



PERFECT SOCIETY OR VOLUNTARY ASSOCIATION? LOCKE, MARITAIN, AND THE AUTONOMY OF CHURCH AND STATE

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§ 1: INTRODUCTION

The liberal project began in Europe amidst fierce religious divisions. In the two centuries that followed the Protestant Reformation, competing claims of spiritual authority had driven the continent into a number of armed conflicts and suppressive campaigns. Given this context, it is not difficult to see why some desired a political arrangement that promoted a peaceful coexistence between different denominations. It was during this time period that John Locke published his *Letter Concerning Toleration*, which famously argued that the way to achieve

this coexistence was by making the state autonomous from the Church.⁶² According to this vision, the jurisdiction of each entity would be entirely separated from the other, denying governments the right to coerce on behalf of any religious creed. This novel approach to political theory helped lay the groundwork for liberal philosophy and challenged the prevailing notion of the time that the state had a responsibility to promote both the temporal *and* the spiritual welfare of its citizens.

While this view was met with resistance from several Christian denominations, it faced particularly strong opposition from Catholic intellectuals. From the Middle Ages through the Counter-Reformation, the Church had always maintained that it was superior in dignity to the state and, as such, had the right to instruct and guide the state on spiritual matters.⁶³ For this reason, the liberal idea that the state had no right to coerce on behalf of spiritual authority was seen by several popes as a direct threat to the rights the Church had traditionally claimed for itself.⁶⁴ Since democracy and pluralism are now considered to be essential attributes of liberalism, this tension raised the question of whether a democratic and pluralistic society could ever realize the Catholic Church's idealistic vision for Church-State relations.

Some Catholic thinkers have since been more optimistic about Catholicism's compatibility with democracy. Jacques Maritain, a political theorist and committed Thomist, was one such thinker. In his book *Man and the State*, Maritain offers an alternative theoretical justification for secular democracy that does not rely on liberal presuppositions. In the process, he provides an extensive account of how a separation between Church and state could actually work for the *benefit* of the Church.

Although Locke and Maritain both argue for a kind of political secularization, they disagree starkly on the type of society that political secularization should bring about. Their disagreement strikes at the core of the Church-State question: what kind of status should organized religions enjoy in a democracy with no established religion? Furthermore, how should members of religious congregations, bound by specific moral dictates, participate in a political body composed of individuals

⁶² For the purposes of this paper, whenever I speak of "the Church," I am referring to the Roman Catholic Church.

⁶³ See St. Thomas Aquinas' *De Regno*, Giles of Rome's *On Ecclesiastical Power*, Robert Bellarmine's *On the Roman Pontiff*, and Francisco Suarez's *Defensio Fidei*.

⁶⁴ See *Libertas and Immortale Dei* by Pope Leo XIII and *Quanta Cura* and the *Syllabus of Errors* by Pope Pius IX.

of all faiths? This paper aims to clearly explain the ways in which Locke and Maritain address these questions in their political theories. After drawing out their theoretical differences, I will assess which arrangement is more practically realizable. In doing so, I hope to show that only Locke's theory is structured to fulfill its stated ambitions, while Maritain's envisioned society fails to achieve its desired relationship between Church and State.

§ 2: LOCKE'S CONCEPTION OF THE COMMONWEALTH

Following more than a century of religious upheaval, Locke wrote his *Letter Concerning Toleration* in an attempt to provide civil leaders with a roadmap for governing a commonwealth with competing religious factions. Although the treatise employs a number of theological arguments regarding the nature of Christian Faith, of interest to us here are the various claims Locke makes about the proper jurisdiction of both political and ecclesiastical authority.

Beginning with civil power, Locke defined the state as nothing more than "a Society of Men constituted only for the procuring, preserving and advancing of their own *civil interests*."⁶⁵ These "civil interests" are restricted to temporal goods, such as "Life, Liberty, Health, and Indolency of Body" as well as the "Possession of outward things" like "Money, Lands, Houses, Furniture, and the like."⁶⁶ Furthermore, the *Letter* draws a distinction between temporal and spiritual goods, claiming that the state's authority "neither can nor ought in any manner... be extended to the Salvation of Souls." According to this view of political rule, the state exists to provide for the bare necessities of life (such as health, money, and property) and to give men the freedom to determine how they ought to be used.

These claims about civil society rely on several assumptions that are treated more extensively in Locke's *Second Treatise on Government*.⁶⁷ To better understand what Locke views as the state's purpose, I will highlight just a few of its main ideas. Firstly, the *Second Treatise* describes the pre-political condition of man as being a "state of

⁶⁵ John Locke, *A Letter Concerning Toleration*, ed. James H. Tully (Indianapolis: Hackett Publishing Company, 1983), 26.

⁶⁶ Ibid 26.

⁶⁷ For the purposes of this paper, I am assuming that both the *Letter* and the *Second Treatise* present a singular, consistent theory of the state.

perfect freedom” where all people can “order their actions, and dispose of their possessions and persons, as they think fit.”⁶⁸ Without a governing entity to hold licentious men accountable, however, the natural equality and liberty that each man should enjoy is left insecure. For this reason, men freely (and conditionally) enter into political communities to preserve and protect their “lives, liberties, and estates.”⁶⁹ This agreement, commonly referred to as the “social contract,” defines the purpose of the state as well as its jurisdictional limits. Locke reiterates this conception of the “social contract” in his *Letter*, where he argues that the state only has the authority to regulate matters that “advantage or prejudice the Life, Liberty, or Estate of any man.”⁷⁰

Most relevant to the topic of this paper, however, is the state’s obligation to preserve a man’s “liberty.” As David J. Lorenzo noted, the right to liberty remains after men enter into the “social contract,” and as such, the “government cannot rationally justify a policy forbidding us from acting on our remaining natural liberty.”⁷¹ From elsewhere in the *Second Treatise*, we can see that Locke’s conception of liberty within the commonwealth is similar to the kind of freedom from *restraint* that he believed we enjoyed in the state of nature. Elaborating on this point, Locke argued that the “end of law is not to abolish or restrain, but to preserve and **enlarge** freedom” as well as to allow men “to dispose, and order **as he lists**, his person, actions, possessions, and his whole property within the allowance of [the] law.”⁷² Because Locke believes we enter into a political community to secure this kind of freedom, he is by extension arguing that the state has an obligation to secure and “enlarge” the liberty of men to conduct their lives as they see fit.

Noting this, let us return to the *Letter*. As we discussed, Locke believes that the state is responsible for protecting and preserving man’s “civil” goods. Why, then, are religious beliefs and customs not considered to be one of these “civil” goods? According to Locke, one reason is that they are acquired through entirely different means. Remember, in Locke’s theory, coercive authority is invested in the state only for the purposes of securing “lives, liberties, and estates.” In these

⁶⁸ John Locke, *Second Treatise of Government*, ed. C.B. Macpherson (Indianapolis: Hackett Publishing Company, 1980), Chapter II, §4.

⁶⁹ Ibid. Chapter IX, §123.

⁷⁰ John Locke, *A Letter Concerning Toleration*, 39.

⁷¹ David J. Lorenzo “Tradition and Prudence in Locke’s Exceptions to Toleration.” *American Journal of Political Science* 47, no. 2 (2003): 254. <https://doi.org/10.2307/3186136>.

⁷² John Locke, *Second Treatise of Government*, Chapter VI, §57.

instances, coercion can effectively encourage upright behavior, such as when thieves are punished with fines or imprisonment. Religion, on the other hand, depends upon the “inward and full perswasion of the mind,” which cannot be brought about through force.⁷³ For example, although incarceration can dissuade a man from vandalizing property, Locke would argue that it could not be used to convince someone of the truth of a particular religion. If it were, the individual’s confession of “faith” would only be given to avoid punishment, rendering it both inauthentic and meaningless.

Locke even goes as far as to argue that forcing a man to betray his conscience is counterproductive to achieving his salvation. In his words, “to impose such things... [that are] contrary to their own Judgement, is in effect to command them to offend God.”⁷⁴ Because the state is not given the kind of power that could effectively achieve the end of individual salvation, the state likewise cannot promote any particular path to salvation. For a state to do so would be an overreach of its proper authority. Instead, “the business of Laws is not to provide for the Truth of Opinions, but for the Safety and Security of the Commonwealth, and of every particular mans Goods and Person.”⁷⁵

The imposition of a religion, however, does not only fall outside of the state’s authority. It also actively undermines its obligation to “enlarge” liberty. Recall Locke’s theory that our original condition in the state of nature is one of “perfect freedom” to order our actions as we see fit. If this is the case, then this “perfect freedom” would likely extend to the ability to conduct our lives according to whichever creed we deem most correct. Indeed, Locke confirms this toward the end of his *Letter*, where he declares that the “Liberty of Conscience is every man’s natural Right.”⁷⁶ For this reason, Locke argues that the “care of each Mans Salvation belongs only to himself.”⁷⁷ Thus, while the state can provide for the basic conditions necessary for a good life (health, wealth, property, etc.), the state cannot, in the most fundamental sense, dictate how private citizens ought to *pursue* it.

So what authority does the Lockean commonwealth have over the Church? To determine where the Church falls within the state’s

⁷³ John Locke, *A Letter Concerning Toleration*, 26.

⁷⁴ Ibid 39.

⁷⁵ Ibid 46.

⁷⁶ Ibid 51.

⁷⁷ Ibid 47.

jurisdiction, we must first identify the kind of organization Locke deems the Church to be. Toward the beginning of his *Letter*, Locke defines a church as a mere “voluntary Society of Men.”⁷⁸ Like all other voluntary associations, churches do not have “any Jurisdiction in Worldly matters” and therefore have no right to advance their cause by any means of coercion.⁷⁹

This model of Church-State relations is not unfamiliar to us today. Still, it is not extraordinary to find a liberal-democratic legal system that elevates religious congregations above other forms of “voluntary associations.” For example, think of how the United States exempts religious entities from certain kinds of taxation. Locke, on the other hand, makes no such distinction. As Eric R. Claeys correctly noted, “Locke treats church denominations as the equivalent of secular societies.”⁸⁰ As evidence, Claeys points to the fact that Locke, when speaking of voluntary societies, refers interchangeably to churches and groups of “philosophers for learning, of Merchants for Commerce [and]... of men of leisure for mutual Conversation and Discourse.”⁸¹ According to this model, there is no legal distinction between the Catholic Church and your local gardening club.

The status of “voluntary association” does afford the Church some basic liberties. Firstly, Locke maintains that all voluntary societies have the right to determine their own internal rules. In his words, “no Church or Company, I say, can in the least subsist and hold together, but will presently dissolve and break to pieces, unless it be regulated by some Laws, and the Members all consent to observe some Order.”⁸² Since private societies have a right to exist within the Lockean commonwealth, and since these societies require rules and regulations to maintain themselves, it follows that they also have the right to regulate their internal affairs. To enforce their rules, such societies also have a right to admit and exclude members at their discretion. This allowance, however, does have one condition; the exclusion of a person from a religious society cannot deprive that person of any of their “Civil

⁷⁸ Ibid 28.

⁷⁹ Ibid 32.

⁸⁰ Eric Claeys, “The Private Society and the Liberal Public Good in John Locke’s Thought,” *George Mason Law & Economics Research Paper* no. 07-43, 5, accessed November 26, 2024, https://www.law.gmu.edu/assets/files/publications/working_papers/07-43.pdf.

⁸¹ John Locke, *A Letter Concerning Toleration*, 10; 51.

⁸² Ibid 28.

Goods.”⁸³ Since these goods fall under the protection of the magistrate, the religious organization in question would be liable to civil punishment if it infringed upon them. In this way, the congregation is prevented from possessing coercive power over citizens.

Beyond mere logistical regulations, Locke also grants churches the right to establish their own doctrines. As he wrote in the *Letter*, “the Magistrate ought not to forbid the Preaching or Professing of any Speculative Opinions in any Church, because they have no manner of relation to the Civil Rights of the Subjects.”⁸⁴ Each denomination is free to have its members assent to whatever articles of faith they deem to be true. Whether a denomination affirms the veracity of the New Testament or believes in the Real presence of Christ in the Eucharist is of no concern to the state. If a ruler is to uphold Locke’s conception of the “liberty of conscience,” he must tolerate any number of “speculative opinions,” recognizing that such opinions fall entirely outside the realm of civil authority.

This does not mean that churches are allowed to profess any belief whatsoever. On the contrary, Locke argues that the state has an obligation to quell opinions that subvert the fulfillment of its own ends. To explain the boundary between acceptable and unacceptable doctrine, Locke makes a distinction between speculative opinions, which require mere intellectual assent, and practical opinions, which bear directly on someone’s ethical choices or political decisions.⁸⁵ Confessing belief in the triune God, for example, would be a speculative opinion, while the adhering to the laws laid down by the ten commandments would be a practical one. Speculative opinions, as we have mentioned, have no relation to a man’s civil goods and therefore fall outside the regulatory authority of the commonwealth.

In contrast, Locke defends the state’s right to regulate practical opinions that fail to promote the virtues necessitated by liberalism. In his words, “A Good Life, in which consists not the least part of Religion and true Piety, concerns also the Civil Government...Moral Actions belong therefore to the Jurisdiction both of the... Magistrate and Conscience.”⁸⁶ For this reason, the state has the authority to restrict those opinions

⁸³ Ibid 31.

⁸⁴ Ibid 46.

⁸⁵ Ibid 46.

⁸⁶ Ibid 46.

which are contrary to the “moral Rules which are necessary for the preservation of Civil Society.”⁸⁷

Determining which opinions to suppress requires, as Claeys puts it, “a tough-minded calculation [of] how to tolerate the widest freedom of thought consistent with the community’s responsibility to perpetuate the conditions in which such freedom is possible.”⁸⁸ Remember that Locke believes that the freedom we enjoy in the commonwealth ought to imitate the freedom from restraint that he believes we enjoy in the state of nature. As part of the “social contract,” the state is obligated to “enlarge” this freedom. If, therefore, the Lockean state chooses to suppress a particular opinion, it does so to preserve what Locke identifies as as man’s natural right to pursue his own conception of a good life.

While Locke enumerates a number of unacceptable opinions, there is one that is particularly relevant to this paper, namely the ban he places on churches whose condition of membership requires that “all those who enter into it, do thereby, *ipso facto*, deliver themselves up to the Protection and Service of another Prince.”⁸⁹ This, in Locke’s view, allows for the possibility of having citizens who feel obligated to undermine the activities of their magistrate because of commands they received from their religious leader. Even though he only cites Muslims beholden to the Ottoman Empire as an example, this restriction is also clearly applicable to Catholics, who recognize the supreme authority of the Roman Pontiff. In this instance, the Church and the unity of its doctrine would be subordinated to the end of the state. Locke, then, affords the Church no special designation or exemption for the sake of maintaining the entirety of its faith. Rather, if the Church’s teachings are deemed counterproductive to the security of each man’s “liberty of conscience,” then the expectation is that the Church must discard those teachings.

Throughout the course of his *Letter*, Locke presents a view of Church-State relations that is very familiar to contemporary readers: “the Church it self is a thing absolutely separate and distinct from the Commonwealth.”⁹⁰ Since its publication, the *Letter*’s position of “separation of Church and State” has become standard among Western

⁸⁷ Ibid 49.

⁸⁸ Claeys, “The Private Society and the Liberal Public Good in John Locke’s Thought,” 28.

⁸⁹ John Locke, *A Letter Concerning Toleration*, 50.

⁹⁰ Ibid 33.

nations. In this dynamic, the state is the only entity which possesses coercive authority, and churches are partially shielded from government overreach through each man's right to form "voluntary associations." If the Church is regarded as a voluntary association like any other, however, then it is difficult to claim any special right for it. As we shall see in the next section, this very limitation created a dilemma that Catholic philosophers are still grappling with.

§ 3: MARITAIN'S ATTEMPT TO RECONCILE CHRISTIANITY AND PLURALISM

A cursory glance at the history of Catholic political thought reveals the challenge Locke's view (and, by extension, the classical liberal tradition) poses to the Church's traditional stance. As late as the nineteenth century, there were papal encyclicals published condemning the process of rapid liberalization that most Western nations were undergoing. In these encyclicals, there are a number of clear and succinct rejections of the arguments that were discussed in the previous section.

For example, in 1864, Pope Pius IX published the *Syllabus of Errors*, a document that contains a list of 80 propositions that were condemned by the pope as heretical and erroneous. Among the claims it rejects is the idea that a civil ruler "may interfere in matters relating to religion, morality and spiritual government," directly rebuking the state's authority to regulate the Church's opinions.⁹¹ The *Syllabus* also condemns a statement which sounds like it could have been written by Locke himself: "the Church ought to be separated from the State, and the State from the Church."⁹²

These ideas are elaborated upon in Pope Leo XIII's 1885 encyclical *Immortale Dei*. In it, Leo XIII seems to reject the Lockean conception of religious liberty, denying "that everyone is to be free to follow whatever religion he prefers."⁹³ He likewise rejects the idea that the state ought to refrain from attending to spiritual affairs, arguing instead that "it [is] a sin for the State not to have care for religion as a something beyond its scope, or as of no practical benefit; or out of many forms of religion to adopt that one which chimes in with fancy."⁹⁴

⁹¹ Pius IX, *The Syllabus of Errors*, §44.

⁹² Pius IX, *The Syllabus of Errors*, §55.

⁹³ Leo XIII, *Immortale Dei*, §26.

⁹⁴ Leo XIII, *Immortale Dei*, §6.

Later on, he makes it clear that the ideal political arrangement is not one where the state merely facilitates religious liberty, but one where the “religion instituted by Jesus Christ, established firmly in befitting dignity, [flourishes] everywhere, by the favour of princes and the legitimate protection of magistrates; and Church and state [are] happily united in concord.”⁹⁵ By the turn of the twentieth century, it seemed clear that magisterial authority had not yet placed its faith in secular democracy.

This put Maritain in a tough position. As we mentioned briefly in the introduction, Maritain was pleased by many of the developments that had taken place in civil society throughout his lifetime. He spoke favorably of democracy, describing it as “the only way of bringing about a moral rationalization of politics” and the “only way through which the progressive energies of human life [come to] pass.”⁹⁶ At the same time, however, Maritain recognized that some of these improvements in human flourishing were advanced on the basis of principles at odds with his Thomistic philosophical commitments.⁹⁷ Thus, one of Maritain’s objectives in *Man and the State* was to formulate a new political theory that defended pluralistic democracy on non-liberal grounds. Although the book is comprehensive in its treatment of political authority, what is of particular interest to us here is his sixth chapter, where he directly addresses the Church-State issue.

In order to grasp Maritain’s general argument, it is important to understand his distinctive philosophy of history. Maritain was aware that his predecessors within the Catholic intellectual tradition (Bellarmine, Pius IX, Leo XIII, etc.) held a very different view of Church-State relations than he did. In Maritain’s view, however, it was a mistake to assume that a political arrangement deemed ideal in its time would necessarily remain ideal for all times. Instead, Maritain believed that each epoch possessed its own unique “historical climate” that had to be considered when determining the ideal form of Church-State relations.⁹⁸ Only in the context of a society’s current “social, political, and juridical” circumstances could a political ideal be fashioned.⁹⁹

⁹⁵ Leo XIII, *Immortale Dei*, paragraph 21.

⁹⁶ Jacques Maritain, *Man and the State*, (Washington D.C.: Catholic University of America Press, 1951), Chapter III, 59-60.

⁹⁷ Ibid Chapter VI, 159.

⁹⁸ Ibid Chapter VI, 156.

⁹⁹ Ibid Chapter VI, 156.

Maritain did not take this to mean that new political theories could be formulated without reference to the past. Rather, Maritain believed that a set of conditions, or “immutable principles,” had to be met for any theory of Church-State relations to be adequate.¹⁰⁰ In this way, he could propose a new ideal relationship between Church and State while maintaining continuity with previous teaching. The immutable principles laid out by Maritain are threefold. First, the state must acknowledge that its end of temporal welfare is inferior to each individual person’s spiritual end and, consequently, is subordinate to the spiritual in dignity.¹⁰¹ Secondly, the Church, as the “Kingdom of God” on Earth, must be given the liberty to carry out its mission of teaching, preaching, and worshipping.¹⁰² Finally, as creatures that are both corporeal and spiritual, those who profess faith in the Church are simultaneously members of the Church as well as the body politic. Because of this, the “Church and the body politic cannot live and develop in sheer isolation. . . from one another.”¹⁰³ Consequently, there must be some kind of cooperation between Church and State.¹⁰⁴

Now, as Maritain suggests, let us contextualize our own time period with what Maritain considers to be our particular “historical climate.” For him, our age is a “secular” one, defined by the gradual rise of the state as completely differentiated and autonomous from the Church.¹⁰⁵ Maritain sees this as a positive development that fully realizes the “Gospel’s very distinction between God’s and Caesar’s domains.”¹⁰⁶ This does not mean that the state must be irreligious or indifferent toward religion. Instead, it merely means that the state is “only concerned with the temporal life of men and their temporal common good.”¹⁰⁷ As a faithful Thomist, however, Maritain believed man to be a unity of body and soul, and as such, he saw the good of each man as transcending his mere material conditions. For this reason, the state must provide for the fulfillment of the “higher ends of the human person” by “supervising the development of sound conditions and means in the body politic for good human life, both material and rational.”¹⁰⁸ Unlike Locke, Maritain does not believe the state exists exclusively to secure a man’s “life, liberty, and estate.” Rather, the “common good” envisioned by Maritain is much

¹⁰⁰ Ibid Chapter VI, 157.

¹⁰¹ Ibid Chapter VI, 149-150.

¹⁰² Ibid Chapter VI, 151-152.

¹⁰³ Ibid Chapter VI, 153.

¹⁰⁴ Ibid Chapter VI, 154.

¹⁰⁵ Ibid Chapter VI, 159.

¹⁰⁶ Ibid Chapter VI, 159.

¹⁰⁷ Ibid Chapter VI, 153.

¹⁰⁸ Ibid Chapter VI, 173b.

more comprehensive, encompassing both material interests as well as the spiritual good of each person.

But alas, as a secular institution, Maritain's state does not confess faith in the Catholic religion in quite the way Leo XIII would have hoped. This is because such a state would respect what is acknowledged as man's natural right to "free association" and to "believe the truth recognized by one's conscience."¹⁰⁹ As such, the state would be prohibited from imposing a singular belief system or way of life on its citizenry. Instead, Maritain argues that the state must respect the open discussion of ideas and opinions, for "[f]reedom of inquiry, even at risk of error, is the normal condition for men to get access to the truth."¹¹⁰ In this way, Maritain's society bears a resemblance to the Lockean commonwealth, which is entirely unconcerned with the "truth of opinions." Furthermore, both thinkers would agree that the state is "not equipped to deal with matters of intelligence"—or speculative opinions as Locke would call them.¹¹¹ Thus, neither Locke nor Maritain believe that opinions can be restricted purely for their moral quality.

Maritain does, however, elevate the Church (and other churches) above the status of a mere voluntary association. Maritain's state, rooted in the natural law, acknowledges the importance of collectively acknowledging faith in a lawgiver.¹¹² Although this does not have to be done according to the Catholic Faith, such a state would have the right to grant institutional recognition and support to those "religious communities historically rooted in the life of the people."¹¹³ Thus, full autonomy for Maritain is not synonymous with a complete lack of cooperation.

Indeed, this model of governance intends to preserve the Church as a "perfect and perfectly independent society" fully capable of achieving its own ends.¹¹⁴ In Maritain's view, when the Church is made independent from the state, it will be able to exercise its function more "purely."¹¹⁵ In this way, Maritain's "christianly inspired" democracy grants the Church the liberty it requires according to the three immutable principles mentioned earlier. The freedom to fulfill its mission will, in

¹⁰⁹ Ibid Chapter VI, 150.

¹¹⁰ Ibid Chapter VI, 162.

¹¹¹ Ibid Chapter V, 118.

¹¹² Ibid Chapter VI, 172-173.

¹¹³ Ibid Chapter VI, 174.

¹¹⁴ Ibid Chapter VI, 175.

¹¹⁵ Ibid Chapter VI, 169.

turn, inspire and rejuvenate the faithful, who will then influence all the states of the world through their universal and pervasive influence (which, in Maritain's view, provides for the spiritual superiority of the Church).¹¹⁶ Finally, Maritain's state will achieve the immutable principle of cooperation by simply fulfilling its own proper end effectively.¹¹⁷ As we have shown before, Maritain believes that the "common good" that the state strives for aims to secure our "higher ends" as well as our material interests. Therefore, just as grace builds on nature, Maritain is proposing that what the state owes to the Church is a well-formed and cultivated citizenry. Thus, in showing us how this arrangement satisfied all three of his immutable principles, Maritain is optimistic about the Church's ability to carry out its mission within a pluralistic society.

§ 4: AUTONOMY IN PRACTICE:

By now, we have discussed two theories of secular democracy. While both posit a kind of autonomy between Church and State, their intentions are radically different. Locke's theory aims to reduce the Church to the status of a voluntary association, subject to the state's coercive correction if they are deemed subversive to the values of a liberal society. Maritain's theory, on the other hand, seeks to liberate the Church from cumbersome political concerns, allowing it to conduct its mission in the freest sense possible. As this paper draws to a close, we will be testing the strength of these theories by investigating which end secular society is more capable of achieving.

To begin, let us return to a point in Maritain's argument which may give pause to contemporary readers: the idea that the Church and State must "cooperate" with one another. As was made clear, Maritain does not take this to mean that the state must conspire on behalf of a singular religious institution. If, however, the Church is regarded as a "supreme and sovereign" authority over matters of faith and morals (as Maritain would have it), it becomes hard to see how civil governments could act independently of the Church's directives.¹¹⁸ Conversely, if the Church is not viewed as "supreme and sovereign," it becomes challenging to distinguish it from any other kind of voluntary association.

This very criticism was made cogently by a philosopher named Gregory Vlastos. A contemporary of Maritain's, he too greatly admired

¹¹⁶ Ibid Chapter VI, 164.

¹¹⁷ Ibid Chapter VI, 178.

¹¹⁸ Ibid. Chapter VI, 185.

the secularization and democratization of civil society. Although he believed that there was much to be commended within Maritain's book, he was utterly dismayed by Maritain's conception of Church and state. He questioned whether the Church could exercise her full authority without "infringing on the 'full autonomy' of civil society."¹¹⁹ Whereas Maritain was optimistic about society's ability to separate "God and Caesar," Vlastos noted that if the Church were to maintain its claim of absolute authority over matters of morality, its jurisdiction would have to *include* the temporal welfare of society. After all, peace, justice, and human flourishing are all *moral* goods.¹²⁰ This very idea is explicitly maintained within the encyclicals of Catholic social teaching, such as when Pope Pius XI proclaimed that "social" and "economic activities" belong underneath the Church's "supreme jurisdiction."¹²¹ Such claims about the nature of papal authority make a neat division between "secular" and "spiritual" matters impossible.

Vlastos went on to argue that if the pope can authoritatively interpret and apply the natural law, he would then also possess the power to render the laws of sovereign nations illegitimate.¹²² In making this claim, he employs Maritain's own Thomistic belief that an "unjust law, even if it expresses the will of the people, is not law."¹²³ Thus, if members of the Church "were so instructed by the [pope] as to understand that a given law of their state...goes 'against the laws and dictates of nature,' they would be conscience-bound to hold that it is not a law."¹²⁴ His argument can be restated more simply in the following syllogism: if an unjust law is no law at all, and the pope has the authority to determine whether a law is unjust, he therefore also has the authority to render democratically-instituted laws illicit. If the pope reserves the right to nullify the legitimacy of state law, then, theoretically, the legitimacy of political activity hinges upon the tacit or explicit approval of ecclesiastical authority. Consequently, democratic governments possess moral authority over Catholics only to the extent permitted by the Church. Thus, the state would only *appear* autonomous when,

¹¹⁹ Gregory Vlastos, "Of Sovereignty in Church and State." *The Philosophical Review* 62, no. 4 (1953): 575-576. <https://doi.org/10.2307/2182462>.

¹²⁰ Ibid 569.

¹²¹ Pope Pius XI, *Quadragesimo Anno*, encyclical letter, May 15, 1931, para. 41, accessed November 27, 2024, https://www.vatican.va/content/pius-xi/en/encyclicals/documents/hf_p-xi_enc_19310515_quadragesimo-anno.html.

¹²² Vlastos, "Of Sovereignty in Church and State," 570.

¹²³ Jacques Maritain, *Man and the State*, Chapter II, 48.

¹²⁴ Vlastos, "Of Sovereignty in Church and State," 570.

in actuality, the validity of its activities would depend on the moral directives of the Church.

This is why Locke cautioned against permitting religions that “deliver” their members “up to the Protection and Service of another Prince.” In such cases, citizens could not only face spiritual penalties for obeying secular laws, but might also feel morally obligated to enforce their denomination’s moral teaching through legislation. If this were to occur, Vlastos argued, then the Church would threaten the autonomy of the state and “cease to be a voluntary association.”¹²⁵ In Lockean fashion, Vlastos prioritizes the conditions that enable religious pluralism over any particular church’s right to adhere to the fullness of their faith.

One point I hope is clear by now is the challenge of maintaining that the Church and state can operate in entirely separate spheres of jurisdictional authority without ever infringing on one another. To return to the dilemma that we presented at the beginning of this section, if the authority of the Church is to be regarded as “supreme and sovereign” over matters of faith and morals, then the otherwise legitimate functions of a democratic and pluralistic state cannot be truly autonomous from the moral judgements of the Church. What is considered to be the Church’s proper sphere of influence (faith and morals) too frequently intersects with political and social matters for this to be possible.

Within Maritain’s framework of mutual autonomy, one can certainly imagine functions which would be more appropriate for one entity or the other. No pope, as far as I am aware, has ever made a ruckus over the decisions a political body has made regarding their own traffic laws. It is those matters where faith, morals, and politics intersect that present more complex challenges. The debates surrounding the legality of abortion, same-sex marriage, and euthanasia, for example, have all been highly-politicized issues on which the Church has taken strong stances. In these instances where the teaching of the Church might conflict with the enactments of a sovereign nation, the question shifts from determining which entity has authority over the issue to deciding whose authority takes precedence.

Up to this point, we have been considering a hypothetical in which the members of the body politic recognize the moral authority of the Church. In our own day, however, the general public is far more likely to acknowledge and comply with the coercive power of the state

¹²⁵ Vlastos, “Of Sovereignty in Church and State,” 574.

than the directives of any one church or religious congregation. There are certainly many whose political opinions are influenced by their religious convictions, but governments in Western nations generally do not allow objections from clergy to prevent them from implementing duly-enacted laws. Thus, in practice, it certainly seems as if most Western nations recognize the state's authority over the Church whenever they encounter these "mixed" matters.

Maritain himself knew full well that the state was no longer beholden to the Church's bidding—in fact, he celebrated this development. He never seemed to anticipate, however, that the secularization of society would correspond with the waning influence of religion. Instead, as we have covered, he believed that the separation of Church and state would lead to the Church being able to conduct itself more "purely" and "in a completely free and autonomous manner."¹²⁶ In doing so, the Church would exercise a "vivifying" influence on the body politic, influencing the affairs of state through the activity of its laypeople rather than the demands of the clergy.¹²⁷

It is abundantly clear to us today that this arrangement has not come to pass. The different Christian churches certainly still have a right to congregate and worship according to their particular doctrines, but beyond that, their ability to influence and change public opinion has only decreased. This is because, as Thomas Pink noted, when a society no longer feels obligated to acknowledge the truth of a particular religion, it simultaneously ceases to promote religion in general as a distinctive and transcendent good. In his words, "[i]t seems that unless the truth of supernatural revelation is accepted, there is simply no reason for denying the state the same authority over religion as over other natural goods."¹²⁸ As a result, the state then "seeks to direct religion, but without recognizing religion as a distinctive natural good, assimilating it instead...as one among many forms of subjectively fulfilling personal commitments, like a sport or a hobby."¹²⁹

In other words, when the Church is not publicly recognized by the state as having a supernatural character that distinguishes it from all the other denominations claiming the same status, the Church is reduced

¹²⁶ Jacques Maritain, *Man and the State*, Chapter VI, 163.

¹²⁷ Ibid 162.

¹²⁸ Thomas Pink, "Jacques Maritain and the Problem of Church and State," *The Thomist: A Speculative Quarterly Review* 79, no. 1 (January 2015): pg. 29.

¹²⁹ Ibid 29.

to a mere voluntary association of the Lockean variety. As such, the state has the same sort of jurisdiction that it would over other voluntary associations. To name just one example, were churches considered “essential services” during the 2020 lockdowns? Or were their activities restricted in the same way restaurants and gyms were? The answer to this question indicates that contemporary society has joined Locke in seeing no substantive distinction between religious congregations and secular associations. Far from what Maritain had hoped for, the process of secularization has not promoted the idea that religion is “essential” to fulfilling the ends of a human person. Instead, it has only lent itself to the Lockean view of Church-State relations.

§ 5: CONCLUSION

Allow me to now make explicit what I have merely been suggesting; Locke, in his theory of Church and State, presents a much more realistic vision of the kind of relationship these two entities can maintain in a secular society. The conflict between Church and state arises in their competing claims of ultimate authority—with the Church asserting authority over faith and morals and the state asserting authority over the political common good. Maritain argues that, in our secular era, the Church and state can remain simultaneously autonomous and sovereign within their respective spheres, and that this arrangement is ordered toward the benefit of both. This argument, however, presupposes that the jurisdictions of Church and state never overlap; otherwise, one authority would inevitably be subordinated to the other. As we have shown, however, there are plenty of “mixed matters” in which both entities can legitimately claim stake.

Furthermore, Maritain attributes to the Church no special power or privilege that would indicate that the Church would take priority over these “mixed matters.” Because of Maritain’s sincere belief in intellectual pluralism, his theory offers the Church no means for enforcing its vision of the common good. Although he personally believes in the truth of the Catholic religion, his ideal state would allow each man to pursue the “truth recognized by one’s [own] conscience.”¹³⁰ Locke’s theory, on the other hand, provides the theoretical justification for censoring those who subvert the purpose of the liberal state. In the Lockean commonwealth, the magistrate is given full authority to censor those “practical opinions” which endanger men’s liberty. Maritain has no such provision to regulate

¹³⁰ Ibid Chapter VI, 150.

those who would subvert his “christianly inspired” state. For a believer such as Maritain, the Church may be the kingdom of Heaven on Earth. As Locke would say, however, “every Church is Orthodox to itself.”¹³¹

As both Vlastos and Pink show, I am not the first one to point out some of the vulnerabilities in Maritain’s theory. Both authors correctly point out that the Church cannot exercise the rights it has traditionally claimed for itself within the context of a liberal, pluralistic state. My intention in this paper, however, was not merely to identify these areas of tension. Rather, I wanted to contextualize this ongoing discussion by digging deeper into the theoretical framework which gave rise to the secular state. In doing so, I hoped to show how Locke’s theory of a liberal society (as well as secular society as it has unfolded) is *designed* to be insulated from the influence of any one, particular denomination. Although Maritain offers an alternative theory of secular democracy, the fruits of history have shown that the intended consequences of Locke’s theory were far more plausible.

¹³¹ John Locke, *A Letter Concerning Toleration*, 33.

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