

GEWIRTH, MARITAIN, & MacINTYRE:

THE UNITY AND UNIVERSALIZATION OF MORAL PRINCIPLE

Leslie Armour
University of Ottawa

Moral theories based on the notion that the demands of reason and the demands of human nature can not only be reconciled, but can also be seen to work together so as to provide a unified and universal principle which can guide men and women in the pursuit of the good, have a perennial appeal. There have always been attempts to discredit them. Historically, the commonest of such attempts were based on fundamentalist insight to the effect that Scripture takes precedence over reason, or on the belief that emotion, not reason, fires legitimate self interest, and that reason "is and only ought to be", as David Hume said, "the slave of the passions."¹ In the twentieth century, the attempts at discrediting such theories have often been based on the related theses that any moral theory derivable from natural reason and human nature must be based on a confusion about facts and values and must depend on metaphysical systems which are unprovable, more complicated than necessary, and fly in the face of what various sciences say about man and nature. The discredited theories thus become a chapter in the history of mediaeval thought, of legitimate interest to historians of philosophy but to no one else. More recently, some of the traditional objections have been regarded as passé. But a new difficulty has become apparent, the difficulty that there seems to be a plurality of ultimately distinct principles, such as those associated with justice and self-interest. In

the philosophy of John Rawls, for instance, these principles are seen as reconcilable only by a kind of individual judgement such as that involved in his notion of a wide reflective equilibrium.²

THE REVIVAL OF RATIONAL MORALITY

Yet there has been, as always, a strong counter-current of thought leading us back to what, for short, we might call the morality of rational humanity. As yet, this countercurrent is still a little weaker than some of the opposing forces. But it seems to me that it has a good chance of carrying the day and that the day can be carried without ignoring either the most recent or the most traditional objections. Alan Gewirth and Alasdair MacIntyre represent different thrusts within this current. In each case, the notion that reason, as a faculty capable of transcending the immediacies of feeling and capable of grasping the justified needs of intelligent creatures in general, plays a crucial role. But in each case reason seems to encounter troublesome limits. The ethics of Alan Gewirth comes very close to being an ethics of pure reason, but stops short of answering some deep questions which the moral skeptic would want to pose.³ The ethics of Alasdair MacIntyre, though it draws on the old idea that man in a rational animal, argues that, though reason is the source of our moral knowledge, reason serves to show some of the limits of the human situation and compels man to choose, in a particular way, a context within which his moral life can be intelligible.⁴

Though both approach a broadly Aristotelian synthesis of reason and fact in analyzing the moral life, MacIntyre and Gewirth take positions on opposite sides of Jacques

Maritain. Gewirth gives more power to pure reason and MacIntyre stresses the force of man's physical, social, and especially cultural embodiment. All three seek to explore humanity's ability to see beyond its own limitations and beyond the special interests of any particular participant in the moral situation. The possibility of seeing beyond these limits defines the extent to which moral principles and practices can be and ought to be universal, and also the possibility of achieving a unity of moral principle.

What I want to do in this paper is first to sketch the position of Gewirth, for it seems to me to continue most forcefully and clearly the main lines of a pattern of thought which goes back to St. Thomas and beyond, and to be, at the same time, readily defensible. It has apparent weaknesses and I will suggest how they might be overcome, though I shall do this in a way which moves toward a distinctly different foundation. I shall then consider Alasdair MacIntyre's most recent criticism of Maritain and its bearing on Gewirth's problems. I shall try to resist MacIntyre's criticism, but I shall suggest ways in which the issues which he raises in fact show us how Maritain can be of assistance in remedying a crucial weakness which attaches to Gewirth's position and also how it can bolster the thesis which I, myself, propose.

GEWIRTH'S PRINCIPLE

Alan Gewirth bases his position on what he calls the principle of generic consistency. He defines it this way:

«Act in accord with the generic rights of your recipients as well as of yourself».⁵

He claims that this principle is a necessary truth. For, he says, anyone who denied it would contradict himself in that he would "then be in a position of holding that rights he claims for himself by virtue of having certain qualities are not possessed by other persons who have those qualities."⁶ By its nature, this principle, if sound, reconciles justice and interest.

The principle is primarily logical in one of the senses in which Kant's three forms of the categorical imperative might be called principles of the logic of morals, the sense, that is, in which such principles simply explain what is meant by the notion that morality, by its nature, is something common to all moral agents and something which cannot simply be analyzed out into a statement of self-interest. Gewirth, however, argues that some specific "generic" rights arise out of the "necessary conditions" of moral action, and that they revolve around or are founded on the notions of agency, freedom, and well-being.⁷ They are necessary conditions which are also "constitutive" of moral agency. These notions, to put the matter most simply, derive from the human situation which is one in which responsibility accrues to individuals and in which the notion of agency cannot be eradicated from the correct description of the situation.

Gewirth's position is thus grounded, as well, in what we might call facts about the human condition. The rational element in his theory itself derives from our ability to notice likenesses and unlikenesses and to understand the logical functions of the notion of moral principle. The factual elements have their source in a certain feature of the human situation: We are so constituted that we have to make decisions. For both Gewirth and St. Thomas the metaphysical and moral issues are inevitably intertwined.

Gewirth surely belongs to the tradition of St. Thomas and not to that of Kant, though his position is not exactly that of St. Thomas. Perhaps the clearest way of stating the relation of Gewirth's theory of Kant's is to say that, in seeking both factual and rational support for a single, ultimate, unifying principle, he avoids the Kantian difficulty of reconciling duty and happiness. For Kant, because of our natures we have a right to seek happiness, all other things being equal. Yet we have a duty to act only on universalizable principles. Kant says, in effect, that, from the dilemmas created by this bifurcation, only God can save us.

There is, however, another distinction between Gewirth and Kant which is important in situating moral philosophy within the larger context of philosophical enquiry in general. Kant's principles are grounded, ultimately, in the situation of the thinker. Gewirth's principles, like those of St. Thomas, are grounded in the nature of things in the world. Though I do not know how Gewirth would ultimately want to construct his metaphysics, his principles link morality to being. The notion of being has priority in St. Thomas's presentations, but it is not separable from goodness. The notion of moral principle has priority for Gewirth, at least in his ethical writings, but it is not separable from certain factual considerations.

The account of the human condition which is essential to Gewirth's position, however, is very abstract and is concerned itself with elements which go into rationality. It does differ from the position of St. Thomas in that it does not arise directly out of a clearly elucidated metaphysic. Nevertheless, like Maritain and MacIntyre, Gewirth

combines an element of rationality with an element of factual description. But the balance is very much tipped to the side of rationality.

SOME UNDISCLOSED PREMISES

Since his thesis does depend so heavily on a certain exercise of reason, our first task, necessarily, is to look at its logical structure. Evidently, the most central claim that Gewirth makes – the claim that you should grant to those moral agents whose actions are affected by your actions the same rights that you would grant to yourself – is unintelligible (or wholly uninteresting) without three further premises.

- 1) Everyone claims to have some rights.
- 2) Everyone does so in virtue of some characteristic quality or relation which he or she possesses.
- 3) These properties are such a kind that they can be and are shared with other moral agents.

The argument might be technically valid, though very odd, without (1). A person who claimed no rights for himself or herself might not violate the principle. For in claiming no rights for oneself or for others, one would be claiming the same rights for oneself and for others, namely none. But the argument would not be interesting under these circumstances. Unfortunately, when we understand all complications of the premises which I mentioned, we are most likely to conclude that the argument as it stands will not do. But Gewirth's theses can be derived from a principle which I think is more basic and

which, indeed, may be in a certain sense ultimate. This principle will, I believe, stand examination.

We must begin our reflection by noticing that it is perfectly possible that someone should claim not only that there are no rights to which he or she lays claim, but that, furthermore, there are no rights, in any objective sense, at all. If so, all Gewirth's claims about rights would fail. Thus we need, in any case, a more general principle to deal with the issues and it will be convenient to set it forth here and then to say both how it bears on the question of the additional premises and how it bears on the questions involved in the assignment of explanatory and justificatory powers to reasons and to facts, respectively.

A MORE GENERAL PRINCIPLE

The more general principle is just this

Everyone has certain rights and duties with respect to the search for moral truths, and these rights and duties can be spelled out.

If it is logically possible that there might be moral truths and that they are knowable by human beings, then it is everyone's duty to search for them and to make or to try to make correct moral judgements. For, suppose that there are moral truths and that you could have known about them but failed to do so. Then, clearly, you are morally culpable if you later perform some wrong act which you could otherwise have avoided or even if you fail to perform some optimal act which you would have chosen in preference to the less morally desirable act you did choose. More seriously, you are culpable if there exists now, or ever in the future will exist, someone who could have learned the truth from

you if you had undertaken the necessary investigations. You therefore stand in serious risk of moral culpability if you do not do your best to discover the moral truth. Indeed, if the universe goes on for long enough and moral truths do turn up, there will certainly turn up someone who would have avoided wrong-doing had he or she known about the moral truth you could have discovered but did not discover. One's only hope of avoiding the duty to search for moral truth and the duty to try to make correct moral judgements is to show there could be no such truth or that no moral judgements ever need to be made.

The first of these chances for escape is closed by logic. It seems improbable that there is any skeptic who would want to assert that he knows for sure that there is no moral truth. One can imagine, however, that someone might say that the expression "moral truth" is itself contradictory in the way that expressions like "married bachelor" and "round square" are contradictory – i.e. that the expressions contain properties the descriptions of which are logically opposed to one another in some very strong way.

But this cannot be the case. "Round" and "square" are rival determinates under the determinable.⁸ They specify rival ways of marking the boundaries of a spatial surface. "Married person" and "bachelor" are similarly rival determinates under the same determinable. They mark out different marital statuses. Similarly, "being to the left of," denote relations which cannot hold of one entity with respect to the same second entity because they are rival determinates under the same determinable. Expressions which denote qualities, relations and relational properties conflict only when they differentiate the same kind of thing and do so in a way which creates a rivalry. But "moral" and "true" are not different determinates under the same determinable. They do not conflict at all.

Someone who accepted this might still say the combination of morality and truth fails because one or the other is not a possible determinant of the appropriate determinable, or because there is no appropriate determinable. But this is not so, either. Nor is it, as it turns out, the case that neither has any instances.

Truth and error are rival determinates – even if not the only determinates -- of the determinable "intelligible propositionhood." And everyone agrees that there are errors. Truth is what lies beyond some boundary necessary to the discovery of error.

Of what determinable is morality a possible determinant? I suppose the likely candidate is "judgeable action" in the sense in which an action is a deliberate activity of an agent.⁹ To say this is to open a rather complicated but very important question. Actions in this sense are distinguished from mere behaviour in so far as mere behaviour includes being pushed as well as pushing, and acting under constraint as much as acting freely. When we say "he was the agent of his own success (or of his own destruction), we mean that he undertook various deliberate actions. Now there is little doubt at any rate that people deliberate, and there is good reason to suppose that action results from this. But the test which determines whether the event was a genuine act -- the work of an agent or not -- is made through determining whether or not it is reasonable to pass judgement on the action or not. If you were pushed into an old lady on the bus, it is not reasonable to pass judgement on you for your behaviour. Moral judgement and human action are therefore conceptually tied in a very close way. There are, certainly, philosophers who think every occasion of human behaviour would fail any reasonable test of this kind --

philosophers who are, that is to say, determinists. But they would not deny that it is logically possible that there should be actions of the relevant kind.

In any case, morality represents what is at least a possible state of affairs, for moral concepts refer to actual human choices and states of affairs. It is perfectly possible that some of them are better than others, i.e., that there is an objective ordering of them by rank, and the fact that people may claim not to know what this ranking is does not alter the situation.

The remaining argument would be that, though moral judgements and moral choices are possible, none is in fact ever needed. This, too, is something a strict determinist might hold, as might a theistic fatalist. If the laws of physics, or of God, determine everything which I do, then I need not search for moral truth, the determinist might say. But he would be wrong, not because determinism and fatalism are known to be false, but because, whether they are true or false, it is one's duty not to believe them true unless one knows them to be true. For to believe them to be true is to relieve the participants of all moral responsibilities -- though it need not terminate all moral discourse. And this is a serious matter. Even if wrong, no harm is done by one who thinks he may be responsible for the death of another and who therefore drives carefully. But great harm is done by one who believes that, since God is driving, he need pay no attention to where he is going. Now, even if determinism might be true, it cannot be known to be true within the relevant universe of discourse. For one to know that x is true he must have correctly assessed the arguments for x. But if the outcome of his activity is already determined, he cannot make any such assessment, for he is determined to believe what he believes by something other

than the evidence. If he could be sure that he had the correct logic, of course, and could be sure he knew when the rules were correctly applied, he could still know that the rules had been applied. But his problem is in knowing that he has adopted the right logic. To know this, he must, as Newman points out, have made the right decisions freely when choosing between logics.

Thus it is one's duty to search for moral truths. This duty, of course, follows from considerations which, since they reflect the condition of the moral agent and derive from the choices such an agent must make, turn us from the roots which morality has in being per se and toward the foundations which morality has in the epistemological situation. But I shall try to argue that moral principles nonetheless retain their connection with objective reality.

THE LOGICAL ENTAILMENTS OF THE MORE GENERAL PRINCIPLE

This duty to search for moral truth and to try to make correct moral judgements entitles one to assign rights to oneself, namely all those rights which are necessary to carry out the duty to seek moral truth. These include rights of enquiry and of discourse -- the usual rights to freedom of speech and to the search for knowledge, which do or ought to underpin modern democratic theory -- and also, of course, the right, wherever possible, to continue in existence and to do so in tolerably good condition. The right not to be killed deliberately is part of this system of rights, but, so, wherever it is humanly possible, is the right to eat, a right which Gewirth, too, thinks to be well enough established. Evidently,

too, one is obliged to give the same rights to everyone else who is or who might be a moral agent.

This enables us to deal with the question of how it is that certain properties justify the assignment of rights and duties. People who sympathize with G. E. Moore¹⁰ may complain to Gewirth that non-value characteristics cannot sustain value judgements. But, in my alternative proposal, what is at issue is the property of being a moral agent, a property which clearly holds ground on both sides of the divide, the moral and the nonmoral side.

There is, however, another question which might be asked: Leaving aside whether the properties are moral or not, how does possession of any property sustain any moral claim? Moral claims are not about properties, moral or non-moral, but about what one should and should not do. In the light of this, many moral philosophers have resisted this kind of encroachment of metaphysics on ethics.

FACTS AND VALUES

One does, indeed, have to find a link between factual properties and moral demands. One side of such a link is given by the principle that "ought implies can," a proposition which Gewirth defends.¹¹ Ultimately, its defence consists in this: it is pointless to demand of someone something which he or she cannot do. A justified command is, at best, one which can be carried out.¹²

The "ought implies can" principle sets factual limits to what agents can do. But what of other side? Does the capacity to perform good acts imply a duty to do them or,

at least, as many of them as one can? Not exactly, surely. The problem is akin to the one posed by Malebranche with respect to the motivation of human beings by the good. We are all, he claimed, impelled toward the good, but we must choose some particular good.¹³ So as beings who can choose between actions, and as beings for whom the notion of an optimal action is not literally available, our capacity requires us to perform some actions chosen from the set of good actions, but not necessarily any particular one. We are not, that is, God, who can do all things possible, but rather finite beings who must make a finite choice. The capacity to do good -- even if it is only the capacity to search for true moral propositions - requires us to do some good thing or other. We must act in order to live, and if we have to choose between good, neutral, and evil things, it cannot be otherwise than our duty to do what is good.

Even here, there is a further complication which brings into the light what may be the heart of the factual problem. No human actions are just good. In so far as they exclude other good acts, they are tinged with whatever evil is the result of excluding those goods. But they always have an even more obvious admixture of evil in them. Actions invariably use up some resource or other. The energy I expend requires food which, having been eaten by me, is not available to a starving child in the Sahel. The book I write leads, if someone chooses to publish it, to the death of some tree.

We live our lives beneath such clouds.

Our limits are obvious, yet we have learned to our chagrin that human beings in acquiring engineering skills have acquired the power to change virtually the whole physical

universe, and thus have responsibility for far more than they can reasonably foresee or effectively control.

One might think that this difficulty can best be explained by Maritain's insistence that we are both individuals and persons - particular things bound to all nature by the laws of the universe, and knowing creatures capable of sharing in the whole universe. The perfect match of person and individual could only be found in God. Our ultimate personhood thus does not have its explanation in the natural universe even if our physical individuality does. We reach beyond ourselves. The imbalance in our being is only explicable in these terms on the hypothesis that we share our being.

What matters, therefore, is that we can act as moral agents. But we must seek the co-operation first of all other men and then of God.

Gewirth's case thus seems, if we seek to find an ultimate grounding principle for it, to lead us back in the direction of Maritain.

Gewirth, too, insists that there can only be one ultimate moral principle, one which reconciles all others. But the very universality of such a claim seems also to lead us in Maritain's direction.

This apart, what Gewirth seems to leave out is the problem of determining one's particular duties in a place and at a time. Human beings are animals with histories. The language that they use is shaped by each occasion of use so that they never quite utter the same sentence twice.¹⁴ Each human action occurs at a time and a place different from every other action and so, in a sense, is unique. Each human subject is unique precisely because each of us occupies a place and speaks at a moment of that unfolding of the history of language which is his or her own.

We thus must create communities of meaning. In the give and take of conversation we adjust our speech to each other so that, however brief and unsatisfactory, some minimal community of means exists. When we come to an argument, what counts as a good reason is precisely what all the participants could be brought to accept as a good reason, if only they had all the facts at their disposal and if only they were sufficiently well-informed to share all the same facts. In the give and take of ordinary talk we not only build communities of meaning, we also, by establishing patterns of response, establish a sense of what a "good reason" is, just as we establish a sense of what a "dog" or a "Robertson screw" is.

GOOD REASONS AND PHILOSOPHICAL TRADITIONS

As we shall see, Alasdair MacIntyre and people like him want to urge that the problem, here, is that what counts as a "good reason" depends on what philosophical tradition one belongs to.

In his most recent book, MacIntyre insists that he does not mean that this fact invariably puts an end to philosophical arguments between supporters of rival philosophical traditions. As he says, there is always argument about whether a given tradition in fact meets its own conditions of rationality, and about which of two or more traditions is, effectively, most coherent. But he continues to underline the basic point.

"Debate between fundamentally opposed standpoints does occur; but it is inevitably inconclusive. Each warring position characteristically appears irrefutable to its own adherents."¹⁵ And this appearance, MacIntyre thinks, is, in principle, justified.

But of course, such a position must lead its holder to trip over his own feet. If we can identify philosophical traditions at all, there must be something in common between them. In the argument which I used to establish a somewhat more general - and even more abstract -- moral principle than Gewirth's, the reasons which figured were quite general. Much depends, for instance, on such technical matters as the determinate-determinable relation, but, even if such a notion had to wait for W. E. Johnson to develop it, there is no reason to suppose that a Thomist or Russellian, for instance, would dissent from it. For it has to do with a practice which is necessary to establish meaning on the most general level.

UNIVERSAL PRINCIPLES & SPECIFIC CONTEXTS

The serious problem arises when we apply principles to specific contexts. We can all agree that larceny in general and stealing by finding in particular are, within the context of a democratically established system of rules for the assignment of property, unacceptable. But when Smith buys a chest of drawers and years later finds money in a hidden drawer, is he stealing if he keeps it? We are apt to be less sure. Might the answer be "yes" in England and "no" in Nevada, where chance is allowed to play a larger part in peoples, lives? In general, court injunctions should be obeyed throughout the jurisdictions to which they apply, but should an injunction be applicable to a band of Indians who have always regarded themselves as sovereign and so outside the jurisdiction? People seem to disagree about this.

One should notice that the lines which are drawn are lines which separate communities of meaning so deeply as to create a gap at precisely the place in which some legal or moral difficulty arises. It is socially acceptable to go grocery shopping in Detroit with a hand gun locked in the glove compartment of one's car, but not across the river in Windsor. The gun symbolizes self defence in one place and threatening behaviour in another.

We could only resolve this difficulty by creating a universal community of meaning. Failing that, the interpretation of principle will have a certain relativity.

I use these legal examples for a reason. For MacIntyre wants in fact to exploit what one might call the distinction between legality and morality in a way which precludes there being a universal set of moral rights, and to claim that this follows from a right understanding of the Thomist tradition. Indeed, it is by setting up the problem in this way that he mounts his critique of Maritain. I shall argue that MacIntyre is wrong, and that Maritain is right, certainly on the substantive point, and probably on the historical point about the philosophy of St. Thomas.

MACINTYRE'S CRITIQUE OF MARITAIN

MacIntyre's claim may astonish some of you as much as it astonished me, but others of you may agree with him. In the interests of both clarity and justice, I shall cite it in his own words. The issue, for the moment, remember, is about the bearing of universal moral principles on particular moral situations and, so, the point at which MacIntyre addresses Maritain concerns Maritain's work on the Universal Declaration of Human Rights.

Here is what MacIntyre says:

Maritain [...] formulate(d) what he mistakenly took to be a Thomistic defence of the doctrine of human rights enshrined in the United Nations Declaration of Human Rights, a quixotic attempt to present Thomism as offering a rival and superior account of the same moral subject matter as do other modern nontheological doctrines of universal rights alleged to attach to individual persons.

What Maritain wished to affirm was a modern version of Aquinas's thesis that every human being has within [...] a natural knowledge of divine law and hence of what every human being owes to every other being. The plain prephilosophical person is always a person of sufficient moral capacities. But what Maritain failed to reckon with adequately was the fact that in many cultures and notably in that of modernity plain persons are misled into giving moral expression to those capacities through assent to false philosophical theories. So it has been since the eighteenth century with assent to false philosophical theories. So it has been since the eighteenth century with assent to a conception of rights alien to and absent from Aquinas's thought. For on Aquinas's view the rights that are normative for human relationships are

derived from and warranted only by divine law, apprehended by those without the resources afforded by God's self-revelation as the natural law. Law is primary, rights are secondary. But for Enlightenment and post-Enlightenment modernity, human rights provide a standard prior to all law.¹⁶

Here, MacIntyre seems to make morality a kind of inscription which God has written on the Lockean empty cabinet of the mind or which God has given us as a kind of Cartesian innate idea. In a sense, one can think of morality as the kind of thing which is written down in law books or imprinted on the minds of the legal profession. But St. Thomas seems to have thought of it, more sensibly, as a form of governance, as an activity, one, in fact, of the activities which are constitutive of reason. In the fourth article of Question 19 of the Prima Secundae of the Summa Theologica -- the passage which ought to be most crucial for MacIntyre's contention - St. Thomas speaks of divine reason and "eternal law" as interchangeable notions. He speaks of what comes "from the eternal law which is the divine reason" (ex lege aeterna, quae est ratio divina).

St. Thomas had not read Locke and Descartes, but he seems quite straightforwardly to reject the ground on which the notion of a law imprinted on the human mind might be based. For he thinks that right conduct arises out of the rule of reason over such subject matters as reason is fitted to rule. He insists that the "standard in moral matters in reason"¹⁷ It is true, of course, that human reason derives from eternal reason and true, too, he says, that when human reason "fails," we must have recourse to "eternal reason."¹⁸

But it is still reason and, within its own sphere, human reason holds sway. For instance, he says, "the will, moved by reason, is meant to move the sensitive appetite."¹⁹

From such doctrines as these, Maritain draws the moral that we have a right to the exercise of our reason. Maritain says, flatly, "the same natural law which prescribes our most fundamental duties and in virtue of which all law is binding is the selfsame law which assigns us our fundamental rights."²⁰

Of such views of Maritain's, MacIntyre says that they represent "an uncharacteristic lapse" on the Frenchman's part. I confess it seems to me neither a lapse nor uncharacteristic.

The issue is somewhat curiously put by MacIntyre. The problem is not created by issues about the primacy of law or rights, but by the question of the source of both. The problem is about how law and rights are to be determined. It would be fair to say that St. Thomas's views about right conduct are generally assimilated to two schematic systems. One uses the idea of law and the other the idea of virtue. This may make it seem as if those moral ideas based on rights and those based primarily on goals and consequences are downplayed in favour of those based on duties and those based on dispositional states. But legal duties have correlative rights. The citizen has a right to whatever is necessary for the performance of civic duties. And the traditional virtues are dispositional states which bring about good results, especially the beatitude of their possessors and those with whom they interact. More importantly, St. Thomas and anyone writing in the traditions which have come to us from Plato and Aristotle, would characteristically pose the issues as

questions about specific activities, especially the governance of the individual soul, the family, and the state.

But it is not at all the case that God governs by laying down the law within the areas to which our reason can run. God himself governs by divine reason, and we a likeness to God which shows itself not in our obligations to obey rules which reason does not comprehend, but in the activities of our reason. It is our unlikeness to God which results in there being specifically religious obligations which are binding on the faithful even though their reason does not fathom all of them.

Within human affairs, certainly, there are different levels of and spheres of determination -- the state, the family, and individual conduct. Each of us has particular obligations on each level. But in our own sphere we are certainly to govern our own conduct by the exercise of our own reason, and we are certainly to use our reason to determine, each of us, his or her place in the various orders to which we belong. There is a plain sense in which what we have the right to do is to exercise our reason properly, and within each sphere we have the right to act as reason dictates.

It is thus possible to answer one of MacIntyre's basic difficulties simply by reference to the terms of the tradition which he takes to be most plausible, though there remains yet another difficulty for the solution to which I shall call on Maritain. Reason in this sense is not something the understanding and nature of which is determined by reference to a philosophical tradition, but by reference to certain universal human practices and the capacities which underlie them. It is a fact that we determine our conduct in a way which is different from that employed by bees and beavers. As Aristotle notices, we constantly

innovate, and we lack the kind of basic innate or genetically determined structures which enable bees to build hives and beavers to build dams.²¹ We require education because specifically human inventions govern our behaviour. It is this capacity to shape our behaviour to our chosen ends which constitutes practical reason. That we do it - well or badly -- is simply a fact. That it gives us moral responsibility is another fact which stems from nothing more dramatic than that some at least of our conduct arises from our own decisions. That we have a right to do this derives from the very fact that we are human. Perhaps we could reshape ourselves through genetic engineering into bees and beavers, but, if we did, then we would bear responsibility for that and still have the right to do something else -- if we had not destroyed our access to reason.

THE REAL PROBLEM OF PLURALISM

Unfortunately, if we press this issue, the real problem of pluralism - at least glimpsed by Gewirth but not, I think, seen by MacIntyre -- may appear quite dramatically. It happens this way. The exercise of practical reason creates a complex new responsibility. In a democratic society one's responsibilities are more complex than they might be in a traditional monarchy. What is less obvious but more basic is the fact that whole social orders can be altered dramatically by the introduction of a single concept. The Haida and Kwakiutl Indians in British Columbia centred their concept of property around the concept of the potlatch. If one wanted to hold a public office or take on a new name, one had to organize a potlatch at which one gave away property. One's opponents, if any, had to

organize a rival potlatch at which they gave away even more property. Property was thus something whose power centred on its being given away.

It is difficult to imagine an economy built around a banking system like the one operated by the Government of Canada being operated within the framework of such a notion of property and its functions. Every sort of social obligation is influenced by such distinctions. Literally a good reason for transferring property in one society is a bad reason in another society, and an obvious responsibility in one society is apt not to exist in the other. It cannot be said that one of these notions of property is more rational than the other though each fosters a different kind of social structure.

By contrast, the invention of weapons which are capable of destroying the entire human race demands the creation of an international order capable of controlling it. The creation of modern methods of communication which can reach everyone changes everyone's life. Technology can change the entire human environment. The creation of multinational corporations creates institutions which have a substantial independence from local governments. The need for a universal code of human rights is, in these circumstances, obvious enough.

Thus practical reason both justifies a fundamental pluralism and, in other circumstances, demands a universal set of human rights. Gewirth notices what is in fact either the same problem in different words, or at least a closely related problem, and he identifies it in the writings of St. Thomas as the distinction between natural and human law.²² He concedes that it occurs in the same way in his own system. He says that St. Thomas contends that human law must be derived from natural law either by deduction

or by speciation. And he thinks that neither will suffice. I suppose that one might urge that the roots of the solution which I shall try to derive from Maritain's work are to be found in St. Thomas, but let us consider deduction and speciation. It might well be, for instance, that natural reason would sustain both the Haida notion of property and that the Governor of the Bank of Canada. But what do we do if, say, the Government of Canada does (as it once did) outlaw the potlatch in order to prevent clashes between the two systems of property? Or what do we do if (as recently happened) a band of Indians prevents the local police force from entering its territory in order to enforce the federal government's theory of property? The two views of property are examples of speciation. The natural law would seem to authorize, in a general way by deduction, human laws aimed at reasonable enforcement of legitimate human law. If a law is reasonable, its enforcement by ordinary means involving a minimum of force seems reasonable too.

Gewirth proposes to solve the problem²³ by noticing that his own most basic and general moral principle has more than one component. One is libertarian, authorizing individual action, and the other has to do with public well-being. The resolution is to be found, apparently, by finding that solution which maximises the combination of liberty and well-being. This would work for small cases. When in Cleveland, Ohio, pool hall owners forbade persons to wear their hats while playing pool, on the ground that, though this was a mode of dress favoured by black persons, it provoked white persons to start fights, the decision might seem reasonable. Everybody's liberty of action -- the right to play pool peacefully -- was maximized as was everybody's well being -- freedom from bodily harm - by the solution. The prohibition of a single act, hat-wearing while playing pool, was

obviously outweighed by the large number of free actions which became possible. All those actions associated with friendly pool games and the human friendship which is possible in pool halls became possible at the expense of giving up wearing hats indoors.

But this does not apply well to the Indian cases for, in the case of the Haida Indians, at least, the concept of property involved was central to all the notions of individual identity, and to the whole range of the functions of church and state.

A SOLUTION IN MARITAIN'S METAPHYSICS

The solution, if there is one, has to be to show that there is, in fact, some way in which we can transcend our limitations, and that, when we have done this, we can see what principle would enable us to determine when and how pluralism is to be justified. Maritain's solution, of course, derives from his metaphysics of person and individual.²⁴ As persons, we are capable of sharing in the whole of reality, and, in the process of our lives as knowledge-finding creatures, we share a universality which has no limits. This above all gives us our relation to God. Yet we are also individuals located in the physical world, each with his or her own function. In a way both our autonomy and our responsibility for each other derive from our status as persons. We transcend any particular limitation which can be put on us, and it is, of course, the notion of reason going into our knowledge-finding activities which is the source of our understanding of universal reason. But we are particular embodied creatures and we do differ and we do differentiate ourselves.

What comes from this is the notion that there can be a plurality of human institutions and that, where the Gewirth reconciliation of libertarian conditions and

conditions based on well-being will not suffice, as in the Indian cases, the natural answer is to establish and defend the idea of a plurality of sovereign communities. The limits of such communities, of course, are themselves given by the ideas of natural right and natural law. They must be capable of protecting the autonomy of the individuals concerned, and they must be capable, as Gewirth would no doubt say, of sustaining a defensible mixture of liberty and well-being. Not all questions will, therefore, be resolved in this way. Yet perhaps the largest ones will - without leaving us with MacIntyre's pluralism of competing reasons.

NOTES

1. A Treatise of Human Nature, ed. L. A. Selby-Bigge, revised Peter N. Niddich: Oxford, The Clarendon Press, 1978, p. 415.
2. John Rawls, A Theory of Justice, Cambridge, Mass.: Belknap Press of Harvard University Press, 1971. On p. 142 Rawls defines rationality as doing the best one can to advance one's self interest. His aim is to reconcile this with justice, but the principles are clearly distinct. Important discussions of the principle of wide reflective equilibrium and related matters can be found on pp. 19-21, 48-51, 456-462, and 577-587.
3. The work which I shall be most concerned with, of course, is his Reason and Morality, Chicago: The University Press, 1978. A large body of critical work on Gewirth's theories is collected in Edward Regis, ed., Gewirth's Ethical Rationalism, Chicago: The University Press, 1984.
4. This point, which includes MacIntyre's ultimate conclusion that one cannot, in the end, argue across moral traditions because what counts as a good reason depends on one's philosophical position, is again reinforced (with some additional explanation) in Three Rival Versions of Moral Enquiry. Encyclopedia, Genealogy, and Tradition, Notre Dame, Indiana: The University Press, 1990. It first emerges clearly in Whose Justice? Which Rationality?, London: Duckworth, 1988. This book continues some of the enquiries begun in After Virtue, London: Duckworth, 1981.
5. Reason and Morality, p. 135.
6. loc. cit.

7. Reason and Morality, p. 64.
8. I use, here, the terminology of W. E. Johnson's Logic (3 volumes, Cambridge: The University Press, 1921, 1922, 1924; reprinted New York: Dover Books, 1964.) His theory of determinates and determinables seems to me the only intelligible account of the logical relations of conflicting predicates.
9. We sometimes speak of "the actions of chemical agents," but I take this to be metaphorical and it is the source of the metaphor which is at issue here. Our word "agent" comes from the Latin agens, agentem, (from the verb agere, "to do".) Originally, of course, agents in the literal sense were thought to be very numerous. In classical antiquity, stars were often thought to be agents and more powerful than human beings. But an agent in the sense used here is some being who originates an activity and who does so either with immediate intent or as a result of some policy or even habit which has, at its roots, some element of deliberateness.
10. See, of course, his claim in Principia Ethica, Cambridge: The University Press, 1903, that goodness is a unique unanalysable property and that, therefore, there is never any necessary connection between facts and values.
11. Reason and Morality, pp. 68, 263.
12. The "ought implies can" doctrine has been associated with Kant, but it was hotly debated long before his time by the Jansenists and their opponents who wondered whether or not God could impose upon us duties which we could not fulfil. Some Jansenists were alleged to have insisted that God could do and, indeed, had done such a thing, but this was one of the grounds of opposition to them by the

- theologically orthodox thinkers of the time. Indeed, this belief was one of the famous and condemned "five propositions" of Jansenius.
13. De la recherche de la vérité, Livre 1, Chapitre 1. (The sixth edition, Paris, 1712, is generally regarded as definitive and is the basis of the modern edition of Geneviève Rodis-Lewis, Paris: J. Vrin, 1965, and of the edition by the same which appears as Vols. I-III in the Oeuvres complètes de Malebranche, Paris: J. Vrin, second edition, 1972-1975.)
 14. See the fascinating discussion of this problem in Jonathan Morse's Word by Word, Ithaca, New York: Cornell University Press, 1990.
 15. Three Rival Versions of Moral Enquiry, p. 7. The caveats which soften the impact occur in various places, but especially on p. 5.
 16. Three Rival Versions of Moral Enquiry, p. 76
 17. Summa Contra Gentiles III, I, 9.
 18. In Summa Theologica, Part II, I, Q. 19, A. 4, St. Thomas explains the situation. The power of human reason certainly comes from the divine reason.
 19. On the Virtues in General, Article IX.
 20. Jacques Maritain, Les droits de l'homme et la loi naturelle, New York: Éditions de la Maison Française, 1942, translated by Joseph W. Evans and Leo R. Ward, eds., The Social and Political Philosophy of Jacques Maritain, London: Geoffrey Bles, 1956, p. 57.P
 21. Politics, 1, 2, 1253a.
 22. Reason and Morality, p. 279.

23. Reason and Morality, p. 282.
24. The relevant distinctions are laid out in many places. A very clear and economical account is given by Maritain in Qu'est-ce que l'homme? New York: Éditions de la Maison Française, 1943. Perhaps the necessary distinctions are nowhere made more clearly than in Maritain's "sixth way" in his Approches de Dieu, Paris: Alsatia, 1953, tr. by Peter O'Reilly as Approaches to God, New York: Macmillan, 1954, pp. 72-82 (and as Vol. I of Ruth Nanda Anshen, ed., World Perspectives, New York: Harper, 1954). In this work, he talks both of thought and its relation to the "infinite plenitude of being," and of the specific location of the self in history