

Michigan Law Review

Volume 85
Issue 5 *Issue 5&6*

1987

The Moral Dimensions of Politics

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Recommended Citation

Steven G. Bradbury, *The Moral Dimensions of Politics*, 85 MICH. L. REV. 941 (1987).

Available at: <https://repository.law.umich.edu/mlr/vol85/iss5/9>

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THE MORAL DIMENSIONS OF POLITICS. By *Richard J. Regan, S.J.* New York: Oxford University Press. 1986. Pp. x, 204. Cloth, \$24.95; paper, \$11.95.

In *The Moral Dimensions of Politics*, Richard J. Regan¹ “presents a broad overview of morals and politics from an Aristotelian-Thomistic perspective and relates that perspective to public policy” (p. v). The early chapters of the book paraphrase accepted interpretations of natural law principles developed by the thirteenth-century Roman Catholic theologian Thomas Aquinas. The author briefly analyzes these principles in comparison with modern moral theories and with the political theories of Hobbes, Locke, Marx, and Rawls. The remainder of the book demonstrates the possible application of Thomistic natural law to current public policy issues, including abortion, welfare, conventional and nuclear war, and insurgency and counterinsurgency.

According to Professor Regan, the purpose of the book is to introduce students and the general public to the Thomistic tradition of reason and “the philosophical framework within which many, like the American Catholic bishops, formulate statements on [these issues]” (p. v). He suggests that *The Moral Dimensions of Politics* be used as a basic text in college courses or adult discussion groups concerned with politics, social justice, and morality. However, the book seems less an analysis of Thomistic doctrine in relation to contemporary political issues than a basic primer for nonscholars who wish to argue the Thomist position.

Regan begins his quick summary of the Thomistic doctrine by characterizing Aquinas’s writings on natural law as a synthesis of Aristotelian natural moral good and biblical moral law. Under this characterization, when a person acts in accordance with the divine purposes for human life, he or she is following the natural law. Regan explains that the primary precepts of the natural law are self-evident to human reason and are accepted as truisms by all rational persons.² Further, practical reason enables us to deduce secondary precepts,

1. The author is Associate Professor of Political Science at Fordham University. His previous books include *PRIVATE CONSCIENCE AND PUBLIC LAW* (1972), *CONFLICT AND CONSENSUS* (1967), and *AMERICAN PLURALISM AND THE CATHOLIC CONSCIENCE* (1963). He is editor of *LAW AND JUSTICE*.

2. The precepts of Thomistic natural law are themselves ordered according to our natural inclinations. First, humans have a primary inclination toward the good of self-preservation, shared by all things. Through this inclination, we love everything that preserves human life. Second, humans have instincts, natural in all animals, that incline us toward specific ends, like marriage and proper child-rearing. Third, humans have a unique inclination toward good in accordance with our rational nature. Thus, we have a natural desire to know God, to avoid ignorance, and to live in a cooperative society. T. AQUINAS, *SUMMA OF THEOLOGY I-II*, q. 94, a. 2, in *AN AQUINAS READER* 357 (M. Clark ed. 1972).

which constitute moral norms for human actions.³ These secondary precepts are not necessarily self-evident but are often more remote from the primary precepts. Our understanding of these secondary precepts is contingent on cultural and historical variables and on the complexity of the circumstances to which they are applied (pp. 24-25). When we are faced with a choice, our practical reason judges the morality of a particular option. This judgment is manifest to us through conscience (pp. 29-33). Regan has reduced Thomistic moral doctrine to a simple matter of following one's conscience in actions involving proximate secondary precepts, and in actions involving more remote precepts, following conscience tempered by cultural, social, and historical experience.

Based upon this cursory analysis, he critiques twentieth-century theories of existentialism⁴ and Catholic consequentialism (pp. 26-28). According to Regan, many modern Catholic thinkers⁵ subscribe to consequentialist theories that are contrary to Thomistic doctrine. These theories distinguish ontological good, that is, good that can be measured in objective reality, from moral good, which is normative and not relative to the consequences that result from actions. Under consequentialism, actions can be understood as moral only when they necessitate a choice between conflicting ontological goods. There are no universal moral norms governing human activities absent a relative balancing of nonmoral consequences. Regan summarily rejects these consequentialist theories solely because they are inconsistent with the propositions, central to Aquinas's thinking, that (i) practical reason allows humans to understand basic moral precepts without any argument, because human nature inclines toward moral goodness, and (ii) secondary moral precepts follow rationally from these primary precepts (p. 28). Regan's arguments against both existentialism and consequentialism rely on the Thomistic premise that all existence is structured according to a natural order of being which is supremely rational and immediately evident to human reason. It is just this premise that some contemporary thinkers, like consequentialists, reject.⁶ They cannot accept the medieval notion of a natural, normative scheme. Regan never considers how this proposition, which many

3. See generally *id.* at 358-59.

4. Pp. 14-15. Regan concludes that existentialists, while they strive to rise above nature, will never attain their goal so long as they reject the purpose and meaning inherent in human nature. Regan does not identify these existentialists, nor does he propose a definition of existentialism. See pp. 14-15.

5. As examples, Regan cites Joseph Fuchs, S.J., Louis Janssens, Richard A. McCormick, S.J., and Bruno Schüller. P. 36 n.22.

6. Regan's brief discussion of existentialism and Catholic consequentialism fails to consider the merits of alternative theories advanced by ethicists like Derek Parfit. Parfit argues for the development of a nonreligious, consequentialist moral philosophy based upon the idea of an amplified personal identity. See D. PARFIT, *REASONS AND PERSONS* (1984).

find antiquated and artificial, can nevertheless remain a self-evident truism.

In similar fashion, Regan summarizes Aquinas's basic tenets of political order and justice, and then rejects the theories of Hobbes, Locke, Marx, and Rawls as inconsistent with Thomistic doctrine, without considering the possible value of these theorists' conclusions. He finds the theories of Hobbes and Locke "inadequate" (p. 62), in part because both ignore the essential Thomistic truth that "humans as rational persons naturally incline to cooperate with their fellows to achieve long-term common goals even at short-term costs to individuals" (p. 63). The collectivist doctrine of Marxism is also manifestly incorrect for Regan, since it equates human good with the equitable distribution of material benefits and disregards the higher, spiritual purpose for which society is organized (pp. 67-68). Regan thus refutes classical liberalism and classical Marxism by circular syllogism: Aquinas's premises cannot be incorrect; liberalist and Marxist conclusions derive from premises that contradict Aquinas's; therefore, liberalism and Marxism cannot be valid. He questions the validity of John Rawls's *A Theory of Justice* with similar superficial analysis, allowing no consideration of the value of the theory's conclusions:

Rawls's concept of practical reason is one of calculating how best to achieve subjectively desired benefits without any ability to relate those subjective benefits to an objective order of goods perfective of human nature. If one believes, however, that humans in fact naturally do incline to cooperate with their fellows, and that human reason is capable of understanding from that fact that humans should do so, Rawls's project is basically unnecessary.⁷

Regan's application of Thomistic principles to contemporary political issues also seems self-defeating. Where these issues are factually complex, Regan's position does not lead to new insight. On the topic of wealth distribution, for instance, Regan argues that Thomists would reject classical-liberal and communist models in favor of some system of welfare capitalism tempered with Aristotelian moderation, which would promote optimal human development (pp. 120-34). His argument seems to assume that Thomistic doctrine is necessary to arrive at such a system. In reality, however, many states, whether they call themselves capitalist or communist, assume some responsibility for distributing wealth and for regulating the moderate and just use of property. Many economic policies, though they may achieve just results in terms of Regan's desired goals, no more reflect the Thomistic concept of human development than they reflect a belief in classical-liberal or communist theories.

7. P. 78. This interpretation of Rawls is incomplete and misleading. Rawls also proposes the recognition of "natural duties" that are owed to others by all individuals without regard to social or institutional relations. J. RAWLS, *A THEORY OF JUSTICE* 114-17 (1971).

With respect to military policy, Regan outlines and applies "just-war" theory as developed by Aquinas and later theologians.⁸ He attempts an analysis of five potential strategies for the use of nuclear weapons in terms of this theory. His tentative conclusion is that the only nuclear strategy that may possibly satisfy the just-war criteria is one which targets only enemy military forces to a degree minimally sufficient to deter an aggression that would substantially threaten the sort of human freedom we enjoy in the West.⁹ As Regan admits, it is difficult (some may say impossible) to apply the criteria of proportionality and just conduct to strategic and tactical nuclear warfare (p.171).

He also runs into difficulty in the context of insurgency and counterinsurgency, where he loses ground in his debate with the consequentialists. Regan's discussion of the justice of intervention in revolutionary wars is handicapped, because he is unable to reach a conclusion about the morality of intervention without admitting the relevance of the factual context surrounding particular issues. The background of revolutionary struggle in Third-World nations is complex and involves elaborate cultural and historical patterns. Military and political decisions in this field implicate moral precepts that are quite remote from those basic precepts to which all persons will supposedly agree without argument. In Regan's characterization of Thomistic doctrine, the just-war principles require that counter-revolutionary war be waged discriminately and proportionally, that is, that only the guilty among the enemy be targeted and that all destruction be proportional to the importance of the military objective. In the face of political complexity, the proper application of these principles could be debated endlessly. Regan indicates that in such situations a state may be persuaded to act justly more by pragmatic considerations than by moral sensibilities. Pragmatism could be the motivation where, for example, "[i]ndiscriminate and disproportional warfare would alienate the very public whose support or acquiescence is essential to military victory" (p. 194). If, as Regan suggests, popular favor or acquiescence may be our only indication that a war has been justly waged, then morality can in certain instances be measured on a consequentialist scale. Regan has weakened his critique of consequentialism

8. In order for a war to be just, it must meet six criteria: (1) the decision to wage the war is constitutional; (2) the war has a just cause; (3) it is waged with a right intention; (4) its cost in destruction and loss of life is proportionate to the injustice addressed; (5) all peaceful alternatives have been exhausted; and (6) there is a reasonable expectation that the just cause will be vindicated. P. 149. In the conduct of war, defending nations are morally obliged to avoid harming those among the enemy who are innocent of participating in the unjust aggression. Regan cites the fire bombing of Dresden and the atomic bombings of Hiroshima and Nagasaki as examples of unjust conduct of war in the midst of an otherwise just war. Pp. 155-56.

9. See pp. 167-71. Presumably, no Soviet nuclear strategy can ever be just, so long as the Soviet political regime is founded upon a theory of human freedom which contradicts Thomistic principles of moral development. According to Aquinas, "pluralism is inherent in every rightly ordered political society." P. 41. The natural law imposes moral limits on human government. Political power must derive from a constitution that represents "the will of the people." P. 43.

by admitting that, with respect to highly involved, politically contentious activity, the operation of natural law may sometimes be evidenced only by the conditions resulting from the activity.

Indeed, it is questionable whether the general application of Thomistic principles to the complex political issues of the modern world can lead to significant insights. The basic precepts of practical reason are only those that activate human conscience, and the more remote precepts are contingent on factual variables, subject to the pragmatic limitations of moderation, proportionality, and discrimination. The resolution of complex issues, such as the issue of proper wealth distribution, will nearly always be pragmatic, occurring beyond the simple dictates of conscience. Therefore, Thomistic morality and real-world pragmatism will tend to converge within the crude arena of political resolution.

Regan's Thomistic analysis of morality may be more telling when applied to political issues that involve the primary precepts of natural law, since the correct moral choice on these issues should be self-evident to rational legislators. For instance, the decision to fund abortions publicly is obviously immoral, according to Regan, because abortion violates the primary precept that inclines us naturally to love all things human, including the human fetus (p. 101). However, even on supposedly basic, natural law issues, like abortion, there is active debate. That is because natural law is a matter of belief. Its force as law derives from the preeminence of Thomistic divine law, so that agreement about the basic precepts requires a common creed. If we adopt Thomistic natural law as a legislative doctrine, allowing no law to violate basic precepts, we could quickly resolve the abortion debate. However, since Thomism is fundamentally a theology, enacting legislation officially on the basis of Thomism would violate a different basic precept, the establishment clause of the Constitution.

Regan wants to avoid the issue of the separation of church and state. He maintains that "[n]o appeal to religious authority or creed is necessary" (p. 103) and that "the Thomistic analysis and argument for natural law remains one accessible to human reason irrespective of the divine salvific design" (p. 14). However, while Thomistic natural law may be independent of ecclesiastical authority and of the idea of Christian salvation, it is inseparable from the theological doctrine that human reason comprehends the divine scheme established by the Creator and from a set of beliefs about the moral imperatives of divine law.¹⁰ For Thomists, like Regan, the role of morality in the political

10. Regan writes that persons who reject the natural law "vitiates God's plan." P. 13. He also states that "the things commanded are prescribed because God ordained the natural order which constitutes them good, and the things prohibited are forbidden because God ordained the order which constitutes them bad." P. 83.

There have been natural law philosophers, such as Hugo Grotius (1583-1645), who have maintained that the universe is fundamentally rational and that the laws of nature can therefore

process is necessarily theological and paternalistic. Society should be organized to reflect the "objective order of goods perfective of human nature" (p. 92), which has been ordained by God's creative act as interpreted by the Thomists. A function of the state is to develop the moral well-being of the community (p. 93). This state paternalism is anachronistic now that Christendom has declined and there is no longer a unity of government and the Catholic Church. It seems particularly out of place in a post-Enlightenment political regime like that of the United States, in which theological theories regarding moral development are constitutionally insulated from state authority.¹¹ Many non-Christians will reject Regan's argument, since it is founded upon an acceptance of this Christian paternalism.

If *The Moral Dimensions of Politics* is an attempt to validate Thomistic moral principles and convince skeptics of the link between these principles and political decisionmaking, Regan has failed on both fronts. His refutation of opposing theories is simplistic and unconvincing. He assumes without question the intuitional truth of Thomistic premises and does not consider the merits of alternative conclusions. The application of practical reason to complex political issues will probably not solve those issues since in many of these cases the resolution reached will merely be pragmatic and will not vary substantively from a status quo achieved without resort to Thomistic doctrine. The Thomist concept that government is responsible for the moral perfection of citizens according to the divine law of the Creator is medieval and paternalistic, and many modern political thinkers will reject it as such.

Most probably, Regan is not attempting to convince non-Thomists of the relevance and significance of natural law propositions, but is instead addressing those who are already predisposed to accept Thomistic thought. His book is an articulation of the Thomistic doctrine meant to assist those among its proponents who would venture into the public debate. As Regan suggests, "Without some concept of a natural moral order, Christians risk having nothing of relevance to say in moral matters to the millions of people who are not Christians" (p.

be understood by human reason without any notion of divine law. As Regan's discussion makes clear, Thomism, on the other hand, subordinates human law to the eternal law of the creative God. See p. 83. See also AN AQUINAS READER, *supra* note 2, at 369-79, 384-87.

11. It is significant that the original American colonies were established by members of Protestant sects seeking freedom from state persecution. Regan notes that the Protestant theological position on ethics is "that human will is too debased to act in unambiguously moral ways, and human reason is too enfeebled to recognize moral norms clearly without the aid of divine revelation." P. 6. If this characterization is accurate, Protestant theology must deny the relevance of Thomistic practical reason and the bulk of Regan's analysis.

6). Unfortunately, because of the weaknesses of Regan's analysis, his argument for a "natural moral order" runs the same risk.

— *Steven G. Bradbury*