time is composed of indivisible instants. Bergson uses the paradox in quite the opposite way than Zeno intended. For him, the paradox points to the

Bergson into an entirely new philosophical trajectory. Seeking clarity and exactness in relation to reality, Bergson felt compelled to re-assess all mechanistic theories.<sup>360</sup> He thus joined many of his contemporaries in late 19th-century France seeking to move beyond the mechanistic view of the world which they had been taught.<sup>361</sup>

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distortion which occurs when we seek to intellectually grasp time, reducing it to a series of “nows.” This is not because movement is illusory, as per Zeno, but rather because movement is not perfectly reducible to spacial terms, which is to say that movement is not perfectly reducible to the fixities of language. Interestingly, Aristotle regards Zeno as the discoverer of dialectic (*On Fallacies*, fr 65, cited in Helle Lambridis, *Empedocles* (University: University of Alabama Press, 1976), 25). Is the problem of space and time the primal of Western philosophy? For more on Zeno see H. D. P. Lee, *Zeno of Elea* (Amsterdam: Adolf M. Hakkert, Publisher, 1967), 53.

<sup>360</sup>Per Madeleine Barthélemy-Madaule: “C’est à Clermont-Ferrand, ville de Pascal et de Teilhard, que s’accomplit le tournant décisif de ses idées; c’est là que naquit la célèbre thèse. . . . Lisant depuis longtemps Spencer, il s’était enfin rendu compte que le temps n’y est pas du temps, et que l’évolution n’y évolue pas. En même temps lui apparaissant que si Zénon d’Elée s’était embarrassé, c’est pour n’avoir pas compris qu’il suffit de voler avec la flèche et de marcher avec Achille, pour faire s’évanouir les apories. Il écrivait alors le chapitre des *Données immédiates de la conscience* sur la liberté. Le bergsonisme avait surgi.” Madeleine Barthélemy-Madaule, 13.

<sup>361</sup>See Chapters 1 and 2 of Robert C. Grogin’s outstanding book, *The Bergsonian Controversy in France, 1900-1914*, (Calgary: University of Calgary Press, 1988). He gives a vivid description of the intellectual climate of Bergson’s Europe at 2: “The underlying philosophy of the Republic in 1889 was a highly optimistic and rational one. The reigning positivist orthodoxy inherited from the Second Empire declared its unbridled faith in the power of experimental science to challenge all traditions, beliefs and institutions, and to hold them up to the pure light of reason. It was optimistic because it believed that nothing lay outside the analytic purview of the scientific method—neither the psychology of human beings, nor the dynamics of society and government. Applied rigorously to any of these areas, even the most deeply hidden truths would yield their secrets. In essence positivism rejected religious teleology and idealist metaphysics and substituted a law of development based on observed phenomena. Only knowledge produced by the scientific method of analysis, the positivists maintained, was reliable. Furthermore, in a century dominated by positivism, natural science was raised to the level of a determinist metaphysics and gradually assumed the status of a new religion—scientism.” Recalling our discussion of MacIntyre, Bergson’s France was thoroughly in the camp of the Encyclopaedists.

Ironically reflecting the centrality of dynamism in Bergson's philosophy, its reception by the academic community has shown an almost violent volatility. In the heyday of Bergsonism after the publication of *Creative Evolution* in 1907, Bergson's weekly lectures at the Collège de France were standing-room only affairs, attracting not only students but a great many of Paris's social elite.<sup>362</sup> "Beyond any doubt," one admirer exclaimed in 1913, "and by common consent, Mr. Henri Bergson's work will appear to future eyes among the most characteristic, fertile and glorious of our era. It marks a never-to-be-forgotten date in history."<sup>363</sup> The power of Bergson's influence at the time can be gauged by the Holy See's prohibition of his works in 1914.<sup>364</sup> Bergson's thought was also the target of analytic philosophers such as Bertrand Russell, who saw in Bergson an attempt to replace hard-nosed reason with nebulous emotionalism.<sup>365</sup>

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<sup>362</sup>Leszek Kolakowski, 1-2.

<sup>363</sup>The starry-eyed enthusiast was Edouard Le Roy. Quoted by Edouard Morot-Sir in "What Bergson Means to us Today," in *The Bergsonian Heritage*, Thomas Hanna, ed. (New York: Columbia University Press, 1962), 35-53 at 35.

<sup>364</sup>Kolakowski tells us that "virtually all prominent Thomist philosophers in France...considered it their duty to engage in combat with the Bergsonian doctrine." *Ibid.*, 93. Foremost among his Catholic opponents was Bergson's former disciple Jacques Maritain. I will address Maritain's objections to Bergson in detail in the following chapter.

<sup>365</sup>Grogin reports that the rationalist philosopher Julien Benda allegedly said that "he would happily have killed Bergson if this was the only way to destroy his influence." Grogin continues, "What alarmed Bergson's critics were the popular aspects of the Bergsonian vogue--the mystical pilgrimages to Bergson's summer home in Switzerland, for example, where locks of his hair at the local barbers were treated as holy relics, and the fact that as late as 1913 he could turn out 2,000 students during a visiting lecture at New York's City College." Grogin, ix. Of course, Grogin later notes, there were deeper issues at stake. The crux of the rationalist critique of Bergson was that he introduced a romanticism which traded reason for a too-vague mysticism. See *ibid.*, 180-1.

But by the end of World War One, Bergson had virtually disappeared from the intellectual arena.<sup>366</sup> In 1962 Edouard Morot-Sir informed us that Bergson “is thus relegated to the past, irrevocably separated from present-day life.”<sup>367</sup> The same verdict was repeated as late as 1987, where we read Leszek Kolakowski’s judgement that “Bergson has survived only as a dead classic.”<sup>368</sup>

This verdict was premature. The interest in Bergson has grown steadily through the 1990’s. John Mullarkey writes, “The rising tide of essays, books, courses and conferences testify to the new view that there is more to this philosopher than the

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<sup>366</sup>André Gide’s *Journals* are telling in this regard. On July 28, 1908 we read the following entry: “Reading of Bergson--which I didn’t carry very far (*L’Évolution créatrice*). Capital importance of this book, through which philosophy can again escape.” But by March 1, 1924, Gide’s assessment of Bergson had changed: “What I dislike in Bergson’s doctrine is all I already thought without saying it, and everything in it that is flattering, even caressing, to the mind. Later on, his influence on our epoch will be thought to be seen everywhere, simply because he himself belongs to the epoch and constantly yields to the trend. Whence his *representative* importance.” André Gide, *Journals*, vol. 1, Justin O’Brien transl. (London: Secker and Warburg, 1947-8), 233 and vol. 2, 348.

<sup>367</sup>Morot-Sir, 36. Morot-Sir himself argues for the enduring significance of Bergson despite the widespread opinion among his contemporaries regarding his irrelevancy. It should be noted in passing that Morot-Sir was not alone in finding something yet alive in Bergson: For example, Eric Voegelin identified Bergson’s *Two Sources* as an archetypal model “for the understanding of order in times of spiritual disorder.” See Eric Voegelin, “Consciousness, Divine Presence, and the Mystic Philosopher,” in *Autobiographical Reflections*, Ellis Sandoz, ed. (Baton Rouge: Louisiana State Press, 1989), 112-4 at 114.

<sup>368</sup>Kolakowski, *ibid.*, 1-2. He continues, “...it may fairly be said that today’s philosophers, both in their research and in their teaching, are almost entirely indifferent to his legacy. Some of Bergson’s tenets and insights have survived in existential philosophy, but in a context which has utterly altered their meaning. Both the immense impact of his ideas and its subsequent disappearance are noteworthy as cultural phenomena and have to be seen as an aspect of general changes in the European mind within the last half-century” (2).

numerous myths, prejudices and misreadings that have arisen around him since the high-point of his reputation.<sup>369</sup> In part this resurgence is due to Gilles Deleuze's appropriation of some of Bergson's ideas.<sup>370</sup> But this is not a full explanation of Bergson's resurgence, for the current popularity of Bergson reveals a wide variety of interpretations of his thought.<sup>371</sup>

## 2. Bergson's philosophy

What I would like to do now is to sketch out the development of Bergson's thought through his career, culminating in *The Two Sources of Morality and Religion*, the work which most directly speaks to contemporary human rights.

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<sup>369</sup>John Mullarkey, "Introduction," in *The New Bergson*, John Mullarkey ed. (Manchester: Manchester University Press, 1999), 1-16 at 1-2.

<sup>370</sup>Deleuze saw Bergson as a way to "escape" the history of philosophy, to see things in a new way. In a letter to Michel Cressole, Deleuze wrote, "My way of getting out of it at that time, was, I really think, to conceive of the history of philosophy as a kind of buggery or, what comes to the same thing, immaculate conception. I imagined myself getting onto the back of an author, and giving him a child, which would be his and which would at the same time be a monster. It is very important that it should be his child, because the author actually had to say everything that I made him say. But it also had to be a monster because it was necessary to go through all kinds of decenterings, slips, breaks, secret emissions, which I really enjoyed. My book on Bergson seems to me a classic case of this." From the translator's introduction to Gilles Deleuze, *Bergsonism*, Hugh Tomlinson and Barbara Habberjam, transl. (New York: Zone Books, 1991), 8.

<sup>371</sup>Noteworthy examples of non-deleuzian readings of Bergson include A. R. Lacey, *Bergson* (London: Routledge, 1989) and F. C. T. Moore, *Thinking Backwards* (Cambridge: Cambridge University Press, 1996), in addition to the fine books by Kolakowski and Grogan to which I have already referred.

## 2.1. *Time and Free Will*<sup>372</sup>

Published in 1889 as *Essai sur les données immédiates de la conscience*, *Time and Free Will* was Bergson's doctoral dissertation.<sup>373</sup> He takes up the debate between determinists and Kantian idealists on the question of human freedom.<sup>374</sup> Both points of

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<sup>372</sup>Henri Bergson, *Time and Free Will: An essay on the immediate data of consciousness*, F. L. Pogson, transl. (Mineola, NY: Dover Publications, 2001). Thanks to Bergson's English-born mother, he was raised in a bilingual home. All the English translations of Bergson's major books received the benefit of his personal scrutiny in proof.

<sup>373</sup>In the French academic tradition, Bergson also wrote a secondary thesis in Latin, *Quid Aristoteles de loco senserit*, or Aristotle's Concept of Place, in which he reveals his persistent preoccupation with the tension between space and movement. The English translation can be found in *Ancients and Moderns*, Studies in Philosophy and the History of Philosophy, vol. 5, John K. Ryan, transl., ed. (Washington: The Catholic University of America Press, 1970), 13-72. In this *petite thèse* Bergson summarized and criticized Aristotle's response to the problems of space in the pre-Socratics, restricting himself for the most part to book four of *The Physics*. The core of Bergson's criticism is that Aristotle replaces space with place, and so "seemingly avoids rather than settles disputes which, in our opinion, refer above all to space" (20). For Aristotle, the universe has no empty, infinite space, for such space would be wholly inactive and thus, for Aristotle, nonexistent (because it is neither act nor potency). Accordingly, because of Aristotle's commitment to the doctrine of potency and act, he is precluded from acknowledging anything like empty and "open" space. Bergson demurs: "To us it does not appear in any way contradictory that either that empty space exists somewhere or that it is at least mentally conceivable. Since we define place and extension in such wise that the extension of a body arises from a relation of its parts and place from a relation of bodies, we call space that through which the relation is made and movement takes place, namely, the condition of extension and movement. Therefore, if we imagine two bodies so placed in the world that they are not separated by any other thing perceptible to the senses or defined by some quality, and if you cannot pass from one to the other without moving yourself—since movement consists in change of relation and what has no existence of any kind cannot be moved—we are forced to admit that relation, change of relation, and the condition for change of relation have real existence" (67).

<sup>374</sup>It is beyond the scope of this dissertation to describe in detail the account of freedom given by these two camps. In general, determinists held that all of life was reducible to mathematics, and so the world was simply a closed system of causes and effects, perfectly describable by scientific laws. The theory of evolution was touted as an

view are mistaken, Bergson contends, for both have misconstrued the problem. Freedom, for Bergson, is not a problem to solve, but rather the primary fact of human existence. Freedom is simply the unfettered expression of our inner dynamism; a human life in full possession of its existence in concrete duration. Rather, the problem is to explain how freedom came to be regarded as a problem. Bergson has an answer for this.

Bergson was a mathematician at heart. What he sought above all was precision, a correspondence between our thought and reality.<sup>375</sup> When we look into the depths of our consciousness, what, precisely, do we find? Careful attention to human perception suggests that consciousness plays out in what Bergson terms “concrete duration.” That is, consciousness occurs primarily in time, not space. It is not homogeneous time; the time measured by the ticks of a clock, which is a spacial translation of time susceptible to mathematical analysis. On the contrary, pure duration is time as it is really experienced

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example of this--the universe is a great unconscious machine which steadily operates via the survival of the fittest, without a telos. In this view, human freedom was illusory. Kant offered a different account of things. He proposed that human consciousness imposed the cognitive structure of things upon nature. There is a gap between our knowledge and the material world in itself. Thus there is genuine human freedom for Kant, but it is restricted to freedom of thought by its very definition.

<sup>375</sup>In a 1911 lecture entitled “Life and Consciousness,” in *Mind-Energy: Lectures and Essays*, H. Wildon Carr, trans. (New York: Henry Holt and Company, 1920), 3-35 at 6, Bergson articulated what he meant by precision: “...as nothing is easier than to reason geometrically with abstract ideas, [the philosopher] has no trouble in constructing an iron-bound system, which appears to be strong because it is unbending. But this apparent strength is simply due to the fact that the idea with which he works is diagrammatic and rigid and does not follow the sinuous and mobile contours of reality. How much better a more modest philosophy would be, one which would go straight to its object without worrying about the principles on which it depends! It would not aim at immediate certainty, which can only be ephemeral. It would take its time. It would be a gradual ascent to the light. Borne along in an experience growing ever wider and wider, rising to ever higher and higher probabilities, it would strive towards final certainty as to a limit.”

by human consciousness, or rather the stuff of which human consciousness is made. Pure duration is entirely qualitative, indivisible, inexpressible and resistant to quantitative measurement.

What we encounter when we delve inward is a fluid, ever-changing core to the psychic life flowing in concrete duration. However, and this is crucial for Bergson, the human intellect habitually translates time into spacial terms. The immediate experience of reality in time is overlaid with concepts derived from images of this very core solidified in space—clear, precise, impersonal and discursive. These two aspects are present in every psychic state. The former aspect partakes of time, the latter of space. What we experience in reality is an indivisible flow, but what we analyse via our intellects is a symbolic representation of this flow in spacial terms, a discrete multiplicity of fixed objects.

When we attempt to articulate our psychic states, when we speak of them, we necessarily use words. And words, for Bergson, are radically spacial. “Language,” he writes, “requires us to establish between our ideas the same sharp and precise distinctions, the same discontinuity, as between material objects.”<sup>376</sup> By separating conscious states by the operation of language, sociality is made possible and action is facilitated. However, the translation of the real—concrete duration—into the symbolic—discrete space—generates problems which are insoluble so long as we attend only to the

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<sup>376</sup>*Time and Free Will*, xix.

symbols.<sup>377</sup> “When an illegitimate translation of the unextended into the extended, of quality into quantity, has introduced contradictions into the very heart of the question, contradiction must, of course, recur in the answer.”<sup>378</sup> When we step outside our spacial transliteration and attend immediately to concrete duration, the problems appear to us as chimeral. The stepping outside of symbols, of language, of space; the attempt to grasp concrete, unmediated consciousness; this is the task of philosophy.

Both the mechanists and the idealists thus manifest a profound confusion regarding human freedom, with one group denying freedom altogether and the other group seeking to define freedom, to reduce it to spacial terms, and so effectively denying it as well. Freedom is nothing but the human manifestation of the dynamism of reality, the opposite of automatism. The free act takes place in time that is flowing. It is irreducible to space, to words. Bergson concludes that “all the difficulties of the problem [of human freedom], and the problem itself, arise from the desire to endow duration with the same attributes as extensity, to interpret a succession by a simultaneity, and to express the idea of freedom in a language into which it is obviously untranslatable.”<sup>379</sup>

This is *the* Bergsonian idea. By an act of concentration, turned inward, we perceive that reality is experienced by us as an indivisible flow, a concrete duration. But in order to act, or join with others via speech, we must transpose the experience of reality

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<sup>377</sup>To clarify: for Bergson, reality consists of two parts: space and time. It is not that Bergson denies the reality of space, but rather that he wants to resist the reduction of time into space.

<sup>378</sup>*Ibid.*, xix.

<sup>379</sup>*Ibid.*, 221.

into spacial symbols. This transposition, necessary for action and politics, generates problems when it is supposed that it is not symbolic but reality itself. Both mechanists and idealists have succumbed to this error. Bergson suggests that metaphysics can recover itself by recognizing the spacial orientation of intellect and language and by opening itself to immediate experience of reality by a supra-intellectual act of concentration, called by Bergson "intuition." In this way, freedom is re-appropriated as a fact of human existence, an existence shot through with contingency, dynamism and novelty.

## 2.2. *Matter and Memory*<sup>380</sup>

Bergson next turned his attention to the problem of the relationship between body and soul. He attempted to establish their relations by the study of human memory.<sup>381</sup>

Bergson argues that the human brain, like the nervous systems in all life forms, is oriented toward processing stimulus in order to govern possible consequent actions. The only difference in the human nervous system is that we have a wider range of indetermination and so have a richer perception than other life forms. Bergson sums this point up nicely:

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<sup>380</sup>Henri Bergson, *Matter and Memory*, Nancy Margaret Paul and W. Scott Palmer, transl. (New York: Zone Books, 1991).

<sup>381</sup>The same dialectic between philosophy and psychology which marked *Time and Free Will* is repeated here. "How could it be otherwise," Bergson remarks, "if psychology has for its object the study of the human mind working for practical utility, and if metaphysics is but this same mind striving to transcend the conditions of useful action and to come back to itself as to a pure creative energy?" *Ibid.*, 15.

We are too much inclined to regard the living body as a world within a world, the nervous system as a separate being, of which the function is, first, to elaborate perceptions, and, then, to create movements. The truth is that my nervous system, interposed between the objects which affect my body and those which I can influence, is a mere conductor, transmitting, sending back or inhibiting movement. . . . perception as a whole has its true and final explanation in the tendency of the body to movement.<sup>382</sup>

Perception, for Bergson, gives us genuine contact with the real material world, but is filtered by an interest in action.

How does memory work with perception? Memory, for Bergson, is radically distinct from and independent of perception, although they interpenetrate. Memory no longer acts. But if the body is geared toward action, and is thus the seat of perception, then this suggests that pure memory is not reducible to the physical activity of the brain.<sup>383</sup> The brain may choose the useful memory-image to illuminate the present situation with an eye to action, but it is not possible to account for memory in terms of the body. It follows that even as perception places us within matter, so memory places us within spirit. Pure memory is the faculty which attends to concrete duration.<sup>384</sup>

If perception is given to the body, and memory to spirit, then the question of the extent to which memory and perception interpenetrate is significant. Bergson suggests that consciousness regularly develops memory-images which are capable of inserting

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<sup>382</sup>*Ibid.*, 44-5.

<sup>383</sup>In a 1912 lecture entitled "The Soul and the Body," in *Mind-Energy*, 37-74 at 72, Bergson openly speculated on the immortality of the soul and the relationship between his philosophy and Christianity. Though his method precluded the consideration of special revelation, he admitted that experience suggests the probability of the survival of the soul after death.

<sup>384</sup>The correspondence with Plato's *anamnesis* is obvious.

themselves into perception. In the interplay between perception and pure memory, we see the meeting of consciousness and matter, body and soul.

Bergson draws a series of philosophical conclusion from the foregoing observations of the human mind. He begins by framing the body-spirit relationship in mildly antagonistic terms: "...the body, always turned toward action, has for its essential function to limit, with a view to action, the life of the spirit. In regard to representations it is an instrument of choice, and of choice alone. It can neither beget nor cause an intellectual state."<sup>385</sup> It is this delimitation of the real by the human mind, and the artificial reconstruction of metaphysical systems from the severed elements, that has led in the end to a critical philosophy which "holds all knowledge to be relative and the ultimate nature of things to be inaccessible to the mind."<sup>386</sup> Bergson continues:

Such is, in truth, the ordinary course of philosophic thought: we start from what we take to be experience, we attempt various possible arrangements of the fragments which apparently compose it, and when at last we feel bound to acknowledge the fragility of every edifice that we have built, we end by giving up all effort to build. But there is a last enterprise that might be undertaken. It would be to seek experience at its source, or rather above that decisive *turn* where, taking a bias in the direction of our utility, it becomes properly *human* experience. The impotence of speculative reason, as Kant has demonstrated it, is perhaps at bottom only the impotence of an intellect enslaved to certain necessities of bodily life and concerned with a matter which man has had to disorganize for the satisfaction of his wants. Our knowledge of things would thus no longer be relative to the fundamental structure of our mind, but only to its superficial and acquired habits, to the contingent form which it derives from our bodily functions and from our lower needs. The relativity of knowledge may not, then, be definitive. By unmaking that which these needs have made, we may restore to intuition its original purity and so

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<sup>385</sup>*Matter and Memory*, 179.

<sup>386</sup>*Ibid.*, 184.

recover contact with the real.<sup>387</sup>

We can do this, Bergson writes, by resisting the habit of utility and placing ourselves in pure duration. In this act, we are truly free:

The artifice of this method simply consists, in short, in distinguishing the point of view of customary or useful knowledge from that of true knowledge. The duration *wherein we see ourselves acting*, and in which it is useful that we should see ourselves, is a duration whose elements are dissociated and juxtaposed. The duration *wherein we act* is a duration wherein our states melt into each other. It is within this that we should try to replace ourselves by thought, in the exceptional and unique case when we speculate on the intimate nature of action, that is to say, when we are discussing human freedom.<sup>388</sup>

What Bergson offers us in *Matter and Memory* is, first, an empirical substantiation of the theory about time and space in human consciousness which was set forth in *Time and Free Will*. The intervention of memory-images into perception provides evidence for the human experience of concrete duration and the subsequent operation of intellect which translates the experience of the flow of time into spacial terms in preparation for action or speech.<sup>389</sup> Second, Bergson affirms the nature of reality

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<sup>387</sup>*Ibid.*, 184-5.

<sup>388</sup>*Ibid.*, 186.

<sup>389</sup>*Laughter*, a minor work by Bergson published soon after *Matter and Memory*, also attempts to find empirical grounding for his theory of the primal relationship between matter and spirit. But instead of plumbing the depths of the human *psyche*, Bergson finds his evidence in social interaction, and particularly the phenomenon of the comic. For Bergson, the comic signifies a social disciplining of rigidity or automatism, which threatens to annihilate spirit by matter. His argument is summed up in the following quotation from 78-9: "To sum up, whatever be the doctrine to which our reason assents, our imagination has a very clear-cut philosophy of its own: in every human form it sees the effort of a soul which is shaping matter, a soul which is infinitely supple and perpetually in motion, subject to no law of gravitation, for it is not the earth that attracts it. This soul imparts a portion of its winged lightness to the body it animates:

as matter and duration and clarifies the relationship between them. Third, Bergson extends his theory in a metaphysical direction. He sets forth a program for the re-apprehension of philosophy along the lines of duration. Finally, Bergson begins to speak of intuition as a kind of method to attend to duration.

### 2.3. "An Introduction to Metaphysics"<sup>390</sup>

In this short work from 1903, published again toward the end of Bergson's life in a collection entitled *The Creative Mind*, Bergson clarifies what he means by "intuition." There are two distinct ways of knowing a thing.

The first implies going all around it, the second entering into it. The first depends on the viewpoint chosen and the symbols employed, while the second is taken from no viewpoint and rests on no symbol. Of the first kind of knowledge we shall say that it stops at the *relative*; of the second that, wherever possible, it attains the *absolute*.<sup>391</sup>

Since metaphysics purports to aim at the attainment of the absolute, its business is with

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the immateriality which thus passes into matter is what is called gracefulness. Matter, however, is obstinate and resists. It draws to itself the ever-alert activity of this higher principle, would fain convert it to its own inertia and cause it to revert to mere automatism. It would fain immobilise the intelligently varied movements of the body in stupidly contracted grooves, stereotype in permanent grimaces the fleeting expressions of the face, in short imprint on the whole person such an attitude as to make it appear immersed and absorbed in the materiality of some mechanical occupation instead of ceaselessly renewing its vitality by keeping in touch with a living ideal. Where matter thus succeeds in dulling the outward life of the soul, in petrifying its movements and thwarting its gracefulness, it achieves, at the expense of a body, an effect that is comic." Henri Bergson "Laughter," in *Comedy*, Wylie Sypher, ed. (New York: Doubleday Anchor Books, 1956), 59-190.

<sup>390</sup>Henri Bergson, "An Introduction to Metaphysics," in *The Creative Mind*, Mabelle L. Andison, transl. (New York: The Philosophical Library, 1946), 187-237.

<sup>391</sup>*Ibid.*, 187.

the second manner of knowing.

However, when we ask how it is that these two types of knowledge are obtained, we discover that the absolute is given to us in an intuition, but that the relative is given to us in analysis.

We call intuition here the *sympathy* by which one is transported into the interior of an object in order to coincide with what there is unique and consequently inexpressible in it. Analysis, on the contrary, is the operation which reduces the object to elements already known, that is, common to that object and to others. Analysing then consists in expressing a thing in terms of what is not it. All analysis is thus a translation, a development into symbols, a representation taken from successive points of view from which are noted a corresponding number of contacts between the new object under consideration and others believed to be already known. In its eternally unsatisfied desire to embrace the object around which it is condemned to turn, analysis multiplies endlessly the points of view in order to complete the ever incomplete representation, varies interminably the symbols with the hope of perfecting the always imperfect translation.<sup>392</sup>

In the experience of reflection, we find within our own person flowing through time. This is grasped in its indivisible simplicity via intuition.<sup>393</sup> But humans are also equipped to work with images and concepts. A converging plurality of images can approximate the intuition of unique being in time.<sup>394</sup> Concepts, on the other hand, cannot

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<sup>392</sup>*Ibid.*, 190.

<sup>393</sup>In the 1911 lecture "Philosophical Intuition," in *The Creative Mind*, Mabelle L. Andison, transl. (New York: The Philosophical Library, 1946), 126-152 at 151 Bergson makes it clear that his intuition is not a flight out of human experience but rather a further penetration into it. He expresses this in contrast to Kant: "For, in order to reach intuition it is not necessary to transport ourselves outside the domain of the senses and of consciousness. Kant's error was to believe that it was. Kant saw that dialectics cannot give us an effective metaphysics, and that intuition was needed. But he added that we are without this intuition, and so metaphysics was impossible."

<sup>394</sup>In "Philosophical Intuition" at 129-130 Bergson describes the image as an intermediary between the concept and the intuition. The image functions much like

give anything except analysis; they can but establish relations with other things. In all the other fields which pursue knowledge, concepts are central. But in metaphysics, which by its nature seeks to go beyond the defining of boundaries, to go to the very root of a thing, concepts are more peripheral.

Indeed, Bergson regards concepts as dangerous for metaphysics. Concepts create an illusion of a faithful representation of the absolute, but necessarily generalize as they abstract. In this extension, the concept distorts the intuitive intimation of the absolute. The attempt to pursue metaphysics via the concept results in a variety of systems arising, each distinguished by the relative weight assigned to particular concepts touching on the object.

The simple concepts, therefore, not only have the disadvantage of dividing the concrete unity of the object into so many symbolical expressions; they also divide philosophy into distinct schools, each of which reserves its place, chooses its chips, and begins with the others a game that will never end. Either metaphysics is only this game of ideas, or else, if it is a serious occupation of the mind, it must transcend concepts to arrive at intuition. To be sure concepts are indispensable to it, for all the other sciences ordinarily work with concepts, and metaphysics cannot get along without the other sciences. But it is strictly itself only when it goes beyond the concept, or at least when it frees itself of the inflexible and ready-made concepts and creates others very different from those we usually handle, I mean flexible, mobile, almost fluid representations, always ready to mould themselves on the fleeting forms of intuition.<sup>395</sup>

Thus our existence, which is an existence in the indivisible flow of time, can be

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Socrates' daemon. It is experienced first as a negation, and so the philosopher's first step is a rejection of certain accepted things. The philosopher then departs from the image to make a corresponding affirmation with a concept, but then returns to the intuition via the image to correct or modify this affirmation.

<sup>395</sup>"An Introduction to Metaphysics," 197-8.

apprehended in an intuition. This intuition itself is unspeakable, but it can be suggested indirectly by a conglomerate of images. It cannot, as Bergson puts it, "be enclosed in a conceptual representation."<sup>396</sup>

This means that the conclusion of modern philosophy that all human knowledge is relative must be re-examined. These conclusions were based on the assumption that knowledge must proceed from rigid definitions to the flux which marks our existence. Bergson advances the idea that metaphysics requires a dramatic reversal of the thought processes which characterize the rest of our science. Rather, the starting-point is located in the intuition of the absolute found in the wonder of our existence in time.<sup>397</sup>

#### 2.4. *Creative Evolution*<sup>398</sup>

Bergson had already found scientific support for his philosophy in psychology and sociology. In this work he turns to biology, not only to find empirical validation for the theory but also to enrich the study of biology by the theory. The general thrust of the book is that the scientific study of the evolutionary development of life reveals not a mechanistic elimination of the unfit, but rather the creative surge of life.<sup>399</sup> However, if

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<sup>396</sup>*Ibid.*, 198.

<sup>397</sup>Bergson suggests that the modern error resulted from an ossification of Platonic thought, in which Plato's images were rendered concepts. He indicates Kant as the archetypal culprit in this regard. See *ibid.*, 233.

<sup>398</sup>Henri Bergson, *Creative Evolution*, Arthur Mitchell, transl. (New York: The Modern Library (Random House Inc.), 1944.

<sup>399</sup>"Whether we will or no, we must appeal to some inner directing principle in order to account for this convergence of effects." *Ibid.*, 85. Bergson claims that mere

evolution is not mere mechanism, neither is it a simple movement toward a *telos*. While Bergson's philosophy of life shares with finalist perspectives an affirmation of the world as a harmonious whole, this harmony is derived not from a final goal but rather from a common fundamental impetus behind all life forms. "It is due," Bergson suggests, "to an identity of impulsion and not to a common aspiration."<sup>400</sup>

Bergson begins with his fundamental idea: the experience of concrete duration which is presented to us upon inward reflection, and the subsequent distortion of reality which occurs when we artificially divide it into fixed states for the sake of analysis.<sup>401</sup>

Instead of attaching ourselves to the inner becoming of things, we place ourselves outside them in order to recompose their becoming artificially. We take snapshots, as it were, of the passing reality, and, as these are characteristic of the reality, we have only to string them on a becoming, abstract, uniform and invisible, situated at the back of the apparatus of knowledge, in order to imitate what there is that is characteristic in this becoming itself. Perception, intelligence, language so proceed in general. Whether we would think becoming, or express it, or even perceive it, we hardly do anything else than set going a kind of cinematograph inside us. We may therefore sum up what we have been saying in the conclusion that

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adaptation is not enough to explain the general direction of evolution. Adaptation to external circumstances is a necessary condition to evolution, but not a sufficient condition. Also see *ibid.*, 113f.

<sup>400</sup>*Ibid.*, 58. He elaborates on this point at 116: "Nature is more and better than a plan in course of realization. A plan is a term assigned to labor: it closes the future whose form it indicates. Before the evolution of life, on the contrary, the portals of the future remain wide open. It is a creation that goes on forever in virtue of an initial movement. This movement constitutes the unity of the organized world—a prolific unity, of an infinite richness, superior to any that the intellect could dream of, for the intellect is only one of its aspects or products."

<sup>401</sup>*Ibid.*, 7: "Duration is the continuous progress of the past which gnaws into the future and which swells as it advances."

*the mechanism of our ordinary knowledge is of a cinematographical kind.*<sup>402</sup>

In this way our ordinary intellectual knowledge conforms to action, while at the same time our action depends on this knowledge. When we try to speculate on the nature of life, however, our intelligence leads us to absurdities.<sup>403</sup>

It follows from this that the intellect cannot grasp the full meaning of human life: “In vain we force the living into this or that one of our molds. All the molds crack. They are too narrow, above all too rigid, for what we try to put into them.”<sup>404</sup> Intellect invariably gives us only a mechanistic view of life, artificial and abstract. Our present challenge, writes Bergson, is to “reverse the bent of our intellectual habits.”<sup>405</sup> We cannot get becoming from being, but we may be able to get being from becoming.

From this point, Bergson applies himself in a new direction. He identifies the experience of concrete duration with creative evolution. In an attempt to get around the limitations of intellect for metaphysical thought, Bergson suggests that we look at other

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<sup>402</sup>*Ibid.*, 331-2.

<sup>403</sup>Bergson identifies Zeno of Elea’s problem of the arrow as an early realization of the limitation of intelligence to grasp the real. Zena’s paradox, according to Bergson, reveals in plainest terms the distortion that results when we confuse the reality of motion with the abstract symbol of reality in spacial terms. The movement of the arrow is real, but its trajectory of points on a curve is an abstraction. The moment we divide the flight of the arrow into points, we reduce an act in progress to a thing, a movement to a line, and so distort it. When we take the state as the basic element of reality, absurdities cannot be avoided. But Bergson claims that all is made clear when we attend not to states, which are but “possible stops” or “mere views of the mind,” but rather to becoming. See *Ibid.*, 336-341.

<sup>404</sup>*Ibid.*, xx.

<sup>405</sup>*Ibid.*, 341.

evolutionary lines which reveal alternate forms of consciousness, for all life forms share in an original impetus of life, which is for Bergson the best explanation of life.<sup>406</sup> Life is like a single ballistic shell, which at a point in its trajectory bursts into fragments, and the fragments eventually burst into more fragments, and so on.<sup>407</sup> The wide diversity of life is generated by the interplay between the original impetus, which contains within it unstable tendencies, and the resistance offered to this impetus by inert matter. Consequently, we see divergent evolutionary paths.<sup>408</sup>

Only one of these evolutionary paths, the one leading to humanity, “has been wide enough to allow free passage to the full breadth of life.”<sup>409</sup> The other evolutionary line which Bergson selects as a foil, and which has also shown dramatic success, is the line leading to the social insects. The contrast is illuminating: while the bees are ordered but stereotyped, humans are “open to every sort of progress, but divided, and incessantly at

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<sup>406</sup>Bergson finds evidence for this original impetus in the observations that diverse species evolve identically. See *Ibid.*, 98f.

<sup>407</sup>*Ibid.*, 109.

<sup>408</sup>*Ibid.*, 140-1: “From the bottom to the top of the organized world we do indeed find one great effort; but most often this effort turns short, sometimes paralysed by contrary forces, sometimes diverted from what it should do by what it does, absorbed by the form it is engaged in taking, hypnotized by it as by a mirror. Even in its most perfect works, though it seems to have triumphed over external resistances and also over its own, it is at the mercy of the materiality which it has had to assume. It is what each of us may experience in himself. Our freedom, in the very movements by which it is affirmed, creates the growing habits that will stifle it if it fails to renew itself by a constant effort: it is dogged by automatism. The most living thought becomes frigid in the formula that expresses it. The word turns against the idea.”

<sup>409</sup>*Ibid.*, 111. Bergson claims that evolution has not been merely a forward movement, but is marked also by dead-ends and even retrogressions. See also *ibid.*, 115f.

strife with themselves.”<sup>410</sup> Insects have instinct, whereas humans have intelligence.<sup>411</sup>

Both instinct and intelligence are expressions of the same vital impetus. Instinct is sympathy, turned toward life, even as intelligence is turned toward material. Bergson suggests that we have a residue of instinct within us, and that this faculty of sympathy with an object can give us intimations of life. He calls this faculty, informed by the indeterminateness of intelligence, intuition.<sup>412</sup>

Bergson thus calls for a renewed theoretical and scientific endeavour to develop a philosophy of life. Rather than being constrained by the limits of intellect alone, which results in a wild swing between a metaphysical dogmatism which affirms only what modern science provides and metaphysical skepticism which regards reality as unknowable, he proposes that we transcend pure intelligence. “In the absolute,” he writes, “we live and move and have our being. The knowledge we possess of it is incomplete, no doubt, but not external or relative. It is reality itself, in the profoundest meaning of the word, that we reach by the combined and progressive development of science and of philosophy.”<sup>413</sup>

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<sup>410</sup>*Ibid.*, 112.

<sup>411</sup>See *ibid.*, 148f. Bergson regards these two as tendencies, or directions, and so incapable of tight definition. But he does offer the following: “Instinct perfected is a faculty of using and even of constructing organized instruments; intelligence perfected is the faculty of making and using unorganized instruments” (155). Put simply, intelligence concerns itself with making tools, whereas with instinct the tool forms part of the body and instinct knows how to use it.

<sup>412</sup>*Ibid.*, 194f.

<sup>413</sup>*Ibid.*, 218. Also see 372-3: “The first kind of knowledge has the advantage of enabling us to foresee the future and of making us in some measure masters of events; in

## 2.5. *The Creative Mind*, “Introduction, I and II”<sup>414</sup>

In 1934 Bergson published a collection of essays ranging from 1903-1923, treating of his method.<sup>415</sup> He wrote an introduction to this collection in two parts, in the attempt to set forth his philosophy and to defend it against the criticisms it had received throughout his career. The first part of the introduction bears the title, “Retrograde Movements of the True; Growth of Truth.” After going over the basic lines of his philosophy, he defends himself against the charge of anti-rationalism. Bergson does not intend the fresh apprehension of duration to replace traditional logic. “Rather,” he writes, “we must extend it, make it more supple, adapt it to a duration in which novelty is constantly springing forth and evolution is creative.”<sup>416</sup> Spatial thinking has great social utility which Bergson is fain to retain. But we must attempt to get behind it to apprehend

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return, it retains of the moving reality only eventual immobilities, that is to say, views taken of it by our mind. It symbolizes the real and transposes it into the human rather than expresses it. The other knowledge, if it were possible, is practically useless, it will not extend our empire over nature, it will even go against certain natural aspirations of the intellect; but, if it succeeds, it is reality itself that it will hold in a firm and final embrace. Not only may we thus complete the intellect and its knowledge of matter by accustoming it to install itself within the moving, but by developing also another faculty, complementary to the intellect, we may open a perspective on the other half of the real.”

<sup>414</sup>Henri Bergson, “Introduction I” and “Introduction II,” in *The Creative Mind*, 9-106.

<sup>415</sup>The collection was entitled *La Pensée et le mouvement* (Paris: F. Alcan, 1934).

<sup>416</sup>*Ibid.*, 27. Given that language is rooted in spatiality, a “revolution” against traditional logic is simply ridiculous. Presumably Bergson states this so plainly here to resist some of the more-simplistic critiques of his philosophy.

the immediate and the absolute.<sup>417</sup> If all there is to consciousness is intellect, then the immediate and absolute is unattainable and Kant was correct in everything. But Bergson's claim is that Kant erred, that intellect is the product of the demands of everyday living, which is to say that intellect is in the service of action, and that we can indeed by an act of concentration resist these habits of thought and enter into direct contact with reality.

The second part of the "Introduction" is entitled "The Stating of Problems." His conclusions regarding duration, Bergson recalls, led him to "raise intuition to the level of a philosophical method."<sup>418</sup> He hastens to add that he conceives of intuition *not* in opposition to intelligence, as was the case with Schelling and Schopenhauer.<sup>419</sup> Bergson's intuition is not "an immediate search for the eternal," or an attempt to transcend time, but rather a method of attending to concrete duration.<sup>420</sup> "[T]o pass from intellection to vision, from the relative to the absolute, is not a question of getting outside

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<sup>417</sup>It is highly significant that Bergson identifies the immediate, particular experiences of our existence with the universal absolute. That is, he claims that what is most intensely personal is most universal. We will revisit this in detail later in the chapter.

<sup>418</sup>*Ibid.*, 33.

<sup>419</sup>*Ibid.* Recall Bergson's desire for precision which lurks behind the affirmation of intuition.

<sup>420</sup>*Ibid.*, 34. Indeed, Bergson asserts that most of the appeals to intuition which transcend time are in fact limited to the intellectual, which itself avoids concrete duration. They result in conclusions which are vague, hypothetical and artificial. In this sense, Plotinus' ascent toward the One is quite the opposite of Bergson's intuition. While both affirm an immediate encounter with the Absolute, Bergson regards this encounter as something which necessarily occurs within time.

of time (we are already there); on the contrary, one must get back into duration and recapture reality in the very mobility which is its essence.”<sup>421</sup>

Bergson suggests that because there is sympathy not only with consciousness but with life, there seems to be an intuition of the vital. By this he means the underlying cause of organized matter, which does not come from the realm of pure mechanism nor pure finality, and is neither pure unity nor distinct multiplicity, and which our understanding “will characterize by simple negations.”<sup>422</sup> “[P]ure change, real duration, is a thing spiritual or impregnated with spirituality. Intuition is what attains the spirit, duration, pure change. Its real domain being the spirit, it would seek to grasp in things, even material things, their participation in spirituality.”<sup>423</sup>

The metaphysics which arises from such a method would look like this:

It would not begin by defining or describing the systematic unity of the world: who knows if the world is actually one? Experience alone can say, and unity, if it exists, will appear at the end of the search as a result; it is impossible to posit it at the start as a principle. Furthermore, it will be a rich, full unity, the unity of a continuity, the unity of our reality, and not that abstract and empty unity, which has come from one supreme generalization, and which could just as well be that of any possible world whatsoever. It is true that philosophy then will demand a new effort for each new problem. No solution will be geometrically deduced from another. No important truth will be achieved by the prolongation of an already acquired truth. We shall have to give up crowding universal science potentially into one principle.<sup>424</sup>

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<sup>421</sup> *Ibid.*

<sup>422</sup> *Ibid.*, 36-7.

<sup>423</sup> *Ibid.*, 37.

<sup>424</sup> *Ibid.*, 35.

Bergson continues: "Let us have done with great systems embracing all the possible, and sometimes even the impossible! Let us be content with the real, mind and matter. But let us demand of our theory that it embrace the real so closely that between the two no other interpretation can find room."<sup>425</sup>

His conclusion?

In understanding metaphysics in this way, in assigning to intuition the knowledge of the mind, we withdraw nothing from the intellect, for we claim that the metaphysics which was the product of pure intelligence eliminated time, that hence it repudiated the mind or defined it by negations: this purely negative knowledge of the mind we shall be glad to leave to the intelligence, if the intelligence insists upon keeping it; we claim simply that there is another. On no point whatever, then, do we diminish the intelligence; we do not drive it away from any of the territory it has occupied up to the present; and, where it is completely at home, we attribute to it a power which modern philosophy has generally contested. Only, beside it, we note the existence of another faculty capable of another kind of knowledge. Thus we have on the one hand science and mechanical art, which have to do with pure intellect; on the other hand, metaphysics, which calls upon intuition. Between these two extremities, then, will be placed the sciences of moral life, social life and even organic life—the former more intuitive, the latter more intellectual. But, intuitive or intellectual, knowledge will be stamped with the seal of precision.<sup>426</sup>

We have reviewed all of Bergson's major works up to his final book, *The Two Sources*. The essential points of Bergson's thought are that 1. reality consists of two parts; matter and spirit, a claim which finds abundant empirical support in psychology, sociology and biology; 2. the spiritual side of reality is experienced by humans as a flow in time; 3. intuition is the method by which the flow of reality in time can be perceived immediately but not perfectly in the depth of human consciousness; intuition is thus not

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<sup>425</sup>*Ibid.*, 77.

<sup>426</sup>*Ibid.*, 93.

an escape from time but rather a way to attend to time; 4. intellect apprehends the material aspect of reality; 5. when we seek to attend to the spiritual side of reality via our intellect alone, we spacialize time and so get a distorted vision of the whole of reality; 6. metaphysics, which seeks to apprehend the whole, must become more precise by resisting the collapse of time into space; or put positively, by attending to the flow of reality via intuition.

Before turning to Bergson's final work, it would be helpful to revisit a lecture that Bergson delivered in 1911 entitled "Life and Consciousness."<sup>427</sup> He identified the central political problem as the tension between particularity and universality.

Human societies, alone, have kept full in view both the ends to be attained. Struggling among themselves and at war with one another, they are seeking clearly, by friction and shock, to round off the angles, to wear out antagonisms, to eliminate contradictions, to bring about that individual wills should insert themselves in the social will without losing their individual form, and that different and diverse societies should enter in their turn into a wider and more inclusive society and yet not lose their originality or their independence.<sup>428</sup>

The primary way the reconciliation of matter and spirit is pursued, Bergson suggested, is via moral leaders:

...the man whose action, itself intense, is also capable of intensifying the action of other men, and, itself generous, can kindle fires on the hearths of generosity. The men of moral grandeur, particularly those whose invective and simple heroism has opened new paths to virtue, are revealers of metaphysical truth. Although they are the culminating point of evolution, yet they are nearest the source and they enable us to perceive the impulsion which comes from the deep. It is in studying these great lives, in striving

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<sup>427</sup>Henri Bergson, "Life and Consciousness." This lecture was referenced above in terms of Bergson's explanation of intuition.

<sup>428</sup>*Ibid.*, 33-4.

to experience sympathetically what they experience, that we may penetrate by an act of intuition to the life principle itself.<sup>429</sup>

It seems to me that *The Two Sources* was an elaboration on this lecture.

### 3. *The Two Sources of Morality and Religion*<sup>430</sup>

“The remembrance of forbidden fruit is the earliest thing in the memory of each of us, as it is in that of mankind.” So Bergson begins *The Two Sources of Morality and Religion*. What is the source of this strange prohibitory power which society has over us, and within us? Bergson observes that society appears to be organized in exactly the same way as an organism.<sup>431</sup> Society is a system of deeply rooted habits, and this system of habits plays the same role in society that necessity does in nature; a kind of “impersonal imperative.”<sup>432</sup> Despite the fact of our freedom, we make laws to order society which resemble the laws of nature.<sup>433</sup>

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<sup>429</sup>*Ibid.*, 32.

<sup>430</sup>Henri Bergson, *The Two Sources of Morality and Religion*, R. Ashley Audra and Cloudesley Brereton, transl. (Notre Dame: University of Notre Dame Press, 1977).

<sup>431</sup>Bergson writes that the obligations which society asserts and which enable it to subsist “introduce into it a regularity which has merely some analogy to the inflexible order of the phenomena of life. And yet everything conspires to make us believe that this regularity is comparable to that of nature.” *Ibid.*, 11.

<sup>432</sup>*Ibid.*, 10. Much of the force of society comes from the fact that the habits exist in a system, and as such each habit brings to bear on us the full weight of the entire system.

<sup>433</sup>“Thus a breach of the social order assumes an anti-natural character; even when frequently repeated, it strikes us as an exception, being to society what a freak creation is to nature.” *Ibid.*, 13.

Bergson accounts for society's character by an appeal to evolutionary theory.

Both intelligence and instinct lead to "diversely qualified workers who mutually supplement one another."<sup>434</sup> The human society which corresponds to the society of bees Bergson calls a "closed society," the essential character of which is "to include at any moment a certain number of individuals, and exclude others."<sup>435</sup> This he contrasts to the open society which represents all humanity. The two kinds of societies are different not merely in degree but in kind. He writes,

Our social duties aim at social cohesion; whether we will or not they compose for us an attitude which is that of discipline in the face of the enemy. This means that, however much society may endow man, whom it has trained to discipline, with all it has acquired during centuries of civilization, society still has need of that primitive instinct which it coats with so thick a varnish. In a word, the social instinct which we have detected at the basis of social obligation always has in view--instinct being relatively unchangeable--a closed society, however large. . . . it is not itself concerned with humanity.<sup>436</sup>

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<sup>434</sup>*Ibid.*, 27. As we have already seen, Bergson claims that instinct and intellect spring from the same primal, and that each has been respectively developed in the evolutionary lines leading to social insects and humans.

<sup>435</sup>*Ibid.*, 30.

<sup>436</sup>*Ibid.*, 31-2. In a similar vein Bergson continues: "Who can help seeing that social cohesion is largely due to the necessity for a community to protect itself against others, and that it is primarily as against all other men that we love the men with whom we live? Such is the primitive instinct. It is still there, though fortunately hidden under the accretions of civilization; but even today we still love naturally and directly our parents and our fellow-countrymen, whereas love of mankind is indirect and acquired. We go straight to the former, to the latter we come only by roundabout ways; for it is only through God, in God, that religion bids man love mankind; and likewise it is through reason alone, that Reason in whose communion we are all partakers, that philosophers make us look at humanity in order to show us the pre-eminent dignity of the human being, the right of all to command respect. Neither in the one case nor the other do we come to humanity by degrees, through the stages of the family and the nation. We must, in a single bound, be carried far beyond it, and, without having made it our goal, reach it

This account of morality, however, is incomplete. History reveals exceptional people who have incarnated an absolute morality: the sages of ancient Greece, the prophets of Israel, the arahants of Buddhism, and the saints of Christianity. This morality is different in kind from social obligation; social obligation finds its perfection in impersonal formulae, but absolute morality is perfected in an incarnation in a privileged person who becomes an example.<sup>437</sup> While social obligation is rooted in nature, absolute morality draws its power from “feeling.”<sup>438</sup> The morality of society is an obligation, a pressure; the morality of the saints is an attraction, an aspiration.<sup>439</sup>

Absolute morality is thus, in a sense, a break with nature. However, it emanates from an emotion “akin to the creative act;” it is an expression of “the generative principle

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by outstripping it. Besides, whether we speak the language of religion or the language of philosophy, whether it be a question of love or respect, a different morality, another kind of obligation supervenes, above and beyond the social pressure”(32-3).

<sup>437</sup>“The generality of the one consists in the universal acceptance of a law, that of the other in a common imitation of a model.” *Ibid.*, 34.

<sup>438</sup>“Feeling” is the English translation of the French “*sentiment*.” Bergson uses this term in a quite specific way. He expressly states that the emotion he has in mind is *not* the reaction of our sensory faculties to an intellectual representation, nor does it hinge on a particular object. In other words, while he invokes “*sentiment*” Bergson spurns sentimentalism. Rather, Bergson has in mind the emotion which proceeds the representation and which is its cause. It is as if life itself is music, and in attending to this symphony we become aware of tones of feeling within it, and in hearing these tones of feeling we necessarily become what it expresses. The “feeling” we encounter is experienced as a demand for action, for creation. “As passers-by are forced into a street dance,” so we are moved when we come into contact with saints who hear “unsuspected tones of feeling like those of some new symphony, and they draw us after them into this music that we may express it in actions” (40). Bergson cites Christian charity as such an emotion which gave birth to a new morality and a new metaphysics. This is a substantial restatement of his earlier account of intuition. See *ibid.*, 39-49.

<sup>439</sup>The two moralities co-penetrate in practice, Bergson admits. See *ibid.*, 50-1.

of the human species.<sup>440</sup> Bergson finds an example of absolute morality in the Christian Gospels. The moral injunctions, paradoxical themselves, are intended to create a certain disposition of the soul. The injunction itself is “a snapshot view of movement.”<sup>441</sup> There is no other way to express the dynamic than in static terms. The result is a set of formulae bordering on paradox.<sup>442</sup>

Where does intellect fit with these two forms of morality? Bergson regards a purely static morality as infra-intellectual and a purely dynamic morality as supra-intellectual. The first is from nature, the second is from the genius of humanity. Between the two is intellect; a zone laying between repetition and creation.<sup>443</sup> However, the forces

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<sup>440</sup>*Ibid.*, 53-4.

<sup>441</sup>*Ibid.*, 59. Thus we see in the Sermon on the Mount a series of antitheses, following the formula, “You have heard it said...I say unto you” which reveals a shift from closed to open moralities. The closed morality is not abolished but “appears as a virtual stop in the course of actual progression.” That is, the dynamic absorbs the static, which becomes an example of the former.

<sup>442</sup>According to Bergson, Socrates likewise offers an open morality; his teaching, which exalts the life of reason, ultimately hinges on something which transcends “pure reason.” Bergson finds in the myths of the Platonic dialogues images pointing to a creative emotion. “We have made the distinction between the closed and the open: would anyone place Socrates among the closed souls? There was irony running through Socratic teaching, and outbursts of lyricism were probably rare; but in the measure in which these outbursts cleared the road for a new spirit, they have been decisive for the future of humanity” (63). This represents a substantial re-assessment of Ancient philosophy for Bergson, and breaks quite sharply from his previous attitude toward Plato. See *ibid.*, 61-3.

<sup>443</sup>*Ibid.*, 64. This seems to me to be a re-appraisal of intellect on Bergson’s part. Recall that Bergson identified intellect with action geared toward survival, particularly in *Matter and Memory*. To be consistent with this, one would expect Bergson to identify intellect with the closed society. Bergson’s description of intellect as a neutral tool at the service of either static or dynamic forces, caught between survival and the Absolute, concerned with maintaining consistency, is in my view a more moderate--and modest--

acting on us--obligation and aspiration--are not found in the intellect.

We see the interplay between the two sources of morality in the development of the idea of justice. From the end of social obligation, justice is all about making rules for the equal valuation of objects. This justice is entirely arithmetical in its orientation. Even when extended to persons, this justice retains its arithmetic quality. It is linked inseparably to order. But at a point in human development, justice began to be viewed in a way that affirmed “the incommensurability of the person with any values whatever” and the “inviolability of right.”<sup>444</sup> This is nothing less than the in-breaking of an entirely new morality, an open morality, and represents a genuine creation. But the language used to express this new justice remains the same, effecting a kind of retroactive change in the concept, such that we do not clearly see the novelty of the creation of absolute justice and the absorption of relative justice into it.<sup>445</sup>

Universal human rights are Bergson’s primary example of this. They represent a leap from relative, closed justice to absolute, open justice. But the language of the old justice is retained.<sup>446</sup> Bergson argues that this new justice “proceeds by successive creations, each of them being a fuller realization than the last of personality and consequently of humanity. Such realization is possible only through the medium of laws;

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approach to the life of reason and philosophy in general.

<sup>444</sup>*Ibid.*, 71.

<sup>445</sup>This provides Bergson with grounds for a vigorous critique of Hegel’s philosophy of history. *Ibid.*, 72-3.

<sup>446</sup>“Right” carries the connotation of “straight.” *Ibid.*, 69.

it implies the assent of a society.”<sup>447</sup> He identifies two earlier advances: the prophets of Israel and the advent of Christianity.<sup>448</sup> Each advance began with a “feeling” which then called forth new legislation which consolidated it.<sup>449</sup> This feeling always begins with a privileged individual:

Moral creators who see in their mind’s eye a new social atmosphere, an environment in which life would be more worth living, I mean a society such that, if men once tried it, they would refuse to go back to the old state of things. Thus only is moral progress to be defined; but it is only in retrospect that it can be defined; when some exceptional moral nature has created a new feeling, like a new kind of music, and passed it onto mankind, stamping it with his own vitality.<sup>450</sup>

This is the heart of Bergson’s argument. What follows is an analysis of religion, looking at it as an expression of both sources. While static religion serves to “ward off the dangers to which intelligence might expose man” and was infra-intellectual and “natural,” dynamic religion represents an expression of human freedom and an evolutionary leap forward.<sup>451</sup> This second dynamic expression of religion is associated with mystics, intuitive geniuses who represent the passage which the creative impulse desired to attain but could not in the species.<sup>452</sup>

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<sup>447</sup>*Ibid.*, 74.

<sup>448</sup>*Ibid.*, 75-8.

<sup>449</sup>*Ibid.*, 78.

<sup>450</sup>*Ibid.*, 80.

<sup>451</sup>*Ibid.*, 186.

<sup>452</sup>“In our eyes, the ultimate end of mysticism is the establishment of a contact, consequently of a partial coincidence, with the creative effort which life itself manifests. This effort is of God, if it is not God himself. The great mystic is to be conceived as an

This is not, then, that fraternity which started as an idea, whence an ideal has been erected. Neither is it the intensification of an innate sympathy of man for man. . . . The mystic love of humanity is a very different thing. It is not the extension of an instinct, it does not originate in an idea. It is neither of the senses nor of the mind. It is of both, implicitly, and is effectively much more. For such a love lies at the very root of feeling and reason, as of all other things. Coinciding with God's love for His handiwork, a love which has been the source of everything, it would yield up, to anyone who knew how to question it, the secret of creation. It is still more metaphysical than moral in its essence. What it wants to do, with God's help, is to complete the creation of the human species and make of humanity what it would have straightaway become, had it been able to assume its final shape without the assistance of man himself.<sup>453</sup>

For Bergson, Christ is the archetypal mystic.<sup>454</sup> Dynamic religion does not invalidate static religion, but changes it: we become aware that its formulations and expressions are limited, provisional and ultimately inadequate.<sup>455</sup> It follows that humankind is only partially itself. The movement toward actualizing humanity occurs via individual effort, breaking through materiality: "...in a word, getting back to God."<sup>456</sup>

In sum, Bergson describes closed and open societies.

The closed society is that whose members hold together, caring nothing for the rest of humanity, on the alert for attack or defence, bound, in fact, to a perpetual readiness for battle. Such is human society fresh from the hands of nature. Man was made for this society, as the ant was made for

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individual being, capable of transcending the limitations imposed on the species by its material nature, thus continuing and extending the divine action." *Ibid.*, 220-1.

<sup>453</sup>*Ibid.*, 234-5.

<sup>454</sup>*Ibid.*, 239-40.

<sup>455</sup>*Ibid.*, 213-4. "We represent religion, then, as the crystallization brought about by a scientific process of cooling, of what mysticism had poured, while hot, into the soul of man" (238).

<sup>456</sup>*Ibid.*, 258.

the ant-heap.<sup>457</sup>

This closed society needs static religion to resist the dissolving capacity of intellect. But open society is different in kind. “The open society is the society which is deemed in principle to embrace all humanity.”<sup>458</sup> We see in history the progressive realization of this society, which occurs as privileged individuals carry forward the simple impetus. The open society is accompanied by dynamic religion.

Democracy Bergson calls “a mighty effort in a direction contrary to that of nature.”<sup>459</sup> It is the first regime in history to transcend, at least in intention, the closed society, which is necessarily animated by the “war-spirit.”<sup>460</sup> He concludes with a hope that the excessive mechanization of modern society will eventually provoke a thirst for renewed moral energy, and via dynamic religion attain to a universal open society.

Mankind lies groaning, half crushed beneath the weight of its own progress. Men do not sufficiently realize that their future is in their own hands. Theirs is the task of determining first of all whether they want to

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<sup>457</sup>*Ibid.*, 266. Bergson’s description of the closed society so closely accords with Carl Schmitt’s account of politics that *The Two Sources* can be profitably read as a response to Schmitt’s book, *The Concept of the Political*, George Schwab, transl. (Chicago: University of Chicago Press, 1996). Both books were first published in 1932. Readers interested in this line of thought can also consult Bergson’s critique of Bismark’s Germany in *The Meaning of the War: Life and Matter in Conflict* (London: T. Fisher Unwin Ltd., 1915), in which he asks at 36: “What would happen, in short, if the moral effort of humanity should turn in its tracks at the moment of attaining its goal, and if some diabolical contrivance should cause it to produce the mechanization of spirit instead of the spiritualization of matter? There was a people destined to try the experiment....”

<sup>458</sup>*Ibid.*, 267.

<sup>459</sup>*Ibid.*, 283.

<sup>460</sup>*Ibid.* That is, every stranger is a “virtual enemy” in the closed society. See *ibid.*, 286-91.

go on living or not. Theirs the responsibility, then, for deciding if they want merely to live, or intend to make just the extra effort required for fulfilling, even on their refractory planet, the essential function of the universe, which is a machine for the making of gods.<sup>461</sup>

In conclusion, what can we say of human rights from a Bergsonian perspective?

Recall Bergson's central idea: we exist in time and space, but habitually submit time to space in order to facilitate analysis, which serves action and the speech-acts which promote material subsistence. However, careful attention to the details of our existence strongly suggests that life is not reducible to matter, to space. Psychology, sociology, biology and religion all point to the active power of spirit which is opposed to matter on the surface but ultimately infuses matter. Applied to the question of justice, Bergson finds two forms of justice, different in kind but sharing a common lexicon. The first form of justice corresponds to matter, to nature, to survival. It is the justice of the closed society, the society which seeks to maintain itself against its enemies. The second form of justice corresponds to spirit. Not concerned with survival and breaking with nature in this regard, it is oriented toward the Absolute, or rather is an incarnation of the Absolute. It is only operative through the example of great men and women who embody it.

Human rights, in Bergson's view, are of the latter kind of morality. They represent a dramatic leap in the evolution of humanity.<sup>462</sup> However, the necessity of

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<sup>461</sup>*Ibid.*, 317. Given Bergson's radical rejection of mechanism at the beginning of his career, the fact that he concludes his final book by calling the cosmos "a machine for the making of gods" is ironic, a kind of inside joke for the initiated. Beyond this, it also suggests Bergson's final integration of matter and spirit.

<sup>462</sup>It must be remembered that for Bergson this does not mean a move toward a *telos* but rather a more forceful and clear incarnation of the spirit which is the ultimate ground of life itself. Bergson's use of "progress" should be understood in this light.

writing things down in legal texts requires a kind of translation into the first kind of justice. This results in paradoxes, parallel to what we read in the Sermon on the Mount. There is a gap between the text and the reality to which the text points; or in other words, the text obscures even as it reveals. The primary function of these texts is to transform citizens, to orient them away from “resistance to the enemy” and toward an openness to the other. While the texts are embraced, they are frankly regarded as limited, provisional and ultimately unsatisfactory. This function can be best apprehended in relation to the dynamic religion which Bergson tells us must accompany dynamic morality; it is the religion which seeks above all to divinise humanity.

One of the distinctions of open morality is its dynamism. Because it is anchored in the examples of moral leaders, it always appears to us in a particularity which resists abstraction. But this particularity has universal appeal, due to the universal ground of vital impetus which the leader manifests. The consequence is that this form of morality spawns a tremendous variety of imitations, each of which strives to give expression to that which was universally attractive in the moral virtuoso. The unity between these variations is not in their subscription to a formal principle but rather in their participation in the Absolute to which the moral virtuoso points.

However, Bergson reminds us that closed and open forms of justice never occur in pure form. Bergson regards reality as made up of matter and spirit, and to the extent that we are material the necessity of subsisting is forced upon us. The result is that on the one hand the Universal Declaration of Human rights is a text derived from great moral leaders, in all likelihood the many moral heroes which the Second World War revealed,

or perhaps even derived from the example of Jesus Christ, and as such represent a call to imitate these great souls. But on the other hand the Declaration partakes of closed justice, and concerns itself with the practical terms of survival of each nation which is signatory to it.<sup>463</sup>

#### 4. Bergson and the Greek Patristic Tradition

It is now time to place Bergson in the broader context of Western thought. In the second chapter I concluded with what I took to be the three most important distinctions between Greek and Latin theology. I suggested then that the key issues between the Greek and Latin churches did not go away with Modernity, but rather re-appeared in different clothes. I would now like to set forth the un-Latin character of Bergson's thought.<sup>464</sup>

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<sup>463</sup>I will explore the ramifications of this view of rights, particularly in terms of the universality-particularity debate, in my concluding chapter.

<sup>464</sup>I am not alone in seeing an affinity between Bergson and the Greek tradition. See, for example, Nicolas Berdyaev, *Solitude and Society*, George Reavey, transl. (London: Geoffrey Bles, 1938) at 166, where he finds a correspondence between Bergson's anthropology and Orthodoxy in the phrase "the victory of the spirit over the resistance of matter," and between Bergson's analysis of religion as open and closed, which is analogous to the idea underlying his *The Destiny of Man*. Also see Paul Evdokimov, "God's Absurd Love and the Mystery of His Silence," in *A Paul Evdokimov Reader*, ed. and transl. Michael Plekon and Alexis Vinogradov (Crestwood, NY: St. Vladimir's Seminary Press, 2001), 175-194 at 181-3, where he likewise adopts Bergson's open-closed dichotomy. Finally, I refer the reader to Sergei Bulgakov, *Philosophy of Economy: The World as Household*, Catherine Evtuhov, ed., transl. (New Haven: Yale University Press, 2000) at 113 note 9, in which he acknowledges the proximity between his approach to philosophy as a dynamic interplay between the I and the object and Bergson's philosophy.

The first fundamental difference between the Greek and Latin viewpoints is found in the status of matter. Both distinguish spirit from matter, rank spirit above matter, and see an antagonism between spirit and matter. However, the Latins typically assert a greater distance between the two than the Greeks. While the Latins emphasize the separation between spirit and matter, the Greeks tend to regard matter more positively, seeing a participation of matter in spirit which qualifies the antagonism and which even reveals matter as profoundly complicit in the life of the spirit.

It should be abundantly clear to the reader that Bergson's account of the spirit-matter relationship is rather more Greek than Latin. While he continually asserts the resistance of matter to spirit, he ultimately regards matter as the arena in which spirit is being revealed. As such, matter is necessary for the life of the spirit. *Creative Evolution* is essentially his attempt to account for the spirit-matter nexus. The Greek quality of his thought is particularly clear in his emphasis on the incarnation in *The Two Sources*.

The second difference is found in the expectations regarding knowledge. While both, following the Greek philosophical heritage, strongly affirm rationality, the Greeks ultimately submit this rationality to an immediate and noetic knowledge of the transcendent. Latin thought has typically disparaged such claims to noetic knowledge. Shunting such claims to the category of "mysticism," Latin knowledge is purely rational knowledge which can only know the transcendent by analogy or as a hypothetical.

Bergson's intuition, and his insistence that this is not an escape from consciousness but rather a penetration of consciousness, that it does not disqualify intellect but rather works with and above intellect, is Greek *par excellence*. There is even

a markedly Palamite apophatic quality to Bergson's understanding of human knowledge-- what is seen in concrete duration via intuition is necessarily unspeakable, for speech always involves the spacialization of experience.

The third basic difference between the Greeks and Latins is in the status of human nature. Based on the difference between God's essence and energies which was drawn to apprehend the incarnation, the East regards human nature as profoundly dynamic. The West, with its emphasis on God's essence, risks regarding human nature as static.

Again, it is obvious that Bergson favours the Greeks on this question. Reality for Bergson consists of both dynamic and static elements, but humans, for Bergson, are ultimately dynamic beings. The difference between Bergson's dynamism and the potentiality-actuality dynamism of neo-Thomism is wonderfully summed up in Bergson's appeal "to an identity of impulsion and not to a common aspiration."<sup>465</sup> This dynamism is developed in *The Two Sources* in terms that are very close to the classic Greek theme of theosis. Bergson tells us there that human completion requires "getting back to God" and that the universe is "a machine for the making of gods." He even points to Jesus as the chief example of human perfection.

In sum, the correspondence between Bergson and Greek theology, particularly on the points where Greek and Latin perspectives divide, is striking. This is not to say that Bergson should be regarded as an Orthodox theologian; there is no evidence that he is working from an overtly Greek theological framework. But what I do want to affirm is that Bergson represents a contrapuntal strain within the history of Western philosophy

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<sup>465</sup> *Creative Evolution*, 58.

which finds its most differentiated explication in the tensions between Greek and Latin theology, and that this contrapuntal strain, via John Humphrey, has entered the contemporary milieu via the Universal Declaration of Human Rights.

### **5. Conclusion: MacIntyre revisited**

The reader will recall the discussion of MacIntyre with which we began this dissertation. He astutely set forth three versions of rational enquiry present in contemporary moral philosophy, arrayed under the rubrics of the Encyclopaedists, the Genealogists and Craft-Tradition rationality which he identified with Aquinas. Given these three options, where would Bergson fit? While he has much in common with the Genealogists, his ultimate affirmation of the potentials of humanity and of politics would seem to remove him from their company. He is certainly not in the company of the Encyclopaedists, with its emphasis on the limitations of rationality. But neither does he fit easily with the Craft-tradition rationality associated with Aquinas, again despite some obvious affinities. Bergson would then appear to represent a fourth option which MacIntyre neglected; a version of craft-tradition corresponding not to Aquinas, but to the Greek fathers. This suggests that within the Craft-tradition category there is a further debate, a debate between Thomism and the Greek fathers.

It therefore comes as no surprise that Bergson provoked such strenuous objections from his Thomist contemporaries. One of the leading Thomist opponents of Bergson was Jacques Maritain. Not only did Maritain critique Bergson from a Thomist perspective; he also set forth a Thomist account of contemporary human rights. This account found a

champion at the U.N. in Charles Malik, and during the drafting of the Declaration Malik consistently pushed for a Thomist conceptualization of human rights, almost always to Humphrey's private dismay. In the debate between Bergson and Maritain, we have both a precursor to the tension between Humphrey and Malik, and a sequel to the larger debate between the Greek and Latin churches. Furthermore, in the Bergson-Maritain debate we find a lucid description of two ways of interpreting human rights and two ways of approaching the universality-particularity debate within human rights. To this debate I would now like to turn.

## Chapter 5

### Jacques Maritain and the Neo-Thomist Critique of Bergson

“It was then that God’s pity caused us to find Henri Bergson.”<sup>466</sup> So wrote Raïsa Maritain, recalling the time when she and her young husband Jacques began attending Bergson’s lectures at the Collège de France. Jacques and Raïsa had met while students at the Sorbonne. Jacques, not unlike Bergson, was a brilliant student in both science and philosophy. While excelling under the tutelage of Durkheim and Lévy-Bruhl, he was dissatisfied by the relativity and scepticism which pervaded the university.<sup>467</sup> He yearned for Truth, and upon meeting a young woman named Raïsa Oumansoff with an identical yearning, promptly fell in love and married her.<sup>468</sup>

In the period immediately prior to encountering Bergson, the sense of philosophic lostness in the two young scholars reached an apogee. They initiated a plan to end their own lives, regarding this as the only rational response to the existence which Modern philosophy described. Raïsa remembers:

Already I had come to believe myself an atheist; I no longer put up any

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<sup>466</sup>Raïsa Maritain, *We Have Been Friends Together*, Julie Kernan, transl. (New York: Longmans, Green and Co., 1942), 76.

<sup>467</sup>See Norah Willis Michener, *Maritain on the Nature of Man in a Christian Democracy* (Hull, PQ: Éditions “L’Éclair,” 1955), ch. 1. Maritain received a PhD in biology from the Sorbonne.

<sup>468</sup>See Jacques Maritain, “Confessions de foi,” in *Oeuvres (1912-1939)*, Henry Bars, ed. (Paris: Desclée de Brouwer, 1975), 1261-76 at 1261, in which Maritain quips that the best part of his studies at the Sorbonne was meeting his future wife. They were married on November 26, 1904.

defence against atheism, in the end persuaded, or rather devastated, as I was by so many arguments given out as “scientific.” And the absence of God unpeopled the universe. If we must also give up the hope of finding any meaning whatever for the word truth, for the distinction of good from evil, of just from unjust, it is no longer possible to live humanly. I wanted no part in such a comedy. I would have accepted a sad life, but not one that was absurd. Jacques had for a long time thought that it was still worthwhile to fight for the poor, against the slavery of the “proletariat.” And his own natural generosity had given him strength. But now his despair was as great as my own.<sup>469</sup>

In their extremity, a friend and fellow intellectual named Charles Péguy invited Jacques and Raïsa to one of Bergson’s lectures at the Collège de France.<sup>470</sup> Raïsa recalls the event:

...there was always present within us this invincible idea of truth, this door ajar on the road of life; but until the unforgettable day when we heard Bergson, this idea of truth, this hope of unsuspected discoveries had been implicitly and explicitly frustrated by all those from whom we hoped to gain some light.<sup>471</sup>

Jacques Maritain regarded Bergson as the one who restored metaphysics to him.

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<sup>469</sup>Raïsa Maritain, *Friends*, 75-6. Both Jacques and Raïsa had religious backgrounds: liberal Protestantism for Jacques, Judaism for Raïsa. On Jacques’ religious upbringing see Jacques Maritain, “Confessions de foi,” 1261.

<sup>470</sup>Charles Péguy was a brilliant and volatile poet and intellectual. He was a faithful disciple of Bergson and largely due to Bergson’s influence converted from atheistic socialism to Christianity, although he regarded Bergson’s *Creative Evolution* with dismay. His most famous work was *The Mystery of the Charity of Joan of Arc*, Julian Green, transl. (London: Hollis and Carter, 1950), a poetic work which effectively synthesizes Christianity and Bergsonism. Péguy fell in battle early in the First World War at the Marne. See also Charles Péguy, *God Speaks: Religious Poetry*, Julian Green, transl. (New York: Pantheon, 1945); and Charles Péguy, *Temporal and Eternal*, Alexander Dru, transl. (London: The Harvill Press, 1958). On Péguy’s relationship with Bergson see the excellent treatment in chapter 2 of A. E. Pilkington, *Bergson and his Influence* (Cambridge: Cambridge University Press, 1976).

<sup>471</sup>Raïsa Maritain, *Friends*, 82.

Someone I know well wrote much later that “man is an animal who feeds upon transcendentals.” In different terms Bergson assured us that such food was within our reach, that we are capable of truly knowing reality, that through intuition we may attain to the absolute; and we interpreted this as saying that we could truly, absolutely, *know what is*. It mattered little to us whether this might come through intuition which transcends concepts or through intelligence which forms them; the important, the essential thing was the possible result: to attain the absolute. By means of a wonderfully penetrating critique Bergson dispelled the anti-metaphysical prejudices of pseudo-scientific positivism and recalled to the spirit its real functions and essential liberty.<sup>472</sup>

Thus Bergson liberated Maritain from positivism and simultaneously opened up the possibility of metaphysics, of knowledge of the absolute.<sup>473</sup> Young Maritain immediately became a disciple of Bergson, greatly vexing his Sorbonne professors. According to Raïsa, Bergson himself regarded Maritain as “the one among his students who best understood and interpreted his thought.”<sup>474</sup>

However, by 1913 Maritain was speaking of Bergson in a different tone altogether. “In destroying Intelligence and Reason and natural Truth,” Maritain thundered against the movement he called Bergsonism, “one destroys the foundations of Faith. That is why a philosophy which blasphemes the intellect will never be Catholic.”<sup>475</sup> Bergson, the beacon of light which had restored the absolute to Maritain,

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<sup>472</sup>*Ibid.*, 83-4.

<sup>473</sup>Maritain wrote in “Confessions de foi” at 1261: “Bergson fut le premier qui répondit à notre désir profond de vérité métaphysique; il libéra en nous le sens de l’absolu.” My translation: “Bergson was the first to answer to our deep desire for metaphysical truth; he freed in us the sense of the absolute.”

<sup>474</sup>Raïsa Maritain, *Friends*, 95.

<sup>475</sup>Raïsa Maritain, *Adventures in Grace*, 202.

became for him Bergson the blasphemer of Reason. Early in 1914 the Vatican began to consider putting Bergson's works on the Index of censored books, and Maritain was active in promoting this cause.<sup>476</sup> Maritain's dramatic rejection of Bergson and the reasons for it are the subject of this chapter.

I have previously described the violent reaction Bergson provoked in his contemporaries. This chapter will present the critique of Bergson which issued forth from one of the foremost of his adversaries, Jacques Maritain. I have selected Maritain for two reasons. First, as we shall see, Maritain critiques Bergson from the perspective of Thomism, and so ties in with MacIntyre's argument with which we started. In fact, Maritain's first salvos against Bergson were among the earliest mainstream manifestation of neo-Thomism.<sup>477</sup> Second, Maritain himself was actively involved in promoting human rights in the early years of the Declaration, and from his pen issued a neo-Thomist account of the post-war human rights project. I will address Maritain's views on rights in the subsequent chapter. Both Maritain's critique of Bergson and his understanding of rights are helpful in identifying what is at stake in Humphrey's Bergsonian view of rights,

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<sup>476</sup>Marjorie Villiers, *Charles Péguy: A study in integrity* (London: Collins, 1965), 349.

<sup>477</sup>Maritain describes the first edition of *La Philosophie Bergsonienne* as "one of the first manifestations, along lines of lay thinking, of that rebirth of Thomism toward which, in the sacred order, eminent thinkers had been working since the time of Leo XIII and the encyclical *Aeterni Patris*." Jacques Maritain, *Bergsonian Philosophy and Thomism*, Mabelle L. Andison and J. Gordon Andison, transl. (New York: Philosophical Library, 1955), 11. Maritain is widely regarded as "the best known and most influential of the systematic Neo-Thomists." See Gerald A. McCool, SJ, "Thomism(1), modern," in *The Oxford Companion to Christian Thought*, Adrian Hastings, Alistair Mason Hugh Pyper, Ingrid Lawrie and Cecily Bennett, eds. (Oxford: Oxford University Press, 2000), 703-5 at 704.

and also helps anchor the discussion in the great tension between the Latins and the Greeks.

I will proceed by first describing Maritain's personal rejection of Bergsonism and conversion to Thomism, and then treating in detail Maritain's publications regarding Bergson, toward the end of establishing the central differences between Bergson and neo-Thomism. The tremendous amount of material which Maritain published in his lifetime, and the overwhelming number of comments and interpretations which have poured forth in response to this material, make a comprehensive treatment of Maritain's philosophy in a single chapter quite impossible. I will restrict my discussion to that which touches directly on the issues at hand.

### 1. Maritain's Acceptance of Neo-Thomism

How did Maritain move from Bergson to Catholicism? The first step toward the Church was his friendship with Léon Bloy, the Roman Catholic novelist.<sup>478</sup> He

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<sup>478</sup>See Michener, 10f. Interestingly, Bloy's approach to Christianity was dramatically different than the Thomism Maritain ultimately adopted, having more resonance with the Eastern fathers and Bergson. Maritain considered him a mystic. Maritain himself wrote the following passage as part of an introduction to Bloy's thought: "I understand only what I guess," Bloy would often say. Having no taste for the rational *discursus* or the demonstrative virtues of the intellect, backing with the three theological virtues and the mere organism of the infused gifts the most powerful gifts of intuition, his natural habitat was *dissatisfaction*, in the intellectual order as in all the others. Disconsolate at not possessing now on this earth the vision of the divine glory, he did not use human language, as do metaphysicians and theologians in their formulas, to try to express, according to the imperfect mode of our concepts, whatever we are able to know of transcendent reality, but on the contrary he used it to try to evoke that which in this reality goes beyond the mode of our concepts, and remains unknown to us. In other words, he made use of the signs of language and reason only to make up for being deprived here below of the beatific vision—which precisely no-sign will ever be able to

remembers first meeting Bloy:

Léon Bloy seemed almost timid, he spoke but very little and very low, trying to say something important to his young callers which would not disappoint them. What he uncovered for them cannot be told; the tenderness of Christian brotherhood, that trembling both of mercy and of fear with which a soul marked with the love of God is seized when it faces another soul. Bloy appeared to us as the contrary of other men, who hide grave failings in the things of the spirit and so many invisible crimes under a carefully maintained whitewash of the virtues of sociability. Instead of being a whited sepulchre, like the Pharisees of every time, he was a fire-stained and blackened cathedral. The whiteness was within, in the depth of the tabernacle. Once the threshold of this house was crossed all values were dislocated, as though by an invisible switch. One knew, or one guessed, that only one sorrow existed here—not to be of the saints. And all

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express—and his words tended less to state truths directly than to procure, as he used to say, the *feeling of mystery* and of its actual presence.” From the introduction to Léon Bloy, *Pilgrim of the Absolute*, Raïsa Maritain, ed., John Coleman and Harry Lorin Binsse, transl. (New York: Stratford Press, Inc., 1947), 18-9. For more on Bloy and his relationship to the Maritains, see Erasmo Leiva-Merikakis, “Léon Bloy and Jacques Maritain: *Fratres in Eremo*,” in *Understanding Maritain: Philosopher and Friend*, Deal W. Hudson and Matthew J. Mancini, eds. (Macon, GA: Mercer University Press, 1987), 71-90. Leiva-Merikakis quotes a passage at 77 which, he writes, “distills for us the essence of Léon Bloy.” Per Bloy: “At bottom, what should you do to avoid being an idiot or a swine? Merely this: you should do something great, you should lay aside all the foolishness of a more or less long existence, you should become resigned to the fact that you will seem ridiculous to a race of janitors and bureaucrats if you are to enter the service of Splendor. Then you will know what it means to be the friend of God. *The Friend of God!* I am on the verge of tears when I think of it. No longer do you know on what block to lay your head, no longer do you know where you are, where you should go. You would like to tear out your heart, so hotly does it burn, and you cannot look upon a creature without trembling with love. You would like to drag yourself on your knees from church to church, with rotten fish strung from your neck, as said the sublime Angela of Filigno. And when you leave these churches after speaking to God as a lover speaks to his beloved, you appear like those poorly designed and poorly painted figures on the Way of the Cross, who walk and gesticulate full of pity, against a background of gold. All the thoughts that had been pent up unknown within you, in the caverns of your heart, run out in tumult suddenly like virgins who are mutilated, blind, starving, nude and sobbing. Ah! Surely at such moments the most horrendous of all martyrdoms would be embraced, and with what rapture.”

the rest receded into the twilight.<sup>479</sup>

Raïsa compared Bergson's and Bloy's respective influences on them with these words:

At a moment when everything filled us with despair we had placed our confidence in the unknown (which we did not think of in capital letters). We had decided to extend existence credit, in the hope that it would reveal new values to us, values which could give a meaning to life—and here is what life brought us! First Bergson, and then Léon Bloy. Bergson who travelled uncertainly toward a goal still far off, but the light of which had already reached both him and us, and without our knowing it, like the rays of a star across a desert of unimaginable skies; Léon Bloy who for many years had lived united to his God by an indestructible love which he knew to be eternal in its essence.<sup>480</sup>

In fine, Bergson was exemplary to the Maritains as a spiritual pilgrim. Bloy was exemplary as one who had arrived at his home in the Christian church. Through his influence, the Maritains converted to Christianity and were baptized into the Roman Catholic Church on June 11, 1906.<sup>481</sup>

The critical step to Thomism was facilitated by the Maritain's spiritual director, Father Clérissac, himself a staunch Thomist.<sup>482</sup> It was he who advised them to read the

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<sup>479</sup>From Jacques Maritain, "Preface," *Letters of Léon Bloy to his Godchildren*, quoted in Raïsa Maritain, *Friends*, 119. As for Bloy's first impressions of the Maritains, Leiva-Merikakis quotes these lines from Bloy's journal: "The young man is one of these idealists who do not know God but who let themselves be dragged by the hair or by the feet up the staircase leading to the Light. . . . The young woman is a very charming and frail being in which there dwells a soul capable of making the oak trees kneel." In Leiva-Merikakis, "Léon Bloy and Jacques Maritain," 81.

<sup>480</sup>Raïsa Maritain, *Friends*, 119-20. Also see Maritain's comments on these two men at 207.

<sup>481</sup>Raïsa Maritain, *Raïsa's Journal*, Jacques Maritain, ed. (Albany, NY: Magi Books, 1974), 22.

<sup>482</sup>On Clérissac see Michener, 14-5.

*Summa Theologica*. Raïsa explains:

...through the idealistic denial of the ontological ties between intelligence and being and existence, philosophy extolled to the skies a human knowledge the nature of validity of which had in reality been ruined. Bergson provided a partial remedy to the situation by assigning to intuition the prerogatives which had been torn from intelligence. Thus, provisionally, he had helped us, but with the advent of faith in our souls, and of those certainties peculiar to it, we found ourselves faced with a new problem: that of the certainties which reason can itself attain. Our frame of mind remained therefore philosophical and not theological; we were not seeking, then—we were too ignorant for that—to fathom rationally the mysteries of faith, nor to deduce, starting from revealed truths, other, congruous and less universal truths, yet we felt an urgent desire to seek out what truths of a philosophical and universal order were implied in the tranquil assurance of the propositions of faith. And it is these philosophical truths which first in the *Summa Theologica* shone forth to us.<sup>483</sup>

Jacques himself describes his move from Bergson to Aquinas in these words: “After my ‘passionate pilgrimage’ among all the doctrines of modern philosophers, in whom I had discovered nothing but disenchantment and splendid uncertainties, I felt, as it were, an illumination of my reason.”<sup>484</sup>

Maritain’s pilgrimage to Thomism suggests four steps, which we have associated with four friends: Péguy, Bergson, Bloy, and then a dramatic leap via Clérissac to Aquinas. There is something mysterious about this last leap, for the former three influences are decidedly un-Thomistic in their outlook. Clearly, judging from the Maritain’s own words, Thomism’s account of reason, and the certainty which could be

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<sup>483</sup>Raïsa Maritain, *Adventures in Grace*, Julie Kernan, transl. (New York: Longmans, Green and Co., 1945), 15-6.

<sup>484</sup>Jacques Maritain, “I believe,” Fenton Moran, transl., in *I believe*, Clifton Fadiman, ed. (New York: Simon and Schuster, 1939), 197-210 at 197.

attained thereby, was particularly attractive. I want to turn to Maritain's writings against Bergson in order to unlock this mystery.

Most of Maritain's important writings on Bergson have been collected in a single edition, entitled *Bergsonian Philosophy and Thomism*.<sup>485</sup> The book contains three distinct sets of texts. The first set is a collection of Maritain's early works on Bergson, consisting of three essays. These essays were published together in French under the title, *La Philosophie Bergsonienne*. The second set is Maritain's preface to the second edition of *La Philosophie Bergsonienne*, in which he attempts to both defend his earlier publications and moderate their violent tone. The final set of texts is made up of two essays, first published in English in a collection called *Ransoming the Time*. These essays represent Maritain's reappraisal of Bergson in light of Bergson's *Two Sources of Morality and Religion*. I will treat each set in turn, beginning with *La Philosophie Bergsonienne*. Since Maritain is a very consistent thinker, many of his central ideas were repeated and refined through the course of his career. To review the entire arguments each time they are presented would be redundant. Instead, I will attend to what is new each time in Maritain's response to Bergson.

## 2. Maritain's Early Criticisms of Bergson

The first part of *La Philosophie Bergsonienne*, being chapters one through five in

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<sup>485</sup>Jacques Maritain, *Bergsonian Philosophy and Thomism*, Mabelle L. Andison and J. Gordon Andison, transl. (New York: Philosophical Library, 1955).

*Bergsonian Philosophy and Thomism*, was originally published as “L’Evolutionnisme bergsonien” in *La Revue de Philosophie* in 1911. It begins with a general review of Bergson’s philosophy. Maritain commences the article by sympathetically positioning Bergson between the two options which modern science offers: radical mechanism or radical scepticism. He attempts to capture Bergson’s starting-point when he writes,

If it were possible to demonstrate that alongside our ordinary knowledge, above intelligence, there exists another mode of knowledge, a faculty more intuitive and closer to the absolute—if it were possible to lay hands on that faculty and force it to reveal the secret of reality, could one not then break out of the absurd circle indicated above and the dilemma just mentioned; either by determining, thanks to that superior knowledge, the true relation of subject and object, and so passing sentence on intellect and certitude; or by agreeing that intelligence leads inevitably to mechanism, but maintaining that a higher faculty makes us “transcend” mechanism and introduces us into the absolute? At the same time philosophy could take pride in remaining truly modern, since it would have found a *new basis* for human thought—an indispensable minimum for any self-respecting doctrine.<sup>486</sup>

Maritain proceeds to review the main elements of Bergsonism, and then offers a critical assessment. Bergson’s *Creative Evolution* is his primary target, although he is not ignorant of Bergson’s earlier works. He makes three criticisms: 1. Bergson fails to distinguish between God and the universe; 2. Bergson confuses formal and final cause; and 3. Bergson’s view of intellect is distorted in the same measure as his positivist opponents. In short, Bergsonism is reductionist: it reduces God to creation, *telos* to blueprint, intellect to geometry.

Maritain’s argument regarding the distinction between God and the universe

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<sup>486</sup>*Ibid.*, 66.

begins with a criticism of Bergson's critique of the idea of nothingness.<sup>487</sup> If one should ask Bergson about the cause of the creative impulse, Bergson would respond that the question itself is based on an illusion. It assumes a primeval nothingness which forms the background for existence, such that we are astonished that there is anything at all. As we have seen, Bergson attempts to show that this idea of a primeval nothingness is quite absurd, and so the "problem" of existence is absurd as well. Rather, existence presents us with the starting-point for philosophic reflection, not a philosophic problem. But this implies, Maritain claims, that the Creator and the created share an identity. For if there is a Creator who is distinct from creation, then it makes sense to inquire after the cause of the universe, not because a primeval nothing is a thing in itself, but because a Creator as first cause makes possible a distinction between potentiality and act. Bergson's refusal to entertain questions of first cause results in a philosophy of pantheism, if not atheism. Theology is restricted to phenomenology, with the consequence that Bergsonism will not permit the asking of properly theological questions.

Connected to this is Maritain's argument that Bergson confuses formal and final cause.<sup>488</sup> Maritain rejects Bergson's argument against teleology, namely that positing a *telos* is a capitulation to mechanism and the consequent loss of freedom. Maritain suggests that Bergson did not adequately conceive of finality, but rather collapsed final into formal cause. Put simply, Bergson confused the end with the blueprint, positing the blueprint as the end, and so envisioned a mechanistically oriented teleology. Bergson has

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<sup>487</sup>The argument is set forth in *ibid.*, 87f.

<sup>488</sup>See *ibid.*, chapter 4.

set aside teleology too easily in *Creative Evolution*. The proper separation of the two causes effectively resists Bergson's critique of finalism.

Maritain's third and, in my opinion, best-developed criticism is that Bergson misconstrues intellect, reducing it to mere mathematics.<sup>489</sup> Bergson correctly saw that modern philosophy perverted intellect in the sense that it separated it from its principles and reduced it to a barren logic. But instead of seeking to recover a robust use of intellect, Bergson entirely capitulated to his adversaries on this point, agreeing with them in their assessment of intellect and appealing to an extra-intellectual faculty to recover full communion with reality. This, for Maritain, is Bergson's gravest error, his philosophical Pandora's Box. All the mischief Bergsonism sets loose can be traced back to this source. When he should have restricted his critique to "mechanically discursive reasoning," Bergson applied it to the whole of reasoning.<sup>490</sup> Bergson is then forced to oppose intuition to intellect, assigning to each a portion of reality. Against this, Maritain places the Thomist notion of intuition, which is part of intellect and in "natural contiguity" with reasoning.<sup>491</sup>

These are Maritain's initial criticisms of Bergson. They will be developed in detail in the following part of *La Philosophie Bergsonienne*. But as an initial assessment of Maritain's critique, I would like to draw attention to the way in which Maritain

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<sup>489</sup>See *ibid.*, chapter 5.

<sup>490</sup>*Ibid.*, 103.

<sup>491</sup>*Ibid.*, 112. The Thomist account of intuition and its relationship to intellect will be discussed in greater detail below.

describes Bergson's starting-point. Maritain regards Bergson's starting-point as the positing of extra-intellectual intuition which would overcome the epistemological problems of Modernity and attain certain metaphysical knowledge. This is a subtle distortion of Bergson's project. Bergson began with the problem of time. Beginning with space as the primary stuff of reality, one cannot, in Modern philosophy, account for time, except in the distorted manner of mathematical time. Without time, there is no free human action. His answer to this was to posit concrete duration, which was the claim that our psychic experience revealed reality as a flow; or in other words, we primarily experience the world not as space but as time. But if we begin with time, can we account for space? Bergson solved this problem by appealing to the spacializing operation of the intellect. But if intellect is given over to space, what is the faculty by which we experience concrete duration? Bergson's answer was intuition. Intuition is both a human faculty and a method implied by the experience of concrete duration. Bergson gave himself over to pursuing the implications of these ideas, and one of the implications was that the absolute appeared as a reality capable of being experienced by humans.

But Maritain presents Bergson as *beginning* with intuition in an attempt to attain certain knowledge. What Maritain gives us here is not so much a description of Bergson's project as it is a description of young Maritain's own project when he was a disciple of Bergson. Maritain admitted this to himself in 1954 when he wrote in his notebooks the following note beside a 1906 essay of his entitled "Preliminary Discourse on Intelligence and on Order:" "...under the mask of Bergsonian duration it was indeed the intuition of being which preoccupied me from that moment. (And I already related it

to the *intelligence*.)”<sup>492</sup>

This project is certainly very interesting and worthwhile, but it is different than Bergson’s own project. Bergson was certainly not ignorant of these concerns, and in the course of his reflections offers ample material which addresses them. Indeed, we have seen that Humphrey found in Bergson a way to affirm human dignity in Modern terms. Yet it must be acknowledged that Bergson was not attempting to restore the comprehensive wisdom of antiquity to its rightful place.<sup>493</sup> Rather, Bergson was attempting to develop a more precise Modernity, a way of thought which would follow the contours of reality more exactly, particularly in its treatment of time. The attempt to develop a more consistent and precise science entailed a delving into the psychic depths, and this in turn entailed a turn to metaphysics, to spirit, a reorientation in the direction of the Ancients which issued out of the very Modernity which rejected the Ancients. But for Bergson, this entailed gaining a critical distance from systems of thought, which were by nature delimited by the intellect which produced them. Rather, metaphysics means the recovery of astonishment at reality, the quest for the truth which is ever elusive, ever mysterious. Philosophy, quite the opposite of a system, is rather a quest, the conclusion of which is unforeseen. Indeed, Maritain left the fold of Bergsonism precisely because Bergson failed to provide the certainty which Maritain sought and which he ultimately

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<sup>492</sup>From Jacques Maritain, *Notebooks*, Joseph W. Evans, transl. (Albany: Magi Books, Inc., 1984), 28.

<sup>493</sup>Further, one may question whether Thomism is the sum and pinnacle of the wisdom of the Ancients.

found in Thomism.<sup>494</sup>

This explains in large part a problem which confronts the reader of Maritain's early critiques of Bergson. Maritain does not seem to adequately appreciate Bergson's attempt at phenomenology. Bergson nowhere claims to be a theologian. While this does not insulate him from theological criticism, one would expect a more conciliatory approach from a theologically-rooted critique. Maritain's early criticisms of Bergson sometimes appear to be scarcely more than the earnest cry, "But its not Thomist! Its not Catholic!" Fair enough, for part of Maritain's concern with Bergson is the influence he exerted on the Catholicism of their day. But Maritain himself obviously wants to make the case that Thomism is better than Bergsonism. This he fails to do. It is only if one assumes that Bergson was pursuing Maritain's program—to establish a certain metaphysics which vouchsafes meaning—that Thomism is shown to be better than Bergsonism.<sup>495</sup>

However, Maritain has made a persuasive case for two less lofty claims. He has shown that Bergsonism and Thomism are profoundly different, and he has shown that Thomism is a living option which addresses Bergson's concerns with Modern science.

The second part of *La Philosophie Bergsonienne* is entitled "A critical examination of the philosophy of Bergson." It is a reworking of a series of lectures Maritain delivered at the Catholic Institute in Paris under the title *La Philosophie de M.*

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<sup>494</sup>See Michener, 22.

<sup>495</sup>The same problem haunted MacIntyre's attempt to prefer Thomist rationality over its two competitors in *Three Rival Versions of Moral Enquiry*. See chapter 1, *infra*.

*Bergson et la philosophie chrétienne* in April and May, 1913. In *Bergsonian Philosophy and Thomism* it encompasses chapters six through twelve.

Again, Maritain begins by reviewing the basic elements of Bergsonism. And again he offers a Maritainian version of Bergson's starting-point: Can one be Modern and yet retain "the great spiritualist theses?"<sup>496</sup> The critique of Bergson's account of intellect forms the heart of the essay.

Maritain begins his assault on Bergson's account of intellect by constructing a "experimental refutation" of it.<sup>497</sup> He attempts to show that the exercise of reason does *not* always end in mechanism and materialism. Put positively, Maritain tries to establish via analysis a robust account of movement, liberty, and personality; in short, solve all of Bergson's problems with Modernity, without recourse to Bergson's intuition. This is accomplished by reference to an alternate mode of rationality, namely Thomism. He contends that Bergson has confused "an accidentally mutilated and blinded intellect with the beautiful and precious intelligence that God gave man in order to make him in His image; he has confused a *wrong use* of analysis...with the essence of analysis, with the

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<sup>496</sup>*Ibid.*, 121. As I set out earlier, while Bergson certainly produced material which spoke directly to this important and even noble question, it does not represent the "initial impetus" of his thought. He did not initially have his eyes fixed on "the great spiritualist theses." Rather, he saw in modern science an incapacity to make sense of the experience of time, an incapacity which produced a great many "pseudo-problems" which hindered both philosophy and human flourishing. Maritain makes Bergson sound as if he was trying from the start to continue in the "craft-tradition rationality" of Thomism, but doing it rather badly. If this was the case, it would certainly justify Maritain's correction of Bergson via the doctrines of Aquinas. And while this is *not* an accurate description of Bergson, it most certainly is an accurate description of Maritain when he was a devotee of Bergson.

<sup>497</sup>*Ibid.*, 136.

natural exercise of reason."<sup>498</sup>

Furthermore, Maritain argues that the positing of an intuition distinct from intellect leads to serious philosophical problems, such as the reduction of human freedom to mere spontaneity. But Maritain must then provide an alternate account of intuition, one which harmonizes with his high view of intellect. This he furnishes in fine Thomistic style.

Maritain's alternate rationality begins with an affirmation: there is being, and it is intelligible. Intelligibility entails that there are concepts which correspond to distinct existing things. The concepts, being immaterial, do not correspond materially to the objects, and so there is no great vice in concepts breaking up objects, or distinguishing from accidental features and essential features. Bergson has simply not considered this account of reason. Maritain writes:

Bergsonism in the last analysis confuses thought with the material expression of thought, with language; and language itself, the word, which is what is most noble among material things, since it is matter putting on the immaterial and becoming one with it; this living word it confuses with the letter congealed in its materiality, or rather with I know not what automatic and passive repetition of practical signals and commonplaces: so that the intellect and logic are nothing more than a sort of blind mechanism. . . . As for us, we know that intelligence is what, as they say, makes our specific difference, what makes us *men*; and that it is by the intellect that we possess our good, the *truth*. In it therefore we defend both our very nature, our humanity, and our beatitude, the joy of the truth.<sup>499</sup>

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<sup>498</sup>*Ibid.*, 136-7.

<sup>499</sup>*Ibid.*, 145. Indeed, Bergson too regards humans as rational animals, but regards rationality as a problem to solve. Our animality--our participation in life itself--is overwhelmed by our rationality. To be fair to Maritain, Bergson's account of reason and its relationship to intuition became progressively clearer over time, and in *Creative Evolution*, which formed the main target for Maritain in this period, it was not entirely

Maritain appreciates Bergson's affirmation of the possibility of human knowledge of truth, of the absolute. However, he contends that Bergson mistakes both the knowable character of this Truth and the means by which we may know it.<sup>500</sup>

What of intuition? For Bergson, the absolute is experienced as dynamic and can be attended to by an act of intuition which penetrates into one's psychic depths, particularly into the operation of memory. Maritain, too, acknowledges the crucial role intuition plays in human knowing, but takes issue with Bergson for opposing intuition to intellect. Maritain claims that the intellect itself is "an *intuitive* faculty."<sup>501</sup> It directly perceives, without intermediary, intelligible objects. A "psychic likeness" of the object is impressed upon the subject's mind. But this likeness is not yet knowledge, but rather the means to the knowledge of reality. In Maritain's words:

But this psychic likeness or similitude, this living reflection of the thing known is not the object in which the act of knowledge terminates: that is the essential point which we can never sufficiently stress! This likeness is *that through which* (or *in which*) knowledge takes place, it is not that which is known. It is not the living reflection within us that we see, it is the thing itself reflected which we see in this reflection. And so the idea is

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transparent where Bergson was taking us in his critique of reason. Further in Maritain's favour, a great many people in his day were mis-using Bergson's philosophy as a justification for grotesque versions of irrationality, and Maritain obviously had these mis-uses of Bergson in mind, particularly those which were influencing Catholicism.

<sup>500</sup>*Ibid.*, 147: "There we have a philosophy which commits us--and that is its honour--to the conquest of truth, of the absolute. But it immediately side-tracks us--and that is its sin--into anti-intellectualism, it turns us aside from the intellect, from our proper means of attaining the truth and the absolute. And thus, because it is strictly impossible to escape the principles one has first adopted, it leads us astray among phantoms--far from what we love--and in the very name of what we love."

<sup>501</sup>*Ibid.*, 150.

not *that which* the intellect knows (the idea itself is known only by reflection), it is only *that by which* the intellect knows, that by which the intellect communicates with reality, that by which it grasps “intuitively,” immediately, natures, objects of thought which are in things and which it brings forth from things by abstraction.<sup>502</sup>

Knowledge is thus distinct from intellectual perception, or intuition; it requires analysis.

Maritain clarifies this by contrasting human and angelic knowledge. Angels intuitively grasp the whole of the reality possessed by the object: “...such a mode of knowledge excludes abstraction, the construction of propositions and reasoning, and constitutes a direct perception *entirely realized and all at once*.”<sup>503</sup> But human knowledge deals with natures according to the way their operations or properties reveal them: “...it is incapable of grasping at one fell swoop all the predicates which can be attributed to an essence....”<sup>504</sup> This mode of knowledge must necessarily proceed by conceptual reasoning. From the Thomistic point of view, Bergson claims angelic knowledge. Such knowledge is simply not available to humans. By our nature, we must know by reason.<sup>505</sup>

There is yet another meaning to intuition, which Maritain feels is closest to Bergson’s intuition, but shows most clearly the difference between Bergson and

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<sup>502</sup>*Ibid.*, 151.

<sup>503</sup>*Ibid.*, 152.

<sup>504</sup>*Ibid.*

<sup>505</sup>Per Maritain: “On the contrary, Bergsonian intuition wants to take possession of the real in its entirety, by a sudden and fleeting impulse; it wants to experience the absolute. It demurs at the kind of sacrifice that the intact and supreme immateriality of intellectual knowledge demands of our sensibility even as it sets us free.” *Ibid.*, 162.

Thomism.

[T]here can be no discourse, no demonstration, without the existence, to serve as starting point for the discursive movement, of some truth evident in itself and therefore undemonstrable, the immediate perception of which we have right at once. This evident and undemonstrable truth is the principle of identity or non-contradiction, with all its accompanying principles.<sup>506</sup>

Discourse, starting from this intuition of being, ends in a grasping of the object. The process of reasoning which begins with an intuition of being proceeds via concepts and propositions to end in the apprehension of reality. Put simply, for Maritain there is no intuitive knowledge without intelligence. Angels we are not.

For Bergson's suggestion that the absolute can be encountered via intuition, Maritain has nothing but scorn: "As though there were not an infinite distance between the divine nature and our own, as though the intuitive knowledge of God were accessible to metaphysical effort and not the most supernatural gift of His mercy, that which constitutes, according to Saint Thomas, our very beatitude."<sup>507</sup> Maritain picks up this thread a few pages later:

Thomism claims that we can know God certainly, but by analogy, as in a mirror.

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<sup>506</sup>*Ibid.*, 153. Maritain cites the principle of non-contradiction as "that which is cannot at the same time and in the same regard not be." It amounts to the affirmation that behind the flux of phenomenal life, there is being. The intellectual intuition of being is the starting-point of human knowledge. In a later book, entitled *The Peasant of Garonne*, Michael Cuddihy and Elizabeth Hughes, transl. (London: Geoffrey Chapman, 1968) at 111, Maritain quotes his wife Raïsa: "It often happens that I experience, through a sudden intuition, the reality of my being, of the profound, first principle which places me outside of nothingness. A powerful intuition, whose violence sometimes frightens me, and which has first given me the knowledge of a metaphysical absolute."

<sup>507</sup>*Ibid.*, 191. The Latin critique of the Greek fathers' doctrine of *theosis* is identical.

It is thus that Christian wisdom, going from one extreme to the other with strength and gentleness, shows us that God infinitely exceeds our knowledge by His essence and at the same time, that we can know Him inadequately, but with an absolute truth, by His creatures; know Him with more certitude than we know our brother, our friend, our own heart; as it shows us at the same time the ineffable transcendence of the divine nature and the sovereign immanence of divine operation; as it shows us both the very redoubtable holiness and the superabundant mercy of Him Who is.<sup>508</sup>

Bergsonism, on the contrary, is entirely incapable of establishing an “*absolute and total, real and essential distinction* between God and things.”<sup>509</sup> Without this bright-line distinction, pantheism is unavoidable. If one abandons the doctrine of analogy, then God is either entirely unknowable or else God is conflated with creation. Bergson opts for the latter. Maritain responds: “The world is absolutely distinct from God *by essence*; there is nothing, absolutely nothing in common, except by analogy, between the being of God and the being of the world.”<sup>510</sup>

Having criticized Bergson’s account of intellect, Maritain proposes that the alternative mode of rationality found in Thomism solves all of Bergson’s perplexities. In particular, he regards Aristotle’s doctrine of potentiality and act as “the only possible foundation for the philosophical theory of movement and becoming.”<sup>511</sup> It preserves and

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<sup>508</sup>*Ibid.*, 195.

<sup>509</sup>*Ibid.*, 196.

<sup>510</sup>*Ibid.*, 199.

<sup>511</sup>Maritain captures this doctrine tidily: “...before change, the new being, the term of the change, was in no way given in act and nevertheless was not pure nothingness; but that before change, this new being, the term of the change, was in the mutable thing in the capacity of *real possibility*, which will be transformed into actual reality under the influence of a cause itself in act: thus it is, for example, that a man sleeping is *in potency* (in real possibility) with regard to the acts of speaking, walking, etc., or that the acorn is

harmonizes both being and becoming. But Bergson must reject this doctrine, for, according to Maritain, he posits pure change as the sole reality. There is no thing to bear the potency, no thing to act; all *is* action.

What are the conclusions to which Bergsonism leads? By making reality purely dynamic, Bergson implicitly denies the principle of identity; positing that the “contingent is cause of itself,” and so suppresses in us the natural means of knowing God.<sup>512</sup> If being is identical to becoming, then “potential and indeterminate being in the act of being determined and actuated is being itself and all being, or in other words that it determines and actualizes itself by itself, or that it gives itself what it has not, and finally that what is not, is.”<sup>513</sup>

Maritain then turns to philosophical anthropology. While he is grateful for Bergson’s critical assault on mechanism and idealism, he is alarmed at the anthropology which ensues. “In reality,” Maritain writes, “it destroys the human person. For Bergsonian philosophy the self is not—it becomes. It is not a being, it is a continuous

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*in potency* with regard to the oak it will produce. By the distinction of being in act and being in potency, the intellect reaches an authentic perception of change in function of being.” *Ibid.*, 174.

<sup>512</sup>*Ibid.*, 186. That is, knowing God as the Final Cause from which all lesser causes and effects are ultimately suspended.

<sup>513</sup>*Ibid.*, 188. But this criticism assumes the distinction between being and becoming, which is the question at issue. Furthermore, Bergson’s vital impetus could be viewed in terms of potentiality and act. Particular attention could be paid to the way that the vital impetus was “blocked” by matter in most concrete life forms. The idea of being “blocked” strongly implies a distinction between potentiality and act.

change.”<sup>514</sup> Bergson’s fundamental error in this regard is to confuse the flux of time with the duration of substances.

Instead of saying: *being endures in things*, Bergsonism says, *the present endures in time*. Confusing the duration of things in time with the flux of time itself, and if I may say so, thus *chronifying* substance, the Bergsonian doctrine solidifies time, which is a radical sacrifice of the *successiveness* essential to it, and which leads to insoluble contradictions.<sup>515</sup>

As a consequence of these errors, the spirituality of the soul in Bergsonism is deformed.

The Bergsonian theory admits for the soul an infinity of degrees and transitions between spirituality and materiality. It admits moreover that the spirit *actualizes itself* only in *materializing itself*. What Bergson calls spirituality therefore has nothing in common with true spirituality, which consists, on the contrary, in an intrinsic independence with regard to matter, as to being and as to operation, and which begins at a perfectly determined stage in the scale of beings. . . . We must not allow ourselves to be over-awed by words. There is no place for *the spirit* properly so-called in an anti-intellectualist philosophy.<sup>516</sup>

This raises the question of human freedom. He describes the problem of freedom as a contradiction between the human will and the universal intelligibility of the cosmos. Freedom appears to be in tension with being, in the sense that if everything has a *raison d’etre* there is no room left for the operation of the will. Bergson’s solution to this problem is to effectively give primacy to the will over universal intelligibility. For Bergson, freedom means the creation of novel acts, willing without a proportionate *raison d’etre*. As a consequence, contingency is affirmed as self-sufficient and thus the

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<sup>514</sup>*Ibid.*, 230.

<sup>515</sup>*Ibid.*, 234.

<sup>516</sup>*Ibid.*, 237.

sum of reality.

While Bergson affirms freedom, it is impossible to define the free act, in the sense of conceiving it as if it might not have been done, or that it was or was not necessarily determined by some cause. But what then does freedom mean? It is indefinable, apart from saying that “it is the relation of the concrete self to the act which it performs.” Freedom is indefinable precisely because we are free. To define freedom is to surrender to determinism and the spacialization of reality.

Maritain minces no words, calling this understanding of freedom “an insult to intelligence.”<sup>517</sup> He continues,

Instead of consenting to perform the work proper to philosophy and seeking to *define* the free act, in respecting the wishes of the intelligence and hence bringing out the relation of freedom to the principle of universal intelligibility and preserving them both at once, he preferred not to define the free act, to sacrifice the principle of causality and the principle of universal intelligibility, and to demand of psychological intuition and a sort of spiritual super-empiricism an affirmation of the radical contingency of all creative becoming.<sup>518</sup>

But Bergson cannot escape the necessity of defining—he implicitly defines freedom as mere spontaneity of the whole soul. Bergson’s freedom is not freedom at all. Such is Maritain’s early assessment of Bergson.

Maritain has substantially improved his critique of Bergson from his first efforts. He in effect puts three important challenges to Bergson, all of which are anchored in the humiliation of intellect. The first is the problem of the absence of specificity and

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<sup>517</sup>*Ibid.*, 260.

<sup>518</sup>*Ibid.*

certainty in Bergson's conclusions. The results of Bergson's philosophy are simply too ethereal. Maritain points to Bergson's treatment of freedom as an example of this, claiming that Bergson reduces freedom to mere spontaneity. The impoverishment of every concept is unavoidable for Bergsonism. This is most serious, for Maritain, to the extent it touches on Christianity. Are not the foundations of the Christian faith, as protected by these dogmas and creeds, eroded by Bergsonism? <sup>519</sup>

Second, if every conceptual statement of reality is provisional and qualified, is not the entire rational project of the West, beginning with Socrates, shipwrecked? Perhaps in the most high-minded and noble-souled thinkers, such as Bergson himself, philosophy can be preserved after a fashion, but is it not almost certain that the popularization of Bergsonism would inevitably run toward anti-intellectual emotionalism?

The third challenge is that Bergsonism has not considered Thomism as a live option which also offers answers to the problems of Modern science. Bergson has attempted to re-create the wheel, and he should at the least speak to the perfectly serviceable wheel which Thomism offers him.

The third section of *La Philosophie Bergsonienne* is entitled "The Two Bergsonisms."<sup>520</sup> Maritain begins by distinguishing between "Bergsonism of fact" and

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<sup>519</sup>Maritain complains that under Bergson, dogmas would be regarded as "the momentary and indefinitely improvable expression of a certain religious sentiment in evolution. If there are no eternal truths and if axioms evolve, why would not also dogmas evolve?" He continues, "In destroying Intelligence and Reason and natural Truth, one destroys the foundations of Faith. That is why a philosophy which blasphemes intelligence will never be Catholic." *Ibid.*, 179.

<sup>520</sup>This is chapters 13-15 of *Bergsonian Philosophy and Thomism*.

“Bergsonism of intention.” “It is a fact of current observation,” he notes, “that the doctrine of a philosopher often has a quite different significance according to whether one studies it in disciples or tries to understand its genesis in the mind of the master.”<sup>521</sup>

When we look at Bergson himself, his philosophy takes on a new light in the context of the pitched battle against the heavy-handed Positivism in which he was immersed as a young philosopher. Bergson’s appeal to psychology as a way to reassert the reality unrecognized in the mechanistic milieu was brilliant. In this way he was able to rediscover, in a manner consistent with modern science, the distinction between spirit and matter, the distinct nature of humans in contrast to animals, and even the suggestion of the existence of the soul, and from there, the existence of God and the need for the spiritual life. Maritain discerns in the curve of Bergson’s thought a movement from modern science toward the doctrines of St. Thomas.

But the doctrine of Bergsonism, taken in isolation from Bergson’s own context, takes on a different significance. The rejection of being and intellect, taken as principles, results in the loss of everything Bergson was striving to recover.<sup>522</sup>

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<sup>521</sup> *Ibid.*, 285.

<sup>522</sup> Let us but indicate here that, in order to avoid mechanism, Bergson resolves to sacrifice the intellect and to sacrifice being; that he contradictorily identifies substance and movement, making of time that flows the very stuff of things, and that he denies reason an authentic power of attaining the true (outside the realm of mathematical physics); that he thus in spite of himself destroys truth at its root and that the very spiritual theses he wished to restore lose both their solidity and their proper significance in his doctrine. For freedom is confused with contingency or with spontaneity; the unity of the human compound is endangered without the essential distinction between body and soul being established; man, contrary to what Bergson thinks he is proving, can differ only in degree from the other vertebrates, the immortality of the soul is only a sort of physical perpetuation of the vital impulse; there is no creation, properly so-called, no real

How did this happen, contrary to the evident intentions of Bergson? As we have seen, in Maritain's view Bergson's original sin was to accept the positivist account of reason.<sup>523</sup>

Thus Maritain sees two Bergsonisms, incommensurate with each other. He finds in Bergsonism of intention many points of agreement with Thomism, and even more points which appear as groping and uncertain advances toward Thomism. Bergson's criticism of nothingness, of the concept, the connaturality between the intellect and created things, the desire to locate the limit of human reason, and even the concept of duration find qualified correlates in Thomism, although the taming of Bergson's philosophy to fit Thomism radically transforms Bergsonism of fact. Maritain insists that Bergson can be read as a failed attempt to affirm Thomism: "...if ever one tried to isolate and liberate this *Bergsonism of intention* we are now discussing, it seems very likely, according to all the indications we have been able to single out, that if it became actual it would release and order its potencies in the great wisdom of Thomas Aquinas."<sup>524</sup>

For Maritain, the basic difference between Thomism and Bergsonism is

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distinction between bodies, no absolute difference between God and the world; divine nature and the divine attributes become empty words. In general, only the words are kept, their intellectual content is dissipated, replaced by fleeting images." *Ibid.*, 287.

<sup>523</sup>Bergson "too readily accepted the conclusion of modern philosophy, granting its assertion that intellect tends of itself toward mechanism and that metaphysical knowledge is only a mirage; that he has thus deprived himself of both the indispensable organ and the indispensable technique, and that henceforth he could only gropingly advance toward the light which he loved, of which he had the presentiment, but which he did not see." *Ibid.*, 287-8.

<sup>524</sup>*Ibid.*, 294.

theodicy.<sup>525</sup> Thomism asserts that at both the pinnacle and base of our knowledge is the knowledge of God.<sup>526</sup> Bergson developed his doctrine without explicit reference to the natural knowledge of God, and although he concludes with a rebuttal of atheism his presuppositions at the base of his philosophy represent a rejection of the knowledge of God. To arrive at a consistent theodicy, and thus a sound philosophy, Bergson would have to revise his system root and branch to remain consistent with his conclusions and his intentions.<sup>527</sup>

Maritain concludes the book with an appeal to place God at the base and crown of philosophy. He addresses Bergson directly with these daring words:

You glimpse the existence of a personal God. It is not the God of the learned; it is a living and active God; it is the God of the whole man. Can you continue to deal with him as a theorist does with an idea, and not as a man with his Lord? There are secrets which He alone can reveal. You yourself are one of these secrets. You would know your end and the means to attain it if you knew these secrets. But you will only know them

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<sup>525</sup>Maritain is using “theodicy” in the more general sense of “natural philosophical knowledge of God’s existence and nature.” The term traditionally meant the defence of God’s justice in the face of human suffering. See Karl Rahner and Herbert Vorgrimler, *Theological Dictionary*, Cornelius Ernst, ed., Richard Strachan, transl. (New York: Herder and Herder, 1965), 454-5. For Maritain, the term particularly signifies the knowledge of God “so far as he is the cause of things and author of the natural order.” Jacques Maritain, *An Introduction to Philosophy*, E. I. Watkin, transl. (London: Sheed and Ward, 1947), 195.

<sup>526</sup>*Ibid.*, 296.

<sup>527</sup>Maritain holds that intellectual distortions occur when the intellect, instead of seeking to conform itself to the real, demands that the real conform itself to it, not admitting any other realities than those it already knows. Thus revelation is rejected out of hand. Grace is necessary to properly align the intellect to reality, to resist the pride of intellect. This grace is available to all.

if it pleases God to reveal them Himself.<sup>528</sup>

So concludes *La Philosophie Bergsonienne*.<sup>529</sup>

What is new here is Maritain's proposal for the redemption of Bergson. What Maritain puts to Bergson is theodicy. Should Bergson begin not with phenomena but with the philosophical arguments for the existence of God, his keen phenomenological insights would all be preserved, but reordered in a broader context which preserves intellect.<sup>530</sup>

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<sup>528</sup>*Ibid.*, 297-8.

<sup>529</sup>This double assessment of Bergson remained a consistent theme for Maritain. Ten years later, in 1922, Maritain had this to say about Bergson's intention: "Le caractère humain et collectif de la philosophie, dont M. Bergson a, de nos jours, le sentiment si net, c'est dans la doctrine thomiste qu'il est réalisé. Par son universalité même, elle déborde infiniment, dans le passé comme dans l'avenir, l'étroitesse du moment présent; elle ne s'oppose pas aux systèmes modernes comme le passé à l'actuellement donné, mais comme l'éternel au momentané. *Antimoderne* contre les erreurs du temps présent, elle est *ultramoderne* pour toutes les vérités enveloppées dans le temps à venir." My translation: "The human and collective character of philosophy, of which M. Bergson has, in our days, such a clean sense, is in Thomist doctrine realized. By its same universality, it infinitely overflows, in the past as in the future, the being of the present moment; it does not oppose modern systems as the past against the given present, but as the eternal against the momentary. *Anti-modern* against the errors of the present time, it is *ultra-modern* for all the truths wrapped up in the time to come." Maritain earlier, at 101, speaks of Aquinas as the completion of the cure which Bergson initiated. From the preface to *Antimoderne*, in Jacques Maritain, *Oeuvres (1912-1939)*, Henry Bars, ed. (Paris: Desclée De Brouwer, 1975), 101-112 at 103.

<sup>530</sup>Indeed, Peter Redpath argues that the very uniqueness of Maritain's thought is found in this attempt to correct Bergson by St. Thomas. This is Maritain's own central intuition, which drove all of his subsequent work. Redpath goes so far as to describe Maritain's thought as "the spirit of inverted Bergsonianism being scrupulously relocated and corrected within the wisdom of St. Thomas." See Peter Redpath, "Bergsonian Recollections in Maritain," in *Jacques Maritain: The Man and his Metaphysics*, John Knasas, ed. (Mishawaka, IN: American Maritain Association, 1988), 103-111 at 111.

### 3. Maritain's Later Criticisms of Bergson

We come now to the second stage of Maritain's thought on Bergson, the preface to the Second Edition of *La Philosophie Bergsonienne*, published in 1929. He continues to stand solidly behind the book, but apologizes for "the youthful turgidity, the uncompromising bombast of its style."<sup>531</sup> He does this by placing his former critique of Bergson in the context of his concern for the integrity of Christian theology. For Maritain, the real danger of Bergsonism is its diminution of dogma. He recalls 1908, when he personally concluded that there was no way to reconcile Bergson's criticism of the concept and the formulas of revealed dogmas.

Since God gives us, in concepts and conceptual propositions (which reach us dripping with the blood of martyrs—in the days of Arianism men knew how to die for the sake of an iota) truths transcendent and inaccessible to our reason, the very truth of His divine life, that abyss which is His, it is because the concept is not a mere practical instrument incapable in itself of transmitting the real to our mind, whose only use is in artificially breaking up ineffable continuities, leaving the absolute to escape like water through a sieve. Thanks to analogical intellection, that natural marvel of lightness and strength which, thrown across the abyss, makes it possible for our knowledge to attain the infinite, the concept, divinely elaborated in the dogmatic formula, contains but does not limit, and causes to descend in us, in an enigmatic and mirrored but altogether true manner the very mystery of the Deity which pronounces Itself eternally in the Uncreated Word, and which has been told in time and in human language by the Incarnate Word.<sup>532</sup>

Bergson's error was to confuse intelligence with "the helplessness of a sterile intellect eager to submit all things to its own level."<sup>533</sup> Maritain realized this before

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<sup>531</sup>*Ibid.*, 12.

<sup>532</sup>*Ibid.*, 17.

<sup>533</sup>*Ibid.*

reading Aquinas.

As far as I was concerned it was upon the indestructible verity of the objects of faith that philosophical reflection rested in its effort to restore the natural ordination of the intellect to being, and to recognize the ontological genuineness of the work of reason. In thus completely accepting, without quibble or reserve, the authentic reality value of our human instruments of cognition I was already a Thomist without being aware of it. When a few months later I came upon the *Summa Theologica* its luminous flood was to find no opposing obstacles in me.<sup>534</sup>

Maritain discerned a strong link between Bergson's metaphysics and "a religious revival in danger of being contaminated by modernist anti-intellectualism. This was the knot which had to be cut."<sup>535</sup>

Maritain repeats his ideas regarding the rehabilitation of Bergsonism: should one transfer to intellectual perception what Bergson says of "intuition," Bergson's critique of intellect would be rectified.<sup>536</sup> But to do this would be to lose what is distinctive of Bergsonism.<sup>537</sup>

Moderns preserve cognition but direct it solely toward "the world of representations."<sup>538</sup> The thing in itself evades the grasp of the intellect. Bergson tried to

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<sup>534</sup>*Ibid.*

<sup>535</sup>*Ibid.*, 18.

<sup>536</sup>*Ibid.*, 21.

<sup>537</sup>"For if Bergson has reacted against certain consequences of modern gnoseology he has done so in accepting its premises. . . . In order to forge a better instrument he had the pretension, supported by age-long errors whose subversive value he made so admirably evident, of abandoning intellect to a consubstantial materialism and to the domination, to the fascination of inert matter." *Ibid.*, 23.

<sup>538</sup>*Ibid.*, 26.

“pierce through this arch of appearances to the real itself, to regain possession of the real and of the spiritual real.”<sup>539</sup> The problem was in how Bergson attempted this recovery.

Precisely by granting Kant’s essential presupposition, by admitting with him that abstraction never makes us see anything, that in itself the concept is empty, unsuited to communicate the real to us--a simple form expressing not the *a priori* Kantian functions but the practical attitudes of our fabricating mind and the habits of materiality--by maintaining then that by itself the intellect, modelled on corporeity, can, from the moment it ceases to manipulate matter mathematically, only enclose us in a world of mechanistic illusions; and by demanding next the means of an evasion into the real, from an intuition which transcends the intellect and which will plunge--like the sense, and much more so--into the pure concrete as such.<sup>540</sup>

Maritain regards the proposed cure as worse than the disease. “In short, the first effect of the remedy Bergson proposes for the Kantian disease is to mutilate and dispossess intelligence, if it is true that the latter’s absolutely primordial activity is to *see* in depth and that its primary object is being.”<sup>541</sup> He makes a memorable statement in this regard: “The most serious objection one must raise here against Bergsonism is that it was not daring enough, that in the very exercise of philosophy it failed to recognize the power of intellect and of philosophy and that it recoiled from any recognition of the autonomy of metaphysical knowledge.”<sup>542</sup>

However, Maritain wrote a post-script to this introduction dated August 1947:

To humble philosophy before the wisdom of the saints is in the last

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<sup>539</sup>*Ibid.*, 27.

<sup>540</sup>*Ibid.*, 27.

<sup>541</sup>*Ibid.*, 29.

<sup>542</sup>*Ibid.*

analysis what Bergson himself has done in the *Two Sources*. Thus has been completed the admirable curve of the movement of his thought, and an incomparable philosophical adventure in which the purest impulse of spirituality, and a constant fidelity to the light, have made the philosopher transcend his own system of concepts.<sup>543</sup>

#### 4. Maritain's Final Assessment of Bergson

This brings us to the final stage in Maritain's assessment of Bergson, contained in his "Essays of Appreciation."<sup>544</sup> These two essays were written after Bergson's *Two Sources*. In the first of these essays, Maritain suggests that Bergson did not fully grasp the implications of his own metaphysical views; that he saw himself as merely suggesting a new empirical method which could perhaps lead to a metaphysics. Indeed, Bergson's great work in his generation was to awaken an *eros* for metaphysics. But no new metaphysics proceeded from Bergson; rather, the metaphysical assumptions in Bergsonism were of a piece with Modern science.

Maritain locates the genesis of Bergsonian metaphysics in the sense of duration.<sup>545</sup> This is firstly a negation: "Real time *is not* the spacialized time of our physics...."<sup>546</sup> Along with this comes a host of related negations: motion is not a series of positions in succession, etc. But also with this comes an implicit affirmation. This where the trouble

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<sup>543</sup>*Ibid.*

<sup>544</sup>These two essays were published earlier in Jacques Maritain, *Ransoming the Time*, Harry Lorin Binsse, transl. (New York: Gordian Press, 1941, 1969), 52-114.

<sup>545</sup>This marks a shift in Maritain's treatment of Bergson's starting point, and is certainly more accurate.

<sup>546</sup>*Ibid.*, 306.

begins. Maritain claims that Bergson failed to grasp the positive implications of his intuition of duration. “On the contrary, he at once conceptualized his intuition in the *notion*, in the idea (to my mind equivocal and misleading) of that which it is proper to call, in an historical and systematic sense, *Bergsonian duration*.”<sup>547</sup> Bergson’s intuition of duration was correct but his conceptualization of that duration erred. Bergsonian duration is illusory, Maritain insists. It denies more than the intuition does; it stretches the negation too far.

The Bergsonian notion of duration does not merely say that real time is not the spacialized time of our physics, that change is not a scattering of positions succeeding each other, that movement is *non-divided, undivided*, that is to say *one* in act of such nature that if it be divided, its own proper quality together with its unity is thereby suppressed.... Even more—and this is what is false—the Bergsonian idea would have movement be *non-divisible, indivisible*, and such that no parts in it can be distinguished from each other, even were they potential as in all *continua*.<sup>548</sup>

In fine, Bergson’s attempt to resist the spacialization of time results in a chronification of being. From Bergsonian duration issues forth the irrationalism of Bergson’s philosophy. “For Bergsonism, the continuous duration of life escapes all logic, and cannot accommodate itself to the principle of non-contradiction....”<sup>549</sup> This irrationalism results in Bergson’s opposition of intellect and intuition.

The novelty here is that Maritain attempts an immanent critique of Bergson. He ingeniously suggests that Bergson’s *concept* of duration distorts the *intuition* of duration.

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<sup>547</sup> *Ibid.*

<sup>548</sup> *Ibid.*, 309.

<sup>549</sup> *Ibid.*, 313.

The intuition of duration does not necessarily lead to a diminution of intellect, Maritain claims. All of Bergson's errors proceed from this muddled conceptualization of duration. Thus, on a purely philosophical plane, Maritain repeats his now classic critique of Bergson's reduction of intellect.<sup>550</sup>

This critique is followed by a second essay entitled "The Bergsonian Philosophy of Morality and Religion," which reviews *The Two Sources of Morality and Religion*. Maritain observes with approval that the book is the result of twenty-five years' worth of immersion in the Christian mystics. Here is how Maritain describes the book:

One fine day, without any notices in the press, without informing any one, not even the author's closest friends, after twenty-five years of anticipation, the work was published. A classic from the day it appeared, it smashed the narrow framework of the rationalist, idealist and sociologist ethics, or pseudo-ethics; it outlined an ethics which does not shut man in on himself, but reveals and respects in him (and in this the title of the book is remarkably appropriate) the well-springs of moral experience and moral life. He affirmed in magnificent language, and with a new emphasis, that humanity and life can be loved effectually only in Him who is the Pinnacle of humanity and life; he recognized, if not the absolute truth of Christianity, on which he withheld judgment, at least the unique value and the transcendence of the fact of Christianity.<sup>551</sup>

There is something entirely new in this book, which is incorporated into Bergson's philosophy in such a way that its novelty is partially obscured. Bergson has admitted new evidence: the experience of the mystics. Maritain captures this in a

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<sup>550</sup>Ralph Nelson claims that this essay is the only time Maritain approaches Bergson from a purely philosophical point of view, uncoloured by theological concerns. See Ralph Nelson, "Maritain and Bergson: A Friendship Regained," in *Jacques Maritain and the Jews*, Robert Royal, ed. (Mishawaka, IN: American Maritain Association, 1994), 141-156 at 150.

<sup>551</sup>*Ibid.*, 326.

nutshell: “We must believe the mystics about God, as we do the physicists about matter; both are competent, they both know whereof they speak.”<sup>552</sup>

One of the consequences of the new evidence is a reappraisal of matter. As Maritain puts it, “*mechanics* and *mysticism*, far from being opposites by nature, attract each other and require the completion of the one by the other.”<sup>553</sup>

As per his earlier treatment, Maritain assesses this book both as a system of thought and as an intention. As a system, Maritain still has reservations toward it. It is too empirical; the spiritual is reduced to the biological. The metaphysics of *Creative Evolution* exerts its pernicious influence still.

On first blush, Bergson’s view of the moral life bears a resemblance to Thomism. Both root ethics in a philosophy of nature and in a metaphysics, and have “linked to a philosophy of the universe the destinies of the philosophy of human action.”<sup>554</sup> Maritain praises Bergson for this. “He thus delivers us from the last surviving attraction of Kantianism, and rediscovers the great philosophic tradition of humanity.”<sup>555</sup> But this raises the question of Bergson’s account of the universe. Is the world a creative evolution? Or a “hierarchy of growing perfections?”<sup>556</sup> Here the Bergson of *The Two Sources* and St. Thomas break company.

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<sup>552</sup>*Ibid.*, 328.

<sup>553</sup>*Ibid.*

<sup>554</sup>*Ibid.*, 330.

<sup>555</sup>*Ibid.*

<sup>556</sup>*Ibid.*

Is man's intellect capable of attaining being, and does it consequently possess a power of regulation over life and action so that, as Saint Thomas Aquinas puts it, reason is the proximate rule of human acts? Or indeed is that which keeps man in contact with reality, with the dynamic *élan* that constitutes the secret of the real, is that, as Bergsonism would have it, a sort of instinct, as it were a vital inspiration, which runs through us from the depths of our souls, an instinct which emotion, above all, is apt to stir into action, to awaken? In each case, clearly enough, the edifice of ethics will be differently constructed.<sup>557</sup>

Bergson's construction, with the infra-rational pull of the social and the supra-rational pull of the mystical, leaves no room for the independent operation of intellect as such. Maritain concludes that Bergsonism loses morality in the strict sense of the word, if morality is conceived in the following terms:

What shall we consider the specific task of morality? It has vanished into thin air. Reduced to its essential work, and especially if it is considered in its basic natural structures, morality is a very humble human thing, and not brilliant or glorious—rough and resolute, patient, prudent, argumentative, hard-working. For that poor devil, a rational being, it is a question of finding his way as best he can along the paths of happiness, using as he must a certain little light which places him above the whole bodily world, and thanks to which he is in a position to choose freely, to select for himself his own happiness, to say yes or no to whatever guides and hawkers offer to show him the way. It is a matter of taking oneself in hand by means of reason and freedom. And to what end? In order to decide that it is reasonable to obey a Law one has not made. What weariness! It is a thankless task to take oneself in hand, when one is as uninteresting a thing to look upon as is a man. And it is thankless to put freedom into use, especially when it is, in the last analysis, to do what Someone else wills.<sup>558</sup>

Furthermore, Maritain regards Bergson's division of morality into two sources as "a kind of Manichean cleavage."<sup>559</sup> "Only reason," he writes,

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<sup>557</sup>*Ibid.*

<sup>558</sup>*Ibid.*, 331.

<sup>559</sup>*Ibid.*

which is the principle of a moral universe distinct at once from social obedience and mystical impulse, can recognize, in dependence on the laws proper to that universe, the internal hierarchy which subordinates the social entity to the mystical and at the same time reconciles them with each other. But to posit that subordination and that reconciliation is to get away from Bergsonism.<sup>560</sup>

Furthermore, Bergson's account of the mystical life is suspect. The mystics do not describe themselves as impelled "toward the joy of a creative urge definitively free of all end...."<sup>561</sup> Rather, "they already know the name of the One to whom they cling; they already know--by the faith they have in common with all those who have received the revealed Word--who is this God, and what are His designs upon men."<sup>562</sup> In short, the mystic experience is not as dynamic and open as Bergson claims; it is informed and contained by dogma.

Maritain now leaves the system of *The Two Sources* for the spirit of the book; or its intention. For this, he has naught but accolades. The following is typical:

there is nothing more moving, nothing which in a sense better bears witness to the transcendence of the spirit, than to see an untiringly courageous thought, in spite of its philosophical equipment and by virtue of fidelity to the light within, follow a pure spiritual trajectory and thus come to the very doors at whose threshold all philosophy stops short....<sup>563</sup>

Maritain reminds us that from a Thomistic viewpoint, philosophy alone is not enough to recover the realities of the spiritual life. Yet Maritain expresses admiration for Bergson's

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<sup>560</sup> *Ibid.*

<sup>561</sup> *Ibid.*, 336.

<sup>562</sup> *Ibid.*

<sup>563</sup> *Ibid.*, 336-7.

attempt, asking: “what pure philosopher has ever studied all those things with greater good faith, with a more humble and generous love, than Henri Bergson?”<sup>564</sup> He proceeds to quote four pages of text from *The Two Sources*, concluding:

Short of making an analysis through *inherent proper causes*, which theological instruments alone permit, by informing a philosopher of the realities which are grace, the theological virtues, and the gifts of the Holy Spirit, it is impossible to discuss the mystical experience with more depth and with a more intense, farsighted sympathy than does the author of *The Two Sources*.<sup>565</sup>

Maritain recalls his early challenge to Bergson which invited him to move from God as an idea to God as a living reality. He sees *The Two Sources* as Bergson’s answer to this challenge.

...[I]t thus happened that at last we met one another as it were half-way, each having journeyed unwittingly in such a manner as to approach the other: he, toward those who alone represent without betraying it the faith to which I belong, I toward a comprehension, a little less deficient, of the human task of those who seek without yet having found.<sup>566</sup>

So Maritain’s final assessment of Bergson concludes.

Ultimately, Maritain has a sole criticism of Bergson’s *Two Sources*, which is Bergson’s diminution of the intellect. For Maritain the link between material and spiritual is the intellect. It is on this basis that Maritain regards Bergsonism as a version of the Manichee heresy, for if independent intellect is the sphere in which divine and human interact, then Bergson has completely severed body from spirit.

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<sup>564</sup>*Ibid.*, 337.

<sup>565</sup>*Ibid.*, 341-2.

<sup>566</sup>*Ibid.*, 345.

Bergson's account of intellect results in a total loss of the moral altogether, being the free operation of reason in response to divine law. For morality to exist, Maritain argues that reason must operate independently of both society and the transcendent. What Bergson calls "closed" and "open" morality is not morality at all.<sup>567</sup> Bergson's dual account of morality, as open and closed, with reason the handmaid for both, is thus unacceptable to Maritain.

Also related to the debasement of the concept, Maritain points to a certain slippage in Bergson's treatment of the mystics. When he describes them, he tends to lose the specificity of the content of their thoughts.<sup>568</sup>

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<sup>567</sup>In a subsequent work entitled *Moral Philosophy*, Marshall Suther et al, transl. (London: Geoffrey Bles, 1964) at 429, Maritain calls Bergson's closed morality a "purely factual force, of the same order as cosmic and organic energies and necessities, which is grafted from the outside of authentic moral obligation and increases its power but at the price of an alien contribution, and sometimes initiates it and sometimes enters into direct conflict with it. Of itself this almost physical constraint so well analysed by Bergson has nothing to do with moral obligation, by which I am bound in conscience to refuse to do what appears as evil in my own eyes, even though all of society and the whole universe and the whole power of cosmic evolution may bring pressure to bear on me to force me to do it. One must say the same of the quasi-obligation which depends on the 'second morality,' or open morality." He continues at 431: "Attraction or compulsion, supra-intellectual emotion or quasi-instinctive constraint, these forces exercise a physical causality on us, they do not bind us morally by virtue of what the conscience sees, they do not at all concern this power that the judgment of conscience has to hold in the purely moral order a will which remains physically free to escape from it. . . . This accident can be attributed to the diminished idea which Bergson had of intelligence in general and of its role in the moral life in particular...."

<sup>568</sup>Maritain develops this theme in greater detail in *The Degrees of Knowledge*. He is concerned not so much with Bergson as with the many "neo-mystics" who in Bergson's wake distorted the content of Christian mysticism to accord with Modern prejudices. See both the Introduction and Chapter V of this work.

### Summary of Maritain's Critique of Bergson

Bergson's position is that intellect is grounded in matter, that the concept represents the spacialization of reality, a snap-shot of a moving object. But by an act of inward concentration, humans can intuit reality as a concrete duration. This points to something in humans which is beyond matter; to explain our experience we must appeal to something like a vital impetus which transcends matter while striving to express itself through matter, which in turn partially resists this vital impetus.

Maritain's criticisms are simple because they cut to the core of Bergson's thought. First and foremost, Maritain cavils at Bergson's assumptions regarding intellect. Maritain consistently urges upon the reader an alternate understanding of intellect which is not solely oriented to matter, but which seeks to move from the flux of particulars to the universal and fixed essences of things.<sup>569</sup> Bergson too quickly accepted the account of reason maintained by his positivist opponents. Despite the positing of intuition, and contrary to Bergson's intention, this reduction of intellect leads to a loss of specificity and certainty. Theology runs to pantheism, philosophy is divided between positivist science and vacuous subjectivity and emotionalism.<sup>570</sup> Michener sums up Maritain's central

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<sup>569</sup>In *Degrees of Knowledge*, Gerald B. Phelan, transl. (New York: Charles Scribner's Sons, 1959) at 1-2, Maritain argues that *all* Modern philosophies fall prey to this error, which he identifies with nominalism.

<sup>570</sup>Raïsa suggests that two motives lay behind Maritain's rejection of Bergson. The first was the rediscovery of metaphysical intelligence, "accomplished in the light of faith and due to the teaching of Saint Thomas," which compelled him to reject Bergson's delimitation of intellect. The second was the spread of what Raïsa calls "cheap Bergsonism." This counterfeit Bergsonism was responsible for "feeding theological modernism with the most crude anti-intellectual topics in which a purposeless sentimentality disguised as 'intuition,' a confused pragmatism and a childish passion to

concern nicely: "...you cannot destroy man's intellectual nature without destroying the means by which he is to reach his ultimate end."<sup>571</sup> From 1912 onward, Maritain has consistently insisted against Bergson that the intellect is the very fountain of life, the golden way by which we encounter truth, reality, and God.<sup>572</sup>

As a consequence, Bergson does not sufficiently recognize the transcendence of God. With his appeal to intuition he blurs spirit and matter too much on the one hand, and on the other hand denies them their natural connection via intellect.<sup>573</sup> Maritain wants to re-assert a radical distinction between Creator and creature.<sup>574</sup> This is apparent

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conform to the age were destroying in souls the sense of truth, the sense of the sanctity of truth." See *Adventures in Grace*, 204.

<sup>571</sup>For Maritain, this end is to know and love God. See Michener at 27.

<sup>572</sup>It should be added that Maritain, following St. Thomas, admits to the limits of intelligence vis-a-vis knowledge of God. Consider this passage from *The Degrees of Knowledge* at 17: "All knowledge of God by ideas or concepts, whether acquired, as in metaphysics and speculative theology, or infused, as in prophecy--all purely intellectual knowledge of God this side of the beatific vision, though it may be absolutely true, absolutely certain, and may constitute an authentic and supremely desirable form of knowing, remains irremediably deficient, disproportionate by its very mode of grasping and signifying the object signified and known." But the mystical knowledge of God, higher than rational knowledge, is only for the mystics.

<sup>573</sup>As a consequence Maritain sometimes calls Bergson a Pantheist and sometimes a Manichee. Maritain's position, I think, is that any spirituality built on Bergsonism would fluctuate wildly between these two heresies, although Maritain himself does not develop this thesis.

<sup>574</sup>See Jacques Maritain, *Moral Philosophy*, 423, where Maritain writes: "There is here, it seems, an attempt to reduce the spiritual to the biological (to the biological rendered itself so transcendent that it is conceived as the creative source of worlds.) But if one considers that for Bergson 'the principle of life' is Subsistent Love, or the superabundance in pure act of the purely spiritual, then, quite to the contrary, one finds oneself confounded with an attempt at transfiguration of the biological into the spiritual."

in Maritain's discomfort with Bergson's conflation of mysticism with morality.<sup>575</sup>

This criticism is the heart of Maritain's critique of Bergson. But Maritain's final response to Bergson also includes a warm acknowledgement of Bergson's evolution toward the Christian faith. Staying firmly within the realm of Modern philosophy and science, Bergson found a way to open Modernity to what Maritain called "the great spiritual theses" of the Ancients.<sup>576</sup> While Maritain showed unabashed delight at this opening, he maintained that intellect must be restored to its rightful place as the fundamental link between the human and the divine in order to avoid the aforementioned pitfalls. The rapprochement was thus only partial, involving the status of the Christian tradition.<sup>577</sup> Their philosophical doctrines remained disparate.<sup>578</sup>

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<sup>575</sup>In *Moral Philosophy* at 442 Maritain calls Bergson's open morality "supra-morality" which operates upon morality proper. Furthermore, "one sees that it constitutes the regime of life which theology characterizes as connected with mystical ways and the habitual influence of the gifts of the Spirit."

<sup>576</sup>Maritain commented after Bergson's death that prior to *The Two Sources* his view of God was along the lines of what later came to be known as Process Theology, but that he later revised his views of God toward traditional Christian teaching and made room for the immutability of God. See Jacques Maritain, *The Range of Reason* (New York: Charles Scribner's Sons, 1952), 34.

<sup>577</sup>In *Moral Philosophy* at 422 Maritain discusses the nature of Bergson's rapprochement to Christianity: "Bergsonian ethics learns from the mystics; it nourishes its philosophic substance itself with the Sermon on the Mount and the morality of the Gospel. And in this it is profoundly revolutionary with respect to the whole modern rationalist tradition. . . . [O]ne must conclude that what Bergson proposes to us in reality, and has introduced for the first time into the field of philosophical knowledge, is--still in an inchoate and merely implicit stage--a moral philosophy *adequately taken*, or which makes its own the data concerning human existence received from a superior knowledge. And in this respect whoever has a correct idea of moral philosophy owes him a special debt of gratitude." Furthermore, although Bergson disappointed Maritain by keeping his distance from natural theology and the logical proofs for God, Maritain eventually admitted, albeit somewhat grudgingly, that Bergson's argument "has its proper value and

Finally, what did Bergson think of Maritain's criticisms? Bergson was always reticent regarding the many critiques of his work. Furthermore, his last will and testament asked that all his personal papers be destroyed upon his death, so we have no access to his thoughts other than his publications, recollections of his contemporaries and some correspondence. Nevertheless, with regard to Maritain two things are clear. First, Bergson confided to his friends that in his opinion Maritain had simply not understood him.<sup>579</sup> Given the content of Maritain's criticisms, it is almost certain that Bergson felt his opposition of intellect and intuition was misunderstood. In a letter to his friend

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validity; and it is possible that in fact, in concrete existence, this auxiliary way plays, for many, a more important role than pure logicians think." See Jacques Maritain, *Challenges and Renewals: Selected Readings*, Joseph W. Evans and Leo R. Ward, eds. (Notre Dame: University of Notre Dame Press, 1966), 177.

<sup>578</sup>Yet the tension between Maritain's and Bergson's systems of thought is not one of polar opposites. In fact, in "Contemporary Renewals in Religious Thought," in *Religion and the Modern World*, (Port Washington, NY: Kennikat Press, inc., 1969) at 9, Maritain lauds Bergson as one of a few select individuals to whom twentieth-century Catholic thought is indebted. Maritain's final book, *The Peasant of the Garonne*, identifies Descartes as his real opponent. Descartes' error, Maritain insists, is that he started with thought alone; he is thus not a philosopher alone but an "ideosopher." "A lineage of idealist origin, which from mutation to mutation more and more radically impugns extra-mental reality and the absolutely primary foundation of philosophic knowledge, could not possibly be called a philosophic lineage." European philosophy since Descartes has invariably taken this line, honourable mentions going to Berkeley, Spinoza, Hume, Leibniz, Kant, Comte, Hegel, Husserl, Heidegger, Ricoeur, Eliade and Sartre. But in the midst of this analysis, wedged between Hegel and Husserl, Maritain includes this very telling passage: "And then there was Bergson, who, contrary to the others, really was a philosopher and holds no place in the line of descent; he endeavoured to break it. (As I wish to be polite, I would rather say nothing about the logical positivists, who hold a nice place in the line.) After Bergson, everybody readily re-entered the Cartesian lineage, at the thin end of it...." See Jacques Maritain, *The Peasant of the Garonne*, 100-2.

<sup>579</sup>See Nelson, 143. Nelson gleaned this information from recollections by Jacques Chevalier and A. G. Sertillanges.

Jacques Chevalier Bergson wrote:

You are perfectly right in saying that all the philosophy I have expounded since my first *Essai*, affirms, contrary to Kant, the possibility of a supra-sensuous intuition. In taking the term "intellect" in the wide sense given to it by Kant, I can call the intuition of which I speak "intellectual." But I should prefer to call it "supra-intellectual," because I have felt bound to restrict the meaning of the term "intellect" and reserve it for the whole of the discursive faculties of the mind, originally destined to think matter. Intuition bears upon spirit.<sup>580</sup>

That is, Maritain insisted in unpacking Bergson's critique of intellect in the context of Thomism, thus distorting it.

The second assertion we can make regarding Bergson's response to Maritain is more positive.<sup>581</sup> Bergson too acknowledged the partial meeting between him and Maritain. Raïsa Maritain paid Bergson a visit toward the end of Bergson's life. She recalls:

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<sup>580</sup>Jacques Chevalier, *Henri Bergson*, Lilian A. Clare, transl. (New York: AMS Press, 1928), 326.

<sup>581</sup>Bergson and Maritain remained friends throughout the tumults of their respective academic careers. In an interview with Fr. A. G. Sertillanges, Bergson was asked about his feelings regarding his books being put on the "lists" by the Vatican, and Maritain in particular. He responded: "Méconnaissance un peu pénible; mais je ne lui en veux pas, d'abord pour nos excellents rapports d'autrefois, et puis il écrit bien, c'est si rare! et qu'une belle page soit écrite contre moi, cela ne m'empêche pas de la goûter. Comme je remercie mon interlocuteur de sa propre réaction et de sa bienveillance lors de l'apparition de chacun de mes volumes, il dit vivement: 'C'est que c'est si important! Nous périssons d'une absence de spiritualité, et l'on peut être bien inquiet pour l'avenir.'" [My translation: "His incomprehension was a little painful; but I am not upset with him for it, first because of our excellent relationship beforehand, and also because he wrote well--a rare thing!--and a beautiful page written against me, that does not prevent me from enjoying it. When I thanked my interlocutor for his honest response and his goodwill upon the appearance of each of my volumes, he exclaimed to me: 'It is because it is so important! We are perishing from an absence of spirit, and we should be very anxious for the future.'" ] From A. G. Sertillanges, *Avec Henri Bergson* (Paris: Gallimard, 1941), 27.

Bergson spoke of Jacques, and of Jacques' work. He said to me: "You know, when your husband set up my philosophy 'of fact' against my philosophy 'of intention' as containing certain virtualities which were not developed, he was right." And he continued, while my heart filled with gratitude and admiration: "Since then we have moved toward each other, and we have met in the middle of the way."<sup>582</sup>

Indeed, Bergson's *Two Sources* appears to be an implicit response, though not a capitulation, to Maritain's criticisms.

## 5. Conclusion

In this chapter we have explored Maritain's critique of Bergson. In opposing intuition to intellect, Bergson loses the life of reason altogether, betrays the Great Tradition, and destroys both philosophy and Christianity in the bargain. Despite this, Maritain honours Bergson's intention to resist positivism, and welcomes his turn to the Christian mystics as a partial remedy.

In conclusion, I would like to put the Maritain-Bergson debate in the context of the great tension between Eastern and Western Christianity. We have made mention of Charles Péguy, the poet who introduced the Maritains to Bergson. William Bush contrasts Maritain's Thomism with the more Greek accounts provided by Bloy and Péguy, the two most influential Christians in the Maritains' conversion. In particular, he points to three features of Maritain's thought: the emphasis on progress in history, an implicit denial of the fall, and what Bush calls "salvation by intellectual

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<sup>582</sup>Raïsa Maritain, *Adventures in Grace*, 197-8.

dissemination.”<sup>583</sup> He further contends that the basic dichotomy which the Maritains accepted—between the contemplative and the active life—is another manifestation of the difference between the Maritains and the Eastern view of things. Further, Bush finds evidence that Charles Péguy’s *Mystery of the Charity of Joan of Arc* challenged this dichotomy, and that Maritain wrote “a very disapproving letter” to Péguy regarding this work.<sup>584</sup> Yet further, it is very probable that Bergson himself drew inspiration from Péguy’s Christianity in the preparation of *The Two Sources*.<sup>585</sup>

In fact, Péguy took it upon himself to defend Bergson against Maritain. This

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<sup>583</sup>William Bush, “Raïsa, Jacques, and the Abyss of Christian Orthodoxy,” in *Jacques Maritain: The Man and his Metaphysics*, John Knasas, ed. (Mishawaka, IN: American Maritain Association, 1988), 25-31 at 29. Also see Bush’s “Raïsa Maritain...and Jacques,” in *Understanding Maritain: Philosopher and Friend*, Deal W. Hudson and Matthew J. Mancini, eds. (Macon, GA: Mercer University Press, 1987), 57-70 at 62-3: “When one recalls that the Maritains were the godchildren of Léon Bloy, their adherence to such a systematic approach to the affairs of God as Thomism is certainly rather startling, indicating, I would suggest, a considerable distance between their Christianity and his. . . . [F]or a Christian such as Bloy, unlike the Maritains, was not to be submitted either to Thomism or to any other systematic approach to God. Though he may never actually have come out and said, as did Dostoyevsky, that the Jesuits were demonic, for example, he did not hide that he held them responsible for inventing the new science of psychology, which is demonic. Nor would Léon Bloy’s sense of what the mystery of the church is ever have allowed him to make such a simplistic error as that made by Leo XIII in trying to funnel the Gospel through the writings of one single man, an error repeated by the Maritains.”

<sup>584</sup>Bush, “Raïsa Maritain...and Jacques,” 65 and 70 note 13.

<sup>585</sup>“This is Pilkington’s contention. He quotes a 1939 letter from Bergson to Halévy regarding Péguy at 98, a passage of which reads, “Grande et admirable figure! Elle avait été taillée dans l’étoffe dont Dieu se sert pour faire les héros et les saints. Les héros, car dès sa première jeunesse, Péguy n’eut d’autres soucis que de vivre héroïquement. Les saints aussi, ne fût-ce parce qu’il partageait avec eux la conviction qu’il n’y a pas d’acte insignifiant, que toute action humaine est grave et retentir dans le monde moral tout entier.”

defence is set forth in two articles, “Notes sur M. Bergson et la philosophie bergsonienne” and “Note conjointe sur M. Descartes et la philosophie cartésienne.”<sup>586</sup> Defending Bergson from both Maritain (who is never explicitly mentioned) and Julian Benda, who attacked Bergson from the position of positivist rationalism, Péguy proposed that both attacks were species of Cartesianism, concerned to preserve the hegemonic status of the intellect.<sup>587</sup> Furthermore, the Roman Catholic critique of Bergson displays the worst sort of ingratitude to the thinker who “by reasserting the reality of the present brought about an essentially Christian awareness of the human condition as precarious and transitory, and of man’s constant freedom to make of it what he will....”<sup>588</sup> He staunchly defended Bergson’s dichotomy between habit and creation, which he regarded as the crux of Bergson’s philosophy. “A great philosopher is not one who establishes a definitive truth; a philosopher is a man who introduces anxiety,” he wrote.<sup>589</sup> In the end, Péguy regards Bergson as *more* authentically Christian than Maritain’s Thomism.<sup>590</sup>

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<sup>586</sup>In Charles Péguy, *Oeuvres Complètes*, vol. IX (Geneva: Slatkine Reprints, 1974), 11-56 and 57-331.

<sup>587</sup>See Chapter VIII in N. Jussem-Wilson, *Charles Péguy*, (London: Bowes and Bowes, 1965). This criticism must have infuriated Maritain, who regarded everything he was doing as a repudiation of the Cartesian legacy.

<sup>588</sup>This is Pilkington’s paraphrase of a passage from Péguy’s *Note conjointe sur M. Descartes* at 1464. See A. E. Pilkington, 93.

<sup>589</sup>Translated by Marjorie Villiers in *Charles Péguy*, 351.

<sup>590</sup>See *ibid.*, 356f and especially this at 361: “Bergson’s clerical enemies admitted that he had ‘swept away the materialists’ but they concluded from this that ‘if he could be swept away in his turn, they alone would be left.’ In this they were neither Christian nor far-sighted: ‘They have forgotten that precariousness is a characteristic of Christian life....they have forgotten that one must always begin over again. The notion of

Bergson in fact has provided us with a theory of the human reception of divine grace.<sup>591</sup>

The two enduring options present themselves before us again. The questions remain the same. What are the limits and potentials of human intellect? This is the crux of the disagreement between Maritain and Bergson. But the other tensions which we have previously identified between Latin and Greek accounts of the human condition make themselves known in this disagreement also. Ought we attend to the dynamic or the static? Maritain challenges Bergson to embrace theodicy; Bergson responds by appealing to theosis. Further, what is the relationship of spirit to matter? Are they sharply divided, as per Maritain, such that we have rational knowledge which is entirely distinct from mystical knowledge? Or are they profoundly interpenetrated, as Bergson described in *The Two Sources*?

Maritain's critique of Bergson reveals both the promise and the problems of the Eastern point of view. The Greek approach is far more volatile than its Latin partner. Due to its dynamic and apophatic character it is prone to distortion. The diminution of the concept can be easily taken as a licence for muddled thinking. But its promise is that it follows the contours of reality more closely. Ironically, this philosophy which holds the concept so lightly offers more precision.

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a...definitive acquisition...is of all ideas the most contrary to Christian thought.”  
 Pilkington at 94 suggests that Maritain was, in Péguy's mind, thoroughly modern in this regard.

<sup>591</sup>See Pilkington at 95 for a discussion of this theme. In brief, Péguy finds in Bergson an account of how grace and human freedom work together, and a challenge to resist the ossification of habit and accumulated memory so that one may remain open to divine grace.

In contrast, the Latin account is stable. It promises the possibility of certain answers, of grasping the essences of things, which can facilitate confident actions and bold undertakings. But the drawback is that the system is always in danger of living for itself. The comprehensive system then becomes an ersatz reality. Furthermore, as we have seen with Maritain, the very stability of it can lead to a censorious rigidity in which alternate accounts of reality are viewed as confused or inadequate attempts at Thomism.

We are now in a position to consider the two accounts of human rights which issued forth in the post-war era from Humphrey-Bergson and from Maritain.

## Chapter 6

### Two versions of Human Rights

The most astute biographer of Jacques Maritain was his wife Raïsa. She saw Jacques in this way:

Jacques' vocation shall have been to bring to light the vital forces of Thomism, to carry the light of this great doctrine to all the problems of our times, to widen its frontiers while holding in the strictest fashion to its principles, to reinsert it into the existential reality of the movement of culture and philosophy.<sup>592</sup>

This being Maritain's vocation, he could scarcely avoid speaking to the political events unfolding before him. One of the most important of these events in his lifetime was the post-war human rights movement. This chapter will present Maritain's response to the post-war human rights movement, contrast it with Humphrey's understanding of rights, and then discuss their divergent accounts of universality.

My purpose is not to force a choice between the two expositions of human rights. My goals are less ambitious. First, I want to establish the differences between the two accounts of rights. Second, I hope to portray Humphrey's Bergsonian delineation of rights as sufficiently attractive to merit serious attention today, particularly in its alternative approach to the universality of rights.

#### 1. Maritain, Natural Law and the Open Society

Maritain's account of human rights begins with natural law. His understanding of

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<sup>592</sup>Raïsa Maritain, *Adventures in Grace*, 214-5.

natural law, in turn, is inseparable from his account of human knowing. We have seen that against Bergsonian intuition Maritain held up St. Thomas' account of connatural knowledge. For Bergson, intuition is distinguished from an intellect the function of which is to set things in a spacial order, whereas Maritain's connatural knowledge operates within the realm of intellect. The content of this connatural knowledge always pertains to being.

In a paper read at the second annual meeting of the Metaphysical Society of America, Maritain explicitly articulated his view of natural law in the context of connatural knowledge.<sup>593</sup> According to St. Thomas, certain spheres of human activity are knowable in two distinct ways. We may know them scientifically or philosophically, by conceptual analysis, or we may know them by union with them, by being co-natured with them. Moral virtues are one example: we may judge moral questions by a moral philosophy, or by recourse to our own possession of the virtue in question.<sup>594</sup> Knowledge of divine reality is likewise accessible in these two ways--we may know divine things by the study of theology or by mystical experience.<sup>595</sup>

Maritain writes: "It is through connaturality that moral consciousness attains a

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<sup>593</sup>Jacques Maritain, "On Knowledge through Connaturality," reprinted in Jacques Maritain, *Natural Law: Reflections on Theory and Practice*, William Sweet, ed. (South Bend, IN: St. Augustine's Press, 2001), chapter 1.

<sup>594</sup>"A virtuous man may possibly be utterly ignorant in moral philosophy, and know as well--probably better--everything about virtues, through connaturality." *Ibid.*, 15.

<sup>595</sup>St. Thomas refers to the Greek patristic writer Pseudo-Dionysius in this regard, who describes the connatural knowledge of divine things in terms of "suffering" them (*Summa Theologica* I, 1, 6 ad. 3), *ibid.*

kind of knowing--inexpressible in words and notions--of the deepest dispositions--longings, fears, hopes or despairs, primeval loves and options--involved in the night of the subjectivity."<sup>596</sup> Maritain then offers us an account of natural law in terms of connatural moral knowledge:

The genuine concept of Natural Law is the concept of a law which is natural not only insofar as it expresses the normality of functioning of human nature, but also insofar as it is *naturally known*, that is, known through inclination or through connaturality, not through conceptual knowledge and by way of reasoning. . . . My contention is that the judgments in which Natural Law is made manifest to practical Reason do not proceed from any conceptual, discursive, rational exercise of reason; they proceed from that *connaturality or congeniality* through which what is consonant with the essential inclinations of human nature is grasped by the intellect as good; what is dissonant, as bad.<sup>597</sup>

He hastens to add that since the inclinations in question are human inclinations; they are "refracted through the crystal of reason in its unconscious or preconscious life."<sup>598</sup> This, then, is natural law for Maritain--a set of connaturally known principles which describe the essential inclinations of human nature, thereby distinguishing good from evil.

The consequences of admitting that natural law is known by humans connaturally, and not primarily via analysis, are three-fold.<sup>599</sup> First, we can clearly distinguish between natural law and positive laws which are established by human reason. Second, natural law itself is undemonstrable by rational means; we cannot give a complete conceptual

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<sup>596</sup>*Ibid.*, 19.

<sup>597</sup>*Ibid.*, 20.

<sup>598</sup>*Ibid.* He appears to be deliberately distancing himself from Bergson's intuition here.

<sup>599</sup>*Ibid.*, 21-2.

account of it.<sup>600</sup> Third, because natural law exists independently of human reason, we can attribute natural law, both in its existence and in its knowableness, to the Divine Reason which ordered the universe. Because natural law depends only on the eternal law of Divine Reason it takes on a sacred character and can serve as the authority and ultimate legitimation of positive law.

Elsewhere Maritain explains that the great error in modern accounts of natural law since Grotius has been to neglect the connatural basis of the knowledge of natural law and the necessary relationship between natural law and the divine.<sup>601</sup> This resulted in what Maritain calls “a rationalistic deformation” of natural law in which there was a schism between Divine Reason and the order of nature.<sup>602</sup>

Such is Maritain’s account of natural law. As we shall see, his discussion of human rights, sparked by Roosevelt’s 1942 “Four Freedoms” speech, draws heavily upon the neo-Thomist natural law doctrine. But there was clearly another influence at work in Maritain’s political philosophy: Henri Bergson. Consider the following.

In a series of lectures delivered in Paris immediately before the Second World

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<sup>600</sup>But of course Maritain does furnish a rational account of natural law in general in light of the overarching system of Thomism and the place of human nature within that system. Maritain’s comment here should be understood in terms of the knowing of natural law. One cannot give an analytic account of *how* we know natural law, for this knowledge is gained via connaturality.

<sup>601</sup>I am drawing here on chapter 3 of Jacques Maritain, *Natural Law: Reflections on Theory and Practice*. This chapter, compiled by editor William Sweet, consists primarily of edited portions of lectures Maritain gave on the subject of natural law. These lectures were published unabridged in *La loi naturelle ou loi non écrite* (Fribourg: Editions universitaires, 1986).

<sup>602</sup>*Ibid.*, 46.

War began, Maritain averred that the core problem with modern humanism is that it is *closed*, shut up in itself, divorced from the supra-rational.<sup>603</sup> “After having put aside God in order to become self-sufficient, man loses his soul; he seeks himself in vain, turning the universe upside down in his effort to find himself again. He finds only masks, and, behind those masks, death.”<sup>604</sup> This precipitates a tragic division in Western thought between a truncated rationality and a radical irrationality.

The irrationalist tidal wave is in reality the tragic catastrophe of rationalist humanism. It reacts against the type of humanism characterized by a reason closed upon itself, but in so doing it subjects man to the influence of forces from below, it shuts off still further communications from above and alienates man from the spirit which liberates; it walls the creature up in the abyss of animal vitality.<sup>605</sup>

Against these two options, Maritain posits the “Christian humanist position.”<sup>606</sup>

He calls for a renewal of this alternate humanism:

it must discover the rehabilitation and the “dignification” of the creature not in a species in isolation, thus enclosing the creature within itself, but in an opening up of the creature to the universe of the divine and the supra-rational. “And as a matter of fact such a task implies a work of sanctification of the profane and the temporal. It means the discovery of a more profound and real sense of the dignity of the human person. As a consequence, man would rediscover himself in God rediscovered, and would direct social work toward an heroic ideal of fraternal love conceived, not as a spontaneous return of sentiment to some illusory

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<sup>603</sup>Jacques Maritain, *The Twilight of Civilization*, Lionel Landry, transl. (London: Sheed and Ward, 1946), 10.

<sup>604</sup>*Ibid.*, 11.

<sup>605</sup>*Ibid.*, 13.

<sup>606</sup>*Ibid.*, 15. The correspondence with MacIntyre’s three versions of moral enquiry is obvious.

primitive state, but as a difficult and painful conquest of the spirit, as a work of grace and virtue. Such a humanism, which considers man in the integrity of his natural and supernatural being and which sets no *a priori* limits to the descent of the divine into man, could be termed the *humanism of the Incarnation*.<sup>607</sup>

All the themes voiced here are representative of Bergson's *Two Sources*: the dichotomy between closed and open, the emphasis on moral heroism manifested as fraternal love, and the assertion of the unlimited descent of the divine into humanity.

## 2. Maritain and the Contemporary Human Rights Project

We are now in a position to consider Maritain's treatment of the contemporary human rights project. The reader will recall that 1942 marked the birth of the contemporary human rights movement, with the catalytic influence of Roosevelt's "Four Freedoms" speech which legitimized American involvement in World War Two. In this same year Maritain received the Christian Culture Award from Assumption University in Windsor, Ontario. He took the occasion to present a lecture entitled, "The Natural Law and Human Rights."<sup>608</sup> In this lecture, all of Maritain's later thoughts on rights are present in embryonic form. He begins his discussion by setting forth a series of assumptions: there is a human nature the same for all people; humans are uniquely gifted with intelligence and free will to pursue various goals, some of which correspond to

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<sup>607</sup>*Ibid.*, 15-6.

<sup>608</sup>Jacques Maritain, "The Natural Law and Human Rights," in *Christianity and Culture*, J. Stanley Murphy, ed. (Baltimore: Helicon Press, 1960), 39-48. Maritain obviously had Roosevelt's "Four Freedoms" speech in mind. He refers to this speech explicitly at 44 and again at 48..

human nature, some of which do not; it is up to humans to harmonize their aims with their natures. The natural order revealed through our essential inclinations is the natural law.<sup>609</sup> However, because the natural law is unwritten law, there is a perpetual gap between its existence and our knowledge of it.<sup>610</sup> Errors and deviations in our knowledge of natural law are unavoidable, but history reveals a progress in our knowledge of it.<sup>611</sup>

This being said, Maritain affirms that the sole wellspring of human dignity and human rights is natural law. “The expression, the dignity of the human person, means nothing if it does not signify that by virtue of natural law the human person has the right to be respected, is a retainer of rights, possesses rights. There are things which are owed to man because of the very fact that he is man.”<sup>612</sup>

Natural law is to be distinguished from two lesser orders of law: positive laws and the laws of nations.<sup>613</sup> Natural law alone proceeds from human nature directly and necessarily, making it universal and invariable. It alone affirms that the person transcends the state, because he or she is “ordered to supratemporal values....”<sup>614</sup> All proper claims to rights spring from these supratemporal values. Rights such as those

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<sup>609</sup>*Ibid.*, 41.

<sup>610</sup>“It is written, they say, in the heart of man. True, but in the hidden depths, as hidden from us as our own heart.” *Ibid.*, 41.

<sup>611</sup>“Natural law is an unwritten law. Man’s knowledge of it increases little by little with the progress of moral conscience.” *Ibid.*, 42.

<sup>612</sup>*Ibid.*

<sup>613</sup>*Ibid.*, 43-4.

<sup>614</sup>*Ibid.*, 46.

captured in Roosevelt's "Four Freedoms" speech, properly belonging to the laws of nations, are a valid extension of natural law and from natural law derive their moral authority.<sup>615</sup>

Maritain expanded on these thoughts in a monograph entitled *The Rights of Man and Natural Law*. He begins with the human personality. Humans are unique among the animals by virtue of our intelligence and our wills. We have "a spiritual superexistence through knowledge and through love."<sup>616</sup> The assertion of rights is in fact an assertion of the dignity of our rational and volitional nature, a dignity which is derived from the divine:

The worth of the person, his liberty, his rights arise from the order of naturally sacred things, which bear upon them the imprint of the Father of Being, and which find in Him the goal of their movement. A person possesses absolute dignity because he is in direct relationship with the absolute, in which alone he can find his complete fulfilment.<sup>617</sup>

Maritain contends that only this vision of humanity provides a rational justification for a high view of human dignity and personality.<sup>618</sup>

He identifies the need for something like human rights if world peace is to be attained. Written in the middle of the Second World War, Maritain expresses a bold hope for the progressive unification of a world civilization. Here his language borrows

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<sup>615</sup>*Ibid.*, 44. At 48 Maritain claims that Roosevelt's freedom of worship belongs to the realm of natural law proper.

<sup>616</sup>Jacques Maritain, *The Rights of Man and Natural Law*, (New York: Charles Scribner's Sons, 1943), 3.

<sup>617</sup>*Ibid.*

<sup>618</sup>*Ibid.*, 4-5.

something from Bergson's *Two Sources*. He asks, "...which path shall lead to this progressive unification: unification by external forces and compulsion? Unification by internal forces, that is to say, by the progress of moral conscience, by the development of the relationships of justice, law and friendship, by the liberation of spiritual energies?"<sup>619</sup> Maritain hopes for the latter. "...[I]t is 'in the common attraction' exerted by a transcendent center, which is Spirit and Person, and in which men can truly love one another, that the development of humanity, thus animated and uplifted within the very order of temporal history, finds its supreme law."<sup>620</sup> This goal can only be attained by help of the law, but law alone is insufficient. "While the structure of society depends primarily on justice, the vital dynamism and the internal creative force of society depend on civic friendship. . . . Justice and law are indispensable prerequisites, but they do not suffice."<sup>621</sup>

Human rights are the best expression of this goal presently available. But for Maritain, human rights are incoherent without natural law. He argues that there is, "by very virtue of human nature, an order or a disposition which human reason can discover and according to which the human will must act in order to attune itself to the necessary ends of the human being. The unwritten law, or natural law, is nothing more than that."<sup>622</sup> Significantly, Maritain distinguishes between the existence of natural law and our

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<sup>619</sup>*Ibid.*, 32.

<sup>620</sup>*Ibid.*, 33.

<sup>621</sup>*Ibid.*, 35-6.

<sup>622</sup>*Ibid.*, 61.

imperfect knowledge of it.<sup>623</sup> “Man’s knowledge of it has increased little by little as man’s moral conscience has developed. . . . Only when the Gospel has penetrated to the very depth of human substance will natural law appear in its flower and its perfection.”<sup>624</sup>

With his position on natural law in place, Maritain now turns to human rights. They are founded, he argues, on the spiritual nature of humans. “If man is morally bound to the things which are necessary to the fulfilment of his destiny, obviously, then, he has the right to fulfill his destiny; and if he has the right to fulfill his destiny he has the right to the things necessary for this purpose.”<sup>625</sup> Thus the assertion of human rights is anchored in the affirmation of natural law.

It is because we are enmeshed in the universal order, in the laws and regulations of the cosmos and of the immense family of created natures (and finally in the order of creative wisdom), and it is because we have at the same time the privilege of sharing in spiritual nature, that we possess

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<sup>623</sup>*Ibid.*, 62.

<sup>624</sup>*Ibid.*, 64. On this same theme, Maritain argued in *Christianity and Democracy* that democracy proceeded from the Christian gospel and needs Christianity to sustain it. He found support for this contention from Bergson. “The point is that without the evangelical instinct and the spiritual potential of a living Christianity, political judgment and political experience are ill protected against the illusions of selfishness and fear; without courage, compassion for mankind, and the spirit of sacrifice the ever-thwarted advance toward an historical ideal of generosity and fraternity is not conceivable. As Bergson has shown in his profound analyses, it is the urge of a love infinitely stronger than the philanthropy commended by philosophers which caused human devotion to surmount the closed borders of the natural social groups—family group and national group—and extended it to the entire human race, because this love is the life in us of the very love which has created being and because it truly makes of each human being our neighbour. . . . That is why, Bergson writes, “democracy is evangelical in essence and ...its motive power is love.” Jacques Maritain, *Christianity and Democracy*, Doris C. Anson, transl. (London: Geoffrey Bles, 1945), 42-3.

<sup>625</sup>*Ibid.*, 65.

rights vis-a-vis other men and all the assemblage of creatures.<sup>626</sup>

Maritain contrasts this view of rights with the Modern one which sought to affirm rights as the triumph of human autonomy and dignity *over* nature. He argues that this resulted in a kind of divinization of human rights; they came to be regarded as themselves sacred and infinite,

escaping every objective measure, denying every limitation imposed upon the claims of the ego, and ultimately expressing the absolute independence of the human subject and a so-called absolute right—which supposedly pertains to everything in the human subject by the mere fact that it is in him—to unfold one’s cherished possibilities at the expense of all other beings.<sup>627</sup>

Maritain elaborates on the distinction between natural law, the law of nations, and positive law.<sup>628</sup> Natural law consists of the rights and duties which proceed from the first principle: “do good and avoid evil.”<sup>629</sup> The laws of nations, or the common law of civilization, consists of the precepts of natural law acclimatized to certain conditions of fact which make up the “universal data of civilized life.”<sup>630</sup> Positive law consists of rights and duties which follow in a contingent manner from the first principle. The latter two

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<sup>626</sup>*Ibid.*, 66.

<sup>627</sup>*Ibid.*, 67. Maritain continues, “When men thus instructed clashed on all sides with the impossible, they came to believe in the bankruptcy of the rights of the human person.”

<sup>628</sup>*Ibid.*, 68f.

<sup>629</sup>*Ibid.*, 69.

<sup>630</sup>*Ibid.*, 70.

forms of law derive their force from natural law, being extensions of it.<sup>631</sup> “There is a historical dynamism which impels the unwritten law to flower forth in human law, and to render the latter ever more perfect and just in the very field of its contingent determinations. It is in accordance with this dynamism that the rights of the human person take political and social form in the community.”<sup>632</sup>

Let us sum up Maritain’s discussion so far. Human rights are anchored in natural law, either directly or indirectly, in the case of international law or positive law. Although rights may be known connaturally, they are only coherent if embedded in a Thomist cosmology, reflecting an anthropology structured on our capacity for rationality and our telos in the knowledge of God. However, natural law is known progressively, and this manifests in a dynamic movement forward in history. When Maritain reflects on the progressive nature of human knowledge and its influence on morality and politics, he sounds much like the disciple of Bergson that he once was.<sup>633</sup>

The conclusion of the Second World War brought a new set of practical political problems to Maritain. Agreeing on the general goal of world peace, how are we to go

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<sup>631</sup>*Ibid.*, 70.

<sup>632</sup>*Ibid.*, 71.

<sup>633</sup>Maritain received substantial criticism on this point from Thomist “purists” within the Roman Catholic church. For example, Georges Bernanos is reputed to have complained about Maritain: “I wonder by what disgrace, by what curse the Catholic intelligencia has been so reduced, that in order to instruct its flock, it should find its nourishment among the disciples of Bergson and Cocteau, made up as Thomists!” This is an exaggeration, but it is clear, then as now, that Maritain found Bergson’s *Two Sources* very compelling indeed. The Bernanos quotation is cited in Bernard E. Doering, *Jacques Maritain and the French Intellectuals* (Notre Dame: University of Notre Dame Press, 1983), 49. On the moderate and open character of Maritain’s Thomism, see *ibid* at 95.

about attaining it? At the second International Conference of UNESCO in 1947, Maritain delivered the inaugural address. He entitled it “The Possibilities of Cooperation in a Divided World.”<sup>634</sup> A just world peace cannot be attained, Maritain opined, unless national sovereignty is replaced with a supra-national world organization.<sup>635</sup>

After reviewing some of the practical problems blocking the path to universal peace, Maritain turned to what he regards as the central question in this matter: “can intellectually divided men co-operate in practical matters?”<sup>636</sup> He described the modern condition in this way:

Modern thought had been labelled with *Babelism*, and not without reason. Never indeed have men’s minds been so deeply and cruelly divided. As human thought is pigeon-holed into more and more specialized compartments, it becomes more difficult to bring to consciousness the implicit philosophies to which each of us, willy nilly, is committed in actual fact. Doctrines and faiths, spiritual traditions and schools of thought come into conflict without it being possible for one even to understand the signs which the others use to express themselves. Every man’s voice is but noise to his fellow-men. However deep we may dig, there is no longer any common foundation for speculative thought. There is no common language for it.<sup>637</sup>

Given this situation, how is the kind of agreement which UNESCO seeks possible? It is

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<sup>634</sup>Jacques Maritain, “The Possibilities for Co-operation in a Divided World,” reproduced in Jacques Maritain, *The Range of Reason* (New York: Charles Scribner’s Sons, 1952), chapter 13.

<sup>635</sup>*Ibid.*, 174f.

<sup>636</sup>*Ibid.*, 179. Incidentally, the three practical problems Maritain cites are Machiavellianism (the separation of politics from morality), the difficulty of dealing with collective guilt, and the need to re-think the relationship between wisdom and Modern science.

<sup>637</sup>*Ibid.*, 179.

possible, Maritain concludes, only because the agreement which is pursued is *practical*; it pertains to action alone.<sup>638</sup> Maritain believes that such a practical agreement on basic principles of political action constitutes “a sort of common residue, a sort of unwritten common law, at the point of practical convergence of extremely different theoretical ideologies and spiritual traditions.”<sup>639</sup>

What is the content of this practical consensus? Maritain locates it in the concepts of dignity, equality and respect for the human person.<sup>640</sup> “That is why,” he writes, “I believe that one of the most important tasks undertaken by the United Nations is the new declaration of the rights of man, which UNESCO is helping to draft.”<sup>641</sup> He concludes on a Bergsonian note:

If a state of peace worthy of the name, firm and enduring, is to be established one day among the peoples of the world, this will depend not only upon the economic, political and financial arrangements reached by diplomats and statesmen, nor will it depend solely upon the juridical building up of a truly supra-national co-ordinating organism endowed with efficient means of action; it will depend also upon the deep adherence of men’s consciousness to practical principles like those I have recalled. And, to state things as they are, it will depend also upon the *bigger soul* which, according to Bergson, our world, become technically greater, needs, and upon a victorious outpouring of that supreme and free energy which comes to us from on high, and whose name we know--whatever

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<sup>638</sup>*Ibid.*, 180.

<sup>639</sup>*Ibid.* It should be kept in mind that while Maritain holds this practical agreement in high regard, he remains a philosopher committed to truth, unapologetically stating at 180: “I am fully convinced that my way of justifying the belief in the rights of man and the ideal of liberty, equality, fraternity, is the only one which is solidly based on truth.”

<sup>640</sup>*Ibid.*, 181.

<sup>641</sup>*Ibid.*, 182.

may be our religious denomination or school of thought—to be brotherly love, a name which has been pronounced in such a manner by the Gospels that it has stirred the conscience of man for all time.<sup>642</sup>

Also in 1947, UNESCO invited opinions from a selection of international scholars on the philosophical foundations of human rights. From these opinions conclusions were drawn and submitted to the Commission on Human Rights to assist in the drafting of the Declaration. Maritain was one of the contributors, and also wrote the introduction to a collection of representative essays published in 1949.<sup>643</sup>

In his introduction, Maritain draws our attention to the phenomenon of practical agreement by incompatible philosophies. This suggests the connaturality of moral knowledge. He likens it to

a plant-like formation and growth of moral knowledge and moral feeling, in itself independent of philosophic systems and the rational justifications they propound, even though there is a secondary interaction between them and itself. . . . What is chiefly important for the moral progress of humanity is the apprehension by experience which occurs apart from systems and on a different logical basis—assisted by such systems when they awake the conscience to knowledge of itself, hampered by them when they dim the apperception of spontaneous reason, or when they cast suspicion on a genuine acquisition of moral experience by linking it with some error of theory or false philosophy.<sup>644</sup>

Maritain claims that the primary division between the opinions submitted to UNESCO on human rights is the existence of natural law. Are rights grounded in the necessary conditions of human existence, or are they products of society and entirely

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<sup>642</sup>*Ibid.*, 184.

<sup>643</sup>UNESCO, *Human Rights* (London: Allan Wingate, 1949).

<sup>644</sup>Jacques Maritain, "Introduction," in *ibid.*, 9-17 at 12.

contingent on the historical context?<sup>645</sup> These two positions find a partial reconciliation if the knowledge of natural law is distinguished from its ontology. That is, it is possible to affirm in the strongest terms the existence of a natural law, but to also admit the fallibility of human knowing of this natural law and a dynamic historical process in the emergence of this natural law.<sup>646</sup>

Despite the consensus regarding the practical affirmation of rights, tremendous difficulties arise when we try to integrate and balance rights claims. Here the different “scales of value” of divergent philosophical anthropologies conflict with each other.<sup>647</sup> And here the debate regarding which philosophical system provides the truest vision of humanity is unavoidable. Maritain’s conclusion?

We must not expect too much of an International Declaration of Human Rights. . . . For to reach agreement, no longer merely on the definition of human rights, but on arrangements for their exercise in daily life, the first necessity, as I have pointed out above, would be agreement on a scale of values. For the peoples to agree on the means of securing effective respect for human rights, they would have to have in common, however implicitly, not necessarily the same speculative concept, but at least the same practical concept, of man and life, the same “*philosophy of life*....”<sup>648</sup>

Judging from Maritain’s own work in this period, it seems plausible that he sees in Bergson’s *Two Sources* just such a philosophy of life, which Maritain implicitly

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<sup>645</sup>*Ibid.*, 13.

<sup>646</sup>So writes Maritain: “..our knowledge [of natural law] is in all circumstances subject to slow and irregular growth, so that those rights only stand forth as acknowledged rules of conduct as moral consciousness progresses and societies evolve....” *Ibid.*, 13-14.

<sup>647</sup>*Ibid.*, 16.

<sup>648</sup>*Ibid.*, 16-7.

distinguishes from the Thomist philosophy of nature.<sup>649</sup>

Maritain's article in this volume begins with the same emphasis on the historical progress of moral knowledge, and with the same distinction between consensus on practical conclusions and consensus on rational justification for these conclusions.<sup>650</sup> He takes the opportunity, however, to advance what he believes to be the only possible rational justification for rights—the neo-Thomist doctrine of natural law. He regards the eighteenth century's concept of human rights as a deformation of natural law. With St. Thomas, natural law was unwritten and “interior to the creature,” but in the eighteenth century natural law was confused with “a *written* code to be proclaimed to all, whereof every just law would be a copy and which would decide *a priori* every detail of the norms of human conduct on lines claiming to be dictated by Nature and Reason, but in fact arbitrary and artificial.”<sup>651</sup> The consequence was that rights were regarded as if they were “the absolute and unlimited rights of a god.”<sup>652</sup> Any rational justification of human rights today must distance itself from this distortion and seek to restore an apprehension of

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<sup>649</sup>I. M. Bochenski, in his brilliant mid-century survey of contemporary European philosophy, describes Bergson as the “philosopher of life” *par excellence*. Five themes characterize philosophies of life: attention to becoming over being, an organic approach to reality, resistance to rationalist methods, affirmation of objective reality, and an inclination toward pluralism. See I. M. Bochenski, *Contemporary European Philosophy*, Donald Nicholl and Karl Aschenbrenner, transl. (Berkeley: University of California Press, 1956), chapter IV.

<sup>650</sup>Jacques Maritain, “On the Philosophy of Human Rights,” in *ibid.*, 72-7 at 72.

<sup>651</sup>*Ibid.*, 73.

<sup>652</sup>*Ibid.*

natural law's true character via humble reflection on nature and experience.<sup>653</sup>

We now come to Maritain's famous tome, *Man and the State*.<sup>654</sup> The Declaration is lauded as the primary example of the way in which people with divergent theoretical conceptions can agree on practical political goals. But Maritain, writing in 1951, now appears more cynical about the value of this practical consensus.

It is not reasonably possible to hope for more than this practical convergence on a set of articles drafted in common. If a theoretical reconciliation, a truly philosophical synthesis, is desired, this could only come about as a result of a vast amount of probing and purification, which would require higher institutions, a new systematization, and the radical criticism of a certain number of errors and confused ideas—which for these very reasons, even if it succeeded in exerting an important influence on culture, would remain one doctrine among many, accepted by a number and rejected by the rest, and could not claim to establish in actual fact universal ascendancy over men's minds.<sup>655</sup>

“Yet,” writes Maritain, “from the point of view of intelligence, what is essential is to have a true justification of moral values and moral norms. With regard to Human Rights, what matters most to a philosopher is the question of their rational foundations.”<sup>656</sup> He answers this challenge directly: “The philosophical foundation of the

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<sup>653</sup>A realistic view of natural law distinguishes between the existence of this unwritten law and the partial attempts to codify it in positive law, attempts which reveal a historical progress “along a path of enrichment and revelation which has no end.” *Ibid.*, 74.

<sup>654</sup>Jacques Maritain, *Man and the State*, (Chicago: University of Chicago Press, 1951).

<sup>655</sup>*Ibid.*, 79.

<sup>656</sup>*Ibid.*

rights of man is Natural Law.”<sup>657</sup>

Contrary to the Moderns, Maritain seeks to re-establish rights upon a different conception of natural law, that associated with St. Thomas.<sup>658</sup> This conception of natural law has two elements. The first is ontological.<sup>659</sup> Humans share a nature, the essence of which is intellect and the free capacity to determine the ends which we pursue. But our very intellect and freedom establishes necessary and universal ends for humans. It is our responsibility to exercise our freedom in pursuit of our natural ends. In this sense, everything which has an essence, which has existence, has its own natural law. But for humans, who alone among the animals are rational and free, the pursuit of natural ends takes on normative force.<sup>660</sup> In the ontological sense, then, “natural law is an *ideal order* relating to human actions, a *divide* between the suitable and the unsuitable, the proper and the improper, which depends on human nature or essence and the unchangeable necessities rooted in it.”<sup>661</sup>

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<sup>657</sup>*Ibid.*

<sup>658</sup>Maritain regards St. Thomas’ account of natural law to be the full development of the idea that was introduced by Sophocles’ *Antigone* and found expression in both the Apostle Paul (Rom. 2:14) and the Church Fathers. See *ibid.*, 85.

<sup>659</sup>See *ibid.*, 85-9.

<sup>660</sup>“Natural law for man is *moral* law, because man obeys or disobeys it freely, not necessarily, and because human behaviour pertains to a particular, privileged order which is irreducible to the general order of the cosmos and tends to a final end superior to the immanent common good of the cosmos.” *Ibid.*, 87.

<sup>661</sup>*Ibid.*, 88.

The second element of natural law Maritain calls gnoseological.<sup>662</sup> It pertains to natural law as known by humans. “Natural law is an unwritten law,” Maritain writes, and because it is so, we know it imperfectly.<sup>663</sup> Humankind has progressed in its knowledge of it.<sup>664</sup> We know it by what St. Thomas called connaturality, in which “the intellect, in order to bear judgment, consults and listens to the inner melody that the vibrating strings of abiding tendencies make present in the subject.”<sup>665</sup> The limitation of knowledge, and the progress of knowledge, explains the diversity of expressions of natural law as well as their dynamic nature, whereas the ontological element establishes the universality of the natural law.

The development of the idea of human rights out of natural law was “essentially due to a progress in moral and social experience, through which the root *inclinations* of human nature as regards the rights of the human person were set free, and consequently,

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<sup>662</sup>See *ibid.*, 89-94.

<sup>663</sup>“The only practical knowledge all men have naturally and infallibly in common as a self-evident principle, intellectually perceived by virtue of the concepts involved, is that we must do good and avoid evil. This is the preamble and the principle of natural law; it is not the law itself. Natural law is the ensemble of things to do and not to do which follow therefrom in *necessary* fashion. That every sort of error and deviation is possible in the determination of these things merely proves that our sight is weak, our nature coarse, and that innumerable accidents can corrupt our judgment.” *Ibid.*, 90.

<sup>664</sup>“And such knowledge is still progressing, it will progress as long as human history endures. That progress of moral conscience is indeed the most unquestionable instance of progress in humanity.” *Ibid.*, 94.

<sup>665</sup>*Ibid.*, 92. That is, natural law is known by reflection on the most basic and essential human inclinations.

*knowledge through inclination* with regard to them developed.”<sup>666</sup> However, this idea developed at the same time as a comprehensive ontological account of natural law was lost; resulting in the strong assertion of rights to the exclusion of obligations.<sup>667</sup> But placing human rights back into the ontological context of natural law resolves this problem.

Thus, Maritain writes,

It is because we are enmeshed in the universal order, in the laws and regulations of the cosmos and of the immense family of created natures (and finally in the order of creative wisdom), and it is because we have at the same time the privilege of sharing in spiritual nature, that we possess rights vis-à-vis other men and all the assemblage of creatures.<sup>668</sup>

What does Maritain make of the post-war human rights movement? He analyses it in terms of his distinction between ontology and gnoseology. The immutability of the natural law is something quite different from “the progress and relativity as regards human awareness of it.”<sup>669</sup> He regards the new economic and social rights as progress, and suggests that they are reconcilable with the old civic rights.<sup>670</sup> How the two are

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<sup>666</sup>*Ibid.*, 94.

<sup>667</sup>*Ibid.*

<sup>668</sup>*Ibid.*, 95-6. Maritain sums up St. Thomas’ teaching on natural law in one pithy passage at 96: “It is essential to law to be an order in *reason*; and natural law, or the normality of functioning of human nature known by knowledge through inclination, is *law*, binding in conscience, only because nature and the inclinations of nature manifest an order of reason—that is, of *Divine reason*. Natural law is law only because it is a participation in Eternal Law.”

<sup>669</sup>*Ibid.*, 103.

<sup>670</sup>*Ibid.*, 104-5.

reconciled, however, depends on one's philosophical system. "Everything depends upon the supreme value in accordance with which all these rights will be ordered and will mutually limit each other."<sup>671</sup> Thus we are in the end unable to avoid the question of philosophical anthropology with regard to human rights and the concept of human dignity.

At the same time, Maritain appeals to Bergson in *Man and the State's* concluding chapter on "The Problem of World Government." He strenuously disagrees with what he calls "a merely governmental" approach to world peace.<sup>672</sup> He suggests that this is merely a move from smaller closed societies to a larger closed society. But what is needed is a change not only in extension but in "the inner structures of man's morality and sociality."<sup>673</sup> But in Maritain's assessment, "this would suppose a kind of moral heroism, for which, I deem, we are badly prepared."<sup>674</sup> This is Maritain's final word on the post-war human rights project.

All of this indicates an increasingly sophisticated incorporation of Bergson's insights into the Thomist framework. This is accomplished by a clear separation between the ontological existence of natural law and human rights, which are a reflection of the dynamic and progressive knowledge of natural law. With this separation, Maritain can use Bergsonian categories in the gnoseological sphere while maintaining a Thomist

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<sup>671</sup>*Ibid.*, 106.

<sup>672</sup>*Ibid.*, 204.

<sup>673</sup>*Ibid.*, 206.

<sup>674</sup>*Ibid.*, 208.

account of being itself which undergirds the dynamic process of human knowing. In fact, as we saw in the previous chapter, Maritain regarded this as a fulfilment of Bergson's intentions all along.

That being said, it is apparent that the further Maritain gets from December 10, 1949, the more the ontological is emphasized. Maritain, perhaps jaded by the polarized cold war politics which were John Humphrey's bane, increasingly insisted upon the necessity of a shared comprehensive philosophy, namely neo-Thomism, to make human rights work. He acknowledges the apparent impossibility of attaining such a consensus in the present world situation, lending a tragic tone to his later discussion of the contemporary human rights project.

What, then, do we make of Maritain's final view of rights? Maritain provides a coherent account of rights within a Thomist framework as expressions of natural law, either directly or in the dynamic context of international or positive law. For him, this is the only account of rights which accords with human nature. Because human rights are anchored via natural law in a rational account of being, they are universal. We must ultimately ground rights in this rich cosmology in order to overcome the practical problems which plague the human rights project, such as the tensions between civil and social or economic rights. Shared connatural knowledge of natural law, in the absence of a shared philosophy of natural law, is simply insufficient. It is fitting to close this section with Maritain's own words:

[H]uman conflicts and antinomies can be overcome and reconciled only if first they are perceived in their full dimensions, and if they are viewed in the ontological perspectives of Christian wisdom. . . . Thomist

philosophy, which is grounded on tested principles, yet does not slumber comfortably, offers us an equipment enabling us to extend more and more the boundaries of this philosophy itself, and to advance farther into the problems of our time.<sup>675</sup>

With this, we turn to a discussion of the universality of human rights in Maritain's view.

### 3. Maritain and the Universality of Human Rights

As a preface to Maritain's discussion of universality, it will be helpful to briefly review his account of being. I quote from the introduction to Maritain's greatest work, *The Degrees of Knowledge*. Maritain distinguishes Thomism from all other philosophies by its universalism. By this he does not mean an elaborately constructed, internally coherent but artificial system, but rather a "spiritual organism."<sup>676</sup> He writes: "A system unfolds or progresses from piece to piece, starting from its initial elements. On the other hand, it is the essential demand of Thomism that all construction and mechanism should be rigorously subordinated to the immanent activity and vital movement of intellection."<sup>677</sup> Intellect perceives being, and the careful and sensitive articulation of this

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<sup>675</sup>Jacques Maritain, from the forward to *Ransoming the Time*, Harry Lorin Binsse, transl. (New York: Guardian Press, 1972), ix.

<sup>676</sup>Jacques Maritain, *The Degrees of Knowledge*, Gerald B. Phelan, transl. (New York: Charles Scribner's Sons, 1959), xiv.

<sup>677</sup>*Ibid.* Maritain continues on xv: "Aristotle and St. Thomas only hold for us their privileged positions because, in their supreme susceptibility to the lessons of the real, we find in them principles and a scale of values thanks to which, with no risk of eclecticism or confusion, the whole effort of universal thought may be saved." Maritain wants to distinguish systems as artificial constructs from systems as living organisms which are a reflection of reality. It is questionable whether the adherents of any system of thought would admit that theirs is an artificial construction and not also in profound touch with reality. The real debate is not between reality and artifice, but on the nature of

being is the neo-Thomist's goal.

The clearest statement of Maritain's position on the universality of rights is found in the first chapter of *Ransoming the Time*, entitled "Human Equality."<sup>678</sup> Equality is another way to speak of the unity of humanity's specific nature.<sup>679</sup> But there are three distinct ways to respond to the claim that we share a specific nature. Maritain describes them as nominalist, idealist and realist.<sup>680</sup> He treats each in turn, identifying himself with the last.

The nominalist viewpoint Maritain calls the "anti-Christian philosophy of enslavement."<sup>681</sup> This position effectively denies the equality of humans and instead, because it attends only to the senses and not the intellect, sees only inequalities. In practice, Maritain suggests that this position errs not in perceiving inequalities but rather in "deeming as nothing the reality and the ontological dignity of that *nature* or essence which all men have in common, and which is perceived by the intellect with the help of the senses, and by transcending the senses."<sup>682</sup>

This raises a challenge: if there is a common human nature, how is it possible that

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reality itself. Is reality chaos, such that one must establish order by the willful imposition of a system? Or is reality ordered, such that the system is a means of thinking the order?

<sup>678</sup>*Ibid.*, 1-32.

<sup>679</sup>*Ibid.*, 1.

<sup>680</sup>*Ibid.*, 2.

<sup>681</sup>*Ibid.*, 3.

<sup>682</sup>*Ibid.*, 4.

there are inequalities? Maritain's answer, following Aristotle and St. Thomas, is that individuals and particular people groups participate in varied proportions in the common virtues possible to humankind.<sup>683</sup> They are inequalities of fact, not of law: "They do not shatter the unity of the human family; they give witness in it to that diversity which springs from the proper condition of what is created, and which calls for completion through mutual help and forbearance...."<sup>684</sup> Nominalism, characterized by "brutal empiricism," is incapable of perceiving universality as more than a word. But it is impossible to live as a pure nominalist, for our intelligence aspires to essences.<sup>685</sup> Nominalism is thus prone to making "pseudo-rationalizations" which justify dividing humankind into categories, categories which are blatantly self-serving for their creators and which assign to their group alone the dignity of human nature.<sup>686</sup> Nominalism thus runs to slavery.

Maritain then reviews the idealist position, which he terms "pseudo-Christian egalitarianism." This is typically presented as a reaction against nominalism. In this perspective, the unity of humankind is the unity of an idea. As Maritain puts it, it is the unity of "Man-in-himself, existing outside time, and of whom all individuals involved in concrete life are merely shadows without substance...."<sup>687</sup> Quite the opposite of

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<sup>683</sup>*Ibid.*, 5-6.

<sup>684</sup>*Ibid.*, 6.

<sup>685</sup>See *ibid.*, 4.

<sup>686</sup>*Ibid.*, 7. Maritain clearly has the Nazis in mind.

<sup>687</sup>*Ibid.*, 10.

nominalism, this viewpoint emphasizes the equality of humans to the exclusion of inequalities; equality alone “has the right to exist.”<sup>688</sup> Inequalities, if not denied outright, are simply refused consideration. Particularities are regarded as “a pure accident and a pure, empirical fact, without value for the mind and from which the mind can learn nothing.”<sup>689</sup> Individual inequalities, which translate in practice into individual particularities, are regarded as problems to be solved, if they are regarded at all. The inevitable result is a attempted transformation of the empirical world toward absolute homogeneity in the name of justice.<sup>690</sup>

The third account, realism, Maritain describes as “Christian equality.”<sup>691</sup> Under this view the unity in nature among humans is neither a mere word nor the “logical exigency of an abstract species fictitiously realized.”<sup>692</sup> “The equality in nature among men,” Maritain writes, “consists in their concrete communion in the mystery of the human species; it does not lie in an idea, it is hidden in the heart of the individual and of the concrete, in the roots of the substance of each man.”<sup>693</sup> Our unity is expressible only

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<sup>688</sup>*Ibid.*

<sup>689</sup>*Ibid.*, 11.

<sup>690</sup>*Ibid.*, 13-16. Maritain cites Soviet communism as the paradigmatic example of this absolute homogeneity, in which the dignity of the individual is transferred to the collective. He calls the idealist perspective, not without sympathy, a “naturalizing” of the Christian gospel (16).

<sup>691</sup>*Ibid.*, 17.

<sup>692</sup>*Ibid.*

<sup>693</sup>*Ibid.*

in love, a love for one's fellow which calls forth the unity from abstraction to the concrete. Thus there is a kind of dialectic in Maritain's view of universality; it is revealed by the particular individuals who bear the essence of humanity, and it must be manifested in the opposite direction, from the essence toward social relationships between men marked by love.<sup>694</sup>

What, then, is the relationship between universality and particularities, or as Maritain phrases it, between equality and inequalities? He asserts that "the inequalities, which lend variety to human life and intensify the richness of life's encounters, in no way injure the dignities which befit the unity of mankind and the rights which are grounded on this unity."<sup>695</sup> He continues,

On the contrary, these inequalities make such a unity all the more manifest. Every man is a man in his very essence, but no man is man in essence, that is, exhausts in himself all the riches of the various perfections of which human-kind is capable. In this sense all the diversity of perfections and virtues distributed through the generations of men in space and time is but a varied participation in the common and inexhaustible potentialities of man.<sup>696</sup>

The essence of humankind is the potential for rationality. Natural inequalities arise from diverse actualisations of this essence. Maritain points to Roman Catholic ecclesiology for the best model of this universality.<sup>697</sup>

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<sup>694</sup>This account of universality is at the very basis of Christianity, and indeed in Maritain's mind is inseparable from Christian dogma. See *ibid.*, 18-21.

<sup>695</sup>*Ibid.*, 20.

<sup>696</sup>*Ibid.*

<sup>697</sup>*Ibid.*, 22.

The essential equality between humans is primary. Inferiority is not inferiority of essence.<sup>698</sup> The social and political goal is not to iron out inequalities, but rather to restore them to their “proper proportions and to their secondary character with respect to common human dignity.”<sup>699</sup> In this regard Maritain distinguishes between inequalities which are rooted in nature and social inequalities which are of social origin. For natural inequalities, the maxim is: “...the more a man has, the more he should receive.”<sup>700</sup> Social equalities also are of value. The social body, like the human body, requires a diversity of functions, and from here springs the inequalities of duties and advantages. This does not reflect the natural merits of the individuals embodied in the various parts.<sup>701</sup>

But it is likewise true that social equality is of value. It is an expression of the unity of nature in the social order.<sup>702</sup> This equality finds expression primarily in “the fundamental rights of the human person.”<sup>703</sup> This equality itself leads to the development of natural inequalities: “...in opening to each a greater number of possibilities, it favours at the same time differences in growth and in development.”<sup>704</sup> We arrive, then, at a

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<sup>698</sup>*Ibid.*, 23.

<sup>699</sup>*Ibid.*

<sup>700</sup>*Ibid.*, 24. Further: “It is just that that part which by innate or acquired superiority renders more services to the whole should receive more in return.”

<sup>701</sup>Maritain whimsically reminds us that an imbecile king remains the king. *Ibid.*

<sup>702</sup>*Ibid.*, 25.

<sup>703</sup>*Ibid.* This social equality can also be expressed in other ways, including the rule of law.

<sup>704</sup>*Ibid.*, 27. These inequalities must then be compensated for by redistribution, “by virtue of which the weak and the less favoured share in the benefits which the social

position of “equality of proportion.”<sup>705</sup> This social equality implies a dynamic movement; an end to be won.<sup>706</sup> Thus Maritain summons us toward “...a way of life more truly human, wherein inequalities are not suppressed, but compensated, and subordinated to that high equality of the common use of the good things which nourish and exalt our rational nature.”<sup>707</sup> Maritain believes that this universality is only attainable under the influence of Christian charity.<sup>708</sup> And so Maritain arrives at a progressive historical approximation to universal human nature, a dynamic process which must necessarily be grounded upon a Thomist ontology and which manifests in human rights.

Maritain’s account of rights is grounded in rational knowledge, which takes as its object the universal and necessary essence of humankind known connaturally. Rights are inseparable from the comprehensive Thomistic account of being, following necessarily

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whole owes to others.”

<sup>705</sup>*Ibid.*, 28.

<sup>706</sup>*Ibid.*, 29.

<sup>707</sup>*Ibid.*, 30.

<sup>708</sup>*Ibid.*, 30-1. In 1961 Maritain described his view of universalism, particularly as it applies to pluralist societies. Against a notion of pluralism which is founded upon scepticism regarding human knowledge of the truth, Maritain insists upon the following: “True universalism...is just the opposite of indifference. The catholicity it implies is not a catholicity of relativism and indistinction, but the catholicity of reason, and first of all the catholicity of the Word of God, which brought salvation to all the human race and to whose mystical body all those who live in grace belong visibly or invisibly. True universalism presupposes the sense of truth and the certainties of faith; it is the universalism of love which uses these very certainties of faith and all the resources of the intellect to understand better, and do full justice to, the other fellow.” From Jacques Maritain, “Truth and Human Fellowship,” in *On the Use of Philosophy* (Princeton: Princeton University Press, 1961), 16-43 at 41.

from the inherent operation of intellect and volition toward the Absolute which makes humans properly human. Human rights, despite their partially provisional expressions in international and positive law, take on their full import only in this context.

Furthermore, there is a dynamic aspect to human rights, in that history reveals a progress in moral knowledge. Not that natural law changes, but rather our knowledge of the natural law becomes more precise. Furthermore, due to the Aristotelian distinction between potentiality and act, there is are concrete inequality in the manifestation of our shared human nature. Indeed, the inequality in the actualization of the distinctively human *telos* is the explanation for pluralism. That is, pluralism is regarded as a consequence of differentiations in actualization. This implies that at any point in history, we ought to model ourselves after the most actualized moral agent. Applied to human rights, the nation-states with the best developed expression of human rights ought to be the normative standard to be imitated by all; they function in the international arena as a large-scale version of Aristotle's magnanimous man.<sup>709</sup>

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<sup>709</sup>Charles Malik does this quite explicitly in "The Individual in Modern Society," in *The One and the Many: The Individual in the Modern World*, John Brooks, ed. (New York: Harper and Row, 1962), 135-156 at 155-6: "Modern Western man must therefore realize what a great honor and what a tremendous obligation it is to be free—*free to be* the deepest that there has been. Let him only *be* that, in all responsibility, and in all gratitude. His is the possibility of a personal self-consciousness infinitely rich and infinitely true. His is the actuality of such a rule of law that there can be no question of society or the state mocking his person and his dignity and therefore encroaching upon his freedoms and his rights. Therefore his must be the necessity of bearing the most wonderful epistle of freedom unto the ends of the earth. Itself the matrix from which all universalisms have sprung, Western civilization's greatest need today is to articulate anew and for this age its ancient universal message. Modern Western man must therefore shake off all shyness, all timidity, all doubt, all embarrassment, all paralysis, all defensiveness in order to free himself to pass to the offensive—the offensive of love and helpfulness; the offensive of value and excellence; the offensive of man and reason; the offensive which affirms that

These three accounts of universality correspond precisely with the three accounts of moral enquiry which MacIntyre arrayed before us at the beginning of this dissertation. We suggested in connection with MacIntyre's argument that there seemed to be another alternative in the third category, ever-present in the Western tradition, which was occluded by Thomism. I make the same suggestion here. There is another account of universality, bearing a family resemblance to Thomism, but which is sufficiently distinct to merit consideration as a real alternative. Neither nominalist nor idealist nor realist in the Thomist sense of bearing a comprehensive ontology, Bergson's account of universality offers another way to go.

#### **4. Bergson and the Universality of Human Rights**

Bergson also is a universalist, offering an account of morality predicated on a general philosophic anthropology. However, there are substantial differences from the Thomist anthropology. It is precisely the sharp distinction between the rational and the mystical which Humphrey, following Bergson, wants to blur in his understanding of human rights. Recall that for Bergson, intellect is at the service of both open and closed

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the greatest things in life can only come through sorrow and suffering; the offensive of the spirit which is contrite and the heart which is broken; the offensive which knows how much it has trespassed and therefore is thankful for how much it has been forgiven; the offensive of One who creates and redeems and who has spoken. This is the offensive of being and peace. This is the offensive of freedom. . . . Not only his own fate, but the fate of other individuals in other societies, depends upon the individual in the modern society of the West. If he rises to the highest which his own tradition permits and requires, he will help in saving himself and the world. If, faltering and unsure, he fails his tradition and turns to other gods and principalities, then I dread to think of the future. For, as the literal heir of the ages, he is given much to guard and consider. And it is written, 'unto whomsoever much is given, of him shall be much required' (Lk. 12:48)."

moralties. It plays the handmaid to both the attraction of the eternal and the pressure of collective survival, providing necessary discursive translations of both forces.

Maritain had once commented: "...Bergson is not interested in the notion of human nature as a universal essence. This lack--one may note in passing--explains why the idea of natural law is absent from his philosophy...."<sup>710</sup> This is quite correct; Bergson does not look at humans in terms of a universal essence. Rather, Bergson ultimately saw humankind in terms of a universal dynamism, a universal impetus, and a universal condition characterized by the enduring tension between creation and habit, between spirit and matter, between participation in God and the survival of the species.

Agreement on rights is anchored not in the natural operation of a free intellect which establishes a universal essence, but rather in a universal intuition of spirit which is the expression of the creative impulse. The focus is on both the impetus of life as a creative spirit and the telos of humanity understood in terms of theosis; these two features describe the dignity of humans. Because the discourse springing from the intuition of human dignity is always imperfect and provisional, because "something is lost in translation," debate regarding rights is inevitable, and even healthy. These debates are an invitation to find better ways to discursively represent our humanity, in terms of both creation and destination. Every account of rights must remain flexible, ever open to correspond more closely to the contours of reality which intuition reveals. In this light, Humphrey affirms that human rights are quite properly expressed as a Declaration and not as positive law. It invites creative positive translations of the intuition of human dignity

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<sup>710</sup>Jacques Maritain, *Moral Philosophy*, 424.

into manifold culturally appropriate forms, at one level controlling and even policing positive law with a standard which it must meet, yet encouraging a myriad of symbolic constructions in this task. Furthermore, human rights framed as a declaration invites reflection on the relationship between the laws we make and what it means to be human.

It is helpful to recall the Greek church's concept of catholicity in this context. The body of Christ is not mystical but real, even physical; there is no affirmation of a "mystical" body of Christ which is distinct from the concrete religious community. The joining between Christians is found in their shared participation in a reality which is both spiritual and physical. The ontological hierarchy which characterizes Thomism is de-emphasized in Greek thought, as is the strong dichotomization between concrete particulars and universal essences. This plays out in a re-configuration of universality which is far more conciliar. The Churches' unity finds expression in the equal communion of diverse national churches. In fact, such a divergence of expression of the reality which they all participate in is essential, due to the limits of human intellect and discourse. In the Greek view, there is no tension between universality and particularity. The universal, real though it is, is unspeakable. When we utter it, we render a particular. But this in no way touches the fact of the shared reality which is the foundation of our communion.

##### **5. A Rapprochement between Bergson and Maritain?**

Thus we have two distinct accounts of rights, one associated with Maritain, the

other with Bergson. This being said, one of the most curious features of Maritain's writings on human rights is the appropriation of Bergson's categories from *The Two Sources*, referring to "closed" and "open" societies and explicitly referring to Bergson in defence of human rights. Indeed, Maritain suggested that something like Bergson's philosophy of life was needed in lieu of a shared comprehensive philosophy to sustain the human rights project. He later de-emphasized this idea, placing emphasis instead upon the necessity of a moderate Thomism to steer the contemporary human rights project. But this raises practical problems with regard to the fact of international pluralism. Maritain was quite aware of the impossibility of enforcing a particular religious commitment upon a pluralist community.<sup>711</sup>

Could Bergson's *Two Sources* be a kind of meeting-place for an introduction of the sacred within the secular realm? Maritain himself appears to advance this idea:

A great deal of wisdom, a great deal of contemplation will be required in order to make the immense technological developments of our day truly human and liberating. At this point one should recall Henri Bergson's observations on the mutual need which "mystics" and "mechanics" have of each other, and on the *supplément d'âme*, the "increase in soul" that must vivify the body of our civilization, a body now become too large. . . . [T]he deepest requirement of a new age of civilization, to the extent to which Christianity inspires it, will be the sanctification of secular life.<sup>712</sup>

The reader will recall our discussion of the initial tension and ultimate rapprochement between Humphrey and Charles Malik. Malik, despite his Greek

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<sup>711</sup>See Jacques Maritain's discussion of pluralism in a radio broadcast to France on October 28, 1943, quoted in Bernard E. Doering, *Jacques Maritain and the French Catholic Intellectuals* (Notre Dame: University of Notre Dame Press, 1983), 176.

<sup>712</sup>Jacques Maritain, *The Range of Reason*, 101.

Orthodox roots, saw human rights clearly in terms of Thomism.<sup>713</sup> However, when he sought to articulate his position on rights in a pluralistic context, he likewise shifted to Bergsonian categories. Consider the following quotation from an address Malik gave to the World Council of Churches on April 29, 1949.

Either there is a common morality about man that can be codified and not only respected but also actually observed under a rule of law, or we are on the verge of chaos. The proposed Covenant is a symptom of the decay, not a cure. What can arrest and reverse the process of decay is certainly not international machinery, but the spirit of God once again mightily breaking forth through the hearts of men. As in every crisis throughout the long record of human misery, the Church of Christ is the only real answer.<sup>714</sup>

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<sup>713</sup>No better evidence for Malik's neo-Thomism exists than the following quotation from his *The Wonder of Being* (Waco, TX: Word Books, 1974) at 43: "The real cure of the epistemologically-existentially distorted and denatured modern mind is a return to the wonderful healthy realism of Aristotle, with all his fundamental metaphysical principles and distinctions, critically appraised, interpreted and developed. I would demonstrate the fourfold importance of Aristotle for us today. (a) In himself, as embodying in his spirit and fundamental orientation a marvellous measure of balanced truth by which we all naturally and instinctively and really live. (b) In relation to bewildered, confused and half-lost modern man. (c) As a means of restoring the ruptured unity of tradition, for not only is the Aristotelian tradition (integrally in Thomism and fragmentarily in every other kind of philosophy) the most unique and continuous philosophical tradition in history, but even those who rebelled or departed from him since Descartes and Locke bear testimony, through their very rebellion, to the enduring power and value of his *philosophia perennis*. (d) As a means of establishing some kind of dialogue, in fundamental intellectual matters, between Christianity and at least one important segment of the non-Christian world, namely, Islam, for no matter how much these two religions disagree, their doctors for a thousand years had a common language of thought in Aristotle." Also see Malik's August 14, 1949 speech to a conference of the Canadian Institute of International Affairs, reprinted as "The Challenge of Human Rights," in *The Challenge of Human Rights: Charles Malik and the Universal Declaration*, Habib C. Malik, ed. (Oxford: The Charles Malik Foundation, 2000), 153-66 at 161: "And yet we discern, in the doctrine of the Declaration, a partial and implicit return to the law of nature. A careful examination of the Preamble and Article 1 will reveal that the doctrine of natural law is woven at least into the intent of the Declaration."

<sup>714</sup>Charles Malik, "The Spiritual Implications of the Universal Declaration," in *The Challenge of Human Rights*, 134-40 at 137.

Contrast this with what Malik wrote in an article published just two months later in *The United Nations Bulletin* on July 1, 1949:

Either there is a common morality about man that can be codified and not only respected but also actually observed under a rule of law, or we are on the verge of chaos. The proposed covenant is a symptom of the decay, not a cure. What can arrest and reverse the processes of decay is certainly not international machinery, but *the creative spirit once again electing its own sons, both among men and nations. International activity is so hollow and pale without the mighty support of the highest spirit in concrete fact.*<sup>715</sup>

What I want to draw attention to is the Bergsonian translation of the overtly Christian and Thomistic description of the human rights project Malik gave to the World Council of Churches. “The creative spirit” is appealed to in lieu of “the spirit of God;” “the highest spirit in concrete fact” replaces “the Church of Christ.” When both Maritain and Malik tried to foster a pluralistic cooperation on rights, on a basis which they can in good faith participate as Christians, they revert to Bergsonian categories.

Bergson’s notion of the open society provides a *lingua franca* for human rights, in that it provides a way to speak of the life of the spirit and its relationship to material concerns in a pluralistic and Modern context without sacrificing the basic tenets of one’s spiritual tradition. We can affirm transcendence in the modern context via Bergson, particularly in the realm of human rights. This suggests that these two views, which we have identified with their Greek and Latin sources, being two different directions which Christianity took the Attic inheritance, can be held together, albeit not without tension. Consider Maritain and Bergson’s meeting “in the middle of the road,” and Humphrey,

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<sup>715</sup>Charles Malik, “The Covenant,” reprinted in *The Challenge of Human Rights*, 143-153 at 152. The italics are my own.

Chang and Malik's practical cooperation in advancing human rights.

## 6. Conclusion

The goal of this chapter has not been to suggest that Humphrey's Bergsonian reading of rights is superior. Rather, it has been to establish it as sufficiently unique to be considered as a genuine alternative to Thomism, an alternative that like Thomism resists both the radical immanentizing of rationality which MacIntyre associated with the Encyclopaedists and the replacement of rationality with power that MacIntyre associated with Nietzsche. At most, I have suggested that a Bergsonian framework can provide a way in which Thomists can engage in the contemporary human rights project in a pluralist context. Moreover, I have tried to establish Humphrey's Bergsonian reading of rights as sufficiently attractive to merit further consideration. In particular, I have drawn attention to two aspects of this alternative reading of rights which are of contemporary relevance.

First, it offers a way to negotiate the apparent tension between the universal and the particular. Universality is unspeakable, but necessarily finds myriad expressions in particularities. Pluralism is not a product of differentiations in spiritual rank but rather is the consequence of the inability of conceptual symbols to fully express the reality toward which they point.<sup>716</sup> Thus Bergson grounds the universal not in the knowledge of the

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<sup>716</sup>See Eric Voegelin's discussion of Bodin's mature views on pluralism in "What is Political Reality?" *The Collected Works of Eric Voegelin*, vol. 6, M.J. Hanak, transl., David Walsh, ed. (Columbia: University of Missouri Press, 2002) 341-412 at 395. Voegelin explicitly connects Bergson with Bodin in this essay at 393, writing: "The reality of knowledge of mysticism has twice become in modern times the source of

symbols but in the mystical or intuitive knowledge of the ineffable reality behind the symbols. This means that any affirmation of universality requires a sustained openness toward the unfathomable ground of being. At the same time, the intuitive experience of reality must be expressed, although its expression terminates in a dogmatism which violates its universality. Thus Bergson invites us into a dialectic between universality and particularity, between intuition and conceptualization.

Second, a Bergsonian reading of rights provides a schema for the re-entry of theological or religious discourse into pluralistic political contexts. Bergsonism, due to the restrictions it places upon the concept, is prone to distortion, particularly toward irrationality or mere emotionalism. Maritain's criticisms are in my opinion correct on this point. Bergsonian rights would appear to need the support of theological discourse to avoid derailment into subjectivism and then the consequent reaction toward an ossification into juridical procedure as a pragmatic way to limit the subjectivism. Maritain appeared to have arrived at a similar conclusion, though approaching things from a neo-Thomist angle. Bergson's *Two Sources* furnish Modern pluralist communities with a language in which to mediate politics and transcendent concerns.

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attempts to find the way back from dogmatism to the rationality of thought: once by Bodin in the sixteenth century, in the situation of theological dogmatomachy; the second time by Bergson in the twentieth century, in the situation of ideological dogmatomachy.”

## Conclusion

We come now to the end of this attempt to think through the contemporary human rights project. The main thrust of this dissertation is that Humphrey's Bergsonian view of human rights, understood in the context of the Greek fathers as a species of an enduring philosophical option which has been present in the Western tradition at least since Socrates, is a living option for us today. This contrapuntal strain has tended to be occluded by its more systematic sibling in the history of the West, and this tendency has held true in the contemporary human rights movement. However, the Humphrey/Bergson reading of rights has much to offer us, as we saw in the last chapter.

Bergson penetrates to the depths of Modernity, and there rediscovers, on entirely Modern terms, a basis to reconstruct philosophy along the classical orientation of the attunement to the real order of the cosmos.<sup>717</sup> In particular, it seems to me that Bergson lays a foundation for the recovery of *phronesis*, or practical judgment, over against the technicality which is the fruit of the Modern replacement of judgment with method.

Jacques Maritain, despite his criticism of Bergson's diminution of the concept, fully acknowledged this, consistently giving Bergson credit for quite literally saving the lives of he and his wife Raïsa. But Maritain also recognized that if one looked at Bergson's remarkable achievement as a system, or as another Modern philosophy, one almost immediately loses this fundamental reorientation. Viewed as a system,

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<sup>717</sup>See Eric Voegelin, "Reason: The Classic Experience," in *Published Essays, 1966-85*, vol. 12 of *The Collected Works of Eric Voegelin*, Ellis Sandoz, ed. (Baton Rouge: Louisiana State University Press, 1990), 265-291 at 273.

Bergsonism quickly derails into a wild oscillation between a sentimental, subjective and excessively emotional anti-intellectualism, which inevitably requires an equally excessive technical response in order to moderate the corrosive effects of this anti-intellectualism in the political community.<sup>718</sup> It is only if one attends to Bergson's writings as the provisional expression of an intuition, or as Maritain prefers, an "intention," that Bergson's philosophy shines forth. Bergson himself did not see himself as producing a modern system, but rather subverting the very idea of a modern system. Attempting to follow the contours of reality more closely, he only held out the possibility of a system at the end. Indeed, it is remarkable that so many of Bergson's so-called disciples completely "missed the point." As Charles Péguy once quipped, Bergson has suffered far more from his friends than from his enemies.<sup>719</sup>

Humphrey's appropriation of Bergson, however, was quite properly the appropriation of Bergson's intuition. A careful reading of Humphrey's journals and publications leaves no room for doubt on this point. Human rights, in Humphrey's view, represented the affirmation of human dignity based on the uniquely human capacity for relationship with the divine. Thus we get a kind of natural law, but not one constructed on a metaphysical human essence. Rather, it is constructed on an experiential dynamic; that of the experience of reality and the translation of this experience into rules, laws and habit. In other words, the dialectic between universal and particular in their reciprocal

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<sup>718</sup>In the realm of theology, the system of Bergsonism irresistibly leads to a radical skepticism and relativism. As we saw, this radical subversion of dogma was Maritain's greatest problem with Bergson.

<sup>719</sup>See the discussion of Péguy in Chapter 5, *supra*.

action is the very basis of human rights.

Following Humphrey's reading of Bergson, we can view the contemporary human rights project primarily as an intention. Naturally there is a translation of this intention into concepts and categories, of which the Declaration is the first. But these translations must be understood as approximations of the intuition which forms them from the dust of the earth and breathes life into them. When the human rights project is regarded as a system, without due attention to the intuition, it undergoes the same distortions which plagued Bergsonism. We see an identical oscillation between anti-rational sentimentalism and technicism.

However, contrary to Maritain, I hold that it is doubtful whether Bergson's reorientation of philosophy is properly contained within neo-Thomism. Rather, human rights as Humphrey saw them have far more in common with the Greek Church fathers, with their emphasis on the limitation of human intellect and the importance of supra-rational knowledge, the emphasis on dynamism at the core of the human condition, and the interpenetration of divine and immanent life. Furthermore, Humphrey's account of human rights commends itself over neo-Thomism. It offers the possibility of a recovery of something like a classical philosophical anthropology from within Modernity; it is thus well within the realm of the possible. Bergson's *Two Sources* is one of the best examples of this recovery. Neo-Thomism, despite Maritain's affirmation of pluralism, is difficult to envision in a pluralistic context. In addition, the Humphrey-Bergson account of human rights offers a clearer reinforcement of a dialectic between spirit and matter, or between universal and particular. It manages to be open-ended without ending in a

radical relativism.

The universality of human rights cannot be defended on the basis of a speculative philosophy such as Thomism because of the inevitable gap between unfolding reality and human logic. Thus Bergson makes no attempt to provide a philosophic account of a universal human nature. But the dynamism which Bergson emphasizes ultimately affirms a universality of its own. The vital impetus which drives the novelty of human experience, which both wars against and reinvigorates matter and habit and law, points to a reality beyond matter. This transcendent reality, glimpsed by the mystics and itself separate from matter, is the basis for Bergson's universalism.

Recall that this reality is experienced by an act of intuition, but then, because it is a human experience, must necessarily be translated into concepts and language. But this translation is nothing other than a particularization of the universal. It is a pointer to the universal, but is not itself universal. It is always unsatisfactory. Thus we are thrown into a continual dialectic between universal and particular, a dialectic which itself is universal and perennial.

One of the central consequences of this account of human experience is that it affirms a universal structure in which to think about morality while at the same time embracing a strong version of pluralism. We avoid the notion of a linear progress of humanity in which each new philosophy or civilization supersedes the last. Reality is simply not reducible to the abstract theoretical criteria necessary to make such judgments possible. But we are not left with a vacuous relativity either. Humans, for Bergson and Humphrey, require an open society to give expression to the dialectic which is our

universal birthright, a dialectic between matter and life, between body and spirit, between God and the world. In fine, Bergson replaces Maritain's theophany with theosis. The incarnation is the universal ground of morality, the central fact of human existence, knowable not only through the Gospels but also, and for Bergson primarily, through experience, and the proper starting-point for philosophy.

What does this mean in terms of human rights? Understanding human rights in the context of Bergson's *Two Sources*, as drafter John Humphrey did, firmly establishes the central identity of the contemporary human rights project as an attempt to restore a sense of *humanité* to Modernity. This is quite the opposite of an attempt to juridify all of politics; to reduce, for example, Aristotelian political friendship or Augustinian neighbour love to legal relationships described by rights.

The Declaration, as Humphrey conceived of it, is best viewed as a witness to the unity of humankind. It represented a dialectical movement between the transcendent and the immanent, between the divine and the human, between love and law. In the language of Christianity, the Declaration was intended to be profoundly incarnational. The key players in the drafting of the Declaration, including Humphrey but also Charles Malik, P.C. Chang, and Eleanor Roosevelt, all appeared to be aware of this, and in their affirmation of this dialectic were able to find their own particular philosophies reflected. This recognition of the dialectical and incarnational character of the declaration, more than anything else, enabled the pragmatic cooperation between divergent philosophies which made the Declaration possible. We see in the early days of the U.N. a kind of reflection of the Christian church prior to the great schism, in which competing but not

incommensurate accounts of reality were held together on the one hand by the shared symbols of the incarnation, creation and salvation, and on the other by the repeated threat of various heresies which threatened to derail into dualisms that curtailed the human experience of the divine.

What we have seen in the contemporary human rights movement since then, however, is something entirely different. The dialectical and incarnational aspects of the Declaration have been de-emphasized. Instead, the human rights movement is now characterized by a wild oscillation between an abstract and highly technical approach to rights, anchored merely in the bare fact of the existence of the various Declarations and Charters, and on the other pole a fuzzy and ill-defined notion of universality which makes every claim for equality irresistible even as it forces a homogenization on the political community. To place this in MacIntyre's schema, human rights in our era have tended to swing between an Encyclopaedist and a Genealogical expression.

Both neo-Thomism and, I contend, Bergson's *Two Sources* provide us with alternative ways to go. Bergson in particular provides us with a way to recover the contemporary human rights movement's original élan.

As we saw, both Humphrey and Bergson experienced a kind of loss of faith in the contemporary human rights movement. Humphrey expressly identified his frustration with the cold war politics which ossified the U.N. into warring factions shortly after the Declaration was ratified. But the cold war is over. Now that the dust has settled, it is time to ask again whether international human rights can be rehabilitated.

Such a restoration, I suggest, is not impossible. On December 26, 2004, a tsunami

struck the people living on the shores of the Bay of Bengal. Over 200,000 people were killed. To this extraordinarily horrific event there was an extraordinarily tremendous international response, as the world's nations came to the support of the victims. This must be seen as an expression of the universality of humanity, a universality which transcends positive laws and national concerns. The charity and neighbourly love shown by the world corresponds with the intention of human rights.

Furthermore, this universality was manifested in the most modern of contexts, being entirely mediated by technology. The world learned of the natural tragedy by electronic media, and responded via electronic media. Charity was expressed, not as a transcendence of technology, but through technology. This suggests that the possibility of a robust universality, if not grounded in a common speculative philosophy, then grounded in a transcendent love, remains alive in our late Modern era. The international community expressed a remarkable capacity for pathos and gratuitous acts of neighbourly love in late modernity.<sup>720</sup>

I believe that the shock which the world has received in this tsunami has provided us with an opportunity to rediscover our humanity. The ethical climate approximates in a lesser way the conditions immediately after the Second World War, in which the Declaration came to be. The Universal Declaration of Human Rights, understood in a Bergsonian context, provides us with a way to affirm in the Modern context that there is a ground to human fellowship which is transcendent and which offers a basis to affirm a

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<sup>720</sup>It goes without saying that the motivations were certainly mixed with self-interest at some level, but this does not mean that the universal care expressed here is reducible to self-interest.

universal ethics without a radical homogenization of cultures. There is no better time to re-think the contemporary human rights project. The recover of the intention of the contemporary human rights project is well within the realm of the possible.

In *The Brothers Karamazov* Fyodor Dostoevsky gives voice to the outrage at the apparent absurdity of human suffering through Ivan Karamazov's poem, "the Grand Inquisitor." It is not until we get to Father Zosima's dying recollections thirty pages later that we find Dostoevsky's response in book VI. Dostoevsky provides us with a brief summation of Father Zosima's teachings earlier in the novel, and it is with this that I would like to close. The contemporary human rights project, reinterpreted in light of Humphrey's Bergsonism, is an attempt in the Modern context to affirm Father Zosima's ethical vision.

For I want you to know, my beloved ones, that every one of us is responsible for all men and for everything on earth, not only responsible through the universal responsibility of mankind, but responsible personally--every man for all people and for each individual man who lives on earth. Such an awareness is the crown of a monk's life and, indeed, the crown of any human life on earth. For monks are no different from other men, and they must be what other men ought to strive to become. Only then will our hearts be moved by a love that is infinite and universal, and knows no surfeit.<sup>721</sup>

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<sup>721</sup>Fyodor Dostoevsky, *The Brothers Karamazov*, Andrew R. MacAndrew, transl. (New York: Bantam Books, 1970), 196.

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