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Pro-Life Communitarianism and a Metaphysics of Relation

James G. Hanink

ABSTRACT: Ideas have consequences, and Philip Devine and Celia Wolf-Devine have recently presented a cogent pro-life communitarianism that promises to have welcome consequences. In this essay I first highlight their perspective. Then I introduce key elements of the metaphysics that best grounds such a communitarianism. It is a metaphysics of relation and system, one that is itself grounded in the dynamism of potency and act. In addition, I suggest how metaphysical considerations might help the Devines meet a pair of objections that they face. Lastly, I point to how solidarity alerts us to a temptation to substitute a counterfeit for genuine community.

IDEAS HAVE CONSEQUENCES, and mistaken ideas have bad consequences. For some three decades, students have read the flawed arguments of Judith Jarvis Thomson, Michael Tooley, and Alison Jaggar in defense of abortion. Now comes a new text with an antidote that just might redirect students. In *Abortion: Three Perspectives*,¹ Tooley and Jaggar are still at work. But Philip Devine and Celia Wolf-Devine win equal billing. They present a cogent pro-life communitarianism.

Nonetheless, and understandably given their audience, their communitarian case is incomplete. In this essay, I first highlight their perspective. Then I introduce key elements of the metaphysics that best grounds communitarianism: a metaphysics of relation and system, itself grounded in the dynamism of potency and act. In addition, I show how

¹ Michael Tooley, Celia Wolf-Devine, Philip E. Devine, Alison M. Jaggar, *Abortion: Three Perspectives* (New York NY: Oxford Univ. Press, 2009).

metaphysical considerations might help the Devines meet a pair of objections that Tooley and Jaggard bring forward. Lastly, I point to how pro-life solidarity alerts us to one temptation to counterfeit community.

ON COMMUNITARIANISM

The Devines contrast communitarianism with the regnant liberal contract view and its individualist ethos. This “political liberalism,” they note, now shapes even our personal ethics and private associations.² Consider the following examples. The first is Judith Thomson’s claim that parents do not have responsibility for their newborns unless they take them home from the hospital. This, the Devines observe, presents “every parent/child relation as an adoptive one.”³ A second example is that this same brand of contractarianism sees no duty to be a Good Samaritan. For a third example, a contractarian regime of this same sort insists that religious schools must bracket their institutional convictions if they are to qualify for public funding. In a like vein, and for a last example, public education monopolists would have home-schooling parents pass strict state scrutiny, as the situation of parents who educate their own children, from California to Germany, gives ample evidence.

Such examples reflect a programmatic line of thought. Nothing expresses it more pointedly than does John Rawls’s admonitions to the family and its friends. Rawls, the premier social contract theorist, argues that in articulating the principles of justice we must *bracket* our roles as spouse, parent, and child. To admit a distinct familial role imperils liberal conceptions of justice. Indeed, parents must prepare children, even in their early education, to comply with “the public culture” that fosters political liberalism and to which, in turn, it appeals for its own legitimacy.⁴

² For the most influential articulation of this philosophy, see John Rawls, *Political Liberalism*, 2nd ed. (New York NY: Columbia Univ. Press, 2005).

³ *Abortion: Three Perspectives*, p. 74.

⁴ See John Rawls, *Justice as Fairness: A Restatement*, ed. Erin Kelly

Communitarianism, in contrast, understands and appreciates that, even now, ordinary life is broadly *shared* rather than merely a venue for the weighing out of individual interests. Any social theory that ignores this reality goes wrong. If language itself emerges from a form of life, we will find that the richness of ordinary language reflects our common life. On the other hand, technical jargon, for the most part utilitarian, notoriously tends to distance us from one another.

Because human life is fragile, the way in which we respond to the loss of life is strongly indicative of who we take ourselves to be. For the communitarian, knowing full well that no man or woman—or child—is an island, any human loss becomes everyone’s loss. How we look to the nurturing of human life is equally indicative of who we take ourselves to be. For the communitarian, the family is at the heart of the human enterprise. The family, the natural habitat of new life, is always and everywhere the *principium*, or wellspring, of the human community.

In light of their communitarianism, and despite the denials of political liberalism, the Devines see abortion as a tragic loss. For the most part, too, our ordinary intuitions reflect this diminishment. The loss, however camouflaged, begins with the human being whom abortion destroys and then reaches to his or her parents and broader family. The loss also diminishes the whole community in which that family lives.

Ordinary intuitions, to be sure, are starting points; yet contending interests skillfully manipulate them. Nor do the Devines suppose that common intuitions are always clear. Thus, for the sake of academic discussion, the Devines recognize that there are “hard cases” in which one *might* make a case for abortion. They note that the intuitions of some seem ready to accept abortion in a case of rape. In such a case, however,

(Cambridge MA: The Belknap Press of Harvard Univ. Press, 2001), pp. 162-67. Earlier Rawls had noted that “in a broader inquiry the institution of the family might be questioned, and other arrangements might indeed prove to be preferable”; see his *A Theory of Justice* (Cambridge MA: The Belknap Press of Harvard Univ. Press, 1971), p. 462.

there is already a grave wounding of a primary human relation. Moreover, the hardest of cases, those in which intuition seems to afford little traction, come about because the early individuation of the zygote can be puzzling, and hence a question arises about its initial standing in the human community.⁵

A METAPHYSICAL GROUNDING

Communitarianism, as the Devines understand it, offers a promising moral vision. It does so, in the first place, because of its philosophical anthropology. This anthropology respects the constitutive *social* dimension of the human person. Because we are rational, we seek to live in society. Yet anthropology cannot be free-standing. An example suggests one reason why this is so. The Devines duly note a link between a strong intuition against late abortions and a gradualist view of personhood. They point out, though, that “[t]here is no place for this intuition in the standard moral ontology of the West,” and if perhaps “personhood turns out to be too open-textured,” we would need to focus on species membership in order to find moral direction.⁶

Nonetheless, ontology does much more than to function as a corrective. Absent metaphysics, moral debate fails to address what wisdom requires: an openness to the whole range of *what* is.⁷ Pope John Paul II, in calling for “*genuinely metaphysical* range,” indicates why anthropology cannot replace metaphysics. It is only a metaphysics, he says, that “makes it possible to ground the concept of personal dignity” and it is the person who offers “a privileged locus for... metaphysical

⁵ Philip E. Devine and Celia Wolf-Devine, in *Abortion: Three Perspectives*, pp. 87-88.

⁶ *Ibid.*, pp. 89-90.

⁷ On this theme, see Josef Pieper, *Leisure: the Basis of Culture*, translated by Alexander Dru, introduction by T. S. Eliot (New York NY: The New American Library, 1963), esp. pp. 83-96.

enquiry.”⁸ For their part, the Devines do venture into metaphysics enough to insist that personhood is a question for philosophy rather than natural science.⁹

Central to developing a metaphysical basis for communitarianism is the category of relation. Norris Clarke, S.J., is especially helpful here in that he extends relation to what he calls *system*. On his view, a system is an irreducible mode of unity. For the perennial philosophy, unity is itself a transcendental. For anything to be, it must have a unity within itself. After all, whatever is, is what it is and not another thing—and were it otherwise, human speech would fail to refer to what is real. Members of a system, for their part, share in a singular overarching relationship; it is a relationship that we cannot reduce to a plurality of isolated relations and their various *relata*. A family, for example, presents each of its members as first and foremost sharing in the same unifying relation. This structure differs sharply from one that presents the members of a family as severally and distinctly related, each to every other member, one that thereby constitutes a set of different relations. Systems commonly function to order reality, and we ourselves are “related to...other beings and systems of them.”¹⁰ In this light, Clarke sees both substantiality and relationality as “primordial dimensions of reality.”¹¹ It would not be difficult for him to find support in St. Thomas for his claim. In his early *Commentary on the Sentences of Peter Lombard*, Aquinas notes: “[A] twofold perfection is found in all things: one, by which a thing subsists in itself; another, by which it is ordered to others things.”¹² Note that this being-ordered-to-others, this relationality,

⁸ John Paul II, *Fides et Ratio* §83.

⁹ Philip E. Devine and Celia Wolf-Devine, in *Abortion: Three Perspectives*, p. 199.

¹⁰ W. Norris Clarke, S.J., *The One and the Many: A Contemporary Thomistic Metaphysics* (Notre Dame IN: Univ. of Notre Dame Press, 2001), p. 136.

¹¹ *Ibid.*

¹² *In III Sent.* D. 27, q. 1, a. 4.

perfects rather than limits us.

Here we might well add that not all relations are equal. For example, in one sense a mere thing, a “what,” is in relation to others of every kind—but only passively. In contrast, only a living being (a “who”) has the capacity for forging relations with others. Only a “who” can be open to an ever-widening world. We can think of this as a *cosmos* that includes but outstrips the limiting environments that restrict that which remains, inanimately, only a “what.”¹³

Moral considerations offer, of course, a further and pressing reason for paying critical attention to the structure of distinct systems. Clarke distinguishes between the systems that tend to develop the human being and those that tend rather to submerge the human being. For us, a special case comes readily to mind. Giving birth, especially in the context of a nurturing family, is a foundational case of ethical relationality. Its destructive opposite, abortion, exemplifies the rupture of the relational. Abortion in its now routine and commercial context does so egregiously.

In developing a communitarian metaphysics, relation and system are of central relevance. Together with relation and system, and of even more fundamental import, the metaphysical dynamism of act and potency is critical for developing a metaphysics of communitarianism. In the case of each living being, its being in relation involves both a coming into being and an actualizing of potential—together, to be sure, with other living beings. Conception and giving birth, for us, is the matrix of this coming to be and actualizing of the relational. Abortion exemplifies its radical dissolution.

The Devines, indeed, recognize that this metaphysical dimension needs attention. While alerting their readers that “[t]he term ‘potentiality’ is slippery,” they explain its relevance. “There is present within the developing organism a kind of inner drive toward full human maturity; we are presented with an active internally-directed process, rather than a merely passive potentiality—for example, the potentiality a piece of

¹³ For this theme, see Pieper, *Leisure: the Basis of Culture*, esp. p. 84.

marble has to become a statute, or of wood to burn.”¹⁴ In light of this metaphysical stance, they put forward their moral corollary: “An animal that has the (active or internally directed) potential to exhibit distinctively human ways of thinking and behaving is a person—that is to say a rights bearer.”¹⁵ Metaphysics, then, is the ground of ethics. Since there is to be no escape, why not unfurl *both* banners?

A PAIR OF OBJECTIONS & REPLIES

Let me turn now to a pair of objections to the Devines, one from Michael Tooley and the other from Alison Jaggar. Michael Tooley takes issue with their reliance on ethical intuitionism. There is some basis for his complaint. The Devines explicitly state that “fundamental questions of value are matters of intuition rather than reasoning.”¹⁶ Given the often surprising range of disparate intuitions, Tooley proposes a method of reflective equilibrium. On his view, we must put in balance a wide range of relevant intuitions; in doing so, we must also test them in light of relevant and often new scientific data.¹⁷ Ironically, Alison Jaggar claims that Tooley displays a rationalism that undermines his professed method; in its place she recommends her own style of, yes, Rawlsian reflective equilibrium.¹⁸

A metaphysically robust comunitarianism might well help answer Tooley’s objection and, beyond this, advance the debate over methodology. We must, of course, take our intuitions seriously, especially those that point to a danger. The Devines call attention to the “atavistic” and cite Leon Kass on the “wisdom of repugnance.”¹⁹ We must also work for

¹⁴ Philip E. Devine and Celia Wolf-Devine, in *Abortion: Three Perspectives*, p. 79 and p. 205.

¹⁵ *Ibid.*, p. 86.

¹⁶ *Ibid.*, p. 108.

¹⁷ Michael Tooley, in *Abortion: Three Perspectives*, p. 191.

¹⁸ Alison M. Jaggar, in *Abortion: Three Perspectives*, pp. 218-20.

¹⁹ Philip E. Devine and Celia Wolf-Devine, in *Abortion: Three Perspectives*, pp. 68 and 84.

the coherence of our intuitions.²⁰ Like the *eudoxa* that Aristotle sought to reconcile, one's own intuitions are often at odds.²¹ Yet logically prior to our intuitions, which we often but not always share, there is the inescapable first principle, that is, the *source* of practical reason: good is to be done and pursued, and bad is to be avoided.²² This we know by an immediate intuition, but not as a sort of moral sensibility. Without this starting point, sorting out our intuitions or, perhaps, sensibilities, leaves us with an ungrounded inventory. To be sure, there is a reciprocity at work. While moral reasoning draws on first principles, it characteristically discovers them by an analysis, or resolution, of the moral data of experience.²³

We can, moreover, look beyond the latticework of our intuitions. Do not these intuitions themselves have an intentional structure? One does not, after all, have mere moral sensations. Is it not reasonable, then, to take these intuitions to point to an objective ordering of value? This ordering, moreover, is itself relational in that it reflects an interplay of distinctive virtues keyed to a range of specific goods. So understood, this ordering is the objective pole of the moral agent's experience of value.²⁴ It follows that when we act in a way that undermines the relational

²⁰ On the merits of epistemic particularism, see Roderick M. Chisholm's Aquinas Lecture *The Problem of the Criterion* (Milwaukee WI: Marquette Univ. Press, 1973). On the ascent from particulars to universals, see John F. X. Knasas, *Being and Some Twentieth-Century Thomists* (New York NY: Fordham Univ. Fordham Press, 2003), esp. Ch. 3.

²¹ See Aristotle's *Politics*, translated with introduction and notes by C.D.C. Reeve (Indianapolis IN: Hackett, 1998), pp. xviii-xxv for Reeve's helpful account of Aristotle's method of dialectic.

²² Aquinas, *Summa Theologiae*, I-II, q. 94, a.2 c.

²³ For a recent discussion of this pattern, see David J. Klassen, "Application of the Natural Law in the Thought of St. Thomas Aquinas," in *Etudes maritainiennes – Maritain Studies* 24 (2008): 25-28.

²⁴ On the objective character of value, see John F. Crosby, *The Selfhood of the Human Person* (Washington, D. C.: The Catholic Univ. of America Press, 1996), esp. Ch. 7, "Moral Good and Bad," pp. 218-43.

dimension of community, we undermine the good. That this good is convertible with being in the key of “being human” underscores how much is at stake.

With keen insight, the Devines point out how, for some, moral intuitions seem to parallel intuitions about the natural world. They cite Simone De Beauvoir, with specific reference to abortion, and John Stuart Mill, a founder of political liberalism, as expressing Manichean sentiments. The former sees the pregnant woman as “ensnared by nature,” and the latter indicts nature herself as an enemy who “poisons [men] by the quick or slow venom of her exhalations.”²⁵ Strikingly different, of course, is the moral significance of nature for those who see it as the work of the Creator. In this spirit Pope Benedict XVI recently called attention to the moral range of ecology:

[The Church] has a responsibility for the created order.... I ought to safeguard not only the earth, water and air as gifts of creation.... It ought also to protect man against the destruction of himself. What is necessary is a kind of ecology of man.... When the Church speaks of the nature of the human being as man and woman and asks that this order of creation be respected, it is not the result of an outdated metaphysic.²⁶

Rather, the metaphysics at work seeks to reflect, if only in part, the mystery of Creation.

Alison Jaggar, whose objection I next address, takes issue with the Devines for what she sees as an uncritical appeal to community. It is unclear, she complains, whether they appeal to “the value of community in general or to the values of particular communities,” especially since “different communities have different values” and, beyond that, it is

²⁵ Philip E. Devine and Celia Wolf-Devine, in *Abortion: Three Perspectives*, p. 108.

²⁶ The Address of the Holy Father, Pope Benedict XVI, to the Roman Curia on the occasion of their Christmas Greetings, 22 December 2008.

unclear what weight we should give to the bonds of community.²⁷ (Let me insert here that she herself disallows medical personnel conscientious refusal to participate in abortions. She argues on the grounds of human rights and gender equality, as if in doing so she had reached beyond contested values.²⁸) Still, Jaggar does seem to have a basis for complaint. The Devines are perhaps not always as explicit as they might be in drawing the distinction between the roles of community in general and that of particular communities nor as explicit as they might be about how the value of community takes its place in the whole range of values.

Once again a metaphysically robust communitarianism promises to advance the debate. An appeal to community, like an appeal to nature, is of ethical significance only in light of a normative understanding of community. I propose, then, the following definition: *a community is an alliance of persons who share a unified pattern of activities and a reflective pursuit of a common good.* To reach such an understanding, we must begin with the life of particular communities, searching out those communities in which human beings flourish. We can then look beyond the web of such communities to identify a common good that transcends any particular community. This common good is internally relational; its *relata* are the individuals who participate in a human system. As such, each is a substantial center of personhood. Thus Robert Spaemann notes:

[A] person is someone situated *in* this or that condition; the condition is always a predicate of the person, the person always presupposed by the condition. The person is not the result of modification; it simply ‘presents itself,’ like substance in Aristotle. The person is substance because the person is the mode in which a human being exists.²⁹

²⁷ Alison M. Jaggar, in *Abortion: Three Perspectives*, p. 223.

²⁸ *Ibid.*, pp. 166-68.

²⁹ For an incisive account of the relational human context of the person, see Robert Spaemann, *Persons*, translated by Oliver O’Donovan (New York NY: Oxford Univ. Press, 2007), p. 245. Ch. 18, “Are All Human Beings Persons?” is of special relevance.

Insofar as we attack the most vulnerable members of a community, among whom we must include “the least little ones,” the conceived but not yet born, we forfeit the actual being of community and its distinct good.

A communitarian metaphysics, as this account develops, will surely include the motivating relation of solidarity. It is a relation among persons in virtue of which they have the capacity to recognize a shared good and act on a moral impetus to realize it.³⁰ Pope John Paul II spoke eloquently of solidarity, understanding it as “*a firm and persevering determination to commit oneself to the common good; that is to say, to the good of all and of each individual.*”³¹ Solidarity finds its realization in flesh and blood human beings, helping to actualize what is best about us. The failure of solidarity corrupts our institutions and, in doing so, our lives. A culture of death begins by denying solidarity with those whose lives are most in jeopardy. In his recent book *Changing Unjust Laws Justly: Pro-Life Solidarity with “the Last and the Least,”*³² Colin Harte challenges even pro-life leaders to keep faith with the disabled unborn by rejecting legislation that excludes them from the protection of the law.³³

Nonetheless, the received opinion is that keeping faith is compatible with keeping silent. Half a century ago, the Thomist Yves Simon considered this question. Addressing a conference in 1957, he reviewed

³⁰ Here I borrow from William Sweet’s “Solidarity and Human Rights” in *Philosophical Theory and the Universal Declaration of Human Rights*, edited and with an introduction by William Sweet (Ottawa ON: Univ. of Ottawa Press, 2003), especially pp. 214-15.

³¹ John Paul II, *Sollicitudo rei socialis* (1987) §39.

³² Colin Harte, *Changing Unjust Laws Justly: Pro-Life Solidarity with “the Last and the Least”* (Washington, D.C.: The Catholic Univ. of America Press, 2005).

³³ The Devines cite Harte’s theme of solidarity at the close of their communitarian reflection; see *Abortion: Three Perspectives*, p. 109.

a recent case of infanticide that met with a French jury's indifference. Simon then asked:

"What if the baby is unborn? ... Perhaps we would, here, in a group be unanimous. But if we opened the door and invited a few people at random to join our conference, I am sure that we would be at variance in regard to such a rather clear subject as the murdering of children."³⁴

Indeed. And suppose that we were to issue a like invitation? The results would be entirely predictable—even if we were to issue the invitation to our colleagues.

Of course, predictions can be mistaken. I wish that this last one were so. But Simon actually offers his prediction in the context of carefully contrasting natural certainties and matters of opinion. To be sure, we might predict that some will deny that there are any such certainties. But wait. It is certain, is it not, that there are such certainties? John Henry Newman puts probability in perspective. He writes: "In human matters we are guided by probabilities, but...they are probabilities founded on certainties."³⁵ Or, we might say, *doubting itself*, if it is not empty, presupposes belief.³⁶

It is also certain that epistemology and ethics alike witness a contest between virtue and vice. Thus Yves Simon goes on to observe that "we are often tempted to treat things that are above opinion as if they were matters of opinion."³⁷ The epistemic distinction remains sound. And what of the moral temptation? Is it not only too familiar? If I may, I will quote Simon once more:

³⁴ Yves R. Simon, "Personality and Opinion," *Logos* 12/2 (2009): 82.

³⁵ John Henry Newman, *An Essay in Aid of a Grammar of Assent* (Notre Dame IN: Univ. of Notre Dame Press, 1979), p. 194.

³⁶ See Ludwig Wittgenstein, *On Certainty*, edited by G. E. M. Anscombe and G. H. Wright (New York NY: Harper & Row, 1972), esp. #115-23, p. 18e.

³⁷ Simon, p. 81.

[W]e have to live with people who are in disagreement with us even when disagreement is not permissible.... It has to be done: we cannot change the great accidents of human history that cause us to be short of agreement on a number of matters...that are far above opinion.... At the same time we have to get along and be friendly with people who will consider murder legitimate in some cases when we are so convinced that [it] is always by essence an irretrievably very great crime.³⁸

History, to be sure, has its adamant accidents and aberrations. Yet Simon's counsel of friendliness is at odds, I think, with what solidarity, in 2009, requires. The ontological dignity of the human person always precludes contempt for the other. Nonetheless, friendliness is for friends; and friends hold the first things in common. Solidarity is among these first things. We should add, too, that honor is for those who are honorable—especially honorable in regard to those most at risk.

To be sure, we are to live with our neighbors in civility, so far as is possible. But we must also look to the integrity of civic friendship. Elsewhere Simon himself issued an apposite alarm: “[I]n human affairs, counterfeit is so related to genuine form that it appears, with disquieting frequency, precisely where the genuine form is most earnestly sought.”³⁹ In the academy no one has spoken more bluntly about honor and the lives of the innocent than Elizabeth Anscombe. In 1946, her university (Oxford) bestowed an honorary degree on Harry S. Truman. Anscombe declined to join in the ceremony on the grounds of Truman's use of atomic bombs against Hiroshima and Nagasaki. “It is possible,” she wrote, “to withdraw from this shameful business...; if it should be embarrassing to someone who would normally go to plead other business, he could take to his bed.”⁴⁰ As for herself, she feared to go “in

³⁸ Ibid., p. 83.

³⁹ Yves R. Simon, *A General Theory of Authority*. Introduction by A. Robert Caponigri. (Notre Dame IN: Univ. of Notre Dame Press, 1962), p. 27.

⁴⁰ See “Mr. Truman's Degree,” in G. E. M. Anscombe, *Ethics, Religion, and Politics* (Minneapolis MN: Univ. of Minnesota Press, 1981), p. 71.

case God's patience suddenly ends."⁴¹ Is it not thus that wisdom has its beginning?

⁴¹ Ibid.