

The Fairness Argument Against Catholic Integralism

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Abstract

Political philosophers are overwhelmingly liberal: freedom and equality are the fundamental political values. Yet, in much of the world, people adopt *religious anti-liberalisms*. States must bring people into harmony with the cosmic moral order, not protect their autonomy. In this essay, I argue against Catholic integralism, the most intellectually sophisticated and long-standing Christian anti-liberalism. Most people believe that we should treat peoples of all race, nationalities, and creeds as equals. But Catholic integralism treats people unequally according to their creed because it coercively privileges one creed above all others—its own. So integralism treats its citizens unfairly.

Keywords

liberalism, anti-liberalism, Catholicism, integralism, Catholic integralism

Political philosophers are overwhelmingly liberal: they endorse freedom and equality as the fundamental political values. Yet, in much of the world, other theories reign. And one looms large: *religious anti-liberalism*. Religious anti-liberalisms conjoin political perfectionism with non-liberal comprehensive doctrines, typically one of the great world religions. Political perfectionism justifies state coercion and authority on the ground that the state promotes the authentic human good. An anti-liberal doctrine scorns individual autonomy. It demands that the state bring the people into harmony with the cosmic moral order. The best human life, then, is not an autonomous one, but one that honors the governor(s) of the moral order, such as God, Allah, Heaven, or a karmic system.

Religious anti-liberalisms have organized political life for millennia. And despite secular challenges, they still exercise great power, especially since the fall of communism. They rise in India, Russia, Hungary, Poland, and Turkey. Chinese Confucian

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anti-liberalism recovers from Mao's attempt to eradicate them. Catholic anti-liberalism somehow influences the American right. Political philosophers must engage these views.

In this essay, I argue against Catholic integralism, the most intellectually sophisticated and long-standing Christian anti-liberalism.¹ I use integralism to illustrate how one might engage religious anti-liberalisms generally.

Here I argue that Catholic integralism treats non-Catholics unfairly. The vast majority of people from Western nations believe that we should treat people equally no matter their race, nationality, or *creed*. We regard imposing one religious view on others as unjust. But here I make a narrower claim: our reasons to treating races equally apply to *at least two* viewpoints. If we believe humans have equal worth, then governments must treat Catholics and those with *one* other viewpoint as equals. I do not draw on a liberal conception of fairness, where states must treat all "reasonable" views equally.² I defend minimal perspectival fairness: the just state treats Catholicism and at least one other view equally.

I begin the essay by contrasting two ideas: Catholic integralism and Catholic approaches to the moral equality of persons. I then argue that integralism is unfair because it fails to treat people as equals. I first argue that mainline integralism treats *unbaptized* persons unequally. I then identify a more modest form of integralism and argue that it treats *baptized non-Catholics* unequally.

I. Catholic Integralism

Philosophical readers can understand integralism as a synthesis of political perfectionism and Roman Catholicism. In philosophy, liberal perfectionism is the overwhelmingly dominant perfectionism.³ It presumes that the best life for humans is one lived autonomously, and that the state should help people live autonomous lives.

Many natural law theorists adopt a perfectionist approach to politics. They reject autonomy as a basic good, but they insist that the state should promote natural goods—*intrinsic* goods that can be grasped through reason alone.⁴ However, with liberals, they deny that the state should promote supernatural goods—union with God the means of

1. For defenses of the position, see E. Waldstein, *Integralism and Gelasian Dyarchy*. *The Josias*, (2016) 2021. T. Crean and A. Fimister, *Integralism: A Manual of Political Philosophy* (Havertown: Eurospan, 2020), T. Pink, *In Defence of Catholic Integralism* (2018). For overviews of the position, see J. Brungardt, *The Question of Catholic Integralism: An Internet Genealogy*, *The Josias*, 2020, 2021. M. Schwartzman and J. Wilson, "The Unreasonableness of Catholic Integralism," *San Diego Law Review* 56 (2019), 1039–68.

2. For defenses of this public reason principle, see J. Rawls, *Political Liberalism* (New York: Columbia University Press, 2005), G. Gaus, *The Order of Public Reason* (New York: Cambridge University Press, 2011), and K. Vallier, *Must Politics Be War?* (New York: Oxford University Press, 2019).

3. Two canonical works: J. Raz, *The Morality of Freedom* (Oxford: Oxford University Press, 1986). S. Wall, *Liberalism, Perfectionism and Restraint* (New York: Cambridge University Press, 1998).

4. F. Finnis, *Natural Law and Natural Rights* (New York: Oxford University Press, 2011), pp. 81–9, M. Murphy, *Natural Law and Practical Rationality* (New York: Cambridge University Press, 2001), pp. 100–34.

reaching it. Integralists reject this asymmetric treatment of natural and supernatural goods. Political order should promote both.⁵

Integralists favor a particular institutional arrangement for promoting the supernatural good, which Pope Leo XIII described as a soul–body union between the church and the state.⁶ The Pope and his bishops reign in spiritual matters.⁷ They have infallible teaching authority and enact canon law. In some cases, the church can direct the state to enforce its law. The state may punish baptized Christians who choose grave sin, apostasy, and heresy.⁸ In the Late Middle Ages, integralist regimes imprisoned and executed heretics.⁹

Integralist regimes stabilized themselves with further policy tools. They educated (some) of the populace in Catholic doctrine. They regulated communication about dangerous ideas. They legally persecuted religious minorities to prevent “spiritual damage” to Christians.¹⁰ The integralist state sometimes failed to suppress heretical individuals and groups. Whole regions went rogue, such as Languedoc during the Cathar heresy and Prague during the Hussite rebellions.¹¹ Popes authorized crusades to conquer and convert these regions. They claimed the power to depose heretical rulers, as well as orthodox rulers who refused to suppress heresy.¹²

Integralist and liberal states protect different rights and liberties. Contrast their approaches to religious freedom. Liberal states protect universal free exercise of religion. They prohibit coercive religious establishment. Integralist states protect free exercise of religion only for unbaptized citizens: Jews, Muslims, Confucians, and so on. But Catholicism is the religion of state. Catholics have the liberty to discharge their holy obligations, but states may punish them for grave sin, heresy, and apostasy.

Integralist states also differ from non-liberal states grounded in natural law. Both regimes permit, and sometimes require, states to punish people if they violate natural law. The integralist state goes further: it directs the state to enforce canon law with civil penalties.¹³ The state may restrict the liberty of unbaptized persons for religious ends.¹⁴

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5. Crean and Fimister, Waldstein.
 6. P. Leo XIII, *The Leonine Encyclicals: 1878–1902* (Agnus Dei Publishing, 2014), p. 114, T. Pink, *Dignitatis Humanae: Continuity after Leo XIII* ed. (Institute, CreateSpace Independent Publishing Platform, 2017), 105–46, p. 114. Here I capitalize “church” to honor the Catholic perspective on the Christian Church.
 7. F. Sullivan, *Magisterium: Teaching Authority in the Catholic Church* (Eugene: Wipf and Stock, 2002), pp. 24–34.
 8. T. Pink, *What is the Catholic Doctrine of Religious Liberty?*, 2012.
 9. T. Fudge, *The Trial of Jan Hus: Medieval Heresy and Criminal Procedure* (New York: Oxford University Press, 2013), p. 2.
 10. F. Suarez, *Selections from Three Works: A Treatise on Laws and God the Lawgiver* (Indianapolis: Liberty Fund, [1612] 2015).
 11. For the Cathars, see A. W. Jones, *Before Church and State: A Study of Social Order in the Sacramental Kingdom of St. Louis IX* (Steubenville: Emmaus Academic, 2017), pp. 36–7, and the Hussites, see Fudge, p. 41.
 12. R. Bellarmine, *On Temporal and Spiritual Authority* (Indianapolis: Liberty Fund, 2012), pp. 211–225. <https://sourcebooks.fordham.edu/basis/latran4.asp>, Canon 3.
 13. Crean and Fimister, p. 52 discuss Church’s jurisdiction over the baptized.
 14. See the numerous restrictions Leo XIII allowed on general liberties, like freedom of speech. Leo XIII, pp. 148–61. Crean and Fimister, p. 114 limits who may vote.

Integralists seldom address whether states may burden the unbaptized to protect the baptized from spiritual harm. Historic integralist regimes heavily restricted the liberties of religious minorities, even controlling the clothes they wore.¹⁵ Sometimes these groups only had rights against forced baptism and having their children baptized against their will. In other cases, not even these.¹⁶

But *Dignitatis Humanae* (*DH*), the Second Vatican Council's Declaration on Religious Freedom, recognizes that unbaptized persons have a moral right against religious coercion.¹⁷ The overwhelmingly dominant interpretation of *DH* is that *everyone* has such an immunity. However, following Thomas Pink's important work, integralists read *DH* as recognizing a universal right of religious freedom against states, but not against the church.¹⁸ The church may restrict the religious liberty of its members. And it may call on Christian states to assist it, even if that is no longer church policy. Here, I take the integralist interpretation of *DH* for granted. The dominant interpretation prohibits integralism, which makes my argument less interesting.¹⁹

Integralists seldom draw attention to one of their essential moral commitments: the equal dignity of the person. God made humans in His image, which gives us unsurpassable worth. Our divine image guarantees our moral equality. No one has more dignity or worth than anyone else.

Integralist states violate moral equality. To show this, I review the role of moral equality in Catholic social thought. We will see that respecting moral equality requires respecting limited *equality of judgment*. To treat others as equals, we allow them to act on their own judgments.

II. Moral Equality and Equality of Judgment

Here I make four claims: (i) Catholicism teaches that we have equal dignity. (ii) The common good presupposes our equal dignity. (iii) Equal dignity implies limited respect for some errant judgments. And so, (iv) the common good implies limited respect for some errant judgments. If integralists wish to advance the common good, they must assign equal rights to Catholics and at least one non-Catholic group. But integralism prohibits assigning equal rights in the required range of cases. I formalize this point into the two fairness arguments below.

I Equal Dignity

Catholicism teaches that we have equal dignity. As the catechism puts it,

15. Lateran IV (1215), Canon 3. (<https://sourcebooks.fordham.edu/basis/lateran4.asp>)

16. Tapie 2018.

17. P. Paul VI, *Dignitatis Humanae* (Vatican City: Libreria Editrice Vaticana, 1965).

18. Pink, *Dignitatis Humanae: Continuity after Leo XIII*. Crean and Fimister, p. 108, ft. 14.

19. One might argue that the integralist ideal will not include *DH* as a constraint, but it is present church teaching, so I assume it applies to the ideal.

All persons enjoy equal dignity and fundamental rights insofar as they are created in the image of the one God, are endowed with the same rational soul, have the same nature and origin, and are all called in Christ, the one and only Savior, to the same divine beatitude.²⁰

In arguing that no human is by nature superior to any other, Thomas Aquinas illustrates:

With respect to those things which pertain to the nature of the body, a human person is not obliged to obey another human person, but only God, *because human persons are equal by nature*, for example, in those things which pertain to the sustaining of the body and the generation of children. Hence, those in a state of servitude are not obliged to obey their lord, nor are children obliged to obey their parents, with respect to contracting matrimony or preserving virginity, or anything else of this sort.²¹

Further: “The demons are not equal with respect to nature, and so there is among them a natural prelate. This is not the case among human beings, who by nature are equal.”²² As Finnis puts it, for Aquinas, our rights are based on “the radical equality of human beings, as all members of a species of beings of a rational nature and thus all persons.”²³

2 The Common Good and Equal Dignity

Any just government must treat persons as equals. Yet integralists have said little about human equality. They instead speak almost exclusively of the *common good*.

We can understand a common good as one that accrues to the community as a whole, but that we do not diminish by individual use.²⁴ Mark Murphy calls this the “distinctive good” idea of the common good: the good stands over and above the personal good of individuals and small groups. The Catholic catechism does not quite commit on this question: “By common good is meant the sum total of those conditions of social life which allow people as groups and as individuals to reach their proper fulfillment.”²⁵ We can read this passage as a distinctive good view or in an aggregate manner. But I proceed with the distinctive good interpretation.

The integralists have solid doctrinal support for their appeals to the common good. The catechism states that political authority is legitimate when “it acts for the common good.”²⁶ Integralists might complain that modern Catholics place undue emphasis on our

20. C. Church, *Catechism of the Catholic Church: Revised in Accordance with the Official Latin Text Promulgated by Pope John Paul II* (Vatican City: Libreria Editrice Vaticana, 1997), pp. 1934–5, 1945.

21. T. Aquinas, *Summa Theologica*, Knight, Kevin, 2016) 2017, II-II 104.5.

22. *Ibid.*, I 109.2 ad 3.

23. J. Finnis, *Aquinas: Moral, Political, and Legal Theory* (New York: Oxford University Press, 1998), p. 136. Also see p. 138.

24. In fact, this is only one way of understanding the common good even within the natural law tradition. See M. Murphy, “The Common Good,” *The Review of Metaphysics* 59 (2005), 133–64.

25. *Church.*, 1905–6, 1924.

26. *Ibid.*, 1091–4, 1921–2.

equal dignity. Catholic regimes should aim at promoting the common good, first and foremost.

Yet we cannot determine the content of common good without first recognizing our moral equality. Justice connects equality to the common good. Justice is the heart of the common good. If justice requires treating others with equal respect, then any society that treats persons unequally fails to fully realize the common good. One may only pursue the common good by respecting *other moral principles*. Or what the catechism calls “morally licit means.”

The church expressly teaches that the common good involves “respect for and promotion of the fundamental rights of the person.”²⁷ The common good cannot justify sacrificing the few for the many, since persons made in God’s image have great worth. Sacrificing anyone spoils the common good.²⁸ As Jean Porter reads Aquinas: “no one ought to do harm to another unjustly in order to promote the common good.”²⁹

Catholic social thought does not rely on the common good as its sole fundamental value. The church throws other moral principles into the mix. As Porter notes, “the common good and what we might call reasons of state do not set the standards for justice: rather, a community can attain the common good only insofar as it respects standards of justice, including fundamentally the claims of its members to basic kinds of forbearance.”³⁰ Justice and equality help explain the common good, not the other way around.

3 Moral Equality and Equal Judgment

The Catholic Church extends moral equality to equality of judgment: respecting the equality of persons means allowing each person to act on her own reasoning, even if her reasoning diverges from the truth.

One relevant and manifest way in which the church respects erroneous judgment is in matters of faith. *DH* guarantees religious freedom to everyone based on their dignity and their obligation to pursue God in accord with their *conscience*.³¹ Consider: “in all his activity, a man is bound to follow his conscience in order that he may come to God, the end and purpose of life.” This implies that no one may force us to act contrary to conscience or prevent anyone from “acting in accordance with his conscience, especially in matters religious.”³² Further: “every man has the duty, and therefore the right, to seek the truth in matters religious in order that he may with prudence form for himself right and true judgments of conscience.”³³ Those who err have rights.

Even on Pink’s interpretation of *DH*, unbaptized persons have a God-given right to pursue God as their conscience dictates, even if their conscience is mistaken. Our equal

27. Ibid., pp. 1907–9.

28. J. Porter, *Justice as a Virtue: A Thomistic Perspective* (Grand Rapids: Eerdmans, 2016), p. 165. Also see Aquinas 2016, II-II 64.6.

29. Porter 2016, p. 167, Aquinas 2016, II-II 68.3.

30. Porter 2016, p. 167.

31. Paul VI.

32. Op. cit.

33. Op. cit.

dignity promises *every* unbaptized person the right to pursue God as he understands God. Although Pink differs from the mainstream, he too stresses that eternal law grounds the right of religious freedom, one that states have no authority to abrogate in any respect.³⁴ The right of religious freedom transcends human authority. Catholic theology makes religious freedom radically secure against the predations of the modern secular state. Integralists and liberals agree: within the bounds of the natural law, the church respects the equal judgment of those outside the church.

To be clear, the church does not respect *all* erroneous reasoning. Moral equality does not require that political institutions treat all judgments on a moral par. Natural law limits the extent to which diverse perspectives deserve equal treatment. The state should neither recognize nor respect corrupt or evil views.³⁵ The church respects equality of judgment but natural law constrains which perspectives merit respect.³⁶ This explains why the church has made peace with liberal and democratic freedoms: natural law requires respecting a range of worldviews. Liberal and democratic freedoms protect people who adopt those perspectives.³⁷

4 Equal Judgment and the Common Good

To advance the common good, we must treat people as having equal dignity. But equal dignity implies a limited respect for erroneous judgment. To realize the common good, the state must allow us to err conscientiously.

The integralist can reply that the church emphatically rejects the equal judgment of its members. If the church call states to civilly punish grave sinners, apostates, and heretics, then *those* states may reject equal judgment more than other states.³⁸

In reply, remember that these civil penalties are *punishments*. They presuppose the guilt of the punished. But in many cases, people apostatize or preach heresy *non-culpably*, owing to what Catholics call “invincible ignorance.” The baptized may make non-culpable intellectual errors.³⁹ If Reba departs from the church due to honest inquiry, it must excuse her from punishment.

So even here respect for judgment matters. The integralist state cannot justly punish Reba if she non-culpably errs. Aquinas claims that the church must first attempt to correct a heretic, and only then direct its secular arm to burn her alive.⁴⁰ Equality of judgment requires respecting non-culpable error.

Moral equality implies a limited respect for judgment. Even integralist regimes cannot coerce church members merely for having a false theological perspective. They

34. Pink, *What Is the Catholic Doctrine of Religious Liberty?*

35. Liberals also restrict the range of acceptable perspectives. Indeed, every political theory that respects equality of judgment places some limits on the range of judgments that merit respect.

36. Church, pp. 2238–41, 2255.

37. For a detailed review, see G. Beyer, “John XXIII and John Paul II: The Human Rights Popes,” *Ethos* 27 (2014), 50–91.

38. <https://sancrucensis.wordpress.com/2019/03/20/integralism-and-the-lamb-that-was-slain/>

39. H. Jone, *Moral Theology* (Westminster, MD: The Newman Bookshop, 1946), p. 7.

40. Aquinas, II-II, 11.1.

must respect erroneous non-culpable judgment. Even for integralists, then, advancing the common good presupposes limited respect for erroneous judgments. If integralist states struggle to identify Reba's culpability for, say, her apostasy or heresy, then it may have to adopt a general practical principle of not civilly punishing the errant. In that case, the integralist state retreats so far from its historical form that *de facto* liberalism reigns.

III. Thick Integralism Is Unfair to Unbaptized Persons

I will now distinguish between two forms of integralism and argue that both are unfair. A *thin* integralist state confines religious coercion solely to baptized persons, specifically citizens provably culpable for ecclesiastical crimes, such as heresy and apostasy. A *thick* integralist state goes further. It uses coercive policy broadly to protect its subjects from spiritual harms.⁴¹ The thick integralist state might prohibit unbaptized groups from proselytizing, for example.

Thick integralist states treat unbaptized persons unfairly. Thin integralist states treat baptized non-Catholics unfairly.

Despite their broad mandate, thick integralist states must still pursue the common good within the natural law, such as the prohibition on forced conversion. Many Islamic states use religious coercion to ensure that Muslims have more rights than non-Muslims. Jews and Christians suffer an unequal economic burden—the *jizya* tax. Integralism prohibits policies like this. They smack of religious coercion. Such a tax violates natural law less than forced baptism, but prodding people to convert remains unjust.⁴² The choice to convert must be free.

Imagine the church restricts Jewish speech to protect Catholics from spiritual harm, as it once did. The thick integralist state treats Catholics and Jews unequally. It assigns them unequal rights based solely on what they believe.

On this basis, the integralist could argue that the common good explains our dignity, and not the other around. My argument relies on the wrong direction of explanation.

To support their claim, integralists might appeal to Charles De Koninck's 1943 booklet, "On the Primacy of the Common Good Against the Personalists." De Koninck argues that "personalist" philosophy misunderstands the common good. It erroneously pins the common good to the dignity of the individual. The terrible consequence: individuals become the locus of political thought, not God.⁴³

41. And perhaps to protect the entire community from spiritual harm.

42. M. Tapie, "Spiritualis Uterus: The Question of Forced Baptism and Thomas Aquinas's Defense of Jewish Parental Rights," *Bulletin of Medieval Canon Law* 35 (2018), 289–329. discusses the historical background for these restrictions at length. Also see F. de Vitoria, *Vitoria: Political Writings* (Cambridge: Cambridge University Press, 1991), pp. 218, 229. On p. 229, Vitoria writes: "One not inconsiderable argument among many for the Christian religion is the freedom of choice which it has always given to potential converts: it has never used force with unbelievers, but always reasoning and proofs."

43. C. De Koninck, "On the Primacy of the Common Good: Against the Personalists," *The Aquinas Review IV* (1997), 11–131.

We instead derive our dignity from our capacity to participate in a common good “expressly ordered to God.”⁴⁴ De Koninck: “The dignity of the person is not without ties, and the purpose of our liberty is not to overcome these ties, but to free us by strengthening them. These ties are the principal cause of our dignity.”⁴⁵ We receive dignity “through [our] subordination to a good which was superior but common in its very superiority.”⁴⁶ And again: “the rational creature draws its dignity from the fact that, by its proper operation, by its intelligence and against its love, it can attain to the ultimate end of the universe.”⁴⁷ We can bypass overly individualist personalism only if we recognize that the common good grounds our dignity.

I won’t review the debate De Koninck started, in part because many assumed De Koninck was attacking Jacques Maritain’s personalism when he was not.⁴⁸ Instead, let’s ask if a De Koninck-inspired case for the primacy of the common good should derail my argument.

De Koninck does not say we have dignity *when* we choose the common good. Dignity derives from our *capacity* to choose it. Despite his protestations, then, De Koninck believes that we must explain human dignity by appealing to a feature of individuals. And this feature does not prohibit dignity from constraining how we realize the common good.

More formally, if a capacity for C explains the moral force of D, D may still morally constrain how we pursue C. My decision to befriend Reba morally requires my trustworthiness. I cannot advance Reba’s good through untrustworthy means and be her friend. The good of friendship places moral constraints on how we can realize friendship. Friendship is a *principle-grounded value*: a good we realize only if we follow certain moral norms.⁴⁹ So if a capacity for friendship requires trustworthy behavior, the requirements of trustworthiness may still constrain how we pursue the friendship.

De Koninck’s argument allows dignity to morally constrain our pursuit of the common good. Indeed, De Koninck would surely agree the common good *never* justifies sacrificing the few for the many: it requires respecting persons as equals. And so, with *DH*, we say that dignity grants unbaptized persons immunity from religious coercion *even if the common good would otherwise suffer*. Grounding dignity in our capacity for the common spiritual good allows dignity to constrain how we pursue the common good.

Yet why not allow the common good to justify restricting liberty around the edges, limiting how non-Catholics can behave in some cases? For instance, why not restrict voting rights to Catholics to prevent immoral democratic choices?⁵⁰ Why not restrict

44. *Ibid.*, p. 72.

45. *Ibid.*, p. 27.

46. *Ibid.*, p. 28.

47. *Ibid.*, p. 50.

48. J. Capizzi and B. Lewis, *Bullish on the Common Good?*, *Public Discourse*, (2020) 2021.

49. G. Gaus, “What is Deontology? Part Two: Reasons for Action,” *Journal of Value Inquiry* 35 (2001), 179–93. discusses the idea of principle-grounded values.

50. Crean and Fimister, p. 114. In conversation, Crean maintains that voting rights, once granted, may not be removed.

speech that tempts Catholics away from the faith? These policies might protect the spiritual common good, while still affording some respect for equality of judgment.

I answer with the *fairness argument against thick integralism*.

Thick integralists believe that the common good *never* justifies racial hierarchy or inequality. Even if the common good appears better served by treating black and white Americans unequally, that appearance is illusory. Racial inequalities greatly damage the common good, including the spiritual common good. I argue that integralists cannot adopt equal rights for races without adopting equal rights for people who affirm two different creeds.

Let set {C} contain characteristics that can never justify unequal rights, however much it hurts the common good. {C} includes race, nationality, and sex.⁵¹ Everyone distinguishable from others by characteristics in {C} have identical rights. Blacks and whites have the same rights, men and women too, and so on.

Our sense of justice suggests that {C} includes some *subset of religious creeds*. Adherents of at least two creeds should have equal rights to live in accord with their faith, even if other creeds merit eradication, such as Nazi creeds.

Here I do not adopt the much-maligned doctrine of liberal neutrality, where the state must not take sides between a *wide range* of creeds.⁵² Instead, I endorse *minimal* neutrality. Catholicism and *at least one* incompatible belief system—call it *Alternative*—merit equal treatment. Catholics and Alternatives have identical rights.

I leave *Alternative* undefined. Pick the *Alternative* that Catholics should find second-best. Exclude groups who validly baptized their members, such as Protestants and Eastern Orthodox.⁵³ Integralism approaches them differently.

Here is the *Fairness Argument against Thick Integralism*

1. Regardless of their characteristics in {C}, persons have equal rights.
2. {C} includes adherence to Catholicism and *Alternative*.
3. Catholics and Alternatives have equal rights. (1, 2)
4. If thick integralism is true, Catholics and Alternatives do not have equal rights.
5. Thick integralism is false. (3, 4)

Premise 1 is analytic: {C} is just the set of characteristics irrelevant from a moral point of view, such as race and sex. Premise 4 is analytic too: I defined thick integralism as restricting the rights of Alternatives more than Catholics. Perhaps the integralist state denies Alternatives the right to vote or run for office. Since 3 and 5 follow logically, we need only vindicate premise 2.

Why accept 2? Let's make it concrete by picking a value for *Alternative*. For me, the *Alternative* is Judaism. If I could not be a Christian, I would convert to Judaism. It resembles Christianity more than any other faith.

51. Women might be subordinate to men in voluntarily agreed upon marriages, or under the authority of male priests in voluntarily joining the Church.

52. For one of my favorite defenses of liberal neutrality, see G. Gaus, *Liberal Neutrality: A Radical and Compelling Principle* ed. Klosko and Wall (Lanham, MD: Rowman and Littlefield, 2003).

53. Validly baptized, that is, in the eyes of the Catholic Church.

If races and sexes have equal rights, Jews have equal rights. Or so I argue. My chief argument is rather informal. I think Christians and Jews have equal rights because, if I denied it, I could not look my Jewish friends in the eye without shame. I do not know how honor our friendship if I do not treat them as equals by respecting their religious freedom. My horror at how Christians have treated Jews convinces me that we should respect their right to practice their faith.

Some may say that Jewish–Christian relations have such a unique character that they pollute my moral judgment. The judgment, by my own admission, arises from shame associated with a particular history of social interaction. Shouldn't we make moral judgments more abstractly?

No. Moral judgment is not a passionless faculty of perception. We often gain moral knowledge by examining our deep emotional reactions to relations with others. The history of Jewish–Christian interactions makes the pain of repression palpable. My moral judgment *improves* when I consider the history of Jewish–Christian relations. My calm intuitions might prove a worse guide towards moral truth than my sense of shame.

Many integralists proclaim that error has no rights, but they do not say that Jewish error has no rights. It is hard to say aloud.

IV. Replies

I Equal Treatment Does Not Apply to Belief Systems

We should treat people equally despite their immutable characteristics. People lack *responsibility* for them. Yet they seem to bear some responsibility for their moral and religious beliefs. After all, beliefs can change with new evidence. Maybe we can sometimes blame people for believing as they do. If we can blame them for their religious beliefs, the analogy between religious and racial equality may not hold.

Some of our beliefs merit blame.⁵⁴ Our beliefs can flow from vicious motivations. We should change those beliefs. But the important question is whether affirming *every* Alternative merits blame. If one can blamelessly affirm even *one* Alternative, premise 2 appears correct. Blaming people for their faultless, false beliefs is wrong. They lack responsibility for affirming them. The analogy between race and religious holds.

Catholic theologians have long distinguished between blameless and blameworthy beliefs. They separate “invincible” from “vincible” ignorance. One suffers invincible ignorance when, as Vitoria puts it, she does her cognitive best, but still arrives at erroneous beliefs. Otherwise, her ignorance is vincible.⁵⁵ The distinction still figures into Catholic theology. As Heribert Jone explains:

54. Philosophers dispute whether we can blame others for their beliefs. See: <https://plato.stanford.edu/entries/ethics-belief/>. I presume Christians find some beliefs blameworthy, as Jesus blames people for failing to have faith (see Matt 8:26 or Mark 9:19).

55. <https://www.newadvent.org/cathen/07648a.htm>, de Vitoria, pp. 266–72.

Ignorance is called vincible if it can be dispelled by moral diligence in keeping with the proximate circumstances of the person and object. If the use of such means is insufficient to remove the ignorance it is called invincible. According to the greater or lesser degree of negligence of which one is guilty, vincible ignorance may be simply vincible, crass or supine. If one deliberately wills to remain ignorant, his vincible ignorance is then affected.⁵⁶

Here, Jone adopts a reasonable standard: ignorance is vincible when we diligently inquire into the moral truth in the right cognitive environment. Ignorance becomes invincible even when we fail to do our rational best, but make a respectable effort.⁵⁷ If, after a respectable amount of reasoning, we do not arrive at the right conclusion, then our error is invincible. But not if our ignorance comes from sloth or some other vice. Other may blame us for vincible ignorance: We do not know the truth, but we should.

If natural law requires treating people equally despite faultless *immutable* differences, it requires treating people equally despite faultless differences in *belief*. Both claims flow from a deeper principle: we cannot justify unequal rights by appealing to faultless differences between people.

I only hold fewer rights than you if I waive them. I can do so either directly—I might sign a contract—or indirectly—I might commit a crime, forfeiting my right against imprisonment. But if I hold my religious beliefs faultlessly, my decision to hold to them is blameless. I have not thereby waived my rights in any respect.

Integralists might reply that non-Catholics *never* reject Catholicism blamelessly, at least in Catholic societies. But remember Alternative: we chose the belief system that Catholics should regard as the rational and moral second-best. May we blame all Alternatives for their beliefs? Will integralists blame Jews for Jewish belief because rejecting Christian belief always merits blame?

Jews richly devote themselves to God based on much true revelation. They may reject Christianity because they find the arguments unpersuasive. This exempts them from blame for adopting Judaism instead of Christianity. It feels odd to blame Jews for holding Jewish beliefs. I have never read an integralist do so.

I do not deny that reason vindicates Catholicism once one knows all the relevant information. But specifying the information set is difficult: it includes numerous conflicting arguments and sources of evidence. Many factors bear on the truth of Catholicism. Working through debates between Catholics and Calvinists, or Catholics and Orthodox, can take decades.

What's more, Catholics admit that ordinary people cannot assess all the evidence for Catholicism. They can only grasp the evidence if God reveals it. Christians know that God does not reveal Himself to everyone and we do not know why. For all we know, many non-Christians fail to see the truth through no fault of their own.

Premise 2 seems true. Moral equality applies to at least one belief system other than Catholicism. We can no more blame Jews for their deeply held beliefs than we can blame them for their race or sex. Jews can offer enough evidence for their position to render their "error" invincible.

56. Jone, p. 7. I thank Brian Besong for drawing my attention to this passage.

57. Gaus, *The Order of Public Reason*, p. 254. I adopt a similar standard in Vallier, pp. 70–1.

Note the dialectical advantage of minimal neutrality. My argument does not depend on treating all creeds as good or rational, or even treating *three* creeds as good or rational. Perhaps we can blame *everyone* who reflectively rejects both Catholicism and Alternative. To claim that we may blame people for reflectively rejecting *every* Alternative seems manifestly mistaken.

Many political and religious views accept minimal neutrality. Or they can accept it without difficulty. And notice that a vast range of political and religious views accept minimal neutrality or can accept it without any trouble. Communitarian, libertarian, and egalitarian theories of justice accept minimal neutrality. Many religions do too. Catholic integralism is remarkably intolerant, even among non-liberalisms.

2 The Spiritual Harm Reply

Suppose states should assign equal rights to Catholics and Alternatives, all else equal. Another moral principle may yet outweigh our reasons to assign equal rights. Consider a *spiritual harm principle*: integralist states must deter spiritual harms if they can do so without causing a harm of equal or greater weight. Understand spiritual harm as a setback to one's spiritual interests, such as losing faith, hope, and love, or salvation.⁵⁸ Since spiritual interests have enormous weight, the spiritual harm principle may override our reasons to respect equal rights.

To determine whether a spiritual harm principle outweighs a principle of equal rights, consider some cases. Start with the execution of heretics. Aquinas infamously defended this practice. If the church cannot convince heretics to give up their beliefs, they merit punishment. But the punishment has an additional justification: the church "looks to the salvation of others" by delivering the heretic "to the secular tribunal to be exterminated thereby from the world by death."⁵⁹ The church protects its flock.

Suarez defends the power to depose monarchs against King James I's accusation that this power permits assassination.⁶⁰ Suarez counters that natural law restricts how one may depose a king.⁶¹ More importantly, he defends papal power. A bad king puts his subjects' souls at risk. God made the pope the shepherd of souls. The pope has divine authority to protect Christians from their king.

Suarez limits the spiritual harm principle. We may not contain spiritually dangerous doctrines by forcibly baptizing people, or by baptizing children against their parents' will.⁶² We cannot do so even to save the souls of the whole world.

However, Christian leaders can force Jews to listen to the Gospel: "it is permissible for Christian princes to force their own infidel subjects to hear the faith." And: "the

58. J. Feinberg, *Harm To Others: The Moral Limits of the Criminal Law* (New York: Oxford University Press, 1987). is the classic text on defining harms in general. See chapter 1, pp. 31–64.

59. Aquinas, II:II 11:3.

60. Suarez, pp. xv, 757–832.

61. *Ibid.*, pp. xv–xvii. Though in reality, the King will likely resist, and matters will escalate in a violent way.

62. *Ibid.*, pp. 863.

Roman Pontiffs use coercion upon the Jews who are their subjects, compelling those Jews to hear the preaching of the faith once a week, and imposing a penalty upon those who refuse to hear.”⁶³

We know why Suarez endorsed these restrictions. If Jews have too much religious freedom, they can spiritually damage Christians. Jews might convince some Christians that Christianity is false, which will damn the Christian to hell.

Suarez balances two moral principles (poorly): human dignity and the spiritual harm principle. He gives grave priority to the latter.

Today, the Catholic Church rejects these restrictions as unjust, as *DH* demonstrates. Our dignity grants every *unbaptized* person immunity from religious coercion, no matter the spiritual price. I doubt any integralist would agree with Suarez’s proposed restrictions on Jewish liberty.

Still, one wants to know why Suarez went too far. Does the risk of spiritual harm outweigh equal rights? If so, why *not* make Jews listen to the Gospel, and other such indignities? If not, equality outweighs the risk of spiritual harm, and the spiritual harm reply fails.

On the integralist read of *DH*, the Catholic Church teaches that equal respect for conscience trumps the risk of spiritual harm. No one may forbid Jews from divine worship, raising their children in the faith, or defending Judaism in public. No one may demand that Jews wear special clothes, listen to the Gospel, or place their children in Catholic schools. The same goes for other unbaptized citizens. *DH* permits establishing Catholicism with minimal coercion, at best.⁶⁴ With regard to weighing equality against the risk of spiritual harm, the Catholic Church speaks with one voice. Even for the integralist, the matter is closed.

Integralists should accept premise 2 and retreat to thin integralism. But thin integralism is unfair to baptized non-Catholics.

V. The Fairness Argument Against Thin Integralism

A thin integralist regime rigorously respects a wide range of religious freedoms for unbaptized persons. But the church may direct states to punish the baptized. The Catholic Church regards many *non-Catholics* as validly baptized, chiefly Protestants.⁶⁵ The thin integralist state can punish Protestants for heresy and may even shutter their churches.⁶⁶

The thin integralist state disrespects the equal judgment of Protestants. After 500 years, Protestants have their own institutional identities. They will view integralist

63. *Ibid.*, p. 853.

64. Establishment of this kind also treats non-Catholics unequally, but let’s allow that non-coercive establishment is compatible with equal respect for Alternatives. For a different liberal view, see C. Laborde, *Liberalism’s Religion* (Cambridge: Harvard University Press, 2017).

65. I have been unable to determine whether current canon law places Protestants under the authority of the church. (See Canon 11).

66. Eastern Orthodox do not raise the same challenge since the Catholic Church acknowledges that they have valid sacraments.

restrictions as alien impositions, much as Jews and Muslims do. Under thin integralist restrictions, then, Protestants have fewer religious freedoms than Catholics. Indeed, Protestants have fewer rights than *two* other groups—Catholics and unbaptized persons.

We can formulate a second fairness argument based on the inequality between baptized non-Catholics and unbaptized persons. Our ordinary sense of justice dictates that baptism alone cannot justify unequal rights. Set {C} includes baptismal status.

The Fairness Argument Against Thin Integralism

1. Regardless of their characteristics in {C}, persons have equal rights.
2. {C} includes baptismal status.
3. Baptized and unbaptized persons have equal rights. (1, 2)
4. If thin integralism is true, baptized and unbaptized persons lack equal rights.
5. Thin integralism is false. (3, 4)

Once more, premise 2 is key. Integralists can reject premise 2 if they can explain how baptism creates enforceable obligations. They might draw an analogy with earthly citizenship.⁶⁷ The state does not treat citizens and non-citizens unequally if it prohibits non-citizens from voting. Baptism makes one a citizen of the church. Here treating people differently in this case does not violate dignity.

Integralists have not explained how baptism generates enforceable obligations. However, we can construct such arguments with ease. Interestingly enough, some theories of enforceable *political* obligations may explain how baptized persons acquire enforceable *religious* obligations.

I will review two such theories, but before I do, let me set two others aside. First, forget consent theories of political obligation: No integralist would adopt one owing to their liberal presuppositions. We can also set aside “natural duty” theories of political obligation, where we have duties simply by being moral agents. We *acquire* baptismal duties.⁶⁸

Two candidates remain: fair play and associative theories. If either explains why baptism confers enforceable obligations, integralists can justify coercing at least some of the baptized, which helps them resist the Fairness Argument.

VI. Fair Play⁶⁹

A fair play theory of political obligation says that John must comply with a nation-state’s directives in the following case. The state provides John with a benefit through a general practice where citizens provide each other with certain services:

67. I assume that the state *may* coerce when its subjects have an obligation to comply, but I remain silent on whether the state *may only* coerce in such a situation.

68. <https://plato.stanford.edu/entries/political-obligation/#NatDut>

69. I do not separate fair play and gratitude theories, although gratitude theories may better characterize a Christian attitude towards the church. A. D. M. Walker, “Political Obligation and the Argument from Gratitude,” *Philosophy and Public Affairs* 17 (1988), 191–211, p. 205.

What the principle of fair play holds, then, is that everyone who participates in a reasonably just, mutually beneficial cooperative practice — has an obligation to bear a fair share of the burdens of the practice.⁷⁰

To enjoy the benefits of cooperation, we must share the burdens of maintaining it. We can share these benefits by obeying the law. When citizens obey the law, their governments can more readily confer the benefits of cooperation on everyone.

Through baptism, the church confers an *infinite benefit*: salvation, should one not die in a state of mortal sin. Baptism also confers access to confession, which absolves mortal sin. The church offers these gifts for free. If receiving a small, finite benefit creates a duty of fair play, receiving an infinite benefit does too.

The church directs the baptized to obey its law. Through obedience, the baptized believer helps the church share its gifts with others. She can thereby fulfill her religious obligations.

States may enforce fair play duties to prevent free riding. Enforcement treats people fairly. The church may direct the state to enforce spiritual duties on the same grounds.

We *always* free ride on God's grace, of course. Yet if we ignore our religious obligations, we make our fellow Christians worse off. The church functions better if we follow its rules.

Philosophers like Robert Nozick reject fair play theories.⁷¹ Nozick argues that merely conferring a benefit does not create a moral obligation. The beneficiary may not welcome the benefit. Nozick's point is not that we have moral obligations only when we agree to them. (He famously argued that we have unacquired obligations to respect libertarian rights.) Nozick's point is narrow: people do not acquire obligations merely because others benefit them.

I won't review the debate Nozick started.⁷² I mention him to explore how to reject a fair play theory of enforceable religious obligations. Consider a case to illustrate:

Freeborn: Freeborn Williams (1635-1710) was the daughter Roger Williams (1602-1683)—the Puritan preacher, early defender of religious toleration, and the founder of Rhode Island.⁷³ Freeborn was born in Salem, MA. But she was probably baptized in Providence a year after she was born, following her father's excommunication and expulsion from the Massachusetts Bay Colony. Freeborn learned theology and Scripture at her father's knee. She was probably aware of the Catholic Church, but Williams surely taught her that no human institution mediates the benefits of baptism. God through Christ confers the benefits of baptism directly. Freeborn grew

70. <https://plato.stanford.edu/entries/political-obligation/#FaiPla>. Fair play obligations obtain only when the cooperative practice is just. I will not presume that punishing the baptized is unjust (though it is), since that is what I want to demonstrate.

71. R. Nozick, *Anarchy, State and Utopia* (New York: Basic Books, 1974), pp. 93–5.

72. Though see A. J. Simmons, "Justification and Legitimacy," *Ethics* 109 (1999), 739–71, pp. 11–23 and G. Klosko, *The Principle of Fairness and Political Obligation* (Lanham, MD: Rowman & Littlefield, 2004), 33, 37–8.

73. R. Williams and J. C. Davis, *On Religious Liberty: Selections from the Works of Roger Williams* (Cambridge: The Belknap Press of Harvard University Press, 2008).

up to believe that the Catholic Church has nothing to do with her baptism. Let's assume that Freeborn's father taught her excellent theological arguments for Calvinist theology. Let's also assume that she never encountered powerful Catholic responses. Freeborn, therefore, denies that the church benefits her. Her belief is neither culpable nor likely to change.

Intuitively, Freeborn has no fair play duty to the Catholic Church even if God confers the benefits of baptism through the church. Freeborn remains invincibly ignorant of the Catholic faith. She lacks rational access to church benefits. Or, perhaps, she has an obligation, but we must excuse her from it. Either way, if someone forces Freeborn to comply with church directives, he wrongs her. He treats Freeborn as an inferior because she cannot see the church as her benefactor.

Vitoria addressed this matter in exploring whether the church should blame American Indians for rejecting Christianity. Prior to hearing the case for the faith in a rationally favorable light, they were invincibly ignorant of the truth.⁷⁴ But if the Indians do not accept the faith after hearing the arguments, the church may blame them for rejecting it.

Vitoria was convinced if the American Indians did their best, Christ would reveal Himself to them. Today we know better. Catholics and Calvinists have spent centuries trying to vindicate their respective theological viewpoints. Christ has not resolved their disputes in a way that both parties could recognize. In lieu of Christ's clear correction, an entire Calvinist theological system sits between Freeborn's mind and the truth of Catholicism.

Anyone can follow online debates between Christians of different denominations. I find assessing the arguments extremely difficult. Dozens of arguments bear on the matter. Grasping those arguments is hard enough. *Weighing* them feels impossible. I have spent many years following these exchanges. I remain bewildered.

Here's a reply. Yes, many baptized citizens display regrettable confusion, but so what? The integralist ideal applies to a highly Catholic country governed by a Catholic ruler and the church. We must evaluate whether the integralist state may enforce baptismal obligations under ideal conditions. Integralist states will educate all baptized children, coercively if necessary. It will also win people to the faith through reason and persuasion. And the integralist state will punish sinful behavior. The people will learn to see that Catholicism is true. In such a society, most citizens will have rational access to their benefactor.

But remember that we here evaluate *thin* integralism. The church never coerces the unbaptized in matters of faith, even to realize the common good. Since justice lies at the center of the common good, and equality forms part of justice, thin integralist states cannot realize the common good through such coercion. They would treat people unequally.

In a thin integralist society, then, religious diversity will flourish. Jews, Muslims, and other religious groups could become large and influential. They could lead Catholics to become Protestant or at least undermine their rational access to the truth of Catholicism. The temptations towards diverse, *rational* belief could then snowball.

74. de Vitoria, p. 266–72.

Religiously diverse groups may also help Protestant communities flourish despite thin integralist attempts at suppression. Jews and Muslims might give Protestants sanctuary. Remember: The Catholic Church could not contain the Reformation. Their efforts led to death and destruction.⁷⁵

Once Protestant communities form and develop their own apologetics, they may become unable to identify their benefactor. They lose fair play duties, or we must excuse them from violations.

VII. Associative Theories

Associative theories say that one acquires political obligations in virtue of political membership, much as one acquires familial obligations. Some of our duties have no deeper explanation than that we belong to a group. We acquire political duties even if we do not choose to join our polity. No one forced membership upon us.

An associative theory of *religious* obligation might avoid criticisms of associative theories of political obligation. Kit Wellman and Richard Dagger argue that members of the state don't have the same close relations that family members share.⁷⁶ But Christians have relations even closer than family members. Together we are Christ's bride. Second, while some may find associative approaches paternalistic, *church* paternalism seems appropriate. The church represents God: paternalism is not problematic between creature and Creator. It's good!

Another objection to associative theories: we often discover that our groups have grave moral flaws. Intuitively, we have no obligation to obey their commands. So, membership cannot ground those obligations. Integralist can respond that the Catholic Church is good despite its bad members. God created the church. It is His organization. Every Catholic must obey the church no matter how church members treat her. I find this perverse. Abuse victims seem so badly burdened that even if they have religious obligations, the church cannot enforce them.

We often think expatriation sheds political obligations. Further, if a state prevents you from leaving its jurisdiction, you may also shed your obligations. Integralists deny that the baptized can ever shed their religious obligations. Baptism places us in God's hands. No one can change that [John 10:29].

An integralist associative approach might avoid objections from invincible ignorance. We have familial obligations despite invincible ignorance, so why not obligations to obey the church?

I still think invincible ignorance excuses. Suppose that Freeborn has unknown family members all over the world. We might think in this case, she has no obligations to them. Or if she has obligations, we must excuse her if she fails to fulfill them. The integralist state may not punish her. Many church members become exempt from punishment under

75. Spain succeeded, but at a steep price. N. Johnson and M. Koyama, *Persecution and Toleration: The Long Road to Religious Freedom* (New York: Cambridge, 2019), pp. 164–5.

76. C. Wellman, "Associative Allegiances and Political Obligations," *Social Theory and Practice* 23 (1997), 181–204, R. Dagger, "Membership, Fair Play, and Political Obligation," *Political Studies* 48 (2000), 104–17.

these conditions, including many Protestants. Punishing them would be unfair, regardless of their baptism. Baptism might create obligations, but these obligations do not warrant legal enforcement.

Baptism might create enforceable obligations in two cases. First, the baptized person may accept the state's jurisdiction over her crime against the church. This is not a concession to the integralist, however. *Liberals* might enforce baptismal duties in that case. The church and its member would agree.

The integralist state can also punish canon law violations if the accused person culpably denies church authority. Yet punishment only becomes appropriate under six conditions. First, Pink's interpretation of *DH* must hold. Second, the church must reclaim its right to authorize states to serve as its secular arm. Third, church and state must agree to create an integralist state. Fourth, experts must demonstrate that the integralist state can competently determine culpability in such cases. Fifth, the church must take all appropriate precautions to avoid false convictions. The church must recognize the rights of the accused: presumption of innocence, rights to counsel and against self-incrimination. Finally, trials must follow these procedures.

Thin integralist states meet the first three conditions by hypothesis. Yet satisfying the next three conditions could prove impossible. Prudent states will not enforce baptismal obligations. They will not risk treating their citizens unfairly. The integralist state must become ultra-thin: it will seldom, if ever, use religious coercion.

VIII. Unfair and Unstable?

The fairness arguments succeed: The integralist state is unfair. The thick integralist state treats unbaptized people unfairly. The thin integralist state treats some baptized people unfairly. Suppose the state grows ultra-thin to avoid punishing the invincibly ignorant. In that case, the state begins to resemble a liberal regime. It will exhibit many problems that integralists pin on liberal order. *De facto* liberalism will reign in the unbaptized populace. The integralist cannot happily embrace the ultra-thin integralist state.

I end with a final problem. The ultra-thin integralist state permits enormous religious diversity. Diverse groups may resist integralist laws and policies through open rebellion or passive protest. The state may destabilize. Maybe having coercive jurisdiction over the baptized will transform society enough to rescue people from liberalism's poisons. So the integralist must hope.